

HAYWOOD COUNTY COMMISSIONERS

REGULAR MEETING – November 16, 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, Finance Director Julie Davis and Deputy Clerk Candace Way.

PLEDGE OF ALLEGIANCE

Chairman Swanger led the Pledge of Allegiance.

INVOCATION

Commissioner Upton 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.

Barry Bailey addressed the Board. He expressed concern over the possibility of something similar to the recycling project coming back to the community and asked for a moratorium on incineration and like processes. He suggested the County consider zoning and a master development plan similar to Buncombe County's.

Pam Bailey addressed the Board. She expressed concern that others may be interested in purchasing properties for undesirable or harmful industries and asked for a moratorium on any business that is interested in gasification or similar technologies. She also suggested a committee be appointed representing both ends of the county to research ways to learn and protect the county.

Richard West addressed the Board. He stated that he was here to give support to the people that are asking for the moratorium.

Nicole Harley addressed the Board. She stated that she was also requesting a moratorium.

Debbie King addressed the Board. She also expressed concern on the possibility of a similar business coming to the community. She reviewed previous concerns expressed at prior meetings. She also requested a moratorium similar to the one passed in Transylvania County.

Chairman Swanger stated that a moratorium does follow zoning in North Carolina, NCGS 153A-340. He remarked that in their request for a moratorium, there may be unintended consequences. He said that using firewood is a biomass process, outdoor wood furnaces are gasification processes. Waste to energy is a process used by Evergreen when wood chips are processed into pulp. He suggested that they think hard about putting a moratorium in place that is instrumental to the survival of the largest employer in the county. Haywood County uses waste to energy at Francis Farm by turning the methane out of the landfill and converting it to electricity to power 27 homes.

Commissioner Ensley reiterated that there has never, ever been any consideration of gasification, incineration, landfill or a waste dump in Beaverdam. It was simply a big metal building with a lot of conveyor belts that put recyclables into a hopper and devices separate it out. He said that recycling is a solution to a landfill problem that can turn those materials into commodities. He said that for someone to keep saying that it was an incinerator is not true, that it was never talked about by this Board. He said that it was simply a small plant turning recycling into commodities. He noted that his property is next to a rock quarry and trucks are there every day. He said that he would not mind this industry being near his home. He repeated that there has never, ever been any consideration of gasification, incineration, landfill or a waste dump in Beaverdam.

Chairman Swanger said the NC Statute 153A-340 also states that the duration of any moratorium shall be reasonable in light of the specific conditions that warrant and position the moratorium, and may not exceed the period of time necessary to correct, modify or resolve such conditions. He said that the County does not have any specific conditions that exist that would warrant a moratorium and he does not intend to support or vote for it.

CONSTITUENT CONCERNS

There were no constituent concerns.

ADMINISTRATIVE/AGENCY REPORTS

Smoky Mountain Center fiscal monitoring report – Julie Davis, Finance Director

Chairman Swanger recognized Ms. Davis. She presented the quarterly report, stating that this is through September 30, 2015. Revenues are \$96,313,424 and expenditures are \$87,626,798 for a net income of \$8,686,626. She said that there are no material changes in the net income since the last report.

DISCUSSION / ADJUSTMENT TO AGENDA

Chairman Swanger stated that there was one adjustment to the agenda to remove item #5 under the Consent Agenda. He said that there are some issues regarding the contract that will take a couple of weeks to be resolved.

CONSENT AGENDA

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

1. Approval of November 2, 2015 regular meeting minutes.
2. Approval of October 2015 Refunds, Release, Amendments and Discoveries – David Francis, Tax and Solid Waste Administrator
Mr. Francis reported that there was nothing unusual to report this month.
3. Approval of October 2015 Tax Collections update – Mike Matthews, Tax Collector
Mr. Matthews reported that current collections as of October 31, 2015 were \$7,973,775.71. He said that this is down from last year by \$60,000, but it is being made up quickly. He reported that delinquent taxes are \$1,408,224.
4. Budget Amendments – Julie Davis, Finance Director
 - a. General Fund - \$27,728 – adjustment to Public Schools allocation for Charter Schools.

Ms. Davis explained that the County started off with a formula for this, knowing that there would be adjustments depending on enrollment. Now that the public schools have that number, the amount needs to be put into the appropriations for the school system. The budget was \$200,000, providing for extra money if needed for the Charter students. The contingency reserve is being reduced by \$27,728 and the balance of \$172, 272 will go into contingency to be used if needed.

HAYWOOD COUNTY
BUDGET INCREASE AMENDMENT
FISCAL YEAR 2015-2016

PKC
INC.

BE IT ORDERED 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 changed as follows:

Department	Account Number	Current Budget	Proposed Changes	Proposed Budget
Education	0001-0000	14,500,000	27,728	14,527,728
Public Schools - operating	0001-0000	14,500,000	27,728	14,527,728
Contingency Reserve - Public Schools	0001-0000	27,728	(27,728)	0.00
Contingency	100-000000	27,728	(27,728)	0.00

which will result in a net increase (decrease) of \$ 27,728 in the expenditures of the General Fund.

To provide the additional revenue for the state, the following revenues are to be increased as the money has been received:

Revenue	Act. No.	Current Budget	Proposed Changes	Proposed Budget

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

Adopted this 16th day of December, 2015.

COMMISSIONER: *[Signature]*
Haywood County Board of Commissioners

FINANCIAL OFFICER: *[Signature]*
Haywood County Board of Commissioners

Board of Commissioners
 Mark S. Swanger, Chairman
 J.W. "Bud" Kirkpatrick, II, Vice Chairman
 L. Kim Swamy
 Bill L. Upton
 Michael T. Sumrell



County Manager
 Ira L. Dove
 County Attorney
 Leah M. Kessler, II

**RESOLUTION OF THE COUNTY OF HAYWOOD
 AUTHORIZING THE PURCHASE OF CERTAIN INTRADO WIPER CALL-TAKING (911) EQUIPMENT
 UTILIZING THE EXCEPTION PROVIDED IN N.C.G.S. 143-129 (a) (b) (6)
 TO STANDARDIZE AND MAINTAIN COMPATIBILITY WITH EXISTING EQUIPMENT**

WHEREAS, N.C.G.S. 143-129 details the procedures for letting of public contracts; and
 WHEREAS, N.C.G.S. 143-129 (a) identifies exceptions to those procedures as they relate to procurement contracts; and
 WHEREAS, item (b) of N.C.G.S. 143-129 (a) provides that formal bid procedures shall not apply to purchases of apparatus, supplies, materials or equipment when "(8) standardization or compatibility is the overriding consideration"; and
 WHEREAS, the Haywood County EOC/911 has an opportunity to purchase the necessary call taking equipment, that will be paid for from E-911 funds, for the new consolidated 911 Center located in the Law Enforcement Center (LEC), and it has been determined that a standard system that is compatible with the Century Link system that is currently in place in the current EOC is the overriding consideration; and
 WHEREAS, it is essential to provide redundancy by upgrading the current Century Link call taking equipment for the current site; and
 WHEREAS, Century Link can provide this equipment, upgrade, and maintenance with equipment that will standardize the EOC equipment and allow consistency between locations, which will allow for the current seat licenses to be utilized, and, more importantly, will allow Haywood County to stay fully operational providing the citizens of Haywood County 911 services during the transition from the current location to the new location at the LEC
 NOW, THEREFORE, BE IT RESOLVED that the Haywood County Board of Commissioners, in general session on November 18, 2015, hereby authorizes the EOC staff of Haywood County to purchase equipment from CenturyLink, per the quotes provided, as permitted under N.C.G.S. 143-129 (a) (6) exception for equipment standardization and compatibility.

ADOPTED this 18th day of November 2015.

Mark Swanger
 Mark S. Swanger, Chairman
 Haywood County Board of Commissioners

ATTEST: *Ira L. Dove*
 Ira L. Dove, County Manager
 Clerk to the Board of Commissioners

Budget Amendment – Special Revenue Fund - \$138,131- E-911 equipment

Chairman Swanger recognized Finance Director, Julie Davis.

Ms. Davis explained that \$575,000 was budgeted last year into the grant project. The project is now coming in over the money set aside for the grant. There is \$46,000 within the Special Revenue Fund, but is still a little short. This budgets the difference, which is also in the Special Revenue Fund. The Fund Balance is being appropriated to make sure this project is done.

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

HAYWOOD COUNTY
 BUDGET CHANGES AMENDMENT
 FISCAL YEAR 2015-2016

PER: _____
 JRL: _____

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

Department	Account Number	Current Budget	Increase (Decrease)	Amended Budget
Special Revenue Fund 23				
E-911 Administration Center				
227 - Data processing software	204015-952004		138,131	138,131
which will result in a net increase of \$		138,131		
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
Appropriation of fund balance	23010-40001	121,024	138,107	259,131

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

Adopted this 18 day of November, 2015.

Mark Swanger
 Chairman
 Haywood County Board of Commissioners

ATTEST: *Ira L. Dove*
 Clerk to the Board

APPROPRIATION:
To appropriate the amount necessary to cover the balance
of the year E-911 software and support, as well as the
expense to the current affairs

Request approval for the Junaluska Community Volunteer Fire Department to enter into a financing contract of \$727,790 with United Financial of NC, Inc. for the purchase of two new trucks

Chairman Swanger recognized Finance Director, Julie Davis. Ms. Davis explained that after looking at the fire department's financial statements, they will be able to afford the trucks. She noted that different financing bids have been obtained through a purchasing company for the trucks, and information regarding the financing has been provided. It is a 7 year municipal lease at 2 ½% interest, \$98,874/yr.

Chairman Swanger recognized William Ledbetter and Charles Woods from the Junaluska Fire Department. Mr. Woods explained that their current trucks have had extensive issues, both mechanical and structural. This should help lower the rating which will result in less fire insurance residents have to pay. A public hearing was held.

Vice-Chairman Kirkpatrick made a motion to approve the Junaluska Community Volunteer Fire Department to enter into a financing contract of \$727,790 with United Financial of NC, Inc. for the purchase of two new trucks. Commissioner Upton seconded and the motion passed unanimously.

Request approval of Community Development Block Grant final closeout documents

Chairman Swanger recognized Finance Director, Julie Davis, and Mountain Projects Housing Director, Cheryl Wilkins. Ms. Davis explained that Mountain Projects has just finished the Community Development Block Grant projects, which is funded with federal money that passes through the County. She noted that there are a few documents that need to be approved to close out the project.

Ms. Wilkins explained the forms that need to be approved:

1. Residential Anti-Displacement and Relocation Assistance Plan – guarantees replacement of low income housing that has been torn down.
2. Local Economic Benefit – Section 3 Plan – helps low income residents obtain jobs.
3. Citizens Participation Plan – keeps the citizens informed
4. Language Access Plan – helps people with limited English proficiency

Commissioner Ensley motioned to approve the Community Development Block Grant final closeout documents and was seconded by Commissioner Upton. The motion passed unanimously.

Request approval of the Cooperative Inspections Agreement between Haywood County and the Town of Waynesville to allow for the arrangement of building inspection services

Chairman Swanger recognized County Manager, Ira Dove. Mr. Dove explained that the Town of Waynesville recently lost a level 3 inspector, and in order to keep inspections proceeding has asked for this mutual agreement and resolution. This will allow the Town to assist the County if we need the same. This will also allow the fees to be amended without coming back to the Board. The Town of Waynesville has passed this and Mr. Killian has reviewed the document.

Commissioner Ensley commented that he is understanding that there are some projects that will be coming up in Waynesville, and this will be helpful to have in place. Bruce Crawford, Building Inspections Director, stated that at this present time, his department will be capable of handling the services.

Commissioner Sorrells made a motion to approve the Cooperative Inspections Agreement and resolution between Haywood County and the Town of Waynesville to allow for the arrangement of building inspection services. Vice-Chairman Kirkpatrick seconded and the motion passed unanimously.

**INTERLOCAL COOPERATION AGREEMENT BETWEEN
THE TOWN OF WAYNESVILLE
AND
THE COUNTY OF HAYWOOD
FOR THE PROVISION OF INSPECTION SERVICES**

Purpose:

The purpose of this agreement is to establish the terms and conditions in which the Town of Waynesville, known further as ("Town"), may request building inspection services within its jurisdiction from Haywood County, known further as ("County"), and that Haywood County may occasionally request building inspection services from the Town of Waynesville within its jurisdiction.

This agreement will allow the Town and the County to continue the building inspection and permitting process should either the Town's or the County's building inspectors be unavailable or unable for a period of time to provide inspections at a required or specified level of certification.

Benefits and Responsibilities:

For and in consideration of the mutual benefits, covenants, and promises contained herein, the parties hereto agree as follows:

- Both County and Town agree to direct its building inspectors and fire inspectors to perform building, electrical, plumbing, HVAC and fire inspections on behalf of the other jurisdiction on an as-needed basis within the other party's jurisdiction upon request of staff in either the County's Building Inspections Department or the Town's Development Services Department.
- Both parties agree to respond within 24 hours of a request for service and provide services under this Agreement at times and under a schedule which both parties mutually agree to be most convenient for provisions.
- In providing services under this Agreement both parties will be administering and enforcing the requirements of the North Carolina State Building Code and the North Carolina State Building Code/Fire Prevention Code and all rules, regulations, amendments and ordinances therein, as they pertain to all building inspection and fire inspection services for such buildings, as requested by the other party. In the event that enforcement of the code requires legal proceedings, such proceedings shall be initiated by the party in whose jurisdiction the building permit is originated and issued. All costs of such proceedings shall be paid by the jurisdiction issuing the building permit.
- Each party shall retain administration of its own local zoning and code enforcement ordinances.

Term and Termination

This Agreement shall commence on November 16, 2015 and remain in effect until superseded, modified or terminated by either party upon thirty (30) days written notice.

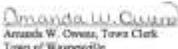
This Agreement shall constitute the entire understanding between the Town and the County and shall supersede all prior understandings and agreements relating to the subject matter hereof.

IN WITNESS WHEREOF, the Town and County have authorized their Interlocal Agreement for the provision of Inspection Services to be executed and attested by their undersigned officers, to be effective from the date herein indicated.

TOWN OF WAYNESVILLE


Maria D. Oweil, Town Manager
Town of Waynesville

ATTEST:


Amanda W. Owens, Town Clerk
Town of Waynesville

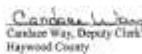
(SEAL)



COUNTY OF HAYWOOD


Ina L. Davis, County Manager
Haywood County

ATTEST:


Candace Way, Deputy Clerk
Haywood County

(SEAL)

- Each party agrees to provide the other any documentation, files, prioritization, maps, or other materials in its possession as necessary to complete requested inspection.
- Each party agrees to remit payment to the other within 30 days upon receipt of an invoice. The invoice shall include the type of inspection, the date of inspection, time spent performing the inspection, the fee and any applicable discounts on total fees, as well as a copy of any written notices, permits, or comments provided by the inspector.
- The rate for inspection services at commencement of this agreement shall be \$50/hr. (thirty dollars per hour), payable from the party requesting the inspection to the party performing the inspection.
- By mutual agreement of the Town Manager and County Manager, the basis on which inspection services are provided may be amended, revised, discontinued or otherwise adjusted from time to time, as necessary to ensure that neither party incurs a direct non-reimbursable cost as a result of providing mutual aid.
- Except as required by applicable law, all inspectors designated by the County to perform inspections for the Town as provided herein, shall be treated as agents of the Town, and the County shall not be responsible or liable for any claims against the inspector performing the inspection, or for claims against the Town. Conversely, the same shall apply to inspectors designated by the Town to perform inspections within the County Manager's jurisdiction.
- Nothing set forth herein is intended, nor shall be construed, as a waiver of any immunity available to the County or the Town, their governing boards, officers, employees, agents or anyone else having immunity due to their relationship with the County or the Town.

Reciprocity:

All agreed upon terms above are subject to reciprocity and each party may request assistance from the other party as needed or as deemed necessary based on the requirement for a specific level of inspection.

Notice:

All notices, requests, demands, notices, and other communications hereunder shall be in writing and shall be deemed given if personally delivered or mailed to the following addresses:

TOWN OF WAYNESVILLE
Development Services Director
PO Box 100
16 South Main Street
Waynesville, NC 28786
828.355.1172

HAYWOOD COUNTY
Chief Building Inspector
137 Pargess Parkway, Suite 200
Clyde, NC 28721
828.452.6638

**JOINT RESOLUTION
OF THE TOWN OF WAYNESVILLE
AND HAYWOOD COUNTY**

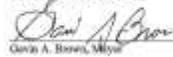
WHEREAS, pursuant to NC General Statute §59A-411, the Board of Aldermen of the Town of Waynesville respectfully requests and authorizes the Haywood County Board of Commissioners to direct its building inspectors to exercise their powers within the corporate boundaries of the Town of Waynesville and Extrajurisdictional Zoning Jurisdictions of the Town of Waynesville, on an as needed basis upon request of the Town Manager; and

WHEREAS, pursuant to NC General Statute §153A-353, the Haywood County Board of Commissioners respectfully requests and authorizes the Waynesville Board of Aldermen to direct its building inspectors to exercise their powers within the jurisdiction of Haywood County, on an as needed basis upon request of the County Manager;

NOW, THEREFORE BE IT RESOLVED, that the Board of Aldermen of the Town of Waynesville, and the Haywood County Board of Commissioners, hereby direct the Town and County Managers to execute an Interlocal Cooperation Agreement between the Town of Waynesville and Haywood County for the provision of inspection services, to be activated by either jurisdiction upon request as needed.

ADOPTED this, the 10th day of November, 2015

TOWN OF WAYNESVILLE


David A. Brown, Mayor

ATTEST:


Amanda W. Owens, Town Clerk

(SEAL)



ADOPTED this, the 16th day of November, 2015

COUNTY OF HAYWOOD


Mark Swanger, Chairman

ATTEST:


Candace Way, Deputy Clerk

(SEAL)

CLOSED SESSION

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

Economic Development - G.S. §143-318.11(a)(4)

Commissioner Upton seconded and the motion carried unanimously.

The Board returned from Closed Session.

ADJOURNMENT

Chairman Swanger asked if there was any further business.

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

The time of adjournment was 6:50 pm. The DVD is attached by reference to the minutes.

CLERK

CHAIRMAN