

HAYWOOD COUNTY COMMISSIONERS

REGULAR MEETING – October 5, 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, Asst. County Manager/HHSA Director Stoney Blevins, County Attorney Leon M. “Chip” Killian, III, Finance Director Julie Davis and Peggy Cope.

PLEDGE OF ALLEGIANCE

Chairman Swanger led the Pledge of Allegiance.

INVOCATION

Commissioner Sorrells offered the invocation.

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.

Travis Wesley addressed the Board regarding the proposed recycling facility at Beaverdam Industrial Park. He expressed concern over the location of the facility being in close proximity to a neighborhood, and what implications that may entail. He encouraged the Board to take all of this into consideration when deciding to proceed with this project.

Denny King addressed the Board expressing concern over the proposed facility at the park. He questioned what kind of materials will be brought into the park, and what happens to materials that are brought there. He commented that he had heard an incinerator was included in the plans. He questioned why Transylvania and Buncombe Counties had rejected the plan. He commented on plats that had deed restrictions. He questioned the placement of the project in a neighborhood and the use of County dollars for the project. He requested a thirty day delay on voting on the project to allow studies on the economic and environmental factors to take place. He suggested a town hall meeting with Mr. Allison and the Beaverdam community. He asked to review any contract that the County proposes. and a thirty day limit extension until everything is fully understood. He also requested a public hearing prior to voting on it.

Debbie King addressed the Board. She stated that she had read Friday that the recycling facility is on the agenda today. She said that she feels the County is moving very fast on this. She stated that she is not saying don't bring it and is not saying to bring it, just that she feels they don't know enough about it yet. She questioned how many trucks will there be, what are they hauling and how many jobs will it bring. She requested a meeting with the owner of company at the Beaverdam Community Center to allow the neighbors to voice their opinions.

Nicole Harley addressed the Board. She stated that she lives in the Beaverdam community and recently built a house there. She said that she is concerned about the waste trucks driving up and down the road, noting that it is a narrow road. She said that she wants to know what they are bringing in. She would like more information for the Beaverdam community, and requested a meeting at the Center to ask questions. She said that she is concerned about property values dropping.

CONSTITUENT CONCERNS

There were no constituent concerns.

ADMINISTRATIVE/AGENCY REPORTS

DISCUSSION / ADJUSTMENT TO AGENDA

There were no discussions/adjustments to the agenda. Chairman Swanger noted that items #1 and #2 under New Business were presentations on the proposed recycling facility, and many questions and concerns would be addressed during the presentation.

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 September 21, 2015 regular meeting minutes.
2. Presentation of Tax Levy and approve Order of Collections for 2015 taxes – Mike Matthews, Tax Collector
Chairman Swanger recognized Tax Collector, Mike Matthews. Mr. Matthews stated that the Tax Levy for 2015 is \$38,019,007.06 and the penalty for late listings is \$138,226.74 for a total of \$38,157,233.80.

Commissioner Ensley asked what the increase in the levy was since last year and Mr. Dove answered that it was around \$2 million. Commissioner Ensley asked of the \$2 million, what the increase consisted of and Mr. Matthews responded that he wasn't sure as the information comes from the assessor's office. Commissioner Ensley stated that one reason the levy is increased is because of the privatization of the hospital. Being a for profit hospital now, they pay property and sales taxes which would be a contributor to the tax levy being higher. With the money the County gives to the hospital for indigent care, it is now a positive because they are paying taxes on the facility and on the sales tax.

Chairman Swanger asked Mr. Matthews to read the Order of Collections.

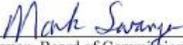
<p>BOARD OF COMMISSIONERS MARK S. SWANGER, CHAIRMAN J. W. "KIRK" KIRKPATRICK, III, VICE CHAIRMAN L. KEVIN ENSLEY BILL L. UPTON MICHAEL T. SORRELLS</p>		<p>COUNTY MANAGER IRA DOVE COUNTY ATTORNEY LEON M. KILLIAN, III</p>
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STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

To the Tax Collector of the County of Haywood:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of the Haywood County Tax Assessor and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Haywood, and this order shall be a full and sufficient authority to direct, require, and enable you to file tax judgments, levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this 5th day of October, 2015.



Chairman, Board of Commissioners of Haywood County (Seal)

Attest:



Clerk of Board of Commissioners of Haywood County

215 NORTH MAIN STREET • WAYNESVILLE, NORTH CAROLINA 28786
PHONE: 828.452.6625 • FAX: 828.452.6715

3. Budget amendments – Julie Davis, Finance Director
- a. General Fund – Health & Human Services Agency - \$1,000
- Ms. Davis explained that this amendment is to move expenses from salaries to the breast and cervical cancer line item.

HAYWOOD COUNTY
BUDGET ORDINANCE AMENDMENT
FISCAL YEAR 2015-16

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, 2016

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	1,695,257	(1,000)	1,694,257
115158 Breast & Cervical Cancer				
Professional Services	115158-519300	16,000	1,000	17,000

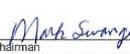
which will result in a net increase of \$ _____ in the expenditures of the General Fund.

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

Revenue	Acct. No.	Current Budget	Increase (Decrease)	Amended Budget

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

Adopted this the 5 day of October, 2015.


 Chairman
 Haywood County Board of Commissioners

ATTEST: 
Clerk to the Board

Explanation:
To reallocate funds to cover the Mammography Services contract for indigent and uninsured patients with DLP Haywood Regional Medical Center and AP Laboratories.

- b. General Fund – Health & Human Services Agency - \$10,000
- Ms. Davis explained that this is a new grant for the Obesity, Diabetes, Heart Disease, and Stroke prevention program.

HAYWOOD COUNTY
BUDGET ORDINANCE AMENDMENT
FISCAL YEAR 2015-16

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, 2016

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	1,695,257	10,000	1,705,257

which will result in a net increase of \$ 10,000 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				
Intg Rev - OGDHSP Grant	110050-451360-16MCO	-	10,000	10,000

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

Adopted this the 5 day of October, 2015.


 Chairman
 Haywood County Board of Commissioners

ATTEST: 
Clerk to the Board

Explanation:
To recognize the Obesity Diabetes Heart Disease Stroke Program Grant received to pay for staff time devoted to preventing obesity, diabetes, and heart diseases and stroke.
State funding passed through Macon Co. to Haywood Co.

- c. Capital Project Fund – County Animal Services - \$230,000
- Ms. Davis explained that this is to place the money for the land into the capital project fund and have it ready for the construction. The property is \$233,500, and there will be some closing expenses. The County had put \$5,000 down. \$75,324 is from the fund balance, and \$154,676 is from sale of assets done this year.

HAYWOOD COUNTY
CAPITAL PROJECT ORDINANCE
FISCAL YEAR 2015-2016

PER _____
JNL _____

BE IT ORDAINED by the Board of Commissioners of Haywood County that the following amendment be made to the capital project ordinance for the fiscal year ending June 30, 2016.

Section 1. To amend the Capital Project Fund - County building/repairs/construction projects, the expenditures are to be charge as follows:

Line Item	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Capital Project Fund:				
County Facilities:				
CFO Land purchase - for Animal Services	454381-557000-015AS		230,000	230,000

which will result in a net increase of \$ 230,000 in the expenditures of the Capital Project Fund.

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

Revenue	Acct. No.	Current Budget	Increase (Decrease)	Amended Budget
Other Financing Sources:				
Transfer from General Fund	450110-49811-015AS		230,000	230,000
			230,000	

The effect on the General Fund is as follows:

Expenses:				
Transfer to CIP fund - County projects	119840-598045		230,000	230,000
Revenues:				
Sales of Capital Assets	110110-483820	2,000	154,676	156,676
Fund balance appropriated	110110-499991	187,148	75,324	262,472
			230,000	

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

Adopted this the 5th day of October, 2015.

ATTEST: 
Clerk to the Board


Chairman
Haywood County Board of Commissioners

Explanation:
To appropriate the amount needed to purchase the land for the future Animal Services Facility.

- Request approval of Health & Human Services contract over \$50,000 – Southwestern Child Development Commission - \$3,080,000 – Stoney Blevins, HNSA Director/Assistant County Manager. Mr. Blevins explained that this is for child care subsidy. He stated that \$80,000 is for administration of the contract, and the \$3,000,000 goes directly to the child care centers. In July, this program served over 600 children in 40 centers for Haywood County. This is pass through funding using no County dollars.

Vice-Chairman Kirkpatrick asked how this is applied for and how is it determined who is eligible and Mr. Blevins replied that applications are taken at Southwestern Child Development office and it is income based to determine the amount the family has to pay. The real purpose of the program is to assist working parents.

OLD BUSINESS

NEW BUSINESS

Presentation from Regional Recycling Solutions concerning location of their facilities at the Beaverdam Industrial Park

Chairman Swanger recognized Regional Recycling Solutions Managing Partner, Ken Allison. Mr. Allison explained that the company is based in North Carolina and proposing to purchase property at the Beaverdam Industrial Park. This will be a state of art European recycling plant. He presented a power point highlighting the following:

- This facility will defer some volume of waste from the current landfill such as plastic, paper, and cardboard that would be lost from recycling. This will also add to the lifespan of the landfill.
- There has been two years in the research of the industry. From the research, they have learned that they could not find solutions with U.S. industry. Europe has a zero waste mandate; everything is recycled in some nature. Although we are not able to do that, the goal is get the best facility to work towards this. Lawrence, Kansas has the first facility in the U.S. of this kind. It is a multi-stream facility that is able to take commercial waste and recycle. In-stream waste that is not able to be processed will be transferred to the landfill. Thirty to ninety percent is able to be captured based on what is going into the facility.
- Phase I will have a \$12 million dollar investment in land, equipment and the building. There is projected 20 employees in production; 7 employees in administrative and 3 employees in logistics. Employees will receive benefits. There have been meetings with DENR who suggested that it be in a building in a controlled environment. There will be full landscaping and very conscientious of neighborhoods around them. There is an evergreen screen designed along the road. There is very little noise with everything being indoors. The trucks in Phase I will be coming up the industrial road.

- The Phase I building is 120 feet wide x 175 feet long. All that is done at this facility will be to separate the materials and send out to the processor. Cardboard will go to the paper mill. The receiving floor is where the trucks will back up to the building and tip the material onto the floor. Anything not acceptable will be sent on to the landfill. Acceptable material will be put into the separation equipment and sent through the system. Noise levels in the building are low enough that after an OSHA study, the workers were not required to wear hearing protection.
- There will be an education center that will have a 40 seat theater room. Fourth grade classes in North Carolina have a recycling semester and are able to come visit this site. It is community friendly and is very important to do education on site as this will get the community more involved. There is a contest program every quarter that is sponsored by local businesses. The school that collects the most paper will get computers or whatever is needed for that school.
- Phases II & III will involve \$8 million dollar additional infrastructure and 21 additional employees.
- Phase III will have \$8 million dollar additional infrastructure and 20 additional employees. This will occur in year 7 and 8 if not before.
- Future plans are to open 12 other facilities in North America and they would like to locate corporate headquarter in Haywood County.

Mr. Allison noted that this is not an incinerating facility, it is a separation facility only.

Commissioner Sorrells questioned the difference in the Transylvania County proposed project. Mr. Allison explained that it was in Henderson County and that it would have been two property owners together and the second property owner would not agree. Mr. Allison stated that in Transylvania County, his family owns the only industrial park in that county. This project dealt with a New York company and received a lot of opposition from the community, and commissioners were not willing to go forward. This was not the same type of project, as that was an energy project and this is recycling. Stadler is the company that will manufacture the machinery and has 266 companies operating worldwide. The first in the U.S. is in Kansas and they are very happy with it. 96% of the material coming into the facility is being repurposed in different products.

Commissioner Ensley commented that he had worked on this property in the early 90's and the subdivision came in at a later date. They widened the road into the park when that happened. He noted that DENR is regulating this project, there will be no emissions. He commented how recycling is cleaner. He said that he appreciates the education building. He stated that we have to get to the European model to recycle as there are no more landfills being permitted. He confirmed that there will be an evergreen buffer and Mr. Allison agreed stating that there is an extensive plan that will be done prior to being finished. There will be 20 foot evergreens on the west side of property to screen homes.

Chairman Swanger commented that the ConMet building is adjacent to this property and is not unlike what they are proposing.

Commissioner Sorrells remarked on how Stadler manufacturing is huge in Germany and is well known.

Mr. Allison said that they have a good corporate alliance with Stadler, and they have a corporate office in Spartanburg. He said that they have an arrangement with BMW for parts out of Germany, as they fly planes out of there every three hours. He commented that the long range plans are for 20 plants, and they would like to have corporate headquarters here.

Commissioner Upton asked if anyone can see what is going on inside. Mr. Allison answered that other than the trucks coming and leaving the building, you would not see any of the operations. He explained that the trucks will be coming in mid-morning and toward end of the day around 3 p.m. He commented that the nice thing about that is that it is industrial park and there are trucks there.

Vice-Chairman Kirkpatrick confirmed that when the trucks unload, they come into the front portion of building. Mr. Allison stated that no operations will occur outside of the building, and DENR was very happy with that. Vice-Chairman Kirkpatrick asked Mr. Allison to explain how the facility is cleaned and maintained and Mr. Allison commented that as part of regulations, the receiving area is cleaned each day. Air is the cleaning agent and there will be a wash down twice a month. Atomizer misters will be on the roof if needed for odor mitigation.

Mr. Dove clarified with Mr. Allison that any products coming in will not be stored long term on site, they will be removed at the end of the day. Hazardous waste will not be recycled. It is not even allowed to be accepted by regulation, which DENR will monitor.

Commissioner Ensley confirmed that the waste that does go to the landfill will be used to their advantage such as to build walls inside the cells.

Presentation of Economic Incentives and Job Creation concerning the purchase of real estate in Beaverdam Industrial Park by Regional Recycling Solutions (RRS)

Chairman Swanger recognized County Manager, Ira Dove and Executive Director Haywood Economic Development Council, Mark Clasby.

Mr. Dove explained that the County has had conversations lately with Mr. Allison to work out this process. He presented a PowerPoint highlighting the following:

- **Terms of Agreement:**
- There are 55.8 acres in Beaverdam Industrial Park. The fair market value of the property is \$780,000; Regional Recycling will pay \$450,000 at closing.
- The County will offer \$330,000 incentive for completion of project with Claw Back requirements. Mr. Clasby commented that any incentive agreement done includes this and explained that this is an agreement that if the company does not produce, there will be certain things to come back to the County.
- RRS will begin construction 12 months from the date of closing
- RRS investment for Phase I is \$12 million dollars for the building and equipment
- RRS will employ a minimum of 30 employees with salaries ranging \$28,900 to \$38,000 on average per type of work with benefits
- Phase II – \$8 million dollars for an additional facility adding 21 employees within 60 months of closing; if RRS completes Phase II, the County will grant a release of \$165,000 of the \$330,000 incentive; if RRS fails to complete Phase II, RRS will owe the \$330,000 incentive to the County
- RRS will invest \$4.8 million dollars for an additional facility, adding 20 employees as a minimum part of Phase III within 84 months of closing
- If RRS completes Phase III, the County will grant a release of the remaining \$165,000 of the original \$330,000 incentive
- If RRS moves their Corporate Headquarters to the Beaverdam Industrial Park, expands investment under Phase II and employee salaries are equivalent as to those in Phase III, then the remaining incentive is waived by the County, RRS will be eligible for County incentives if applicable.
- **Economic Impact:**
- Phase I annual payroll of approximately \$1.5 million with 30 employees at an average salary of \$28,900 - \$38,000. Mr. Clasby noted that the average wage in the County is \$33,000
- Phase II annual payroll of approximately \$720,000 with 21 additional employees at average salary of \$28,900 - \$32,000
- Phase III annual payroll of approximately \$735,000 with 20 additional employees at average salary of \$28,900 - \$32,000
- Total potential annual payroll in seven years over \$2.9 million dollars. Chairman Swanger noted that some County employees do not make as much
- RRS could bring over 75 jobs to Haywood County with an average salary of \$28,900 - \$38,000
- RRS total payroll impact for Phase I will be over \$1.5 million with a total of all Phases over \$2.9 million dollars
- RRS total infrastructure investment of over \$24.8 million dollars if all three phases are built. Mr. Dove stated that the Western Carolina study showed if all three phases are built, the County can expect 48 additional jobs in other areas with over approximately \$1.3 million dollars in payroll
- The County can expect approximately \$2.8 million dollars in additional development, with an overall impact of approximately \$16.19 million dollars

Mr. Dove stated that the County is hoping for a broader economic impact by having this type of facility.

Commissioner Ensley reiterated that the industrial park was built first then the neighborhood followed.

Chairman Swanger remarked that ConMet has trucks that come and go and Mr. Clasby agreed, noting that ConMet had completed expansion last year.

Chairman Swanger stated that this will be on the next agenda to discuss further.

Mr. Killian stated that a public hearing is required before the County proceeds with an incentive agreement to provide the public a chance to speak. It requires a ten day notice.

Request approval of Rural Operating Assistance Program (ROAP) Application for Fiscal Year 2015-2016 from NCDOT Public Transit

Chairman Swanger recognized Alex Aumen with Mountain Projects.

Mr. Aumen stated that he is requesting approval to apply for ROAP funding. Funding comes through the County for public transit. This is an application that is done each year. The components are elderly and disabled funding, rural general public and employment funding channeled through Social Services.

Commissioner Sorrells made a motion to approve the Rural Operating Assistance Program Application for Fiscal Year 2015-2016 from NCDOT Public Transit and Commissioner Ensley seconded. The motion passed unanimously

Request approval to post notice for the purpose of the donation of EMS equipment to various fire departments pursuant to NCGS 160A-280, with resolution to be considered by the BOCC at the next meeting

Chairman Swanger recognized Finance Director, Julie Davis.

Ms. Davis explained that occasionally there are departments that would like to donate items or equipment to other nonprofits or departments. Per statute, this requires that it is posted at least five days before the resolution saying that it is allowed to declare surplus and donate. There is equipment that is no longer being used by EMS that they would like to declare surplus and donate to ten fire departments. The request is for the Board to approve to post notice.

Commissioner Upton made a motion to approve to post notice for the purpose of the donation of EMS equipment to various fire departments pursuant to NCGS 160A-280 and Vice-Chairman Kirkpatrick seconded. The motion passed unanimously.

Discuss repairs for electrical and plumbing at the Pigeon Community Center and request approval to negotiate the sale of the building to the Pigeon Community Center, PIN# 8615-44-3633, Parcel – 450 Pigeon Street, Waynesville, NC for public purpose uses for \$1.00 with conditions regarding reverter

Chairman Swanger recognized County Manager, Ira Dove and Facilities & Maintenance Director, Dale Burris.

Mr. Dove gave a background on the letter the County received in July from the Pigeon Community Center regarding the facility and what it would mean to take ownership. He noted that there are problems in the building with electric and plumbing that would need to be repaired regardless of what is decided on the facility.

Mr. Burris explained that there are issues at the building, the electrical system is antiquated and breakers cannot be found due to the age of the system. The main service electrical system will need to be fully upgraded to the National Electrical Code standards. The domestic water system needs to be replaced throughout the entire facility.

Chairman Swanger confirmed that the issue before the Board is making the plumbing and electrical where it should be at a cost of \$33,845 and also to allow the community center to purchase the building for one dollar. The reverter will be if it ceases to be used for purposes other than what it is used now, the County will have the option to have it returned.

Mr. Dove noted that the primary reason for the center to own the building is for fund raising.

Chairman Swanger noted that it also makes them more competitive for grants. He said that good things go on in that building. He commented that County expenses would cease if the community took ownership.

Commissioner Upton noted that having people occupy a building makes that building last longer.

Commissioner Sorrells said that he appreciates what they do there. He said that they have been very active throughout his life. He commented that with ownership of a building, you can see where there is more pride in the upkeep.

Vice-Chairman Kirkpatrick noted that he assumed that the community center was aware of future expenses that come with ownership.

Commissioner Sorrells made a motion to approve the negotiated sale of the building to the Pigeon Community Center PIN# 8615-44-3633, Parcel – 450 Pigeon St. which will authorize the County Manager and County Attorney to prepare the necessary negotiations to complete the sale after repairs are completed. Commissioner Upton seconded and the motion passed unanimously.

Request approval to use unauthorized substance monies for the purchase of equipment/body armor and training - \$18,838.75

Chairman Swanger recognized Chief Deputy Haynes.

Chief Deputy Haynes explained that this is for approval to use unauthorized substance money seized from illegal drug activity. The equipment they currently own is outdated and needs to be replaced. Also included in the request is training that supervisory level employees will attend and bring back to train others in the department.

Commissioner Ensley made a motion to approve the use of unauthorized substance monies for the purchase of equipment/body armor and training and Commissioner Upton seconded. The motion passed unanimously.

Request approval of budget amendment – General Fund Sheriff’s Office - \$18,838.75

Chairman Swanger recognized Finance Director, Julie Davis.

Ms. Davis explained that at the end of last year, \$53,000 of unauthorized substance monies was in fund balance for whatever the sheriff needed. This will use some of that money in those line items.

Commissioner Sorrells made a motion to approve the budget amendment as presented and Commissioner Ensley seconded. The motion passed unanimously.

HAYWOOD COUNTY
BUDGET ORDINANCE AMENDMENT
FISCAL YEAR 2015-2016

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
Public Safety - Sheriff Office				
Training	114310-539500	8,500	5,921	14,421
Uniforms	114310-521300	50,000	3,898	53,898
Non-expendable departmental supplies	114310-528501	2,300	6,620	11,220

which will result in a net increase (decrease) of \$ 18,839 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
Appropriation of Fund Balance	110110-499991	292,472	18,839	281,311
				-
				-
				-
				18,839

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

Adopted this the 5 of October 2015.


Chairman
Haywood County Board of Commissioners

ATTEST: 
Clerk to the Board

Explanation: To cover the cost of undercover equipment from the unauthorized substance funds.

Request approval of resolution approving employment agreement and appoint Leon M. Killian, III to serve as County Attorney

Chairman Swanger recognized County Manager, Ira Dove.

Mr. Dove explained that Mr. Killian has been the County attorney for over 40 years. After review of work to do and cost of services that have been paid to outside legal firms in the amount of \$138,000, it has been determined that an in-house attorney is warranted. Mr. Killian will transition to the County full time by December 31, 2016. During the transition, he will have an annual salary of \$100,000, after which his salary will be \$125,000. This is a five year agreement.

Chairman Swanger noted that in addition to the resolution, there is a detailed agreement as well.

Vice-Chairman Kirkpatrick commented that this has been discussed multiple times in closed session over a period of several months.

Commissioner Upton made a motion to approve the resolution approving the employment agreement and appoint Leon M. Killian III to serve as County Attorney. Vice-Chairman Kirkpatrick seconded and the motion passed unanimously.

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



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

A RESOLUTION OF THE HAYWOOD COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING EMPLOYMENT AGREEMENT AND APPOINTING LEON M. KILLIAN, III TO SERVE AS COUNTY ATTORNEY

WHEREAS, North Carolina General Statute 153A-114 states: "The board of commissioners shall appoint a county attorney to serve at its pleasure and to be its legal adviser."

WHEREAS, it is the desire of the Haywood County Board of County Commissioners to appoint a County Attorney and to provide certain benefits, establish certain conditions of service and to set working conditions for that appointment by agreement.

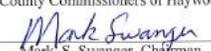
NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HAYWOOD COUNTY, NORTH CAROLINA, that:

The Haywood County Board of County Commissioners hereby appoints Leon M. Killian, III as the County Attorney effective October 5, 2015, to carry out all of the duties imposed upon that office by state law and County ordinances, as well as other duties as this Board of County Commissioners, from time to time, may require of the County Attorney during his appointment.

BE IT FURTHER RESOLVED by the Haywood County Board of County Commissioners that the provision for compensation for the office of County Attorney in the attached and incorporated *Employment Agreement* for his employment as County Attorney of Haywood County, and such remaining provisions of the *Employment Agreement* are adopted by reference in this resolution as if set out in full. The County Attorney shall be entitled to retirement and other benefits as set out in the *Employment Agreement*. The Chairman of the Haywood County Board of County Commissioners is hereby authorized to execute the *Employment Agreement* for Leon M. Killian, III's employment as County Attorney on behalf of the Haywood County Board of County Commissioners to be effective October 5, 2015.

BE IT FURTHER RESOLVED that prior orders and/or resolutions establishing compensation for the position of County Attorney are hereby superseded for all work performed hereafter.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Haywood County, North Carolina, this 5th day of October, 2015.


Mark S. Swanger, Chairman
Haywood County Board of Commissioners

ATTEST: 
Ira Dove, Clerk to the Board

Chairman Swanger asked that Mr. Killian and Mr. Dove work on the timing of the public hearing and get it advertised.

CLOSED SESSION

Commissioner Ensley made a motion to enter into Closed Session for:

Closed Session Minutes §143-318.11(a)(1)

Vice Chairman Kirkpatrick seconded and the motion carried unanimously.

The Board returned from Closed Session.

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

July 20, 2015 – Closed Session Minutes G.S. §143-318.11(a)(1)

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

- July 20, 2015 - Attorney/Client Privilege G.S. §143-318.11(a)(3)
- August 3, 2015 – Attorney/Client Privilege G.S. §143-318.11(a)(3)
- August 3, 2015 – Attorney/Client Privilege G.S. §143-318.11(a)(3)
- August 3, 2105 – Economic Development G.S. §143-318.11(a)(4)
- August 17, 2015 – Economic Development G.S. §143-318.11(a)(4)
- August 17, 2015 - Economic Development G.S. §143-318.11(a)(4)

Chairman Swanger noted that the following Closed Session Minutes were approved but no need to review further for release.

- June 15, 2015 – Personnel G.S. §143-318.11(a)(6)
- July 20, 2015 - Personnel G.S. §143-318.11(a)(6)
- August 3, 2015 - Personnel G.S. §143-318.11(a)(6)
- September 8, 2015 - Personnel G.S. §143-318.11(a)(6)

Commissioner Upton motioned to take action on the minutes as described and Vice-Chairman Kirkpatrick seconded. The motion passed unanimously.

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 Ensley seconded; the motion carried unanimously.

The time of adjournment was 10:37 a.m. The DVD is attached by reference to the minutes.

CLERK

CHAIRMAN

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