

**STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
BOARD OF COMMISSIONERS
REGULAR SESSION-MARCH 9, 2009**

ASSEMBLY

The McDowell County Board of Commissioners met in regular session at 5:00 P.M. on Monday, March 9, 2009, in the Commissioners' Board Room, the usual place of meeting.

MEMBERS PRESENT

David N. Walker, Chairman, Barry E. McPeters, Vice-Chairman, Dean Buff, Andrew K. Webb, and Michael K. Lavender.

OTHERS PRESENT

Charles R. Abernathy, County Manager, Alison Morgan, Finance Officer, Ashley Wooten, Assistant to the County Manager and Mike Conley, Reporter for the McDowell News.

CALL TO ORDER

The meeting was called to order by Chairman Walker. Commissioner Buff gave the invocation. The pledge of allegiance followed and was led by Commissioner McPeters.

APPROVAL OF MINUTES

The minutes of the December meeting were approved upon motion by Andrew Webb and seconded by Barry McPeters. The motion passed by a unanimous vote.

APPROVAL OF AGENDA

The County Manager requested the addition of the Criminal Justice Partnership Grant Contract. Upon motion by Andy Webb and seconded by Barry McPeters the agenda was approved with the addition of the Criminal Justice Partnership Contracts to the agenda. In addition, Commissioner Lavender asked that the sale of items from the Day Care be placed on the agenda.

INTRODUCTION OF KRISTIN MART

Cooperative Extension Director Dan Smith introduced the new Consumer Science Agent, Kristin Mart to the Board of Commissioners. Ms. Mart has been employed since November and is performing a variety of tasks involving various educational initiatives.

Kristin gave an overview of her experiences and her program areas including food nutrition, parenting classes and food safety and preservation. The Board thanked Kristin and welcomed her to McDowell County.

OLD FORT NUTRITION CENTER UPDATE

Senior Center Director Weyland Prebor provided an update on the construction of the A.C. "Bud" Hogan Nutrition Center in Old Fort. The facility will be complete by the end of March and the progress was described as tremendous. A few small items remain to be completed. The open house for the facility will be March 29, 2009 at 2:00 P.M. The building campaign also continues and has not met the goal of \$100,000. Chairman Walker asked Mr. Prebor to announce the phone number where donations can be made. The Director reviewed donation possibilities. The new facility will go into operation on Monday, March 30.

BUDGET UPDATE AND AMENDMENTS

Chairman Walker recognized the County Manager and Finance Officer to provide the Board with an overview of the budget impacts caused by the economic downturn. The County Manager reviewed a document submitted by the Finance Officer showing three different financial scenarios. The most likely scenario involved an approximate \$500,000 shortfall in revenues following the amendment approved by the Board at the February meeting. The total shortfall, when calculated from the beginning of the fiscal year, is estimated to exceed 1.5 million. The shortfall primarily involves sales tax revenues, register of deeds revenues, building inspection revenues and interest income.

Finance Officer Alison Morgan reviewed the budget amendments for the Board's consideration.

GF33: Building Inspection vehicle and Emergency Services ambulance loan proceeds.

GF34: Appropriate grant revenue and transfer the budget within the Board of Elections budget

GF35: To record a donation to Emergency Services

GF36: Appropriate grant revenue and transfer the budget within the Library budget.

GF37: To appropriate inmate housing revenue

MT1: McDowell Technical Baldwin Avenue project loan proceeds

A motion was made by Barry McPeters and seconded by Dean Buff to approve the amendments as submitted. The motion was approved by a unanimous vote.

The County Manager then reviewed the measures taken to address the anticipated shortfall. The measures include freezing positions, freezing projects, deferring benefits for six months on new hires, closing the State Street Day Care and converting to the State contract purchase for diesel fuel. The County Manager reviewed two additional proposals for the Board's consideration. First, a recommendation was made to initiate an early

retirement option for county employees. The option would provide for the payment of one months salary, the early payment of longevity and the payment of one year's medical insurance. The county department heads had input into the recommendation and generally supported the plan. A projection showing the potential savings of just under \$100,000 was reviewed by the Finance Officer. The Board of Commissioners by consensus gave their approval to the recommendation. The second item reviewed was a recommendation to expand the wellness program to include a requirement that each employee participate in the on-line health assessment and in a bi-annual in-house EMS Administered check-up.

The County Manager explained that better management of the increased cost of the self-insurance plan was desperately needed and these steps would help. A motion was made by Dean Buff and seconded by Michael Lavender to approve the suggestion. The motion passed unanimously.

DISPOSAL OF DAY CARE ITEMS

Commissioner Lavender asked if the disposal of day care items from the closed facility on State Street could be sold locally. The Finance Officer explained that the contract with Gov Deals would have to be amended, a public hearing notice would have to be advertised, that a Resolution would have to be approved and an auction held. The County Manager stated that the items would not bring sufficient revenue to justify these steps.

Commissioner Webb suggested that the day care items be placed on the government channel and that communication with the Day Care providers be made regarding the disposal of items.

BROADBAND COMMITTEE REPORT

Chairman Walker recognized Keith Buchanan who has served as the Chairman of the Chamber of Commerce Broadband Committee. Mr. Buchanan recognized the members of the committee. The committee was formed to evaluate broadband expansion and availability to the citizens of the county. The committee has spent nine months evaluating the availability of broadband in the county. There are pockets in the county where broadband is not available. The topography will limit 100% coverage. The EMC had estimated that McDowell County has just over 70% coverage, but the members thought the percentage was overstated. Grant funding was received by other counties such as Yancey County to encourage broadband expansion with evidence of success. Meetings have been held over the past nine months with individual providers to determine the level of coverage. A goal of 90% coverage would be a reasonable goal according to Mr. Buchanan.

Mr. Buchanan reviewed strategies to encourage the expansion of broadband. The significance of broadband was described as crucial for the education of our children and economic development in this county. M. Buchanan asked for the Board's support and expressed his appreciation to the Board for their past support. Jim Edwards addressed the Board regarding the possibility of stimulus funding to support this initiative. A brief discussion of the cable television operator expansion requirements was discussed and it

was noted that two areas of the county met the expansion requirements and this was being pursued by county staff.

Michael Lavender made a motion to support the initiative to expand broadband opportunities including grant submission. The motion was seconded by Commissioner Webb and was unanimously approved.

McDOWELL HEALTH COALITION REPORT

Caroline Rodier, Chairperson of the McDowell Health Coalition, was recognized and introduced the new program director Marjorie Vestal. Ms. Vestal has an extensive background in health initiatives in Buncombe County including the Health Adventure and the YMCA.

Ms. Vestal provided a brief overview of the community health assessment and explained that the information would be updated every 48 months. Ms. Vestal stated she would like to provide a monthly update to the Board. The new Director reviewed the mission statement of the Health Coalition including an emphasis on facilitation and collaboration for the program.

An Action Plan will be drafted and finalized in May. This plan will include obesity, teen pregnancy and sexual health, substance abuse and affordable health care. The initiative will specifically include community gardens, educational initiatives involving teen pregnancy, a child health summit, and an educational initiative on drinking and driving prevention.

CITY OF MARION SALES TAX ISSUE

The County Manager briefly provided an overview of the sales tax distribution issue with the City of Marion. He reviewed a proposal to distribute the sales tax over a five year period in the amount of \$250,000 for the fiscal year 2009-10 and increase in increments of \$25,000 for the five year period. This was the proposal discussed with the City of Marion at the Utility Committee meeting. The County Manager pointed out that the distribution would occur after the Town of Old Fort received their allocation first and then the \$250,000 would be deducted.

Chairman Walker recognized each Commissioner and asked for their opinion on this issue. Commissioner Buff stated that the agreement seemed reasonable and he supported the three year "trip mechanism" to review the sales tax and allow for adjustment. He commented that the effort to recover all of the funding in a five year period was difficult. He also pointed out the importance of cooperation. Commissioner Webb stated his interest in doing what was needed to function as a team and understand the Cities situation. Mr. Webb stated that the county had shown its commitment to teamwork in the decision to extend water and sewer service to the commercial project on Sugar Hill Road. He expressed optimism regarding the commercial project and hope that this project could result in a favorable outcome for both entities. Commissioner Lavender expressed disappointment over the lack of negotiation on the water rates. He expressed hope that the Nebo water rate issue would be addressed. Commissioner McPeters expressed a desire to continue working on the water rate issue and the fire issue.

Chairman Walker expressed a desire to work with all Boards and to resolve the matter at this meeting. Commissioner Lavender asked if the agreement should be one year based on the economic changes taking place.

Commissioner Buff made a motion for a five year agreement with a three year review. The Agreement would retain \$250,000 in 2009-10 and have increments of \$25,000 a year increases for four years. Commissioner Webb seconded the motion. A lengthy discussion followed on the motion. Chairman Walker called for a larger amount to be retained. Chairman Walker called for a vote by the Board. The motion was defeated by a four to one vote with Commissioner Buff voting in the affirmative and Commissioners Walker, McPeters, Lavender and Webb voting in opposition.

A general discussion continued with various options discussed. Commissioner Buff made a motion to retain \$250,000 for the fiscal year 2009-10 and then increase this amount \$50,000 each year for five years. The motion was seconded by Commissioner Webb and the motion passed unanimously.

WATER LINE UPDATES

Chairman Walker recognized the County Manager regarding the status of various water project initiatives. The County Manager stated that the Watson Road water line extension was complete, the Sherwood Forest project would be complete within one month, the contracts entered into by the City of Marion for the water and sewer extension for the commercial project on Sugar Hill Road were executed and that a STAG grant in the amount of 3.5 million for a water filtration plant on Lake James was submitted. Also, bid openings on the water line extension to the new Forest Service facility on Highway 226 South are to be opened by the end of March and will be presented at the April meeting.

Finally, a Resolution by McDowell County authorizing the submission of the extension of a water line on Harmony Grove Road as an Economic Stimulus Package project was presented to the Board. A motion was made by Commissioner Lavender and seconded by Commissioner Buff to approve the "Resolution By McDowell County Authorizing Applications For Funding Under the American Recovery and Reinvestment Act of 2009." The motion was unanimously approved.

BOARD APPOINTMENTS

Chairman Walker reviewed the appointment to the Planning Board which was a second reading. The Board, by ballot, selected C.B. Edwards for reappointment to the Planning Board. The vote was Commissioners Walker, Webb and McPeters voting for C.B. Edwards and Commissioners Buff and Lavender voting for Samuel Dotson. A first reading was provided on an appointment to the Agricultural Advisory Board.

TRANSFER OF COUNTY PROPERTY RESOLUTIONS

The Chairman recognized the County Manager to review five Resolutions authorizing the transfer of property as provided in GS 160A-279. The Resolutions included the transfer of a 1999 Crown Victoria vehicle and a 2000 Crown Victoria vehicle to McDowell Technical Community College. A Resolution authorizing the transfer of two law enforcement light bars and sirens to the Community College was presented. A Resolution authorized the transfer of timber cut adjacent to the EMS facility to the Blue Ridge Baptist Association was presented and a Resolution transferring a chair to the Lake Lure Fire Department was presented. A motion was made by Commissioner Buff and seconded by Commissioner McPeters to approve the five Resolutions. The motion unanimously passed.

RAIL DEREGULATION SUPPORT LETTER

Chairman Walker introduced the subject of supporting continued railroad deregulation and recognized Commissioner Webb. Commissioner Webb provided an overview of the importance of the railroad industry and the continued deregulation of this industry by the Federal Government. A motion was made by Commissioner Webb and seconded by Commissioner Lavender to send a letter of support to the federal congressional delegation regarding this matter.

CITIZEN COMMENT

Chairman Walker recognized the citizens in the audience and thanked them for their attendance. Several citizens had signed up to speak. Dan Thorpe representing the Black Forest Community and ten other citizens spoke to the Board about the issue of handicapped access facilities in the Black Forest subdivision. Mr. Thorpe stated that the community members present were supportive of actions taken by the County Inspection Office and offered any assistance regarding a dispute with a member of the community not present.

Joy Harkelrode addressed the Board concerning the proposed Animal Ordinance currently being reviewed by the Planning Board. She felt that her views were not being seriously considered by the Planning Board. She also expressed a concern regarding the issue of metal barrels serving as shelter and felt that the extreme heat and cold caused by metal is not humane. The second issue was selling animals for research. The third issue was tethering. The fourth issue concerns restricting mixed breeding.

Carrie McMullan addressed the Board regarding the importance of safe and humane treatment of animals. Adequate shelter was described as not being a metal barrel. The second issue addresses banning hybrid dogs.

Paulette Morrill next addressed the Board and she took exception to the use of cages to trap animals. The use of cages was described as inhumane

TAX MATTERS

A motion was made by Commissioner Lavender and seconded by Commissioner Buff to approve the tax releases and refunds. The motion passed unanimously.

ISOTHERMAL MEMORANDUM OF AGREEMENT REGARDING THE RURAL PLANNING ORGANIZATION

Joshua King from the Isothermal Planning and Development Commission gave a brief overview of a number of minor amendments to the Memorandum of Agreement between McDowell County and the Isothermal Development and Planning Commission. The amendments concerned the composition of the Board and appointments by the Department of Transportation. Upon motion by Commissioner Lavender and seconded by Commissioner McPeters the motion to accept the amendments passed unanimously.

TRANSFER STATION PERMIT AMENDMENT

The County Manager reviewed the need to amend the Transfer Station Permit based on the merging of Republic Services and Allied Waste. County waste will now be transferred to the facility in Caldwell County. A motion was made by Michael Lavender and seconded by Commissioner Buff to approve the amendment. The motion passed unanimously.

CRIMINAL JUSTICE PARTNERSHIP CONTRACT

The County Manager reviewed the Criminal Justice Partnership Contract. The contract was due in Raleigh prior to the next meeting of the Board. A motion was made by Commissioner Webb and seconded by Commissioner Buff to approve the contract. The motion passed unanimously.

ADJOURNMENT

There being no further business to transact at this time, a motion was made by Commissioner Lavender and seconded by Commissioner Buff to adjourn. The motion was unanimously approved.

DAVID N. WALKER, CHAIRMAN

CHARLES R. ABERNATHY
COUNTY MANAGER