

HAYWOOD COUNTY COMMISSIONERS

REGULAR MEETING – June 1, 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, HCHHSA Director/Asst. County Manager Stoney Blevins, County Attorney Leon M. “Chip” Killian, III, Finance Director Julie Davis, and Executive Assistant/Deputy Clerk Candace Way.

PLEDGE OF ALLEGIANCE

Chairman Swanger led the Pledge of Allegiance.

INVOCATION

Commissioner Ensley offered the invocation.

CALL TO PUBLIC HEARING

Chairman Swanger recognized Finance Director, Julie Davis. Ms. Davis explained that this request for a public hearing is for the resolution that will be covered later in the agenda. She stated that it specifically addresses the HCC public services training facility. The public hearing request is for June 15, 2015 at 5:30 p.m. in the historic courtroom.

With no objection, the Public Hearing is set for June 15, 2015 at 5:30 p.m. in the historic courtroom.

Chairman Swanger recognized Planning Director, Kris Boyd. Mr. Boyd explained that this request for a public hearing is for consideration of a new stealth Monopine Telecommunication Tower for Cellco Partnership D/B/A Verizon Wireless, which will include a variance. This request was first heard in 2009, however the tower was never constructed, and the permit has expired. The public hearing will be July 20th at 5:30 p.m. in the historic courtroom.

With no objection, the Public Hearing is set for July 20th, 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.

Susan Kumpf addressed the Board. She stated that she was from Haywood Spay and Neuter and speaking for herself and then on behalf of the Spay and Neuter. She expressed support of the proposed budget, thanking the County for prioritizing what needs to be done now and what can be delayed. She noted that the Francis Farm landfill is very important. She said she feels that it is important to have better minimal wage pay for County employees. She closed by saying that the improved shelter will help all animals, she has spent seven years as a volunteer and stated that vaccines, spay and neutering are paid for through grants and volunteers. She encouraged the Board to support the proposed budget as is.

CONSTITUENT CONCERNS

Commissioner Sorrells said that he had received a letter this weekend that talked about economic development and also using County properties for that purpose. He stated that as the Board representative to the EDC, he knows that the County is actively pursuing any business or manufacturing to come to the County. The issue is that companies are looking for 50,000 to 100,000 square foot modern buildings to lease, unfortunately the County does not own any property with these requirements.

ADMINISTRATIVE/AGENCY REPORTS

Smoky Mountain Quarterly Report

Chairman Swanger recognized Finance Director, Julie Davis. Ms. Davis stated that as required by statute, she is providing the Board the Smoky Mountain Quarterly Report. She reviewed the report, noting that the total revenues for the quarter ending March 31, 2015, are \$281,034,212. Total expenditures are \$257,705,061 with an increase in cash balance of \$23,329,151.

Commissioner Upton congratulated Mr. Dove on his appointment to the Smoky Mountain Board, and Mr. Dove stated that he will be able to provide breakdown information to the Board on the services delivered in our community.

Update from Sheriff's Office on the Detention Center and Pathways Center

Chairman Swanger recognized Sheriff Greg Christopher. Sheriff Christopher presented a power point to the Board. He explained the generated revenue streams that go back into the General Fund. The year to date monthly average is \$15,837.12, and the year to date total is \$63,348.50. If this continues, \$200,000 should be generated to put back into the General Fund. He explained that the inmate monthly population is decreasing. There is a 3.6% reduction in recidivism so far this year. This is the first time in at least seven years that they have seen a reduction in the number of people booked into the Detention Center. He spoke of the Detention Center programs, noting that the Pathways Center has serviced 128 people since December 2014, averaging about 28 per night. He said that 35 churches work monthly with Pathways, which is a big help. Every night, a different church prepares meals. He said the in-house jail ministries provides toiletries for the inmates, which is a large contribution to the Detention Center.

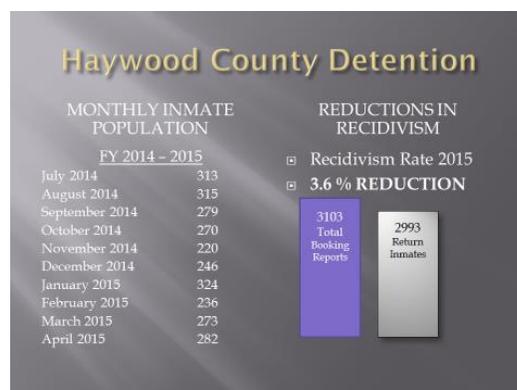
Chairman Swanger asked the Sheriff what he thought contributed to the decline in recidivism, and Sheriff Christopher responded that he believed so many churches, along with Haywood Pathways, are taking inmates and helping them get into programs. This in turn helps set the inmates on the right path.

Commissioner Upton said that he appreciated the three inmates that helped the Commission for a Clean County work on Highway 276 recently.

Vice-Chairman Kirkpatrick commented that he appreciated the work that the Sheriff does for the community. He noted that he does not have to do it but he does, and since he works with other groups, they want to work with us.

Commissioner Ensley agreed, and stated that he appreciates all the work the churches in the community do. He said that he appreciates what the Sheriff does for the inmates, and since they know that someone is there that cares, it helps them realize that they can be a better citizen.

Commissioner Sorrells thanked the Sheriff and his staff for what they do for the County and the citizens. He thanked the churches and their involvement for taking the time to help the community.



Detention Center Programs

- ☐ Haywood Pathways Center
- ☐ Career Connections
- ☐ Meridian Drug Classes
- ☐ Group and Individual Counseling
- ☐ Life Works Career Counseling
- ☐ In-House Jail Ministry - 47 Churches with 203 volunteers
- ☐ Veteran's Administration

DISCUSSION / ADJUSTMENT TO AGENDA

There were no discussions/adjustments to the agenda

CONSENT AGENDA

Commissioner Upton made a motion to approve the consent agenda as presented. Commissioner Sorrells seconded, the motion carried unanimously.

1. Approval of May 18, 2015 regular meeting minutes.
2. Budget Amendments – Julie Davis, Finance Director
 - a. General Fund – Emergency Management \$1,104
Ms. Davis explained that this is money collected from fees on the state level for federal grant reporting and is spread throughout the counties.

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
Emergency Management				
Special Program Materials	11 4375 523100 5EMPG	-	1,104	1,104

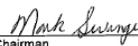
which will result in a net increase of \$ 1,104 in the expenditures of the General Fund.

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
Restricted Intergovernmental				
Emergency Management	11 0050 443750 5EMPG	-	1,104	1,104

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

Adopted this the 1st day of June 2015


Chairman
Haywood County Board of Commissioners

ATTEST: 
Clerk to the Board

Explanation: Money distributed via 2015 Tier II Grant to counties for Local Emergency Planning Committees for funds to be used for hazardous materials planning, training, and related exercise activities.

3. Annual Audit Contract with Dixon, Hughes, Goodman, LLP – Julie Davis, Finance Director

Ms. Davis explained that this is the sixth year with this group and will allow them to perform the June 30, 2015 fiscal year audit. She noted that Mr. Killian has reviewed the contract and there are no issues.

Commissioner Sorrells inquired if it was the same amount as in years past and Ms. Davis responded that it is up 2% this year.

4. Request approval of Resolution of the Board of Commissioners of the County of Haywood, North Carolina, Authorizing the Negotiation of an Installment Financing Obligation, Directing the Publication of Notice with Respect Thereto and Providing for Certain Other Matters Related Thereto - Julie Davis, Finance Director

Ms. Davis read the title of the resolution and explained that this is directly related to the community college installment loan for the public training facility. She noted that it is 4.1 million dollars and the County will be borrowing 2.9 million dollars. She stated that the resolution is engaging Parker, Poe, Adams and Bernstein as special counsel along with the County attorney, and authorizing the finance director to begin contract negotiations and to publish the public hearing.

Commissioner Sorrells confirmed that this loan will be paid by the quarter cent sales tax, and asked what the projected length of the loan is. Ms. Davis responded that it can be a 5 or 10 year contract, the benefit of the 5 year is to free up money for other projects with the loan being paid off earlier.

Chairman Swanger remarked that the facility will be a real asset to the community as a training place for police, EMS, Fire, Emergency Management and others.

Brek Lanning from HCC was present and stated that the college appreciated the help from the EMS on the project and is looking forward to its start.

Mr. Killian reminded the Board of the financing process, that the survey is done, conveyed to the County and the County places the mortgage and makes the mortgage payment. The County then leases it back to the college for the purposes stated. He stated that it is the same procedure as what we did a few years ago, and he will be working with the HCC attorney.

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF HAYWOOD, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING OBLIGATION, DIRECTING THE PUBLICATION OF NOTICE WITH RESPECT THERETO AND PROVIDING FOR CERTAIN OTHER MATTERS RELATED THERETO

WHEREAS, the County of Haywood, North Carolina (the "County") is a validly existing political subdivision of the State of North Carolina, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the "State");

WHEREAS, the County has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment financing contracts in order to finance and refinance the purchase of real and personal property used, or to be used, for public purposes and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the Board of Commissioners of the County (the "Board of Commissioners") determines that it is in the best interest of the County to enter into an installment financing contract (the "Contract") with a financial institution to be determined (the "Bank") to (a) provide for the construction of a public services training facility at Haywood Community College, consisting of a 3-story five burn building/multi-disciplinary training tower, an 11,000 square foot malaise structure used for shelter, hydration, training and showers and an underground storage tank used for testing firefighting apparatus, and site improvements including on-site parking and utilities (the "Project") and (b) create a security interest in all or a portion of the real property on which the Project is or will be located;

WHEREAS, the County hereby determines that the Project is essential to the County's proper, efficient and economic operation and to the general health and welfare of its inhabitants; that the Project will provide an essential use and will permit the County to carry out public functions that it is authorized by law to perform; and that entering into the Contract and Deed of Trust is necessary and expedient for the County by virtue of the findings presented herein;

WHEREAS, the County hereby determines that the Contract allows the County to purchase the Project and take title thereto at a favorable interest rate currently available in the financial marketplace and on terms advantageous to the County;

WHEREAS, the County hereby determines that the estimated cost of the Project is an amount not to exceed \$4,100,000 and that such cost of the Project exceeds by approximately \$2,900,000 the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the County in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

WHEREAS, although the cost of the Project pursuant to the Contract is expected to exceed the cost of the Project pursuant to a bond financing for the same undertaking, the County hereby determines that the cost of the Project pursuant to the Contract and Deed of Trust and the obligations of the County thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; and (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of the Project and (3) no revenues produced by the Project so as to permit a revenue bond financing.

WHEREAS, the County has determined and hereby determines that the estimated cost of the Project pursuant to the Contract reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles;

WHEREAS, the County does not anticipate a property tax increase to pay installment payments falling due under the Contract;

WHEREAS, the sums to fall due under the Contract will be adequate but not excessive for its proposed purpose;

WHEREAS, Parker Poe Adams & Bernstein LLP, as special counsel ("Special Counsel"), will render an opinion to the effect that entering into the Contract and the transactions contemplated thereby are authorized by law;

WHEREAS, no deficiency judgment may be rendered against the County in any action for its breach of the Contract, and the taxing power of the County is not and may not be pledged in any way directly or indirectly or contingently to secure any money due under the Contract;

WHEREAS, the County is not in default under any of its debt service obligations;

WHEREAS, the County's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act, and external auditors have determined that the County has conformed with generally accepted accounting principles as applied to governmental units in preparing its Annual Budget ordinance;

WHEREAS, past audit reports of the County indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the County has not been censured by the North Carolina Local Government Commission (the "LGC"), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies;

WHEREAS, a public hearing on the Contract after publication of a notice with respect to such public hearing must be held and approval of the LGC with respect to entering the Contract must be received; and

WHEREAS, the County hereby determines that all findings, conclusions and determinations of the County in this Resolution are subject to modification or affirmation after all interested parties have been afforded the opportunity to present their comments at a public hearing regarding the execution and delivery of the Contract and the acquisition of the Project to be financed thereby.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF HAYWOOD, NORTH CAROLINA, AS FOLLOWS:

Section 1. **Authorization to Negotiate the Contract.** The County Manager and the Finance Officer, with advice from the County Attorney and Special Counsel, are hereby authorized and directed to negotiate on behalf of the County for the financing of the Project for a principal amount not to exceed \$2,900,000 under the Contract entered into in accordance with the provisions of the Act.

Section 2. **Application to LGC.** That the Finance Officer or her designee is hereby directed to file with the LGC an application for its approval of the Contract and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to

- Change in meeting schedule – cancellation of July 6, 2015 regular meeting. Chairman Swanger explained that as done in previous years, the first meeting in July has typically been cancelled to allow staff and others to have a vacation after the long budget process. There were no additional comments or objections from the Board.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

Request approval of resolution to adopt a Memorandum of Understanding regarding a regional mutual aid agreement among the 17 WNC Offices of the Sheriff

Chairman Swanger recognized Sheriff Greg Christopher. Sheriff Christopher explained that with several new Sheriff's in the area, they all assembled in December and signed a mutual aid agreement. This enables counties to help each other when the need presents itself. Mr. Killian has reviewed the MOU and made a few minor changes. The Sheriff explained that other counties have done the same, and they will get back together in July and exchange the paperwork. Mr. Dove and Ms. Davis have reviewed this with the County insurance carrier and there are no issues concerning liability.

Chairman Swanger commented that it makes sense to utilize regional help when needed.

Vice-Chairman Kirkpatrick made a motion to approve the resolution to adopt a Memorandum of Understanding regarding a regional mutual aid agreement among the 17 WNC Offices of the Sheriff and Commissioner Ensley seconded. The motion passed unanimously.

Request approval of Budget Amendment for Health and Human Services Agency – General Fund – Health Department WIC - \$4,042

Chairman Swanger recognized Finance Director, Julie Davis. Ms. Davis explained that the budget amendment is for family planning for the Women, Infant and Children's program.

Vice-Chairman Kirkpatrick made a motion to approve the budget amendment for Health and Human Services Agency General Fund \$4,042 – federal funds and Commissioner Upton seconded. The motion passed unanimously.

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
115110 Health				
Salaries & Wages	115110-512100	1,866,488	4,042	1,870,530

which will result in a net increase of \$ 4,042 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
110050 Restricted Intergovernmental				
Family Planning	110050-451515	111,342	4,042	115,384

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

Adopted this the 1st day of June, 2015.

Mark Swanger
Chairman
Haywood County Board of Commissioners

ATTEST: *Julie Davis*
Clerk to the Board

Explanation:
To recognize Federal funds from the Women & Children's Health to provide counseling & education to all students 19 years of age & younger in the school system through our School Nurses to decrease out-of-wedlock/unintended pregnancy rate among teenagers.

Presentation from Haywood Chamber of Commerce Young Professional New Generation Leaders Greenway Project and request approval of MOU

Chairman Swanger recognized Martha Bradley, Young Professionals and New Generation Leader Action Team member.

Ms. Bradley explained that a \$20,000 New Generation Leaders Grant through the NC rural Center was awarded in 2014. The purpose of the grant is to design and implement a community improvement project aimed at attracting and retaining adults in the community. Since July 2014, the group has designed signage and education kiosks for County greenways. She presented a power point to the Board, showing contributors, signage designs and examples, signage specifications and budget information. She presented the MOU to the Board and there were questions as to the responsibility of the County regarding the signage. Ms. Bradley explained that the project will purchase the sign and the County will be responsible for maintaining the signage consistent with the signs that the County already has.

Mr. Dove explained that the County has thirty days to order any signs that it would want or they could decide not to order any. The signs would be maintained for the life of the sign by the County or ten years, whichever is shorter.

Mr. Killian suggested some changes to the MOU, and said that the Board could possibly approve the MOU contingent on the changes.

Commissioner Sorrells stated that the County is in favor of better greenways, but with the changes that need to be made to the MOU, it may be better to wait until the next meeting to consider its' approval.

Vice-Chairman Kirkpatrick commented that there could be potential issues and concerns with maintenance, however greenways should be encouraged and the signs should be coordinated with Mr. Burris and Ms. Carleton.

It was the consensus of the Board to have Mr. Killian make necessary changes for the County on the MOU, present to Ms. Bradley for the revisions and have the MOU on the June 15th BOCC agenda for consideration of approval.

Request approval of Blue Ridge National Heritage Area's Trail Signs Construction Engineering and Inspection Contract for Vaughn and Melton

Chairman Swanger recognized Angie Chandler, Executive Director, BRNHA.

Ms. Chandler explained the contract for the construction engineering for installation of the signage. She stated that these highlight the cultural heritage of the region. She noted that that as a requirement of the NCDOT and the Federal Highways grant funding, an engineering firm must be hired for this part of the contract. She stated that it has been thoroughly vetted, and ready to move forward.

Mr. Killian has looked at this contract and the requested changes were made.

Vice-Chairman Kirkpatrick asked how many signs are in Haywood County, and Ms. Chandler responded that there are three signs and there will be one at the NC Welcome Center on I40, a stand up kiosk to include a map and free standing materials, and a touch screen to move around within the county. Each kiosk is designated to support the areas in the County.

Vice-Chairman Kirkpatrick made a motion to approve the Blue Ridge National Heritage Area's Trail Signs Construction Engineering and Inspection Contract for Vaughn and Melton and was seconded by Commissioner Upton. The motion passed unanimously.

Approval of one year lease in the amount of \$5,555.55 to Dan W. and Rhonda J. Ross for County owned Jonathan Creek property for agricultural purposes

Chairman Swanger recognized Recreation and Parks Director, Claire Carleton. Ms. Carleton explained that this lease is for the County owned property that eventually will be a sports park, however will not be done within the next year. She stated that the Recreation Advisory Committee recommends to lease this property for agricultural purposes rather than spend money to maintain it. Three bids were received after advertisement. The term of the lease will be from June 1, 2015 through May 31, 2016.

Mr. Killian has looked at the lease and the requested changes were made.

Commissioner Upton made a motion to approve the one year lease in the amount of \$5,555.55 to Dan W. and Rhonda J. Ross for the 22 acre tract County owned Jonathan Creek property for agricultural purpose and Vice-Chairman Kirkpatrick seconded. The motion passed unanimously.

CLOSED SESSION

Vice-Chairman Kirkpatrick made a motion to enter into Closed Session for:

Personnel – G.S. §143-318.11(a)(6)

Attorney/Client Privilege G.S. §143-318.11(a)(3)

Commissioner Upton seconded and the motion carried unanimously.

Chairman Swanger announced that there will be a Work Session to follow adjournment after returning to Open Session.

The Board returned from Closed Session.

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 11:46 a.m. The DVD is attached by reference to the minutes.

CLERK

CHAIRMAN

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