

HAYWOOD COUNTY COMMISSIONERS

REGULAR MEETING – April 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, Michael T. Sorrells and Bill L. Upton present. Staff members present were County Manager Ira Dove, Asst. County Manager, Stoney Blevins, 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.

CALL TO PUBLIC HEARINGS

Chairman Swanger stated that the first order of business is a call for public hearings and recognized County Manager, Ira Dove.

Mr. Dove stated that the first is for the close out of the Community Development Block Grant. He said that all of the work has been done on the home assistance project through Mountain Projects. The State has reviewed the project and has let the County know that the last public hearing is needed to close out the process.

Chairman Swanger scheduled the public hearing for the close out of the Community Development Block Grant for April 18th at 5:30 p.m. in the Historic Courtroom of the Historic Courthouse.

He stated that a public hearing for the same date and time for two ordinances is also requested.

Mr. Dove explained that the first is for a Reimbursement Agreement Ordinance. This would be an ordinance that will allow the County to work with developers, public or private, for infrastructure projects such as water and sewer. This is part of affordable housing and economic development.

He said that the next public hearing will be for the Emergency Management Ordinance. He explained that about a year ago, public comment was solicited on this ordinance. He stated that based on that input, and research done by him, Mr. Killian, and the Emergency Management team, revisions were made to the prior ordinance. He said that the revised proposed ordinance is available on the website for review.

Commissioner Ensley thanked Mr. Dove for his work on the ordinance.

With no objection, Chairman Swanger set the two public hearings on the ordinances for April 18th, 2016 at 5:30 p.m. in the Historic Courtroom of the Historic Courthouse.

ADMINISTRATIVE/AGENCY REPORTS**Report from Public Policy Institute at Western Carolina University**

Chairman Swanger recognized County Manager, Ira Dove.

Mr. Dove stated that questions arose during the discussions concerning the development of the industrial park and the outdoor shooting range as to why the County did not have land use planning. The Board has decided to research how broad in general this concern is. The County worked with Western Carolina University and Dr. Todd Collins on this project. They developed a phone survey to gather data for this project. An audio of the phone survey was played for the Board and audience. Mr. Dove introduced Dr. Todd Collins to the Board.

Dr. Collins explained the survey and stated that this is a good step to find out what the community would like to hear. He introduced WCU graduate student Lucy Willis and said that she will help present the information gathered. Dr. Collins and Ms. Willis presented a power point and explained the following.

- The survey was a phone poll with a random selection of Haywood County registered voter residents. There were 817 responses. Residents were called over a weekend, which helps with the response. The sample mirrored the County demographics.
- 33% of the responses said that lack of community standards was the largest problem in terms of land use planning. Land development was identified as the second largest problem. The third largest problem was the lack of recreational facilities.
- Two thirds of the respondents say that Haywood County should have a land use plan.
- A large majority of the respondents supported additional industrial development regulations such as asphalt plants. Half supported additional commercial regulations such as businesses and less than half supported additional residential regulation.

Chairman Swanger asked about the margin of error and qualifications of the firm that developed the poll. Dr. Collins said that it was a firm out of Raleigh. He noted that the firm does a lot of national polling and is very responsible. He said that the margin of error is 3.5. He said that the questions of most concern were within that margin of error. He explained that the sample required that all registered voters had to have voted in one of the past three elections. Over seven thousand people were called with 817 respondents, which is considered a good representation.

Commissioner Upton noted that the response shows a change of what the perception once was of land use regulations.

Chairman Swanger remarked that 20 years ago, the County had a series of community meetings, which was not favorable toward regulations. This is now one reason to get an unbiased poll of where the opinion is in the county. He thanked Dr. Collins, his staff and Western Carolina for being a valuable asset to the public policy makers in Western North Carolina.

Vice-Chairman Kirkpatrick asked more about the polling, and Dr. Collins responded that 7500 were called on their land line phones, with more than 10% answered fully. He said that he felt comfortable with the number of respondents.

Chairman Swanger stated that the results will be provided to the Haywood County Planning Board to get their next step recommendations.

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.

Ryan Sherby from the Southwestern Commission addressed the Board. He provided the annual report, noting that the commission operates out of three areas of financing; community and economic development, workforce development and older Americans funding. He said that there were over 91,000 home delivered meals this year, which helps a resident to stay in their home, also over 14,000 hours of in home aide. He thanked Commissioner Sorrells for his input with work force development in the region. He commented on the Real World Expo which had over 225 pupils from various schools attend to learn about being in the real world. He said that it provides educational opportunities and prepares them for life ahead. He said that they expect around 500 to attend this year. He commented on the virtual network that has been created in the region. He said that there is a new on line platform for the region for economic development with over 100 categories and resources.

Chairman Swanger thanked Mr. Sherby for his service to the County, noting that he has resigned his position to pursue other opportunities.

Commissioner Sorrells stated that it has been a pleasure to work with Mr. Sherby and that he has been very involved with opportunities to make programs work in our county.

Mr. Sherby introduced Sarah Thompson who will replace him as the executive director.

Commissioner Sorrells said that she has been a part of the Southwestern Commission staff for several years and he has worked with her, noting that it should be a smooth transition.

Jess Dunlap addressed the Board. She said that she spoke last week on eligible gun owners and how important it is for transgender to be able to protect themselves. She noted concerns with the Heller case and the homeless.

Ted Carr addressed the Board. He thanked the commissioners for holding the recent public hearings. He thanked Mr. Dove for providing a thorough and efficient explanation and power point. He thanked the constituents that came out to give their comments on how they feel.

John Wadsworth addressed the Board. He expressed concern about the right oversight on the animal services project with the money spent and the projected costs.

Chairman Swanger noted that the finances discussed is not to get a price on the Animal Shelter, but to get a design.

Commissioner Ensley stated that he has done research since the last meeting, and found that in every community that has built an animal shelter in the last seven or eight years, the citizens have questioned cost. It costs more per square foot to build one of these buildings than another type of building. The model of the animal shelters from the 70's through the 90's were built differently; most animals were brought in and euthanized. Now rescue groups try to come in and take the animals to place in adoptive homes. He said that many northern states have strict animal leash laws resulting in a shortage of pets. He said that he looked at 18 shelters nationwide. These cost \$300 to \$400 per square foot to build. He noted that when animals come in they can be diseased. This requires specific HVAC and plumbing systems. He said that we now have an animal services director who believes in no kill. He said that Haywood County needs to look at placing these animals in homes. He stated that this is the last phase of the building projects, noting that the Justice Center is almost paid for. He said that Haywood County can be proud of what we build for our community. He said that the cost does bother him, but it's the same across the nation with animal shelters. He remarked that citizens need to be educated to help them realize why it costs so much and what the animal shelters actually do.

Vice-Chairman Kirkpatrick asked that Commissioner Ensley make his research available to the Board and asked that Mr. Wadsworth provide his as well. He noted that education of citizens is very important as to the cost of the shelter. He said that construction costs in other states and areas will vary as well. He stated that the County needs to see where the base cost is and the additional cost such as the aesthetics part of it. He noted that Commissioner Ensley's research can be provided to people that are critical of the shelter and it can help them understand why the costs are needed.

Commissioner Sorrells said that there is a lot of support for the shelter, however there is concern about the cost. He said that once firm figures are received, we need to look at them carefully and the public needs to be educated on the costs and the reasons for them. He noted that some County staff had visited some other animal shelters, and Mr. Dove agreed, noting the shelters in Buncombe, Transylvania and one in the eastern part of the state, as well as Johnson City, Tennessee.

Chairman Swanger noted that animal shelters are very specialized, and Mr. Burris has knowledge of what is required and these are included in the planning.

Commissioner Upton noted that as the building project progresses, he agrees that the Board and the public needs to know the reasons behind the costs.

Vice-Chairman Kirkpatrick stated that he appreciated the input at the public hearings and there some points discovered from them that can be incorporated into the ordinances.

Chairman Swanger stated that these draft ordinances are a starting point. He said that Mr. Dove was instructed to draft a document which is legal in North Carolina and in current statutory compliance. He said that practicality and enforceability is important. He noted that a lot of good ideas were given at the hearing. He commented that some had good comments that can be incorporated into the eventual ordinance.

Commissioner Ensley stated that he does support concealed carry and also the exceptions because of state law. He said that he is going through the class now and knows the importance of the laws and the exceptions.

Commissioner Sorrells thanked everyone that attended the public hearing and for their input, stating that the information will all be looked at and discussed for the ordinances.

Chairman Swanger agreed, stating that it has to be justifiable, and anticipates that at least one of them will be presented at the next meeting.

Mr. Dove agreed, stating that the commercial outdoor shooting ranges ordinance will more than likely be heard since it is under a moratorium. He said that that concealed weapons and ground use will be looked at after that, which should be in May.

Chairman Swanger said that we are receiving input from other boards that are involved with county owned property.

CONSTITUENT CONCERNS

Vice-Chairman Kirkpatrick noted that he is continuing to receive comments on the ordinances.

Commissioner Sorrells said that public comments have been addressed and will continue to be looked at.

DISCUSSION / ADJUSTMENT TO AGENDA

There were no discussions/adjustments to the agenda.

CONSENT AGENDA

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

1. Approval of March 21, 2016 regular meeting minutes.
2. Budget Amendment – General Fund - \$23,000 – departmental costs – Julie Davis, Finance Director.
 Ms. Davis explained that some revenue sources were higher than expected, especially in public safety. She said that the ABC revenues were higher, and this increases the revenues to allow departments to use as they want. They are \$4000 in donations for the Sheriff’s Office, \$4000 for EMS, \$10,000 for ABC revenues directed to Mental Health and \$5000 for ABC revenues which 50% gets directed to the schools.

WAYNE COUNTY
BUDGET AMENDMENT
FISCAL YEAR 2015-2016

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BE IT ORDAINED by the Board of Commissioners of Wayne 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 appropriations are to be changed as follows:

Department line item	Account Number	Current Budget	Increase (Decrease)	Amended Budget
PUBLIC SAFETY:				
Sheriff's Office - departmental supplies	1103-0000	3,000	4,000	7,000
EMS	1103-0100	3,000	4,000	7,000
HEALTH & HUMAN SERVICES:				
Mental Health	1103-0200	10,000	10,000	20,000
Education - other organizations - personnel	1103-0300	10,000	3,000	13,000

WHICH will result in a net increase (decrease) of \$ 23,000 in the appropriations 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	Acc. No.	Current Budget	Increase (Decrease)	Amended Budget
Donations to Sheriff's Office	1100-4100	0	4,000	4,000
Donations to EMS	1100-4200	0	4,000	4,000
Intergovernmental Revenue	1100-4300	10,000	10,000	20,000
ABC revenues for Mental Health	1100-4400	10,000	0	10,000
ABC revenues for Schools	1100-4500	10,000	0	10,000

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

Adopted this 4th day of April, 2016.

ATTEST: *[Signature]*
Clerk to the Board

[Signature]
Wayne County Board of Commissioners

DISBURSE:
The amount indicated by this check is to be disbursed to the account indicated on the check. It is the responsibility of the recipient to ensure that the funds are used for the purpose intended.

3. Request approval of appointment of David Francis as the Interim Tax Assessor – Ira Dove, County Manager
Mr. Dove explained that the Tax Assessor, Judy Ballard is retiring after 30 years of great work for the County tax office. He said that the County needs to hire an interim assessor until it is ready to hire a permanent assessor. In the interim, there needs to be someone to manage the office. Mr. Francis is very familiar with processes for the reval and the assessor office. He has agreed to work as an interim until the position is filled. He noted that the position will be advertised in house first. He said that he hopes to have the position filled within 60 – 90 days if hired from in house, and if not, within 8 – 9 months.

OLD BUSINESS

NEW BUSINESS

Request approval to change Register of Deeds hours to 8:00am – 5:00pm

Chairman Swanger recognized Register of Deeds, Sherri Rogers.

Ms. Rogers explained that according to statutes, the Board sets their office hours. She said that the office currently works until 4:30 p.m. when they stop recording documents. At 4:45 p.m., they begin working on the bank deposit. She said that they are seeing more problems with this, and she realizes that there could be individuals sitting there waiting that need to move into a new home that night, and the attorney needs to record the deed. She said that they want to be available to the public up until 5:00 p.m.

Vice-Chairman Kirkpatrick said that one issue is that they still have work to do after the last document is received. This will make them have to stay after hours to process. He said that the office does an exceptional job.

Mr. Dove commented that they may want to make sure all offices are open until then as well.

Commissioner Sorrells made a motion to change the Register of Deeds hours of operation to the public from 8:00 a.m. – 4:45 p.m. to 8:00 a.m. – 5:00 p.m. The motion was seconded by Commissioner Ensley and passed unanimously.

Vice-Chairman Kirkpatrick noted that the Tax Office will need to stay open as well in case there is a deed that has to be stamped by the Tax Office prior to recording.

Request approval Resolution Requesting The Haywood County Board OF Elections To Hold An Alcoholic Beverage Election.

Chairman Swanger recognized County Manager, Ira Dove.

Mr. Dove explained that this is a resolution to be sent to the Board of Elections to request an alcoholic beverage election. This is only to make available to the citizens of Haywood County the opportunity to vote on the sales of alcoholic beverages. The last time this was put to the citizens was in 1952. He said that 69 counties allow for beer and unfortified wine. This will allow someone to sell such products that may want to open a restaurant, convenience store or something outside of city limits. He noted that this allows for both sides of the issue to decide, and that is what the election and this process is for. He read the resolution to the Board.

Chairman Swanger commented that Commissioner Sorrells owns a convenience store, and asked Mr. Killian about a potential conflict.

Mr. Killian stated that according to G.S. 153A-44, the Board may excuse a member from voting, but only upon questions involving the member's own financial interest. If a member feels questions may be raised of his or her own interest, a motion by the Board and voted on by the Board, may be excused from voting. Commissioner Sorrells agreed that he would like to be excused from voting.

Vice Chairman Kirkpatrick made a motion to excuse Commissioner Sorrells from voting based on the possibility of financial gain from the sale of alcohol. Commissioner Upton seconded. The motion passed by affirmative votes from Chairman Swanger, Vice-Chairman Kirkpatrick, Commissioner Ensley and Commissioner Upton.

Vice-Chairman Kirkpatrick said that this is an easy decision for the Board because the constituents get to make the decision and it can be made by majority of people.

Commissioner Ensley stated that he would vote no because of his religious faith and his family.

Vice-Chairman Kirkpatrick made a motion to approve the resolution as described. Commissioner Upton seconded. Chairman Swanger, Vice-Chairman Kirkpatrick, and Commissioner Upton voted in favor. Commissioner Ensley opposed. Commissioner Sorrells was officially excused from voting. The motion passed.

RESOLUTION OF THE HAYWOOD COUNTY BOARD OF COMMISSIONERS
PURSUANT TO GS 18B-601 and 602
REQUESTING THE HAYWOOD COUNTY BOARD OF ELECTIONS
TO HOLD AN ALCOHOLIC BEVERAGE ELECTION

WHEREAS, Haywood County has not conducted an election since 1952 concerning the authorization of sales of alcoholic beverages, although various municipalities within the county have authorized such sales pursuant to elections; and

WHEREAS, it is the opinion of the Board of Commissioners that limited authorization of sales of alcoholic beverages including "on-premises" sale of malt beverages by Class A hotels, motels, and restaurants and "off-premises" sales by other permittees; and "on-premises" and "off-premises" sale of unfortified wine, could promote the economic well-being of the county and that the registered voters of Haywood County should have the opportunity to vote on the issue.

NOW, THEREFORE, BE IT RESOLVED, that the Haywood County Board of Commissioners requests the Haywood County Board of Elections to hold an alcoholic beverage election and to place the following propositions on the ballot for the November 1, 2016 general election, in accordance with North Carolina General Statute as follows:

NCGS 18B-602(a) options:

- (1) To permit the "off-premises" sale only of malt beverages.
 FOR
 AGAINST

- (4) To permit the "on-premises" sale of malt beverages by Class A hotels, motels, and restaurants only; and to permit "off-premises" sales by other permittees.
 FOR
 AGAINST

NCGS 18B-602(d) options:

- (1) To permit the "on-premises" and "off-premises" sale of unfortified wine.
 FOR
 AGAINST

- (2) To permit the "on-premises" sale only of unfortified wine.
 FOR
 AGAINST

- (3) To permit the "off-premises" sale only of unfortified wine.
 FOR
 AGAINST

Attest:


Ira Dove
Clerk to the Board of Commissioners

Approved:


Mark S. Swanger
Chairman of Board of Commissioners

Request approval of appointment to the Adult Care Home Community Advisory Committee for Long Term Care

Chairman Swanger recognized County Manager, Ira Dove.

Mr. Dove reviewed the application to the Board and said that this was upon recommendation from the Southwestern Commission.

Vice-Chairman Kirkpatrick made a motion to approve the appointment of Christine Faulkner Gibson to the Adult Care Home Community Advisory Committee for Long Term Care. Commissioner Upton seconded and the motion passed unanimously.

Request approval of appointments to the Haywood Health Authority Board.

Chairman Swanger recognized County Manager, Ira Dove.

Mr. Dove explained that the Haywood Health Authority Board was tasked with overseeing the wind up business after the sale of hospital. He stated that it makes sense to reappoint the people that were there prior to the wind up phase and this is based upon the recommendation of the hospital.

Commissioner Sorrells made a motion to approve the appointments of Maurice Phillips, Norm Yearick, Charles Thomas, MD., Bennie Sharpton, MD., Neil Budde, Henry Nathan, MD., and Al Mina, MD to the Haywood Health Authority Board. The motion was seconded by Commissioner Ensley and passed unanimously.

Announcement of Board of Commissioners Work Session

Chairman Swanger stated that a work session with Haywood Community College and the Haywood County Schools will be held on April 14th from 1:30 p.m. to 4:00 p.m. at the Health & Human Services Agency.

Mr. Dove explained that the office will be receiving materials from schools, along with materials from the library.

Commissioner Upton requested that the finances from the Haywood County Schools be broken down by category as to what the County provides and what the schools are responsible for. Mr. Dove agreed to contact Dr. Garrett with this request.

CLOSED SESSION

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

Attorney/Client Privilege – G.S. §143-318.11(a)(3)
Economic Development - G.S. §143-318.11(a)(4)

Commissioner Sorrells seconded and the motion carried 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 11:52 a.m. The DVD is attached by reference to the minutes.

CLERK

CHAIRMAN

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