

HAYWOOD COUNTY COMMISSIONERS

REGULAR MEETING – April 18, 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, 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

Vice-Chairman Kirkpatrick offered the invocation.

PUBLIC HEARING

Chairman Swanger stated that there will be three public hearings tonight. A maximum of one hour of comment is allotted for each ordinance under consideration. Comments must be limited to the subject matter of the ordinance at hand. He asked that no one speak unless recognized by the Chairman, and please limit comments to three minutes. He asked that there be no outbursts from the audience, that this is a public hearing, not a debate. He said that the Board will not answer questions tonight, that they are here to gather information only. He said that no vote will be taken until May 2nd at the earliest. He asked that if an organization is present tonight, please designate a spokesperson.

Public Hearing for the consideration of the close out of the Community Development Block Grant received by the County from North Carolina Division of Community Assistance

Chairman Swanger opened the public hearing for the consideration of the close out of the Community Development Block Grant and recognized County Manager, Ira Dove. Mr. Dove explained that this was a project completed by Mountain Projects. Funds were spent on appropriate alterations and amendments to homes to provide safer and better housing. He said that this is the close out process of that project.

There were no public comments and Chairman Swanger closed the public hearing.

Public Hearing for the consideration of the Reimbursement Agreements Ordinance

Chairman Swanger opened the public hearing on the consideration of the Reimbursement Agreements Ordinance and recognized Tax/Solid Waste Administrator, David Francis and Economic Development Council Director, Mark Clasby.

Mr. Francis stated that in February, he and Mr. Clasby had informed the Board of some challenges in economic development they had encountered since coming out of the depression, and now have new ideas and approaches. He said that this agreement allows the County or a municipality to work with a private developer to add infrastructure, emphasizing that this applies to infrastructure only. He read the ordinance to the board. He stated that this will provide the ability to work with municipalities on projects involving streets, waterlines, waste water systems, drainage facilities, electric lines, and telecommunication lines. He noted that he and Mr. Clasby are working on some projects where this will be beneficial, and this will give more opportunities to bring other businesses into the county.

Mr. Clasby said this will allow “another tool in our tool box for economic development” and is not uncommon.

There were no public comments and Chairman Swanger closed the public hearing.

Public Hearing for the consideration of the Emergency Management Ordinance

Chairman Swanger opened the public hearing on the consideration of the Emergency Management Ordinance and recognized County Manager, Ira Dove.

Mr. Dove stated that much time has been spent reviewing the law and on the feedback received on the proposed ordinance. He said that all of the comments and suggestions have been considered in its revision. He provided a power point highlighting key points and changes. He said that in the revisions, the general statutes have been followed as much as possible, noting that many of the changes were almost verbatim to the statutes. He reiterated that the County is responsible for Emergency Management according to statute. He said that the entire purpose of the ordinance is to protect people and their property. He noted that the ordinance does not authorize prohibitions or restrictions on lawfully possessed firearms or ammunition. He said that the ordinance stays within State and Federal law and can only change local regulation.

Paul Valone addressed the Board. He thanked the Board for not restricting lawfully carrying of guns during states of emergency. He then spoke against the shooting ranges ordinance.

Chairman Swanger reminded everyone that the comment time is for the Emergency Management Ordinance only.

An email was received from Monroe Miller suggesting various changes in the proposed Emergency Management Ordinance.

No one else addressed the Board, and Chairman Swanger closed the public hearing.

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.

Vickie Rogers addressed the Board. She thanked the Board for the ordinance written on commercial shooting ranges. She urged the Board to continue to develop actions protecting the county or cities. She encouraged the Board to look at indoor ranges as an issue to established neighborhoods.

John Wadsworth addressed the Board. He spoke about the new animal shelter, expressing his disappointment that the County is moving towards a cost over 3 million dollars when he feels there are more cost effective designs available. He spoke of the differences in the Washington County, Tennessee animal shelter and the proposed shelter here.

Chairman Swanger remarked that County staff has been in touch with the Tennessee shelter and it is not "apples to apples." He noted that the County has no desire to build a shelter that is anything other than what is the most cost effective. He said that the Board will pay close attention to detail and Mr. Burris will value engineer the project as it moves forward.

Mr. Dove stated that the staff has looked at this facility as well as what other North Carolina counties have done. He said that he has looked at the information that Commissioner Ensley has provided and costs do differ in different areas. He commented that we have an excellent project manager in Mr. Burris and that we would watch the costs.

CONSTITUENT CONCERNS

Vice-Chairman Kirkpatrick acknowledged Mr. Wadsworth's email and said that he will review and analyze it.

Commissioner Sorrells agreed and said that he too will look at the email that Mr. Wadsworth sent. He thanked a person in the audience that sent him a book.

Commissioner Ensley noted that he has property in Tennessee and building permits are not even required in the county where his property is located. He noted that building restrictions are different in North Carolina. He agreed that we should look at what the shelter in Tennessee has done. He said that it is a good idea to have a project manager over the project as we did with the Justice Center. He said that he too received the book and will read it. He spoke of the importance of families having a good plan during an emergency.

ADMINISTRATIVE/AGENCY REPORTS

There were no reports this month.

DISCUSSION / ADJUSTMENT TO AGENDA

Chairman Swanger stated that there is a technical correction that needs to be made to the ABC resolution of April 4, 2016. He said that he would like to place the resolution to make the technical amendment, and to suspend the rules to do so, as item #2 in Old Business. All of the commissioners agreed to this addition.

CONSENT AGENDA

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

1. Approval of March 28, 2016 special meeting minutes, and the April 4, 2016, regular meeting minutes.
2. Request approval of March 2016 Refunds, Releases, Amendments and Discoveries – Greg West, Real Property Tax Administration
Mr. West stated that there was nothing out of the ordinary this month.
3. Request approval of March 2016 Tax Collections Update – Mike Matthews, Tax Collector
Mr. Matthews stated that collections were down a half percent from last year to 94.4%. He said that they are now fully staffed, and expects it to be up at the next meeting to what it was last year at this time. He said that the difference in delinquent tax collections is about \$126,000 down from last year. He agreed to bring a report next time showing the percentage of delinquent taxes that is still owed the county. He also agreed that he will bring the total amount of 2015 taxes that was published in the paper.

OLD BUSINESS

Request approval of the Commercial Outdoor Sports Shooting Ranges Ordinance

Chairman Swanger recognized County Manager, Ira Dove.

Mr. Dove provided a power point to the Board, reviewing some important parts of the ordinance. He stated that this does not apply to noncommercial private activity. He noted that there has been a moratorium in place, and has received feedback on this issue. He stated that this ordinance will make everything clearer concerning commercial outdoor sports shooting ranges. He said that this ordinance will allow other standards to be used from other guidelines, other than just the guidelines from the National Rifle Association. He said that every step taken was to make it easier to build a range. He noted the change from the one quarter mile distance requirement from any existing occupied buildings to 1000 feet. He said that could be waived if safety concerns were mitigated. He said that any existing range will be grandfathered in, and all the owner has to do is let the county know that it is there. He said that an owner has 120 days after the ordinance goes into effect to submit a site plan, which may be done with no fee.

Chairman Swanger stated that there have been several renditions of the ordinance and this addresses all concerns that have been made.

Commissioner Sorrells said that he thinks this will make it easier to operate an outdoor range. He noted that just about everyone that he has talked to are concerned with outdoor ranges being in their neighborhood and that is what has led to this.

Commissioner Ensley stated that this does not have anything to do with indoor ranges and does not affect private outdoor ranges. He noted that the Town of Waynesville has their own jurisdictions and are exempt from the ordinance, as they have their own planning, and manage their own jurisdiction.

Vice-Chairman Kirkpatrick said that when some people from the Ratcliff Cove community came and talked to him about an indoor range, they questioned if the County has anything that addresses them and this is where this all started. He said this ordinance is talking about if there is an outdoor range that charges a person to use it, then the owner has to comply with the regulations. He thinks it is reasonable and protects the interest of all. He said that it provides a safe place for people to shoot as well as the people with surrounding properties. He noted that this tries to reduce the requirements. He urged those that have commercial ranges to register.

Commissioner Upton thanked Mr. Dove and his staff on the work done on the ordinance, and for giving anyone interested leeway to build an outdoor range if they so desired.

Vice-Chairman Kirkpatrick made a motion to approve the Commercial Outdoor Sports Shooting Ranges Ordinance. Commissioner Upton seconded and the motion passed unanimously.

Request approval of a resolution to make technical amendments to a previous resolution

Chairman Swanger explained that the ABC resolution requires a technical correction to change the date of the Haywood County Board of Elections to hold the alcoholic beverage election.

Vice-Chairman Kirkpatrick made a motion to suspend the rules to the contrary to adjust the agenda for the purpose of considering the resolution to make technical amendments to a prior resolution. Commissioner Upton seconded. Chairman Swanger, Vice-Chairman Kirkpatrick and Commissioners Upton and Sorrells voted in the affirmative. Commissioner Ensley opposed. The vote passed 4-1.

Mr. Dove read both resolutions to the Board, and stated that this is a technical amendment to the previous resolution to change the date for the alcoholic beverage election.

Vice-Chairman Kirkpatrick clarified that this was strictly to change the date on the resolution from the last meeting which had the vote on November 1 rather than November 8. Typically the general election is held the first Tuesday in November, and this year it will be the second Tuesday. This is the vote to allow alcohol sales in Haywood County.

Vice-Chairman Kirkpatrick made a motion to make the previously described amendment to the resolution of April 4, correcting the date of the election and Commissioner Upton seconded. Commissioner Sorrells was excused from voting for potential conflict. Chairman Swanger, Vice-Chairman Kirkpatrick and Commissioner Upton voted in the affirmative. Commissioner Ensley opposed. The vote passed.

<small>Board of Commissioners</small> Mark S. Swanger, Chairman J. W. "Doc" Flanders, II, Vice Chairman J. Lynn Ensley Bob L. Green Michael T. Sorrells		<small>County Manager</small> Ira Dove <small>County Clerk</small> LeAnn K. Blaine, II
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RESOLUTION TO MAKE TECHNICAL AMENDMENT TO RESOLUTION OF APRIL 4, 2016

WHEREAS, on April 4, 2016, the Board of County Commissioners adopted a resolution titled as follows:

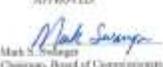
"RESOLUTION OF THE HAYWOOD COUNTY BOARD OF COMMISSIONERS, PURSUANT TO G.S. 161-601 AND 602 REQUESTING THE HAYWOOD COUNTY BOARD OF ELECTIONS TO HOLD AN ALCOHOLIC BEVERAGE ELECTION"; and

WHEREAS, the said Resolution incorrectly stated the date of the general election to be November 1, 2016, the first Tuesday in November, when the general elections are traditionally held, when in fact the date of the general election is scheduled for November 8, 2016;

NOW THEREFORE, be it resolved, that the aforementioned Resolution of April 4, 2016 is amended to delete the date of November 1, 2016 from the first paragraph and substitute in lieu thereof the date of November 8, 2016, and to otherwise ratify said Resolution.

By a vote of 3 to 1, this Resolution is adopted.

This the 18th day of April, 2016.

<small>ATTEST:</small>  Ira Dove <small>Clk to the Board.</small>	<small>APPROVED:</small>  Mark S. Swanger <small>Chairman, Board of Commissioners</small>
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217 Riverside Drive • Haywood, Oregon 97534
 Phone: 531-462-0022 • Fax: 531-462-3711

NEW BUSINESS**Request approval to an occupancy tax penalty waiver for Carolina Vacations in the amount of \$359.95**

Chairman Swanger recognized TDA Executive Director, Lynn Collins.

Ms. Collins explained that since the closure of the mail routing facility in Asheville last year, everything goes to Greenville, South Carolina to be routed from there. She said that they have been experiencing problems with the mail being postmarked on time. This was mailed on the 16th but was not postmarked until 10 days later. It was not received in the office by the 20th. She said that the TDA board is authorized to waive up to \$200, and this amount is \$359.95. The TDA board is recommending this waiver.

Commissioner Sorrells noted that this had been discussed in a TDA meeting, and the management company for Carolina Vacations has worked on issues for the company and they have seen much improvement.

Commissioner Sorrells made a motion to approve the occupancy tax penalty waiver for Carolina Vacations in the amount of \$359.95. The motion was seconded by Commissioner Ensley and passed unanimously.

Haywood County TDA	
Occupancy Tax Penalty Waiver Request	
Date of Request: February 21, 2016	Amount of Penalty: \$359.95
Name of Property: Carolina Vacations, Inc.	
Address: 101 Box 89 Hightower, NC 28751	
Name of Person Filing Waiver: Commissioner, County Manager	
<p>Reason for Occupancy Waiver Request: We are requesting a waiver due to the fact that we had a problem with the Hightower Valley Post Office. I submitted to send the payment to the post office on 2/16/16 around 3:30pm and nothing was done at 4:00pm. We had a snow on the highway on the following Monday and wanted to ensure timely delivery. They are also not open all of all days the post office generally stopped the payment on that day made the office closed 2/17. It took 4 days for the amount to be processed. I spoke with a clerk at the Post Office after a snowed-out mail and the clerk said they were unable to explain how it happened what that saying that the mail was to go to Greenville, SC. Please consider waiving the penalty of this use of the facility for the vacation. Thank you.</p>	
Requester: <i>SPR</i>	Date: 2/22/16
Tax Authority: Haywood County	
Date Received: 2-22-16	TDA Board Meeting Date: 2/22-2/24/16
Requester: <i>Wanda Swanger</i>	Approved By: <i>Wanda Swanger</i>

Request approval to change Haywood County Facility Use Policy

Chairman Swanger recognized County Manager, Ira Dove.

Mr. Dove read the change in the policy, 5d, to the Board with being "approved by the Board of County Commissioners" to being "approved by the County Manager." This is necessary when groups use County facilities, and is more of an organizational issue rather than a policy matter. A discussion was held about a part of the section concerning "collecting private debts" on County premises, and it was agreed that verbiage would be removed.

Commissioner Upton made a motion to approve the change to the Haywood County Facility Use Policy, 5d, "approved by the Board of County Commissioners" to "approved by the County Manager" and striking the "collecting private debts."

Commissioner Ensley seconded and the motion passed unanimously.

ADJOURNMENT

Chairman Swanger asked if there was any further business.

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

The time of adjournment was 6:53 p.m. The DVD is attached by reference to the minutes.

 CLERK

 CHAIRMAN

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