

HAYWOOD COUNTY COMMISSIONERS

REGULAR MEETING – February 15, 2016

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, County Attorney Leon M. “Chip” Killian, III, Finance Director Julie Davis and Deputy Clerk Candace Way.

PLEDGE OF ALLEGIANCE

Chairman Swanger led the Pledge of Allegiance.

INVOCATION

Commissioner Ensley 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.

John Wadsworth addressed the Board. He spoke of the shortage of funding for public schools. He encouraged the Board to come together with the school board and work together to solve this problem. He asked for a six month moratorium on County capital projects and to redirect the focus to the schools.

Vicky Rogers addressed the Board. She thanked the Board for moving forward with the commercial outdoor shooting range moratorium, and asked that Mr. Morrow be encouraged to relocate his plans for the indoor shooting range to an industrial park.

Josie Rathbone addressed the Board. She presented pictures to the Board showing bullet holes in a building, which she stated were at another shooting range in Haywood County. She expressed concern over the safety of the proposed range near her property on Palmer Road.

Susan Sachs addressed the Board. She spoke of previous consideration the Board gave to a land use plan. She stated that Mountain True had created a proposed subdivision ordinance and provided a copy of a resource paper from the Southern Environmental Law Center to the County Manager. She suggested the Board think about a larger planning effort for Haywood County.

Lisa Nelson addressed the Board. She thanked the Board for hearing the concerns in the Ratcliff community. She said that although they may have to live with the indoor facility, she would encourage the Board to look at land use ordinances.

Kenneth Henson addressed the Board. He spoke in opposition of the Connect NC Bond. He said that the economy starts in the County where changes can be made, then the State, then the Country. He stated that there is no way to guarantee that taxes won't be increased with this proposed Bond.

Debbie King addressed the Board. She stated that the Beaverdam Deed of Conveyance does not allow a shooting range. She stated that the Haywood County Republican Executive Committee approved a resolution in opposition of the Connect NC statewide bond referendum on January 14, 2016 and read it to the Board.

Jane Higgins addressed the Board. She spoke against a shooting range as a whole on Palmer Road. She said the reason for that is safety. She said that her grandchildren would not be allowed to be “free range” children if there is a shooting range built there.

Paul Yeager addressed the Board. He stated that the moratorium on the shooting range was a solution in search of a problem. He spoke in opposition of the Connect NC Bond. He believes it will burden citizens for years to come, and urged the Board to reconsider supporting the resolution.

An email comment was received from Judy West. She stated that she feels that Mr. Morrow has the same right to add economic benefit to the county by having an outdoor shooting range, and a moratorium would be discriminating against him and also herself, as she has no say about animal shelters in her back yard.

Chairman Swanger spoke on some of the comments. He noted that Haywood County is in the top 20% in state school funding. He agreed that there are fewer children to educate, noting funding is on a per pupil basis. He explained that capital projects are usually done with borrowed money such as the EMS building to paid over 10 years. School expenses recur every year and could accumulate if it is not addressed annually. He noted that school decisions are made by the school board, and the commissioners have no authority over that. He stated that the Board meets with the school officials annually in a budget work session.

CONSTITUENT CONCERNS

Vice-Chairman Kirkpatrick commented that the Board meets with the school officials frequently and stay in constant communication with them. He noted that fourteen years ago, the funding formula was agreed upon with the school board. He said that each year, it is looked at with school officials, and is reworked if needed. He said that the Board cannot decide what the schools do with their facilities. He agreed that they are in a difficult situation with the decline in students and other matters that affect their decisions. He commented that they will come to the commissioners in the event there are viable needs.

Commissioner Upton commented that as superintendent, he worked with the school budget before the funding formula. He said that at that time, they had to compete for their money, and everything changed after the formula. He noted that the loss of students works against the county, which leads to hard decisions. He said that we don't want to go back to where the school has to compete with other agencies in the county. He stated that he feels good about the funding formula and hates that hard decisions have to be made.

Commissioner Ensley remarked that the Board needs to work with the school board to find solutions to bring the student numbers up. One possible solution may be offering specialized classes taught in public schools, such as a foreign language or biology, to home schooled children.

ADMINISTRATIVE/AGENCY REPORTS

Smoky Mountain Center Fiscal Monitoring Report – Julie Davis, Finance Director

Ms. Davis presented the quarterly report ending December 31, 2015 to the Board as required by General Statutes. The total revenues were \$191,889,913. The total expenditures were \$185,811,192. The net gain was \$6,780,721.

DISCUSSION / ADJUSTMENT TO AGENDA

Chairman Swanger said that there was an adjustment to the agenda with an addition to the consent agenda – a request to the Board from the N.C. Geocachers Organization.

CONSENT AGENDA

Commissioner Upton made a motion to approve the consent agenda as presented.

Commissioner Ensley seconded, the motion carried unanimously.

1. Approval of February 1, 2016 regular meeting minutes.
2. Approval of January 2016 Refunds, Release, Amendments and Discoveries – Greg West, Real Property Tax Administration
Mr. West reported that there was nothing out of the ordinary to report this month.
3. Approval of January 2016 Tax Collections update – Mike Matthews, Tax Collector
Mr. Matthews stated that collections were \$34,919,362.09. Delinquent collections are \$553,268.05. The collection rate is 90.60%.
Mr. Matthews requested approval to advertise the tax liens on real property. He advised the Board that the date he is requesting is April 13, 2016 which would give an option on who to advertise with, either the Smoky Mountain News or the Mountaineer. The payment due date will be April 6, 2016.

Chairman Swanger verified with Mr. Dove that he will have the order written up to state the payment date of April 6, 2016 and the advertisement date of April 13, 2016. He noted that the advertisement must be in a newspaper of general circulation according to North Carolina General Statutes.

STATE OF NORTH CAROLINA
 COUNTY OF HAYWOOD

To the Tax Collector of the County of Haywood

You are hereby authorized and ordered to advertise the tax liens on real property as per G.S. 105-369 on the 13th day of April, 2016.

Property owners should pay their taxes by April 6th to avoid publication in the local newspapers.

Witness my hand and official seal, this 12th day of February 2016.


 Mark S. Swanger, Chairman, Board of Commissioners of Haywood County (Seal)


 Ira L. Dove, Clerk to the Board of Commissioners

4. Approval of letter in support of geocacher convention at Haywood County Fairgrounds – Commissioner Ensley
 Commissioner Ensley explained that a geocacher group have expressed interest in holding their 2017 convention at the County fairgrounds. This group uses GPS for a treasure hunt, and are anticipating approximately 3500 people. A small group came and toured and videoed downtown Waynesville. They require a letter of support welcoming them to the area, and a request was made that a letter be drafted and signed by the Chairman.

OLD BUSINESS

1. Request approval of a Moratorium Ordinance on commercial outdoor sport shooting ranges

Chairman Swanger recognized County Manager, Ira Dove.

Mr. Dove stated that this has been prepared by the County Attorney. He explained that this will allow no more than 60 days, expiring April 15, 2016 to allow time to determine if any ordinances regarding commercial outdoor sport shooting ranges should be enacted. He reiterated that this would not impact individuals shooting on their own property, hunting or non-commercial uses.

Vice-Chairman Kirkpatrick agreed, stating that this has been discussed and gone over thoroughly. He said that Mr. Morrow had indicated what his plans were, however there was no indication that there was not going to be an outdoor range on the site. Considering the close proximity to homes and schools, there were some concerns that there is nothing to prevent it. He stressed that there is nothing currently that would prohibit an outdoor range if anyone was to file a permit for one. He does not think it is appropriate for an outdoor range to be in close proximity to any property without being in compliance with some type of ordinance.

Commissioner Sorrells said that he had received phone calls before the last meeting, there was time to voice concerns at the public hearing and public comment opportunities at this meeting, all of which were times to express opinions. He noted most seemed to be at ease with the moratorium. He reiterated that this has nothing to do with private use of anyone's own property.

Commissioner Ensley stated that this is concerning commercial outdoor shooting ranges. He commented that Mr. Morrow is in favor of the moratorium. He said that he wants to make sure that everyone understands that this is for commercial outdoor shooting ranges.

Commissioner Upton said that he only received calls asking if someone can still shoot on their own property.

Vice-Chairman Kirkpatrick made a motion to approve the Haywood County commercial outdoor sport shooting range moratorium ordinance. The motion was seconded by Commissioner Sorrells and passed unanimously.

Chairman Swanger asked Mr. Dove and Mr. Killian to work in ascertaining additional regulations that may or may not be needed.



RESOLUTION OF THE BOARD OF COMMISSIONERS OF HAYWOOD COUNTY, AS IN RESOLUTION PASSED ON FEBRUARY 15, 2016, THAT THE COUNTY OF HAYWOOD, NORTH CAROLINA DOES HEREBY ADOPT THE FOLLOWING ORDINANCE:

- Section 1: Title: Haywood County Commercial Outdoor Sport Shooting Range Development Moratorium Ordinance.
- Section 2: General Policy Statement and Background: The Haywood County Board of Commissioners, after two regular meetings at which the possibility of a commercial outdoor sport shooting range being constructed in the unincorporated areas of the County outside any municipal planning jurisdiction was discussed, directed a Notice of Public Hearing to be published pursuant to GS 153A-120 and GS 153A-340(b), which notice was duly published on January 25, 2016. The public hearing was conducted on February 1, 2016.
- Section 3: Findings
 - A. Following the filing of an Application for Improvement Permit or Authorization for Wastewater System Construction (Septic System Permit) for an indoor gun range on December 16, 2015, and filing a plan for a Land-Use/Planning Permit on January 09, 2016, it was brought to the attention of the Board of County Commissioners that there existed a possibility of the establishment of a commercial outdoor sport shooting range, and that there is no local use regulation or other development regulations which would apply to the construction of such improvement in Haywood County.
 - B. Valid questions have been posed as to whether the existing Haywood County Zoning Ordinance is or is not sufficient protection to the citizens and property owner(s) of the County for requests to a community from commercial outdoor sport shooting ranges.
 - C. Valid questions have been posed as to whether significant and immediate public health and safety concerns surrounding such land uses could have adverse effects on adjoining properties and persons.
 - D. Haywood County currently has no local use regulations that apply to commercial outdoor sport shooting ranges.
 - E. Several Federal agencies have produced information concerning the safety issues and appropriate land use controls for commercial outdoor sport shooting ranges for including the Environmental Protection Agency, Occupational Safety Health Administration, and the Center for Disease Control.
 - F. Several North Carolina counties have enacted ordinances related to the construction and operation of commercial outdoor sport shooting ranges.

- G. The commissioners received the following information at the public hearing on February 1, 2016:
 - The citizens that spoke in favor of the proposed Moratorium Ordinance cited concerns about potential safety issues with land, potential noise issues, increased traffic, and other facilities in close proximity to homes, schools, churches and parks.
 - Other citizens with concerns about the proposed Moratorium Ordinance spoke about the time of the public hearing, possible new laws regarding ranges, the study being on something that has, in their opinion, not yet been proposed, and the rights of what citizens can do with their property.
- Section 4: Establishment of requirements under NCDS Section 153A-340(b):
 - A. Haywood County desires to have time to study this issue in order to determine whether or whether not a regulatory ordinance affecting the operation, establishment and development of commercial outdoor sport shooting ranges should be enacted. There is presently no local use ordinance which would regulate such land use. Given concerns recently voiced by the public, current Haywood County Ordinances may not provide adequate protection. Therefore, the County desires the additional time allowed by this Moratorium Ordinance to study the various public health and safety risks that might be created by a commercial outdoor sport shooting range. The time allowed by the Moratorium Ordinance does not give the County adequate time to develop comprehensive land use regulations, but could allow reasonable time to develop a commercial outdoor sport shooting range ordinance during the 60 day moratorium period, as authorized by NCDS Section 153A-340(b).
 - B. This moratorium would prohibit the issuance of building permits, improvement permits, wastewater system construction permits, and land disturbing permits specific to commercial outdoor sport shooting ranges. This Moratorium Ordinance can give the County an opportunity to consider development of commercial outdoor shooting range regulations in a possible regulatory ordinance under the authority of NCDS Section 153A-121, thereby addressing possible impacts to public health and safety.
 - C. The expiration date for the moratorium shall be April 11, 2016. Although 60 days is allowed for requests under the proposed statute, this time will accommodate public notice requirements and public hearing dates.
 - D. During the moratorium, there will be County department staff meetings and public meetings as well as inquiry into the experiences of other North Carolina cities or local government in order to reach balance and fairness in considering moving forward with the development of an ordinance on commercial outdoor sport shooting ranges.
- Section 5: Moratorium: From and after the adoption of this Ordinance on February 15, 2016 until its expiration on April 11, 2016, no County development permits shall be issued by County personnel or departments for commercial outdoor sport shooting ranges.

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

ATTEST: Ira Dove, Clerk to the Board

2. Request approval of the resolution in support of North Carolina Governor Pat McCrory's Connect NC Bond Proposals

Chairman Swanger recognized County Manager, Ira Dove. Mr. Dove read the resolution to the Board.

Commissioner Ensley remarked that this is in support of the resolution, which basically is to raise awareness. He noted that all of the Haywood County delegations opted for it. He said that he likes it because it allows for competitive grants for sewer and water and that it identifies N.C. State as a recipient which would hopefully help the research station on Raccoon Road. He commented that now is the time to seek low interest loans. He stated that each citizen can vote on this.

Commissioner Sorrells stated that throughout history in North Carolina, there have been bonds for voters to vote for or against, and most have helped move North Carolina forward. He said that he thinks this will provide much needed revenue for things that need to be done. He noted that it is disappointing that the transportation part was taken out. He said that this gives the voter an opportunity to make a choice.

Commissioner Upton stated that he has thought about these issues for a long time. He said that it would be nice if the County and the State were able to have a rainy day fund to save up enough to do all that needs to be done, but that is not likely. He said that he thinks this may be the best alternative.

Vice-Chairman Kirkpatrick asked who requested that the Board approve this resolution. Mr. Dove replied that Western Carolina and Haywood Community College both have. Vice-Chairman Kirkpatrick said that he was not sure to support this or not, but he realizes that this is going to go on a ballot, and will not just be one vote. He said that the state has to continue to maintain and repair infrastructure. He said that for every project that is going to be impacted with this money, there are going to be people employed to do these jobs.

Chairman Swanger agreed, stating that he supports it as well, as it is good for the region and the county.

Commissioner Ensley made a motion to approve the resolution in support of the Connect North Carolina Bond Proposal. Commissioner Upton seconded and the motion passed unanimously.



The Board took a break at 6:30 p.m. and resumed at 6:34 p.m.

NEW BUSINESS

Request approval of project change order for Haywood Community College Public Training Facility property

Chairman Swanger recognized HCC Director of Campus Development, Brek Lanning and Scott Donald, PFA Architects.

Mr. Lanning explained that the majority of the rough grading has been done and the majority of the infrastructure is in. He said that this change order is in the amount not to exceed \$94,000 for the removal of unsuitable soil for compaction. This was anticipated on the site, and it started showing during the grading. He is requesting the change order from the construction contingency, which has been approved by the HCC Board of Trustees. He introduced Scott Donald from PFA Architects. Mr. Donald explained that there are three areas with the most unsuitable soil at four to six feet deep. He noted that everything is being verified by BLE Engineering and he trusts the numbers. He said that the soil will be replaced with rip wrap or stone over fabric. He said that BLE Engineering is allowing them to use some of the soil that is coming from the classroom pad in certain areas.

Chairman Swanger stated that this procedure is a little different with the college, as it goes through the state office as well, after the change order is approved.

Commissioner Ensley made a motion to approve the project change order on Haywood Community College Public Training Facility property in the amount not to exceed \$94,000. The motion was seconded by Vice-Chairman Kirkpatrick and passed unanimously.

Request approval of budget amendment for HCC change order

Chairman Swanger recognized Finance Director, Julie Davis.

Ms. Davis explained that this is from the capital project contingency in the project to increase the line item for the construction. The contingency is \$140,313 which is a little different than the contingency the state is looking at due to the fact that some money had already been put into the construction line item. She noted that the purchase order is the exact amount.

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

Commissioner Ensley commented that he was glad to see this awarded to a local contractor.

Request approval of Capital Project Ordinance for the EMS/EM Base

Chairman Swanger recognized Finance Director, Julie Davis.

Ms. Davis explained that the \$2,100,000 loan closed last week. The ordinance is a \$2,250,000 budget that includes \$145,000 for the architect, \$1,990,000 for the construction, \$9,500 for financing costs, \$10,000 for initial equipment and \$95,500 for contingency. This is coming from the \$2,100,000 loan and \$150,000 budgeted this year that is being transferred into the project.

Commissioner Upton made a motion to approve the Capital Project Ordinance as presented. The motion was seconded by Commissioner Sorrells. The motion passed unanimously.

BOARD OF COMMISSIONERS
 Mayor & Executive Chairman
 J.W. "Rusty" Swanger, III, Vice Chairman
 L. PHILIP EARLEY
 Rex L. Wynn
 Monica T. Boushelle



County Manager
 Ira Dove
County Administrator
 LORI M. KILPATRICK

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due.

Section 7. Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for distribution in carrying out this project.

ADOPTED this the 13th day of February, 2016.

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

ATTEST:
Ira Dove
 Ira Dove, Clerk
 Haywood County Board of Commissioners

HAYWOOD COUNTY, NORTH CAROLINA
COUNTY BUILDING PROJECT
CAPITAL PROJECT ORDINANCE
RECEPTION FISCAL YEAR 2015-2016

BE IT ORDAINED by the Haywood County Board of Commissioners that, pursuant to North Carolina General Statutes, Chapter 159, Section 13.2, the following Capital Project Ordinance is hereby adopted:

Section 1. The project authorized is the construction and equipping of an EMS/Emergency Management Base, as well as site preparation, design and professional service fees, including financing costs.

Section 2. The officers of this unit are directed to proceed with the design and execution of the project within the terms of this ordinance.

Section 3. The following amounts are estimated for the project:

Professional Services – Architect, Engineer	\$ 145,000
CM – Building & Site Preparation	1,990,000
Financing costs	9,500
Initial Equipment	10,000
Contingency	95,500
Total Expenditures	\$ 2,250,000

Section 4. The following revenues are anticipated to be available to complete the project:

Intellebras Loan Proceeds	\$2,100,000
Transfer from	—
General Fund Budgeted to FY15-16	150,000
	\$ 2,250,000

Section 5. The Budget Officer and the Finance Director are to report on the financial status of this project on a regular basis and keep the Board informed of any unusual occurrences.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due.

Section 7. Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for distribution in carrying out this project.

Request approval of appointment of two (2) members to the Greenway Advisory Council

Chairman Swanger recognized County Manager, Ira Dove.

Mr. Dove reviewed the applications. Both had been approved by the Greenway Advisory Council and recommended for appointment.

Vice-Chairman Kirkpatrick made a motion to approve the appointment of Jan Grossman and Martha Bradley to the Greenway Advisory Council and Commissioner Upton seconded. The motion passed unanimously.

Request approval of re-appointment of three (3) members to the Adult Care Homes Community Advisory Committee for Long Term Care

Chairman Swanger recognized County Manager, Ira Dove.

Mr. Dove reviewed the applications. All had been approved by the Southwestern Commission and recommended for re-appointment.

Commissioner Sorrells made a motion to approve the re-appointment of Betty Ferguson, Allene Irvin and Linda Webb to the Adult Care Homes Community Advisory Committee for Long Term Care and Commissioner Ensley seconded. The motion passed unanimously.

Request approval of re-appointment of two (2) members to the Nursing Home Community Advisory Committee for Long Term Care

Chairman Swanger recognized County Manager, Ira Dove.

Mr. Dove reviewed the applications. Both had been approved by the Southwestern Commission and recommended for re-appointment.

Commissioner Ensley made a motion to approve the re-appointment of Betty Jo Coleman and Jean Willis to the Nursing Home Community Advisory Committee for Long Term Care and Vice-Chairman Kirkpatrick seconded. The motion passed unanimously.

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 Upton seconded; the motion carried unanimously.

The time of adjournment was 6:49 p.m. The DVD is attached by reference to the minutes.

CLERK

CHAIRMAN