

HAYWOOD COUNTY COMMISSIONERS

REGULAR MEETING – January 4, 2016

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 and Michael T. Sorrells present. Staff members present were County Manager Ira Dove, HCHHSA Director/Asst. County Manager Stoney Blevins, Leon M. “Chip” Killian, III, Finance Director Julie Davis, and Executive Assistant/Deputy Clerk Candace Way.

Commissioner Bill L. Upton was not present.

PLEDGE OF ALLEGIANCE

Chairman Swanger led the Pledge of Allegiance.

INVOCATION

Vice-Chairman Kirkpatrick 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.

Vicky Rogers addressed the Board. She provided a packet to the Board. She said that she also is submitting a petition signed by 291 people against a proposed firing range and store on Palmer and Francis Farm Road. She said that she is asking the Board to exert statutory power to deny a building permit over the proposed structure. She said that she is concerned over possible contamination of the land and air surrounding the business. She referenced the University of Vermont’s research on the effects of firing ranges on communities.

Mark Palmer addressed the Board. He stated that he feels he cannot safely sit on his porch and feels in danger working in his fields and for his livestock if the proposed firing range is allowed to be built on the site. He expressed concerns over the degradation of property value. He said that he hopes the Board will have some way to help out.

Lisa Nelson addressed the Board. She said that she is heir to property off Palmer Road. She expressed concern over the loss of property value and that this not being a place for children to safely grow and play if the shooting range is allowed. She noted that while the indoor will provide a place to practice skills, ordinances such as the noise ordinance will still allow for outdoor until 10 at night. She said that there will be adverse effects of stress levels for people that live in that community. She asked the Board to take into consideration not allowing this proposed gun range.

Danny Higgins addressed the Board. He voiced his opposition to the proposed range. He said that he lives only 100 yards from this site. He asked the Board consider that there is a lot of unclear things that could happen if this proposed gun range is built.

Ron Sikula addressed that Board. He said that he is concerned about the increased traffic on Ratcliff Cove Road if the proposed gun range is built. He said that the roads are in poor condition and increased traffic will deteriorate them further. He said that it will also lead to loss of property value. He expressed concern over the possibility that Mr. Morrow could conduct military reenactments if it included an outdoor range.

Bruce Bohan addressed the Board. He objected to a commercial building be put in the middle of a farming community. He thinks there may be too many bad things that could come with that building. He said that his background is in commercial building, but doing it in this area is not good. He asked that impact studies be done on this land or roadways. He said that the road cannot handle the traffic. He feels the County has a reputation that anyone can do whatever they want, and it needs guidelines to follow.

Josie Rathbone addressed the Board. She stated that she and her husband have bought property in the community. Her concern is that she wants to raise her daughter where they feel safe and is in opposition to the proposed range.

Susan Kirkman addressed the Board. She concurred with her neighbors concerning the proposed gun range. She said that she would not have bought her house if she knew this was at the end of the street. She asked the Board to drive down the road in question and see if they could picture this building in that neighborhood and ask themselves if it is a good idea.

Wade Francis addressed the Board. He commented that Francis Farm Road has inherited the two worst things, a landfill and a proposed firing range. He asked that the Board take into consideration that so many in that neighborhood are retirees and should not have to put up with that for the rest of their lives. He commented that there are many taxpayers' signatures on a petition that do not want the proposed gun range. He asked that an ordinance be drawn up to keep the firing range off this land.

Mary Lou Daily addressed the Board. She said that she agrees with everyone that spoke this morning. She emphasized the fact that there is a need for an indoor range for people to better the skills and for law enforcement training. This is just not the area for that. She said she worries about the traffic increase and how that would be with the tractors that go up and down the road. She voiced concern over federal and state regulations not being followed if this range came to be.

Nancy Hyatt addressed the Board. She said that she is concerned about the noise that the proposed range would bring both in traffic and guns. She said that her grandson has even signed the petition.

Joel Weaver addressed the Board. He said that he is an attorney in town and is in favor of the gun range. He stated that he has children also and has a concealed carry permit. He said that this would be a great way to train for a permit, currently you would have to go to Brevard or South Asheville.

Mary Guthrie addressed the Board. She said that she is here representing the homeowners association for Shadow Woods. They are concerned about the degradation of the community. They are concerned about the traffic, the pollution from lead and its containment, disposal and noise. She said that as a hospital chaplain, it is hard to imagine going to the cemetery on the road and having to listen to the guns while trying to visit a family member.

Chairman Swanger said that any action, or lack of action that the Board will take will be a lawful action.

Mr. Killian explained that this will be in the hands of the inspection office, any permit issued will be lawful in Haywood County. There is no zoning ordinance in Haywood County. The County cannot refuse to issue a permit based on assumption or fear that it will violate the noise ordinance, which is the only one that he knows of that could potentially be violated. The last time there was a hearing on zoning, there was standing room only. It does not mean that we cannot look at other ordinances, or amendments to ordinances.

Vice-Chairman Kirkpatrick asked Mr. Killian if the County is aware of any statutory authority that the Board would have. Mr. Killian said that he would have to do research, that there may be. As far as current ordinances that the County has, nothing applies. Vice-Chairman Kirkpatrick asked if the plans have been submitted and Mr. Dove responded that he wasn't sure but would see if there had been.

Commissioner Ensley said that he thought they had applied for a permit and Mr. Dove said that a copy can be provided if there was one.

Vice-Chairman Kirkpatrick asked what type of gun range and are there rules that they have to go by. Mr. Killian responded that he doesn't think there is and he would have to research it.

Chairman Swanger said that OSHA has rules with noise and air quality inside.

Vice-Chairman Kirkpatrick asked for information on the process and where they are with the process.

Commissioner Ensley said that he did research and has heard that it is supposed to be an indoor range. The only problem with noise was inside the building if that is so. He said that he did not see any news reports during his research of noise being a problem other than outdoors. He said that if it is indoors it is contained.

Mr. Killian said he recalled that there is some place in the state that has faced this issue, which will need to be researched.

Chairman Swanger asked Mr. Killian to research what legal or statutory authority that can apply to this. He said that no application has been made to the Board and there is no zoning in the county. He said perhaps that raises a larger issue. He remarked that this is the second time recently that the Board has been asked about land use regulations, and maybe this is an issue for discussion for another day, and maybe there should be. He said a lot of people have contacted him. The only land use regulation is the Farmland Preservation Act which was enacted years ago to protect farmers when someone moved in beside the farms and complained about farm activities. He said what is being discussed is what can take place where. It is a perfect example for land use regulation and finding appropriate balance of where things can be. He stated that if that means property rights, maybe there needs to be regulation and discussion of that. Almost 20 years ago this was discussed and it did not go well. He commented that the county has changed and maybe it is time for that discussion again. He said that what concerns him is when someone says they will obey all the rules, and if there is more noise than there is advertised, it becomes a technical issue to address the noise ordinance.

Mr. Killian said that citizens and attorneys can bring a complaint about that. However, it has been hard to obtain convictions under the noise ordinance in the past. The County does not have the equipment to measure decibels at this time. It then becomes an objective issue.

Chairman Swanger said that those complaints have been mostly about barking dogs. He asked that this be put on the next meeting agenda and to see what options the County can take.

Vice-Chairman Kirkpatrick said he wanted to make sure that everyone is clear that nothing has been presented to the Board to pass or not. He said that the process that the County follows is that nothing comes to the Board, it will go through building inspections for the permit. Anything we are doing is a proactive effort and we have not done anything before because of the lack of zoning ordinances in our County. Nothing we can yea or nay.

Chairman Swanger agreed, noting that no one has asked the Board for anything.

CONSTITUENT CONCERNS

Commissioner Sorrells remarked that he hoped everyone had a wonderful holiday and he is ready for the New Year.

The Board took a two minute recess.

ADMINISTRATIVE/AGENCY REPORTS

Chairman Swanger recognized Brian Broom with Dixon Hughes Goodman, LLC. Mr. Broom explained that the audit has been completed and they have issued a clean opinion. He commended Ms. Davis and her staff on a job well done, noting that the Finance Department has received a certificate of Achievement for Excellence in Financial Reporting for over 20 years now. He said that as part of the audit, his company issues a summary report. As part of the compliance section, two findings were issued this year in the Department of Social Services. These are on the Medicaid program and NC Health Choice. There has been a corrective action plan issued by management to help federal and state agencies review and dispose of those findings. It is up to the state to review the information and make a final determination. The summary contains the condition of the fund balance. It is a very important indication representing how much the county has available at year end. The state calculates the amount of the available fund balance as a percentage of the unit's expenditures. The benchmark that they use is 8%, which represents one month's operating

expense for that unit. Haywood County had a little over \$22,000,000 in total fund balance which is an increase of \$4,000,000 from last year. After restrictions and amounts not available to spend, there is close to \$17,000,000 in available fund balance. This is 24%, which is well in excess of the 8% minimum, and the County's adopted 11%. County property taxes provided a net levy of a little over \$39,000,000. Taxes collected were \$38,000,000, giving the County a collection percentage of 97.54%. A five year comparison shows an increase from last year to this year. Basically a lot is due to the states change in the law with the tax and tag program which changed the way the vehicle taxes are collected.

Chairman Swanger asked about the current year tax collected in 2015 which was less than 2014. Mr. Broom responded that the audit is based on a 12 month fiscal year. The change in motor vehicle collection created an additional four months that the county was allowed to collect in 2014 versus 2015. This would account for the disparity. Mr. Broom thanked the staff and everyone involved during the audit process.

Commissioner Ensley commented on the fund balance and how it was very good. He said that a few years ago, it was down to 7% and has grown to 24% during hard economic times. He thanked the financial staff, current and past managers and Boards to get it where it is.

Chairman Swanger stated that it speaks well of the stewardship shown from everyone involved.

Vice-Chairman Kirkpatrick asked if there is an anticipated reason the fund balance is 24%, and is there something that this needs to be used for.

Mr. Dove said that the state average is closer to 27% and 29% for counties our size. He stated that the County is getting close to where it should be, and that will be the time to look at what projects there are that the County would need to get involved in.

Chairman Swanger stated that this is slightly inflated due to the quarter cents sales tax collected from the community college, which is held until they start another project.

Ms. Davis commented that \$1.6 million dollars is for the community college.

Commissioner Ensley said that \$1.6 million dollars is a couple of percent and Ms. Davis agreed, saying that without the amount reserved for the community college, it would bring it down to about a 22% available fund balance.

Mr. Dove said that this would help when the County needs to borrow money or to refinance to get payments and interest rates lower.

Chairman Swanger confirmed with Ms. Davis that there are no school funds that the County now maintains.

Commissioner Sorrells praised the Finance and Administration departments, along with the department heads who have worked within the budget and the Board for being very conservative in the efforts to move forward and take care of the taxpayer's money.

Chairman Swanger commented that the fund balance will build when debt is paid off, and additional expenses are not incurred.

Mr. Broom agreed stating that the controlled expenditure in not spending as much as the County had budgeted for, contributed to the \$4 million dollar increase.

DISCUSSION / ADJUSTMENT TO AGENDA

There were no discussions/adjustments to the agenda

CONSENT AGENDA

Vice-Chairman Kirkpatrick made a motion to approve the consent agenda as presented. Commissioner Ensley seconded, the motion carried unanimously.

1. Approval of December 21, 2015 regular meeting minutes.
2. Budget Amendment – Julie Davis, Finance Director
 General Fund – Health & Human Services Agency - \$15,599
 Ms. Davis explained that this is \$15,599 that will be received for the Rural Operating Assistance Program. This had not been originally budgeted.

HAYWOOD COUNTY
BUDGET ORDINANCE AMENDMENT
FISCAL YEAR 2015-16

PER: _____
J.M.: _____

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 changed as follows:

Department	Account Number	Current Budget	Proposed (Decrease)	Amended Budget
HESSA - O&M - Wash Fee				
NO DOT - Transportation of Goods	11010-621902		15,599	15,599

which will result in a net increase of \$ 4,000 in the expenditures of the General Fund.

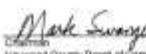
To provide the additional revenue for the above, the following revenues will be increased as the money has been received:

Revenue	Acct. No.	Current Budget	Proposed (Decrease)	Amended Budget
Transportation of Goods				
Non-Resident Wash Fee - H&H	11010-60200-8903		15,599	15,599

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

Adopted this the 14th day of January, 2016.

ATTEST:  Clerk to the Board


Chairman
Haywood County Board of Commissioners

Explanation:

1. To increase the funding for the Rural Operating Assistance Program (ROAP) of 15,599. This amount is to be used for the purchase of signs for the Blue Ridge National Heritage Trails Signage Project.
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OLD BUSINESS

There was no Old Business.

NEW BUSINESS

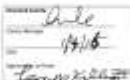
Request approval of two supplemental agreement for the Blue Ridge Heritage Trails Signage project

Chairman Swanger recognized BRNHA Marketing Director, Jill Jones. Ms. Jones stated that the two supplemental agreements are for concrete replacement materials and terrain problems with two signs. One sign was installed during a pouring rain, and has shifted. The other sign contains a typographical error. She spoke of the kiosks in five welcome centers that provide good representation in promoting the heritage tourism product. She left brochures for the commissioners and thanked them for being the fiscal agent in this project.

Vice-Chairman Kirkpatrick made a motion to approve the two supplemental agreements in the amount of \$735 and \$2,107.25 funded through a Federal Highway Grant and Blue Ridge National Heritage, Inc. and Commissioner Ensley seconded. The motion passed unanimously.

Supplemental Agreement #6
 Between Haywood County, North Carolina
 and
 Blue Ridge National Heritage, Inc.
 and
 Federal Highway Administration

DATE: 1/14/16

APPROVED BY:  Julie Davis, Finance Director

APPROVED BY:  Mark Swanger, Chairman

Background, context, and justification for change:

The following information is provided for the Board of Commissioners' information. It is not intended to be a substitute for the Board's own review of the project.

1. The project is to replace two signs on the Blue Ridge National Heritage Trails Signage Project. The signs are located on the Blue Ridge Parkway near the town of Blowing Rock, North Carolina. The signs are currently in poor condition and need to be replaced. The project is funded through a Federal Highway Grant and Blue Ridge National Heritage, Inc.
2. The project is a high priority for the Board of Commissioners. The signs are a key part of the Blue Ridge National Heritage Trails Signage Project, which is a major tourism attraction for the county. The project is also a key part of the county's economic development strategy.
3. The project is a high priority for the Board of Commissioners. The signs are a key part of the Blue Ridge National Heritage Trails Signage Project, which is a major tourism attraction for the county. The project is also a key part of the county's economic development strategy.

Board of Commissioners:

1. The Board of Commissioners is authorized to approve the project.
2. The Board of Commissioners is authorized to allocate the funds for the project.
3. The Board of Commissioners is authorized to enter into the supplemental agreement.

**Wayside Exhibit Installation
Supplemental Agreement #2**

Between Haywood County, North Carolina,
Blue Ridge National Heritage Area, Inc.
and
Wayday Holdings, Inc. dba Signs Etc., Inc.

WHS0110: 8-0175 HNS0110: 277-0228422

JOINT: Haywood and the Blue Ridge National Heritage Area, Inc. CONTRACT NO: NA

OWNER: Wayday Holdings, Inc. dba Signs Etc., Inc.

Description, location, and justification for change

The purpose of this agreement was (1) to authorize additional work needed to complete the installation of wayside exhibits at four road locations and (2) to extend the warranty period for 25 signs installed with concrete that was not pre-approved by the North Carolina Department of Transportation. See full details of each item in the attached Estimate #101044-1001.01 with a total of \$2,817.25.

The Contractor shall perform the work described below:

1. Perform sign locations #13 (St. Paul's Episcopal Church, Wilkesboro) and #1 (Stonewall Monument) to complete the sign installation with modified sign bases.
2. Sign location #14 (Dunlap) - install a replacement post in the frame. The process will require detaching frame from base and reassembling the sign once the post is received.
3. Sign location #22 (Paco, State Park, Asheville) to repaint the sign, replace the signage legs, and raise the sign frame with the adjacent sidewalk.

The Contractor agrees to extend the warranty of installed wayside exhibits at the following locations to two years: #2, 5b, 5c, 12, 21, 24, 25, 30, 31, 32, 41, 20, 36, 34, 33, 31, 32, 44, 32, 33, 40, 21, 36, 31, 37

NC DOT documented there was no need for concrete testing at these sites.

Terms of Agreement:

1. The Contractor agrees to perform the work described in this Supplemental Agreement in consideration of the payment set forth herein.

2. The terms and conditions of said contract are hereby ratified and remain in full force and effect except as modified by such Supplemental Agreement(s) as may hereafter have been entered into between Haywood County, the Blue Ridge National Heritage Area, Inc. and the Contractor and as modified by this Supplemental Agreement.

3. All terms and conditions of this Supplemental Agreement are herein set out and there are no agreements, verbal or written, not expressed herein.

It is witness whereof, Haywood County, the Blue Ridge National Heritage Area, Inc., and the Contractor have caused this Supplemental Agreement to be executed by their duly authorized representatives.

Haywood County
County Manager
Date: 1/5/16
Approved in Form: *John Killian*
Date: 1/4/16

Blue Ridge National Heritage Area, Inc.
Executive Director
Date:
Wayday Holdings, Inc. dba Signs Etc., Inc.
President
Date:

Request approval of the Memorandum of Understanding (MOU) for the participation in the Narcan Program

Chairman Swanger recognized EMS Director, Jim Pressley. Mr. Pressley explained that this is a MOU where law enforcement in Haywood County will have access and ability to administer Narcan. This is a nationwide program which is now under the oversight of each county in the state. He said that Narcan is an opioid antagonist with the intent to reverse the effects of opiate overdoses which can be accidental or intentional. This is a safe drug which works very quickly. Narcan has been used for years, and can now be administered through a nasal spray in addition to intravenously or intramuscularly. Since law enforcement may be on the scene prior to EMS, they will be able to administer Narcan. EMS will review every call where this drug is administered. Anyone that carries Narcan for administration will be required to go through the necessary training at the community college. EMS and advocacy groups have worked hard to get this where it is today. The MOU has been reviewed and approved by Mr. Killian, and will legally protect County law enforcement agencies. The liability for the county would be minimal because of the MOU.

Chairman Swanger commented that he did have a question about the liability and Mr. Killian stated that this has been one of the main issues focused on since last spring when it was introduced and passed in the General Assembly. He noted that the County MOU is totally consistent with the state.

Vice-Chairman Kirkpatrick asked about the negative impacts if law enforcement or EMS misdiagnosed what was wrong with the person. Mr. Pressley responded that it is minimal to none at all. He said that if the person is not overdosing on an opiate, there is likely no chance of a bad reaction. He said that the drug is pre-calculated and comes ready to go. He said that there is resurgence of heroin in the County because it is cheap and easy to obtain.

Chairman Swanger remarked about the epidemic that is occurring in New Hampshire with heroin and how Haywood County has similar demographics.

Commissioner Sorrells commented that when time is of the essence, this should minimize getting the person the help they need.

Vice-Chairman Kirkpatrick made a motion to approve the Memorandum of Understanding between Haywood County, Haywood County EMS, and Haywood County Law Enforcement agencies for the participation in the Narcan Program as provided to them for use in emergency situations and Commissioner Sorrells seconded. The motion passed unanimously.

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made as of the 10th day of January, 2016 by and between Haywood County, North Carolina, a body public and corporate (the "County"), Haywood Emergency Medical Services, a department of the County ("EMS"); the Haywood County Sheriff ("Sheriff"), the Town of Waynesville, acting thru its Chief of Police, the Town of Canton, acting thru its Chief of Police, the Town of Clyde, acting thru its Chief of Police, and the Town of Maggie Valley, acting thru its Chief of Police (collectively the "Towns")

RECITALS

WHEREAS, the parties hereto recognize the value to the public health and safety of the people of Haywood County by their participation in a program involving the administration of the Nitrocein pharmaceutical product known as Nitrocein, in process meeting the criteria for administration thereof, under a program which has been recommended by the North Carolina Office of Emergency Medical Services; and

WHEREAS, the County has conditionally indicated its approval of the program subject to approval of all of the parties hereto under the terms of this MOU, and has accepted delivery of the Nitrocein product; and

WHEREAS, the County has requested that the parties enter into this MOU, as a framework for the periodic reporting to the EMS Peer Review Committee, for an indication of agreement by all of the parties hereto which are in a position to administer Nitrocein on an emergency basis, and to set forth the terms for its use together with the responsibilities for possible repercussions resulting therefrom; and

WHEREAS, the parties hereto will accept Nitrocein as provided to them for emergency use as contemplated, and will accept the oversight of EMS;

NOW, THEREFORE, the parties set forth their reporting relationship and agree as follows:

- Effective Date.** The effective date of this MOU is the date appearing above.
- Reporting and Oversight.** The County, EMS and the other parties hereto have arranged to maintain the following reporting and oversight relationship during the term of this MOU for the use and administration of Nitrocein (the "Nitrocein Program"):
 - On a quarterly basis (or more frequently upon written advance notice if reasonably requested by the County Manager or his designee), each party hereto shall accept Nitrocein and authorize its use as instructed, will provide updates to the EMS Peer Review Committee and, if requested, to the Board of County Commissioners of the County, thru its County Manager or designee.
 - Each party hereto will accept the oversight of EMS and will abide by the Haywood Legal Policy which has been provided to each party.

3. County will establish a peer review committee which will be co-chaired by the EMS director who will conduct quarterly peer review meetings of participants of the Nitrocein Program under guidelines established by the North Carolina Office of Emergency Medical Services.

4. The County, on behalf of EMS and the Sheriff, and the governing body of each of the Towns as indicated by the association of the respective Chief of Police to this MOU, accept full legal responsibility for the actions or lack of actions of its agents and employees in the course of administration of Nitrocein, including defense of all civil and criminal actions brought against any of the participants resulting from actions or omissions under medical aid agreements or otherwise.

5. Each party hereto which agrees to participate in the Nitrocein Program represents to each of the other parties hereto that it has sufficient liability insurance to protect and defend its participants and other representatives who might be involved in administration of Nitrocein under the Nitrocein Program, from any claims that might arise therefrom.

6. **Indemnification of the County.** Since the County itself will not be involved in the administration of the Nitrocein program except thru its Sheriff and EMS department, the Towns agree to indemnify and defend the County from liability resulting from actions or omissions of the Towns or their representatives and employees.

7. **Survivability.** In the event any portion of this MOU shall be determined to be invalid under any applicable law, such provision shall be deemed void and the remainder of this MOU will remain in full force and effect.

8. **Section Headings.** All section headings contained herein are for convenience of reference only and do not extend to define or limit the scope of any provision of this MOU.

9. **Entire Reporting Relationship Agreement.** This MOU constitutes the entire agreement and statement of the reporting relationship between the parties with respect to the matters contemplated herein and shall not be modified, amended, altered or changed except by a writing signed by the parties.

10. **Counterparts.** This MOU may be executed in one or more counterparts each of which shall be deemed an original and all of which together shall constitute a single agreement.

(Signatures Begin on Following Page)

MOU-16-001-10

MOU-16-001-10

IN WITNESS WHEREOF, the parties hereto have executed this MOU, under seal, in duplicate originals on the date first set forth above.

HAYWOOD COUNTY

By: Board of County Commissioners

By: Mark Swanger
Chairman

HAYWOOD COUNTY SHERIFF

By: Gary Christopher
Gary Christopher

TOWN OF WAYNESVILLE

By: Chief of Police

By: Bill Hollingshead
Bill Hollingshead

TOWN OF CANTON

By: Chief of Police

By: Byron Whitten
Byron Whitten

Request approval of McGill Associates Engineering agreement not to exceed \$40,000 for Assessment of Corrective Measures (ACM) for Francis Farm Landfill

Chairman Swanger recognized Solid Waste/Tax Administrator David Francis.

Mr. Francis explained that this is the document that will be submitted to the Department of Environmental Quality (DEQ). This will list out the proposed remedies to help solve the ground water issues and the cost to maintain for Francis Farm Landfill. The assessment is required by DEQ and the County is working with them, McGill Associates, and hydrologists Bunnell-Lammons Engineering. Acquiring the 44 acres of boundary property and the dirt from the 209 project will help solve the issues there and will be the focal point of the remedies. The ACM is expected to be submitted mid or the third quarter of 2016. New wells have been drilled on the newly purchased boundary properties which will bring the County into compliance for the gas issues, however the ACM is just for the groundwater. There will be a public hearing on this at the end of 2016 or the first part of 2017.

Chairman Swanger verified with Mr. Francis that this is basically an assessment of where the County is in the process of correcting the groundwater issues at Francis Farm.

Commissioner Sorrells confirmed that this will be submitted to DEQ and when they approve it, the County will know it is complying with what is required. He further confirmed that the County is complying currently on what is expected.

Chairman Swanger stated that the County is in constant communication with DEQ, and they are aware of everything that is being done at Francis Farm Landfill.

Mr. Francis agreed that the County has done everything that has been required thus far.

Commissioner Sorrells made a motion to approve the engineering agreement for Assessment of Corrective Measures for Francis Farm Landfill between Haywood County and McGill Associates Engineering and Commissioner Ensley seconded. The motion passed unanimously.

Request approval of option to sell the former Haywood County Hospital to the Historic Preservation Foundation of North Carolina with stipulations

Chairman Swanger recognized Tax Administrator/Solid Waste Administrator, David Francis. Mr. Francis explained that many options have been looked at to deal with the site. He commented that the hospital was formed in 1927, which was the first publicly funded hospital in North Carolina. The first bond was defeated in 1925. The second bond was passed in July of 1926 and doors opened on December 31, 1927.

Mr. Francis presented a power point on the option to sell the old hospital highlighting the following:

- New legislation has made tax credits more desirable to developers of historic properties for affordable housing.
- This is proposed to be affordable housing for families, seniors and veterans and is a need in our community.
- The School Board administrative offices use the 1927 portion in the front of the building; the back is the largest and has been vacant since 2012.
- The cost of upkeep projected for 2016-2017 is approximately \$179,000.
- The cost of maintenance & utilities from 2012-2015 was \$505,000.
- The estimated cost of maintenance & utilities from 2016-2018 is \$328,680.
- Historic Preservation Foundation of NC approached Haywood County regarding possible legislative changes and their ability to work on repurposing the building.
- The County has an option to sell the hospital to the Historic Preservation Foundation of NC with several conditions of sale, one being the building will remain a historical building.
- The County met with three different developers, two put forth proposals – Landmark Group has the most complete plan for the project. Landmark architects and construction managers came to the site and surveyed the building.
- Landmark Group has 30 years' experience with more than \$425 million worth of mixed-use projects.
- Landmark Group serves as the general partner with local governments, housing authorities, non-profits and private investors, assuming the financial responsibility both during the building and operational phases.
- Landmark proposes to repurpose the hospital into 50-55 units of 1 and 2 bedroom units for affordable housing for seniors, veterans, and persons with disabilities.
- The cost will be close to \$7,000,000 to complete.
- NCGS 160A-266(b) gives the County authority to sell by private negotiations to a foundation and works with preservation. The County can do an option to sell to the Foundation that will in turn sell to Landmark Group who will then pay the County.
- Conditions – will have to be affordable housing; Landmark manages the property that they repurpose.
- First tier credit applications are due by January 23, 2016.
- Second tier application round deadline is May 13, 2016 and notification of tax credit awards will be announced in August.
- If the site is chosen, the closing will be January – March 2017.
- The County will receive \$200,000 at closing.
- The County would pledge by the second tier deadline, a \$450,000, no interest forgivable loan for 30 years to complete the project. He commented that this is common as in the hospital project in Gastonia. \$225,000 will be due to Landmark in March of 2017.
- The balance will be due within 90 days of the completion of the project in second or third quarter of 2018. This arrangement will allow for the proper tax credits and partnerships for the project. The Town of Waynesville will be looked at to partner for this project.
- The County will enter into negotiation for the sole purpose being historic preservation – sell to Landmark Group who will pay the County.

Chairman Swanger asked if some of this can be in kind and Mr. Francis responded that it could. Chairman Swanger commented that the Town of Waynesville could go beyond the normal hookups, sidewalks etc., which would come off of the \$225,000.

The Board took a recess for changing of the tape.

Mr. Francis stated that time is of the essence as Landmark has a deadline to get the application in. All the factors leading to success of this proceeding to fruition is favorable at this time.

Chairman Swanger remarked that the last time the County tried, the current rules weren't in place that allowed for certain tax credits. He stated that he feels this is something the County needs to take advantage of.

John Stiltner, Project Manager for Landmark Group, addressed the Board. He commented on how historic preservation has become the passion of the 40 year company. He said that he works with architects that have an amazing vision, and he is thankful to be in Haywood County.

Ted Alexander, Western Regional Director for Historical Preservation Foundation of NC, addressed the Board. He stated that his Foundation has worked on over 30 projects since the legislation has changed. More than half is for affordable housing. He said that he feels fortunate to be working with Landmark Group on this project. He stated the process is competitive and they know what they are doing.

Mr. Killian clarified that this includes both state and federal tax credits.

Commissioner Ensley asked who will own the property after the 30 year term, and Mr. Francis responded that it was felt that it is in the best interest of the project for the Landmark Group to keep the property.

Mr. Francis commented that after the recent legislative changes for affordable housing, there were also some economic development legislative changes. If the project proceeds, there will be a required public hearing on the \$450,000 loan. He said that he would propose to have the call to public hearing at the first meeting in February, and have the public hearing at the second meeting in February. This is due to the loan being a no interest, forgivable loan, which makes it an economic incentive at that point.

Commissioner Ensley commented that if you look at the money spent since 2012 and the money projected to be spent in the next three years, it averages \$119,000 a year for the upkeep of the building. He said that there is a definite need for affordable housing, and he also likes the veteran component.

Commissioner Sorrells noted that this is probably the best opportunity the County has to refurbish the building, keep the historical status and make it a functional building.

Vice-Chairman Kirkpatrick commented that there is a reason that the County moved out of the building in 2012, and a reason the old Walmart was purchased and moved the Department of Social Services. He said that is probably the reason nothing has been able to be done with the building since then. He thinks this is a good time to do something with the building now and thanked the representatives for the opportunity.

Mr. Killian confirmed that what is being sought today is a conceptual approval subject to creating legal documents that will be brought to the Board.

Chairman Swanger agreed, stating that this is approval of the option for the Historic Foundation to purchase and when all the conditions are approved will transfer the property over.

Mr. Killian noted that there is no written option at this time.

Vice-Chairman Kirkpatrick made a motion to approve the formation of the option to sell the former Haywood County Hospital to the Historic Preservation Foundation of North Carolina with stipulations and this approval will authorize Mr. Killian to complete and authorize the

Chairman to sign the option. Commissioner Ensley seconded and the motion passed unanimously.

Request Commissioners' decision regarding whether they wish to perform the Duties of the Board of Equalization and Review (BOER)

Chairman Swanger recognized Solid Waste/Tax Administrator David Francis. Mr. Francis explained that this time last year, a resolution was passed to set the BOER. Due to the tragic death of a board member and the resignation of another, a decision is needed from the Board if they would like to fill those seats, advertise, or have Mr. Francis come back with a resolution to approve leaving the membership as a permissible five member board.

Commissioner Ensley commented that there were seven good applicants, and all seven were chosen, although the County usually has five.

Chairman Swanger concurred, adding the board has five members currently, and they all have a good record of participating with high attendance.

Commissioner Sorrells asked if it is necessary to have an alternate, and Mr. Francis replied that Mr. Upton was the alternate last year due to the circumstances.

Chairman Swanger offered to be the alternate if Commissioner Upton was not willing to do it again this year.

Chairman Swanger confirmed that the Board agrees to keep the BOER as a five member board. Mr. Francis will bring a resolution to the Board.

Request appointment of one member to the Nursing Home Community Advisory Committee for Long Term Care

Chairman Swanger recognized County Manager, Ira Dove. Mr. Dove reviewed the application of Joan Barris. He stated that this request is based on the recommendation from Southwestern Commission Ombudsman Larry Reeves.

Commissioner Ensley made a motion to appoint Joan Barris to the Nursing Home Community Advisory Committee for Long Term Care, and Commissioner Sorrells seconded. The motion passed unanimously.

Request appointment of one member to the Engineering Review Board

Commissioner Swanger recognized County Manager, Ira Dove. Mr. Dove reviewed the application of Preston Gregg. He said that this position had been advertised twice and the County had received one qualified application. Erosion and Sediment Control Director, Marc Pruett recommends the appointment to the board.

Commissioner Ensley made a motion to appoint Preston Gregg to the Engineering Review Board and Commissioner Sorrells seconded. The motion passed by unanimously.

CLOSED SESSION

Commissioner Sorrells made a motion to enter into Closed Session for: Economic Development G.S. §143-318.11(a)(4)
Commissioner Ensley 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 Sorrells made a motion to adjourn the regular Board meeting. Commissioner Ensley seconded; the motion carried unanimously.

The time of adjournment was 11:29 a.m. The DVD is attached by reference to the minutes.

CLERK

CHAIRMAN

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