

**STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
BOARD OF COMMISSIONERS  
SECONDARY ROADS PUBLIC HEARING AND  
REGULAR SESSION  
MAY 10, 2010**

**ASSEMBLY**

The McDowell County Board of Commissioners met with Department of Transportation officials for a public hearing on Secondary Roads on Monday, May 10, 2010, at 3:30 p.m. in the Commissioners' Board Room, the usual place of meeting.

**MEMBERS PRESENT**

David N. Walker, Chairman; Barry E. McPeters, Vice-Chairman; Dean Buff (from 5:00 p.m. through remainder of meeting); Michael Lavender; and Andrew K. Webb

**OTHERS PRESENT**

Charles R. Abernathy, County Manager; Carrie Padgett, Clerk to the Board; Ashley Wooten, Assistant to the County Manager (Video); and reporters Mike Conley for THE McDOWELL NEWS, and Kaitlyn Evans for THE NEWS BULLETIN OF McDOWELL COUNTY.

**CALL TO ORDER**

Chairman Walker called the meeting to order and stated the purpose of the meeting was to hold a public hearing concerning the Secondary Roads Improvement Program and pursuant to G.S. 136-44.7, he declared the Board in public hearing. He then recognized Mr. Doug McNeal, District Engineer with the Department of Transportation, for his presentation. Other DOT staff members present were Scott Killough, District Office Supervisor; Henry Worley, Road Maintenance Foreman; and Wade Tate, their new Road Maintenance Engineer. Mr. McNeal explained that unfortunately their Division Maintenance Engineer, Mr. Ed Green, was unable to be with them due to an unanticipated medical condition.

**PUBLIC HEARING ON SECONDARY ROADS PAVING PRIORITIES**

Mr. McNeal explained that today's public hearing was being held in compliance with G.S. 136-44.8 by directives established by the North Carolina Board of Transportation, and they were submitting the proposed expenditures of estimated secondary construction funds for McDowell County for the period starting July 1, 2010 to June 30, 2011. He advised they were at the point now where they had been able to pave

most of the roads for which right of way is available, and that the only new road at this time is the Bernice Street Extension, 0.07 miles long, which was added to the system last year and is up for paving this year. He advised they had reviewed all the roads with right of way that is unavailable to see which roads they might partially pave, hoping to have at least 1,000 feet. Therefore, they were submitting the following:

**2010-11 Secondary Roads Construction Program  
McDowell County**

I. Construction of unpaved roads

SR. No.	Length (Miles)	Road Name and Description	Est. Cost
1768	0.42	Sain Road from SR 1769 for 2200 feet (partial pave)	\$ 40,000.00
1324	0.2	Searcy Road	\$ 20,000.00
1597	0.07	Bernice Street Extension from end of pavement to end of maintenance	\$ 5,000.00
1433	0.2	Old Toms Creek Road from SR 1434 for 1075 feet (partial pave)	\$ 80,000.00
1407	0.25	Mill Creek Road from Railroad to US Forest Service	\$ 100,000.00
		Subtotal	\$ 245,000.00

Alternate roads subject to additional funds

1407	2.94	Mill Creek Road from end of pavement to start of pavement	\$ 2,900,000.00
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II. Paved Road Improvement

1769	1.3	Dysartsville Road widening and strengthening from SR 1768 to Burke County	\$ 500,000.00
		Subtotal	\$ 500,000.00

III. Funds reserved for surveying, right of way acquisitions,  
road additions, contingencies, overdrafts, and paving  
entrances to certified fire departments, rescue squads, etc.

Subtotal	\$ 60,064.00
FY 2010 Anticipated Funding	\$ 805,064.00

Continue down priority list until all funds are exhausted

Program subject to availability of funding, right-of-way and  
environmental review

A general discussion followed on some of the roads from the list of rural and subdivision/residential roads with unavailable right of way, whether the property owners had recently been approached about right of way, the location of the roads, etc. Of particular interest to the Board were Searcy Road, Hebron Hill Road, and Twin Oaks Road. Others discussed were Sain, Old Toms Creek and Mill Creek Roads. Mr. McNeal stated the Secondary Roads Program is changing in pretty good timeliness, and the priority list is for roads for which they have previously tried to get right of way. He pointed out that all the roads for which right of way is available have been paved and they are now transitioning more into a paved road program where they can address some of the secondary roads needs where there are higher amounts of traffic, there are significant maintenance problems, etc., such as Mill Creek Road.

In further discussion, Mr. McNeal addressed the point system, the legislation passed in 1975 that determines whether a road qualifies for state maintenance, how the economy and weather has affected their work in recent years, and how they assess roads to determine the type of paving mix to use.

A motion was made by Commissioner Lavender and seconded by Commissioner McPeters to go out of public hearing. The motion carried by unanimous vote.

Commissioner Lavender then made a motion to approve the resolution authorizing DOT's recommendation for the 2010-2011 Secondary Roads Construction Program. Commissioner Webb seconded the motion and the vote was unanimous.

Chairman Walker thanked DOT officials for all their work in maintaining the County's roads and keeping them safe.

### **PURCHASE OF PROPERTY UPDATE/NORTH COVE**

The County Manager advised that Mrs. Gibson had called just prior to the meeting and asked when this item would be on the agenda. He had informed her he was really uncertain—that it could be any time between 4:00 and 6:30 p.m. He had told her that if they wished to be present for the discussion, he would ask the Board to postpone the item until they arrived (expected to be around 6:00 p.m.). Mr. Abernathy explained there were no additional bids received; therefore, he would recommend changing the wording of the resolution for acceptance of Mr. Gibson's offer (\$11,250) in accordance with discussion at the April 12<sup>th</sup> meeting, with the purchaser being responsible for all costs associated with the sale.

A motion was made by Commissioner Lavender to authorize the sale of property by adoption of the resolution, with wording being changed as recommended. Commissioner McPeters seconded the motion and by a unanimous vote, the resolution was adopted as follows:

## **RESOLUTION AUTHORIZING SALE OF COUNTY OWNED PROPERTY**

**WHEREAS**, the County of McDowell desires to sell property located on North Cove School Road; and

**WHEREAS**, property consists of 1.940 acres. Current tax value of property is \$11,250.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of McDowell County that:

The County of McDowell desires to sell property located on North Cove School Road to Mr. Paige Gibson for the amount of \$11,250 and Paige Gibson will be responsible for all costs associated with the sale, including legal and advertising.

This resolution shall become effective upon adoption.

**ADOPTED** this the 10<sup>th</sup> day of May, 2010.

### **FOOTHILLS PILOT PLANT UPDATE**

Chairman Walker recognized the County Manager for an update on the Foothills Pilot Plant. Mr. Abernathy said the Board had discussed and, as he recalled, approved the concept of a non-profit entity being formed with the Economic Development Association that would oversee this program. He had met with Smithson Mills and Dan Smith on Friday to discuss the articles of incorporation and to review some documents, but they were not yet ready. Mr. Abernathy pointed out that both Dan and Smithson recommended that bids first be received and the budget figures made clear and straight before proceeding. The bids will be opened and will be given to the Board at the next meeting. He advised extra effort was being made to involve local contractors.

A general discussion followed during which Commissioner Lavender asked if at some point Mr. Mills could update the Board on legislation related to processing facilities, noting there is a question about exemptions. Mr. Abernathy agreed to ask Mr. Mills about this. He noted the Golden Leaf grant that will offset the operational costs for eighteen months, plus the fees will be affordable as the customer base is built up and a slow approach will be used to try making the operation self-sufficient. Mr. Abernathy also mentioned that the next agenda would include discussion of an advisory committee, as well as other groups, that will provide guidance. Commissioner Lavender pointed out he would like for family growers to be a part of this.

## WATERLINE GRANT

The County Manager advised the County had received informal notification of a Rural Center grant in the amount of \$152,220 for the extension of a water line from Eastside Baptist Church to the "red caboose" located on Harmony Grove Road. The last estimate received for this part of the project was \$304,440. He asked his assistant, Ashley Wooten, to address plans of using remaining funds from the Sherwood Road Project to bridge most of the gap. Mr. Wooten explained that about 45% of the homes in the area had tested positive for contaminated wells and those test results were presented in the Rural Center application last fall. In order to meet the shortfall, they are proposing to use the remaining \$143,659 in EPA grant funds and a small County match (\$10,000-\$15,000 depending on grant administration costs).

A general discussion followed on connection fees and whether there would be funds available to handle them, other areas where citizens have shown an interest in having water extended, and the importance of maximizing funds for the best use. A question was raised about monitoring the number of homes, meeting a threshold, etc. Mr. Abernathy pointed out the need to have a workshop in order to pinpoint some of this.

Commissioner Webb noted a good comment recently from a businessperson in the area who had expressed his appreciation for the commitment to move forward.

## TAX MATTERS

The usual listing of tax releases and refunds were presented for the Board's approval. In summary, they were:

Releases Under \$100.00	Released amount of \$516.22
Releases Over \$100.00	Released amount of \$7,738.58
Motor Vehicle/Releases Under \$100.00	Released amount of \$488.62
Motor Vehicle/Releases Over \$100.00	Released amount of \$1,781.31
Release Refunds	Refunded amount of \$613.58

A motion was made by Commissioner McPeters and seconded by Commissioner Lavender to approve the tax releases and refunds as submitted. By a unanimous vote, the motion carried.

A brief discussion followed on releases over \$100.00.

## **BOARD APPOINTMENTS**

Chairman Walker noted the vacancy on the Region C Workforce Development Board, presented on second reading and with only one applicant.

Commissioner Lavender made a motion that since there was only one applicant, they appoint Mark Weber, Sr., Plant Manager for Key Gas Components, Inc., by acclamation. Commissioner McPeters seconded the motion and it carried unanimously.

## **ADDITION OF ROAD TO STATE SYSTEM**

The County Manager advised the Department of Transportation had received a request to add Lake Mist Court in the Waterglyn Subdivision in Nebo to the state system. Residents of the area support the request. If the Board of Commissioners approved the request, they were being asked to submit a Road indicating their approval.

Commissioner Lavender made a motion, seconded by Commissioner Webb, to approve the resolution to add Lake Mist Court in the Waterglyn Subdivision to the state system as presented. By a unanimous vote, the motion carried.

## **REPORTS AND COMMUNICATIONS**

Under this item, the County Manager advised the no-wake buoy was approved last week and work will proceed. Commissioner Webb noted there had been good debate on both sides and that safety will be the priority.

In view of next year's budget, Commissioner Lavender pointed out he would like to have a workshop in order to give feedback on the budget. Chairman Walker asked what would be the Board's pleasure concerning a budget workshop. By consensus, the Board agreed to meet for an hour.

Mr. Abernathy advised he has the overheads and is basically ready, but that he was just not positive on the amount of revenues for next year. In discussion, the Board agreed to set priorities and proceed with a workshop to receive feedback.

In a brief update, Chairman Walker said he, Commissioner Webb and Commissioner Lavender were at the Senior Follies and this was the best year of all he had attended.

## **APPROVAL OF MINUTES**

Minutes of the March 8, 2010 and April 12, 2010 regular sessions were presented for approval. Vice-Chairman McPeters pointed out that he was shown as both present and absent for the April 12<sup>th</sup> meeting and that he was indeed absent. With this correction being noted, Commissioner Lavender made a motion to approve the March 8, 2010

minutes as recorded and to approve the April 12, 2010 minutes as amended. Commissioner McPeters seconded the motion and the vote was unanimous.

### **APPROVAL OF AGENDA**

With no additions being made to the agenda, upon motion by Commissioner McPeters and a second by Commissioner Webb, the agenda was approved as presented.

### **BUDGET UPDATE**

Mr. Abernathy advised there were no budget amendments but there were three adjustments for the Nebo Water System, two involving Mr. and Mrs. Riddle, and the third for Ms. Edwards.

Commissioner Lavender made a motion, seconded by Commissioner McPeters, to approve adjustments as presented. The motion carried unanimously.

In a budget update, Mr. Abernathy advised revenues were posted through three-fourths of the fiscal year, noting that amounts shown were certainly not what one would expect at this time. He pointed out sales tax was off \$38,000 and distributed tax collection figures showing the daily average here was down approximately \$5,000 from April to the first week in May.

A brief discussion followed on the report from the State Treasurer's Office.

### **BRIEF RECESS**

Chairman Walker declared a brief recess while waiting for staff to be called in early for the next three items.

### **KIDS SAFETY CAMP GRANT**

Emergency Medical Services Director William Kehler advised he had applied for and received a grant in the amount of \$1,500 to be used for public safety. His plan is to conduct a "safety camp" for kids on June 22, 23 & 24 with a total of 16 sessions during this time that teaches various safety skills and awareness. The event will be held at East McDowell Junior High each day and will conclude with a helicopter landing and the kids being able to view the vehicle. Pre-registration will be required and the cost has been kept down to a minimum. Mr. Kehler said he hopes to make this an annual event. He requested the Board's approval for participation in this activity.

In discussion, Chairman Walker thanked Mr. Kehler for writing this grant and for the collaboration with his partners to make this happen. Mr. Kehler said he would place the event on their website and make sure flyers are distributed at schools, etc., and that participation in the event will be on a first come/first serve basis.

Commissioner Lavender made a motion, seconded by Commissioner Buff, to approve the Kids Safety Camp. The motion passed by a unanimous vote.

Commissioner Webb asked that Mr. Kehler make sure the event was publicized in all communities of the County so that home-schooled children and those at the Christian Schools have opportunity to participate.

### **CALL TO ORDER**

Chairman Walker called the meeting to order at 5:00 p.m. and asked Commissioner Buff to give the invocation, followed by the pledge of allegiance, led by Treh Beverly, a student at Eastfield Elementary School.

### **STUDENT PRESENTATION**

At this time, Chairman Walker recognized Treh Beverly for a presentation, noting it is always good to recognize the youth of McDowell County because one day they will "sit behind this desk and in these chairs". He stated the Board was not endorsing any party tonight, only recognizing young Treh to hear what he had to say.

Treh said he came before the Board today as a future voter and possibly a future politician. He said this Election Day, he had the honor of visiting the Board of Elections where he was introduced to Election Board member Mr. Jack Wood who explained the election process to him and gave him a challenge. The challenge consisted of improving voter participation. Treh said he had many ideas, but the one he believed would produce the most results is to educate future voters. He proceeded to explain how this could be accomplished, starting with third-grade students and having a specific focus for each grade level. He proposed that a committee be formed to discuss these areas to determine the best way to implement and keep this process moving forward.

Chairman Walker thanked Treh for being so active and having a desire to learn. He asked that he encourage his fellow classmates to be involved, noting that he looked forward to hearing more about him in the future.

The County Manager suggested getting a copy of the guidelines Treh had read and, if the Board agreed, to send them to the School Board along with a request that they consider incorporating them into the next school year. By consent, the Board accepted the suggestions made.

### **CENSUS UPDATE**

Planning Administrator Ron Harmon advised the mail-in portion of the census for the County for the year 2010 showed a participation rate of 73%---up 10% from the year 2000. He said he had asked the Census what their expectations were and they said a 5% return would be exceptional.

Mr. Harmon advised he had worked with Emergency Medical and Emergency Management Services, DSS, Board of Education, Job Link, the Senior Center, the Town of Old Fort, Building Inspections, County Administration, and Facility Maintenance to get information out to all areas of the County. He pointed out the Board of Education had gone to great lengths using the ConnectEd phone system to get to the household of each student. He said the next phase of the process would be the door-to-door visits and that workers would have a badge with proper identification, etc.

### **REVIEW 4-H SCHOLARSHIP POLICY**

Chad Ray, Interim Director with Cooperative Extension, presented a draft form of the application for the 4-H Scholarship and addressed the questions raised from the previous meeting. He explained the criteria to be used in selecting the winner, how funds will be secured, building of endowment, etc., noting that one-half of one percent will be the interest rate. He said advertisement for the scholarship program will be through 4-H, and counselors at the High School, including the home-schooled, Christian School, etc.

A motion was made by Commissioner Lavender and seconded by Commissioner Webb to approve the 4-H Scholarship Program as presented. By a unanimous vote, the motion carried.

In further discussion, Mr. Ray said the first disbursement will be during the next school year and the County Manager advised that a related budget amendment would be forthcoming.

### **EMERGENCY MANAGEMENT ANNUAL REPORT**

Terry Young, Emergency Management Director, came before the Board to give an annual report from Emergency Management areas including Emergency Management, 911 Communications, and Fire calls. The report had very detailed statistical data on all phases of the EMA operation, with numbers for calls on the business lines as well as cell calls, transfers to both the Sheriff's Office and Marion Police Department, various types of fires, search and rescue for missing/lost persons, etc.

Chairman Walker noted the event in Mitchell County on Roan Mountain in June of 2009 with the lost children and the Board's pride in the fact that McDowell's folks participated in this search.

Discussion followed on how the use of cell phones has cut down on response time. Commissioner Buff asked if Mr. Young could do presentations for clubs and other organizations. Mr. Young agreed to do presentations any time.

The County Manager addressed the awards McDowell County has received, what information is on the website and our rankings with other counties.

## **UPDATE REGARDING VIETNAM TRAVELING MEMORIAL**

Since he was uncertain as to whether Randy Hollifield would be present for this item, the County Manager provided a brief update on the Traveling Vietnam Memorial. He advised the committee had been meeting, that a lot of work had been done, and that a date and location had been decided. He said he would ask Mr. Hollifield to come next month.

## **TRAILS REQUEST ITEMS**

Bill Hendley, with McDowell Trails Association, came before the Board with two items of request for the Board. First was to request one half of the cost for the boundary survey to extend the trail to the west entrance to the Point Lookout Trail. The area to be surveyed is approximately 4,500 feet of trail from the Buncombe County line to the metal gate across Old US 70 east at the junction of Old US 70 and Mill Creek Road, along with an approximate 0.75 acre for the proposed parking area. The quoted cost for the survey is \$4,600.00. Mr. Hendley said if the County assumed half the cost (\$2,300), the Trails Association would assume the remainder of the cost.

A brief discussion followed. Commissioner Lavender thanked the Trails Association for the use of their money and for taking on this project.

Commissioner Webb made a motion, seconded by Commissioner Lavender, to approve the \$2,300.00 as the County's portion for the survey. By unanimous vote, the motion carried.

The second was to get the County to support and assist with rallying county residents to participate in the June 5<sup>th</sup> walk and cleanup of the last mile and one-half of the Overmountain Victory National Historic Trail (OVNHT) that comes to the highway just beyond Black Bear on Lake James. Mr. Hendley addressed the impact this would have on the County, noting that locations had been narrowed down to four without them being named. He provided information on doing a survey to rank the authenticity of the location, on doing an archaeological survey, etc. He pointed out that \$250.00 had been given to assist with lunch for the volunteers. Also, he said there will be one more town meeting and that an announcement will be made in May, 2011.

A motion was made by Commissioner Lavender, seconded by Commissioner McPeters, to endorse the cleanup effort. The motion carried unanimously.

Commissioner Buff mentioned that Mr. Hendley's son had developed an electric car (was featured on WLOS).

## **BRIEF RECESS**

Chairman Walker declared a brief recess at this time, after which he called the meeting back to order and proceeded with the next item of business.

## WOODLAWN FIRE/LITTLE SWITZERLAND ISSUE

The County Manager gave a general overview of the situation of the people and businesses location in McDowell County in Little Switzerland and their difficulty or inability to obtain insurance on their homes and businesses. He made reference to action taken by the Board in April last year with direction given to seek a resolution similar to the one used with Burke County with the Long Town Department. He said hopefully this would be a positive event as the Burke County situation had been, noting that there was a consensus at least between the two fire departments. Mr. Abernathy pointed out there were citizens from the community of Little Switzerland, representatives of the fire department and others present, and that action would be to request the Board set a date for a public hearing for the second Monday in June.

Among those present were Terry Young, Emergency Management Director, Chief Davis and Eric Wiseman, and Eddie Duncan for Parkway Fire and Rescue, and Tony Cook, Vice-President of the Woodlawn/Sevier Fire Department.

Mr. Cook first thanked the Board for the opportunity of meeting with them. He then presented results of the meeting with Parkway, the area the map includes for proposed fire service, etc., noting that this would allow Parkway to be the main point and would allow residents and businesses to get a ranking for fire insurance. He requested that a date be set for a public hearing for a service district in the Little Switzerland area.

Chairman Walker thanked everyone for their work and how they had responded in seeking a solution to this issue.

Bill Carson, representing residents of Little Switzerland, thanked the Board for the opportunity to meet as well, noting how they respect everyone for their work and appreciate what has been accomplished. He advised they expect a rating of 6 (six) if approved.

The County Manager advised the action is to set a date for a public hearing, perhaps for 6:00 p.m. at the next meeting.

Commissioner Webb made a motion to set a public hearing for the second Monday in June (14<sup>th</sup>) for the creation of a service district for the purpose of fire protection in Little Switzerland. The motion was seconded by Commissioner Lavender and a brief discussion followed.

When put to a vote, the motion carried unanimously.

Chairman Walker again recognized those present and thanked them on how they had worked together on this issue.

**CITIZEN COMMENT**

No one had signed up to speak for this item.

**ADJOURNMENT**

There being no further business to transact at this time, upon motion by Commissioner Lavender and a second by Commissioner McPeters, the meeting was adjourned.

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DAVID N. WALKER, CHAIRMAN

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CARRIE PADGETT  
CLERK TO THE BOARD