

HAYWOOD COUNTY COMMISSIONERS

REGULAR MEETING – JANUARY 21, 2020

CALL TO ORDER

Chairman L. Kevin Ensley 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. Commissioners L. Kevin Ensley, Brandon C. Rogers, J.W. “Kirk” Kirkpatrick, III, Tommy Long, and Mark Pless were present. Staff members present were County Manager Bryant Morehead, County Attorney Frank Queen, Finance Director Julie Davis, Clerk to the Board Candace Way and Deputy Clerk to the Board Tracy Wells.

PLEDGE OF ALLEGIANCE

Chairman Ensley led the Pledge of Allegiance.

INVOCATION

BOCC Chaplain Patrick Womack offered the invocation.

PUBLIC HEARINGS/CALL TO PUBLIC HEARINGS

There were no public hearings/call to public hearings.

PUBLIC COMMENT SESSION

Chairman Ensley 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.

Chairman Ensley opened the public comment session clarifying his support of the 2nd Amendment. He stated both he and Vice Chairman Rogers are supporters of the Blue Ridge Friends of the NRA Banquet which will be held in March. This banquet supports five (5) shooting clubs in our schools and teaches gun safety to the students. He stated the citizens of Haywood County could make an impact on the 2nd Amendment by purchasing raffle tickets for the Blue Ridge Friends of the NRA Banquet. Chairman Ensley encouraged the citizens to contact him directly with any questions they may have. Chairman Ensley recognized Sheriff Greg Christopher to speak before the public comment session began.

Sheriff Christopher stated elected Sheriffs are recognized nationwide as the Chief Law Enforcement Officer of the County and is directly accountable to the citizens through the electoral process. Each Law Enforcement Officer is sworn to support the Constitution of the United States and the Constitution of the State of North Carolina. A primary mission of a Sheriff is to ensure public safety and gun safety. The root cause of gun violence needs to be addressed as a whole. That includes continuing to focus on methods of early identification of potentially violent traits along with early intervention and support when these behaviors are observed. This also includes strengthening laws that prevent or reduce the access of legally prohibited persons to firearms and vigorous enforcement of our existing laws. Sheriff Christopher stated he supports the citizens protected right to bear arms under the 2nd Amendment and thanked the Board for continuing to value, honor and preserve all of the constitutional rights of all the citizens that we serve in Haywood County.

Chairman Ensley then reviewed the rules concerning public comments:

- Comments will be limited to three (3) minutes and will be addressed from the podium;
- No comments will be allowed from the audience unless recognized by the Chairman;
- No time from a speaker will be yielded to another speaker;
- Be courteous in the language and presentation.

After the nine (9) individuals who signed the public comment speaker’s list spoke, Chairman Ensley opened the public comment session to anyone in attendance.

Heath Talley, Rod Class, William Dee, Terry Ramey, Bernard Carmen, Larry Payne, Todd Berrong, Andrew Hensley, Joey Reece, Steven Reed Coffey, Tracy O’Neil, Kenneth Messer, Dustin Smith, Kris Bural, Jeremy Holland, Art Patten, Ashley Radford, Luther Sutton, Douglas Knight, Doyle Brown, Jason Shultz, Rocky Thomas, Clinton Hymer, Ronald Lance, Caleb Foster, Nick Teague, Margaret Caldwell Cable and Scotty Rollins addressed the Board with their comments, personal stories and support of declaring Haywood County as a 2nd Amendment Sanctuary. All of the speakers were supportive of concealed carry rights and a few would like to see expansion of concealed carry rights beyond restricted areas. Some stated they are looking to

the Board to represent and stand up for their rights. Several stated the problem is with the individual who has a gun and not the gun(s) itself. They believe a new protocol needs to be implemented to protect the public from individuals who have a mental illness and are able to obtain a gun. Others believed the problem is the legal definition and terminology of the word "firearms" and how it is referenced.

Paul Yeager addressed the Board stating he has lived in Haywood County for 23 years and spearheaded a movement by the public to show support of making Haywood County a 2nd Amendment Sanctuary. He informed the Board he had collected approximately 1100 signatures on an on-line petition and approximately 931 signatures on a paper petition requesting the Board to make Haywood County a 2nd Amendment Sanctuary. However, these petitions were not given to the Board.

Eddie Cabe addressed the Board stating in March of 2019, he sent emails to all of the North Carolina elected officials and the Board requesting approval of making Haywood County a 2nd Amendment Sanctuary. He further stated most of the Republican General Assembly is for making the State of North Carolina a 2nd Amendment State. Mr. Cabe informed the Board he sent an email earlier this month requesting Haywood County be made a 2nd Amendment Sanctuary to all of the elected officials across the state, the Haywood County Sheriff and to this Board. On January 13, 2020, he received an email reply from Commissioner Mark Pless and read a version of the email reply. Mr. Cabe further stated the email reply was sent in an official capacity on behalf of Haywood County. He believes the email reply was unethical, against the law, an of abuse of power, misuse of public property, misuse of official title and misuse of official email.

Joe Alan James addressed Commissioner Pless asking if he sent that specific email reply to Mr. Eddie Cabe. Commissioner Pless answered by stating the entire email reply was not read by Mr. Cabe and proceeded to inform Mr. James of the entire contents of the email. Mr. James further stated he is in support of making Haywood County a 2nd Amendment Sanctuary.

Vicky Queen addressed the Board and stated the citizens of Haywood County need to stand together on this issue and would like to see action taken by the Board very soon. She also stated there needs to be transparency in the voting by the Commissioner's. She further stated former Board of County Commissioner's Chairman Mark Swanger did away with the voting records of each Commissioner detailing their voting information and would like this changed. Chairman Ensley requested Clerk to the Board Candace Way to provide further information on this subject to the public. Ms. Way stated the County has never maintained the voting records of each individual Commissioner detailing their voting information. All of the Commissioner's voting information for each item on an agenda is notated in the minutes which is located for the public's view on the County website. Haywood County has always been transparent in the voting by the Commissioner's. The Clerk is required to record the votes after each motion. Any time an agenda item is not passed unanimously, individual Commissioner votes are notated for that particular item. She further stated it is not statutorily required to make a list of each motion with the Commissioner's individual voting record.

Kit Gruelle addressed the Board and spoke against making Haywood County a 2nd Amendment Sanctuary. She has worked in the State of North Carolina for 34 years as an advocate for domestic abuse against women and children and does not support any type of gun ownership.

Natalie Henry Howell addressed the Board stating her family has been a victim of gun violence. She spoke of her son Riley, who was killed at the UNC-Charlotte College on April 30, 2019 by a lone gunman. The shooter had a 9mm gun with several extended magazines. Riley was shot eight (8) times and was the last person killed. Ms. Howell stated her family has been shattered by gun violence and requested the Board to give careful thought as to what types of guns are allowed in public, in addition to completion of thorough background checks as a safety measure for all us. Ms. Howell received a standing ovation after the completion of her comments. Chairman Ensley thanked Ms. Howell for her courage in attending and speaking at tonight's meeting.

Dorothea Stewart addressed the Board stating she is a Haywood County teacher and does not believe the 2nd Amendment will be taken away from its citizens. She discussed being in classroom lock-down drills. She asked if our society is one where we hold the value of someone's right to walk through a door with a gun higher than the value of the lives of our children. She stated this is not about taking an individual's gun(s), it is about protecting the lives of our children and people.

Myrna Campbell stated the Constitution is the cornerstone of our republic. The right to bear arms is important and lawful. It is important that we encourage responsible gun ownership. She believes the use of tactical weapons is the main issue. Ms. Campbell stated she believes in the 2nd Amendment but feels the 2nd Amendment Sanctuary is an extreme measure and is not necessary.

A majority of the speakers thanked the Board for giving them the opportunity to speak on this topic.

Chairman Ensley closed the public comment session.

CONSTITUENT CONCERNS

Commissioner Long thanked the citizens for their support and for coming tonight. He stated some of the issues brought before the Board this evening are beyond their jurisdiction. He further stated the Board is there to represent and serve the citizens of Haywood County and read a statement pertaining to his beliefs and values. He stated a Commissioner is required to hold a neutral position on any issue brought before the Board for any consideration. This requirement insures the minority gets heard and the majority rules. The Board has to look at all sides of an issue knowing their decision affects all of the 61,000 citizens of Haywood County. He stated the power lies within the citizens of Haywood County and expressed the importance for all citizens to vote. He assured the Board will take their time and look at all sides of the proposed 2nd Amendment Sanctuary request.

Vice Chairman Rogers thanked everyone for coming tonight and speaking their opinions on making Haywood County a 2nd Amendment Sanctuary. Vice Chairman Rogers stated he is taking a firm stand on making Haywood County a 2nd Amendment Sanctuary and read a statement. He stated 12 or 13 Resolutions have been passed in the State of North Carolina since January 1st of this year. Vice Chairman Rogers promised to uphold and defend our rights and believes all of our Constitutional rights are under attack. He has been reviewing other Resolutions from other North Carolina counties. Vice Chairman Rogers affirmed he is in favor of passing a Resolution declaring Haywood County as a 2nd Amendment Sanctuary in the very near future.

Commissioner Kirkpatrick stated this is an important issue our nation is facing right now. For 25 years, he has defended people's Constitutional rights and believes nothing about tonight is infringing upon a citizen's 2nd Amendment right. Commissioner Kirkpatrick expressed his concern about the divide in our nation right now. He stated the Board is not going to take a citizen's gun(s) and that there are two sides to this issue. He will keep an open mind when considering this Resolution and expressed his concern in keeping individuals who have a mental illness from having guns. He feels the Board will have to take in all of the facts before a decision is made. Commissioner Kirkpatrick thanked the citizens who appeared here tonight to express their opinion. He reiterated the Board always tries to do what is in the best interest of the County and will always listen to its citizens.

Commissioner Pless stated most of the citizens that came to speak tonight is mad at the Board but the Board is not against their wishes. There are two sides on this issue and one of his greatest fears is the Board doing something that upsets the other side. He explained if you upset the other side – what happened in the State of Virginia is going to happen here. He is not opposed to citizens protecting their rights but is concerned about doing something that is going to cost the people of Haywood County in the future. He stated Freedom of Speech applies to both sides of an issue. When the Resolution is completed, it must be correct so it does not transform Haywood County in the future. Commissioner Pless thanked the citizens for attending tonight's meeting.

Chairman Ensley stated he will uphold the Constitution in honor of his Dad who is a veteran. Chairman Ensley explained how his work as a surveyor is very analytical and is evidence based. He tries to use that same mentality on every issue presented to the Board. He has also been studying some of the Resolutions passed by other counties. Chairman Ensley once again encouraged Haywood County citizens to support the Blue Ridge Friends of the NRA Banquet held in March which has an impact on the lives of young people on firearm safety.

All five (5) Commissioners stated they will continue to uphold their individual oaths of office.

After a brief recess, Chairman Ensley proceeded with the remaining items on the agenda.

ADMINISTRATIVE/AGENCY REPORTS/PRESENTATIONS**Introduction of Haywood Community College President Dr. Shelley White:**

Chairman Ensley stated Haywood Community College President Dr. Shelley White will be introduced at the next Board meeting on February 3rd. Dr. White was not able to attend this meeting due to the effects of inclement weather.

Evergreen Foundation NC Update:

Chairman Ensley recognized Executive Director/Administrator Denise Coleman. Ms. Coleman informed the Board the Evergreen Foundation was created in 1977 by the Board of Directors of the Smoky Mountain Mental Health. She stated the Evergreen Foundation is a private foundation and their services are now provided through a private provider network. Their purpose is to provide or enhance services for individuals with intellectual and development disabilities, mental health or substance abuse in seven (7) different counties. She stated over the past six (6) years, the Evergreen Foundation has provided over \$4m to our seven (7) county region. She discussed the Annual Report for fiscal year 2019-2020 stating this year they will provide over \$725,000 to various non-profit agencies serving individuals with mental health, substance abuse and intellectual and development disabilities.

Commissioner Kirkpatrick inquired if the \$725,000 allocation is for all seven (7) counties or just Haywood County and what is the formula that determines the donation amount. Ms. Coleman stated the \$725,000 allocation is for all seven (7) counties and the formula is 5% of their investor income less program expenses that are attributed to their charitable purpose and is auditor driven.

Commissioner Long asked if there was a way to get a detailed list of how the \$725,000 was distributed. Ms. Coleman stated it is in their annual audit report.

Chairman Ensley thanked Ms. Coleman for the services the Evergreen Foundation provides.

Haywood County Library: Family Place Libraries Presentation:

Chairman Ensley recognized Library Director Kathy Vossler, Canton Branch Librarian Jennifer Stuart and Canton Children's Librarian Deanna Lyles. Ms. Vossler stated the Family Place Libraries is located in over 400 libraries nationwide in 29 states. This program gives public libraries the opportunity to support families and parents with very young children. Ms. Vossler informed the Board the Canton Branch of the Haywood County Library is the first library to have this program in the State of North Carolina. She then introduced Canton Branch Librarian Jennifer Stuart. Ms. Stuart gave an overview of the program which is built on the knowledge that early learning, parental involvement and supportive communities play a key role in the growth and development in young children. In Haywood County, 45.3% of children under five (5) years old live in poverty. Further research shows living in poverty has a negative effect on the development of these children. Ms. Stuart stated there are two main objectives of this program: provide support to the parent/caregiver and encourage a positive early learning experience through play. This program was paid by general funding through Region A Partnership for Children and the Haywood County Public Library Foundation, Inc. Ms. Stuart then introduced Canton Children's Librarian Deanna Lyles. Ms. Lyles highlighted the early learning play area and the parent-child workshop – "123 Play with Me". She invited the Board to observe this program at the Canton Branch Library to be held on January 22, 2020, January 29, 2020 and February 5, 2020.

Commissioner Long asked if the Canton Branch is still involved with the home school community. Ms. Lyles stated yes. Commissioner Long then asked if this was advertised. Ms. Lyles stated there was a press release in both local newspapers, it is advertised through social media and area churches and by word of mouth.

Commissioner Kirkpatrick stated the Library Board of Trustees is very interested in improving the usage of the library. He further stated you can access the library through the library card over your phone and the Mountaineer Newspaper will be fully digitized and available online through the library in the very near future.

DISCUSSION / ADJUSTMENT TO AGENDA**CONSENT AGENDA**

Commissioner Long made a motion to approve the consent agenda. Vice Chairman Rogers seconded, the motion carried unanimously.

1. Request approval of January 6, 2020 regular meeting minutes.
2. Request approval for \$500 sponsorship of the Annual Haywood Waterways Association's Polar Plunge Fundraiser.

3. Request approval of Haywood County Jury Commission compensation increase to \$10.00 per hour.
4. Request approval of budget amendments:
 - a. General Fund – HHS – Dental - \$8,640 – to appropriate the amount received from the sale of the old dental patient units and chairs to go towards improvements in the Dental Clinic.

This is a budget amendment form from Haywood County. It is titled 'BUDGET AMENDMENT' and 'FISCAL YEAR 2020'. The form is for the Department of Health Services, specifically for the Dental department. It shows a request for an additional amount of \$8,640. The form includes sections for 'Department', 'Account Name', 'Current Budget', 'Proposed Budget', and 'Net Change'. There are also sections for 'Justification', 'Approval', and 'Signature'.

- b. General Fund – \$1,268,468 – non-departmental – to spread the COLA and market adjustments across the departments from budgeted funds.

This is a budget amendment form from Haywood County, similar to the one above. It is titled 'BUDGET AMENDMENT' and 'FISCAL YEAR 2020'. The form is for the Department of Health Services, specifically for the non-departmental fund. It shows a request for an additional amount of \$1,268,468. The form includes sections for 'Department', 'Account Name', 'Current Budget', 'Proposed Budget', and 'Net Change'. There are also sections for 'Justification', 'Approval', and 'Signature'.

REGULAR AGENDA

Request approval of Agreement with Moseley Architects for a space needs study of the Haywood County Detention Center in the amount of \$49,000 to be paid from contingency in the general fund and approval for County Manager to execute said Agreement:

Chairman Ensley recognized Sheriff Greg Christopher. Sheriff Christopher introduced Todd Davis of Moseley Architects and presented the numbers for the detention center from March 2013 to December 2019.

Commissioner Kirkpatrick stated there is definitely a need for additional pod(s) to the detention center. He also stated there is a need for more space in the detention center for the separation of the different crime offenses and the housing of male/female inmate population. Sheriff Christopher stated it appears we will need to add on to two (2) of those pods although we are not sure what the recommendation will be from Moseley Architects.

Commissioner Kirkpatrick stated he would like to look at this without the increasing cost(s) of additional employees. Mr. Davis agreed and stated they are known for making projects like this streamlined and more efficient.

Chairman Ensley asked are we looking at adding more staff if we add additional pods. Sheriff Christopher stated he hoped not but it depends on how these are designed. He then explained more detention centers in the State of North Carolina are going towards direct supervision which might help defer the need for more employees.

Chairman Ensley stated he appreciates the faith based programs and believes these programs help with the direct number we have right now at the detention center. Sheriff Christopher then acknowledged the great job the officers who work at the detention center do.

Commissioner Kirkpatrick motioned to approve the Agreement with Moseley Architects for a space needs study of the Haywood County Detention Center in the amount of \$49,000 to be paid from contingency in the general fund and approve the County Manager to execute said Agreement. Commissioner Long seconded, and the motion passed unanimously.

Request approval of budget amendment – General Fund – Detention - \$49,000 – from contingency to cover the space needs study for potential detention center expansion:

Commissioner Long motioned to approve the budget amendment to go with approval of \$49,000 Agreement with Moseley Architects for a space needs study of the Haywood County Detention Center. Commissioner Kirkpatrick seconded, and the motion passed unanimously.

Request approval of December 2019 – Refunds, Releases, Amendments and Discoveries:

Chairman Ensley recognized Tax Assessor Judy Hickman. Ms. Hickman stated motor vehicles refunds totaled \$267.49, releases were \$80,005.23 and discoveries were \$74,519.31.

Commissioner Kirkpatrick motioned to approve the December 2019 Refunds, Releases, Amendments and Discoveries. Commissioner Long seconded, and the motion passed unanimously.

Request approval of December 2019 Tax Collections Updates and Refunds:

Chairman Ensley recognized Tax Collector Greg West and congratulated him on achieving the highest collection rate in the history of Haywood County. Mr. West thanked Chairman Ensley and stated that as of December 31, 2019, collections were \$30,657,643.56 at a percentage rate of 76.24%. Since July 2019, close to \$800,000 in delinquent taxes has been collected. Mr. West acknowledged the efforts and hard work of his staff and thanked the citizens of Haywood County who patiently waited in line to pay their taxes.

The Board commended Mr. West and his staff for a job well done.

Vice Chairman Rogers motioned to approve the December 2019 Tax Collections Updates and Refunds. Commissioner Kirkpatrick seconded, and the motion passed unanimously.

APPOINTMENTS

Request approval of four positions to the Tourism Development Authority Board:

Chairman Ensley recognized County Manager Bryant Morehead. Mr. Morehead reviewed the applications for the below applicants and stated all four individuals have been approved by the Tourism Development Authority Board:

- 20 units or more – one seat – appointment of Rob Huckaby
- 20 units or less – one seat – appointment of Rebecca Seymour
- Tourism-related business – one seat – appointment of Colleen Davis
- Municipal seat – Town of Clyde recommendation of reappointment of Katy Gould

Commissioner Kirkpatrick motioned to approve the appointment of Rob Huckaby to the seat of 20 units or more; Rebecca Seymour to the seat of 20 units or less; Colleen Davis to the seat of tourism-related business and reappointment of Katy Gould to the Town of Clyde municipal seat to the Tourism Development Authority Board. Commissioner Long seconded, and the motion passed unanimously.

CLOSED SESSION

None

ADJOURNMENT

Chairman Ensley asked if there was any further business.

With no further business, Commissioner Kirkpatrick made a motion to adjourn the regular Board meeting. Commissioner Long seconded, and the motion carried unanimously

The time of adjournment was 9:18 p.m. The DVD is attached by reference to the minutes.

DEPUTY CLERK

CHAIRMAN

**THIS PAGE
INTENTIONALLY LEFT
BLANK**