

**STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
BOARD OF COMMISSIONERS
REGULAR SESSION – JULY 12, 2010**

ASSEMBLY

The McDowell County Board of Commissioners met in regular session at 5:00 p.m. on Monday, July 12, 2010, in the Commissioners' Board Room, the usual place of meeting.

MEMBERS PRESENT

David N. Walker, Chairman; Barry E. McPeters, Vice-Chairman; Dean Buff; 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 David Walker called the meeting to order. The invocation was given by Commissioner Webb, followed by the pledge of allegiance, led by Commissioner Buff. .

APPROVAL OF MINUTES

Minutes of the May 10, 2010 Secondary Roads Public Hearing and regular session, and the June 10 and June 28, 2010 adjourned sessions were presented for approval.

A brief discussion followed.

Upon motion by Commissioner McPeters and a second by Commissioner Buff, the minutes of the four meetings were unanimously approved as presented.

APPROVAL OF AGENDA

Chairman Walker asked if there were any changes to the agenda. The County Manager asked that Item B under Appointments (Introduction of new Cooperative Extension Director) be deleted, with that item being carried over to the August meeting.

Commissioner Buff made a motion to approve the agenda as amended. Commissioner Webb seconded the motion and the vote was unanimous.

CITY \$5.00 BILLING ISSUE

The County Manager said this item was carried over from the Board's June 30th meeting and made reference to the memo in which he had provided a summary of a meeting held with County and City staff regarding their decision to bill City residents \$5.00 per vehicle and to place the bill on the County's monthly vehicle bills. He explained the situation of the block that would be created if the fee goes unpaid, noting that failure of a citizen to pay the \$5.00 fee would result in a block being generated on the license renewal and would match the vehicle billing cycle used by the County. He stated County staff is adamant about the impact this would have in terms of hours of work. He pointed out City staff had agreed that an agreement in draft form will be presented and that there are some issues that would still need to be worked out.

Concerning the financial impact, Mr. Abernathy said his best guess is that this would be a little less than \$2,000.00 and suggested a fee in the \$2,000 to \$2,500 range. He pointed out that County employee Doris Flynn is willing to take over the associated duties although the City's staff may come over and actually do the separation.

A general discussion followed, during which one member of the Board expressed concern in having the City's staff assisting, noting that it may be alright to assist but that he would not want them actually getting into our computer system. The Board addressed the fact that some citizens would view this as a fee imposed by the County. Some members of the Board said they would prefer a contract because of this.

Commissioner Webb made a motion, seconded by Commissioner McPeters, to present a contract for \$2,500 with a \$500.00 set up fee (one time). A brief discussion followed with the suggestion made to go lower with the fee.

When put to a vote, the motion passed by a vote of 4-1 with Commissioner Lavender voting nay.

IDENTIFY THEFT PREVENTION ORDINANCE

The County Manager advised there is now a requirement that counties adopt an Identify Theft Prevention Program and Policy. The Finance Officer had worked to draft policy in an ordinance format that sets out guidelines for accessing personal information. Highlights of the policy include the following items:

The Ordinance limits access to personal and identifying items of information to only those employees with the direct need to have access.

Computer systems will be maintained in a manner to provide limited access to

personal and identifying information.

The Ordinance establishes guidelines for access to credit card information by both staff and by any third party entities that the County would utilize by contract.

The Ordinance defines suspicious documents or attempts to obtain information or access information and how these matters should be addressed.

The Ordinance establishes procedures for notifying and working with citizens that encounter identity theft through any of the County's procedures or actions.

The Finance Officer addressed the need for this policy, noting that her department has been working under these guidelines for some time.

Commissioner Lavender noted a concern he has about the lack of computer security, advising that he would want to look more into this aspect soon. Discussion of this followed.

Commissioner Lavender made a motion, seconded by Commissioner McPeters, to approve the Identify Theft Prevention Program Ordinance to become effective within 30 days or sooner. The motion carried unanimously.

FOOTHILLS PILOT PLANT PROJECT UPDATE

The County Manager provided a general status report on the Foothills Pilot Plant Project as a result of the Commissioners approving bids and awarding the low bid to Cooper Construction for this project at their last meeting. He advised the contract documents had been executed and the order to proceed had been issued, and that he had attended the pre-construction conference on Thursday the previous week, along with USDA representatives. The Foothills Pilot Plant Project will be a USDA approved facility that will allow the processing of small agricultural animals and will serve over 30 farms in the region.

Mr. Abernathy advised there are legal documents that yet to be finished and approved concerning the management and oversight of the operation. Those documents are being prepared by an attorney from Wake Forest. Further, Mr. Abernathy had prepared a letter concerning the staffing and management of the operation which he had addressed to the appropriate Cooperative Extension staff requesting that they take leadership with this project by providing a half position for this purpose. The letter was included in the agenda packet for the Board's review and authorization for mailing. He pointed out that neither he, nor his assistant, have the expertise to oversee the project; therefore, they would have to rely on Cooperative Extension staff to provide that resource.

A brief discussion followed.

Commissioner Lavender made a motion, seconded by Commissioner Webb, to approve submission of the letter supporting this project between the County and Cooperative Extension. The motion carried by a unanimous vote.

WATER BILL AND OCCUPANCY TAX WAIVER

The County Manager advised the Finance Office was requesting the Board's approval on three water bill adjustments (two of which were finance posting errors; the third for a customer who simply overlooked a low credit balance on her account) and the waiver of a late penalty on an occupancy tax item. Staff was recommending that all four items be approved.

The Finance Officer further explained the requested water bill adjustments and the late penalty associated with the occupancy tax, which was a disproportionate amount for the tax collected (\$200.00 on a \$10.00 tax amount).

Chairman Walker asked if there were any comments or questions for staff from the Board. There being none, he called for a motion.

A motion was made by Commissioner Webb to approve the four items as requested. Commissioner Buff seconded the motion and the vote was unanimous for approval.

PARKING LOT LEASE RECOMMENDATION

DSS Director Phillip Hardin came before the Board to request approval of a Lease Agreement for a parking lot on Fort Street that is currently vacant. Mr. Hardin pointed out that business for them had greatly increased due to the economic situation and that their parking situation had become a critical problem on a daily basis as a result of the increase in clientele. He noted that in the last three month period, they had logged 10,000 people into their front desk. Another issue is that people often park real close to the building which creates an additional concern about emergency situations. Mr. Hardin advised his plan was to move all 22 County vehicles to this lot and to use it for the overflow of staff parking. He estimated the lot would accommodate at least 40 vehicles which would provide them with needed space in the main parking lot for their clients.

Commissioner Buff asked if perhaps some of the Red Cross vehicles could be moved to the lot on Fort Street. Mr. Hardin agreed.

A discussion followed on getting the parking lot striped, whether there would be sufficient lighting for the parking lot, etc.

Commissioner Webb made a motion, seconded by Commissioner McPeters, to approve the Lease Agreement between McDowell County DSS and the owners of the parking lot for a 12-month period, ending June 30, 2011. In discussion, it was noted that

money is already budgeted for the parking lot lease. When put to a vote, the motion carried unanimously.

REQUEST TO AMEND FIRE COMMISSION LOAN AGREEMENT

With a few minutes to spare before the scheduled 6:00 appointment for this item, Chairman Walker asked what would be the Board's pleasure in moving it up. By consensus, the Board agreed to move the item up.

Brad Ledbetter, Chairman of the Fire Commission, came before the Board to request an amendment to the *McDowell County Fire Commission Interest Free Loan Program*. In his explanation of the proposed changes, Mr. Ledbetter advised that while there were no significant changes, the Fire Commission felt the amendment was needed for clarification. For instance, he said when the original document was written, brush trucks were omitted under "Purchases allowed", but the amended version would state "all apparatus purchases". Under the "Process" section of the Agreement, the Fire Commission had agreed that the requesting agency would submit a letter on its letterhead stating the requested amount of the loan, etc., without the use of an application.

A brief discussion followed.

The County Manager pointed out that over a half million dollars had gone through the books, with a remaining balance on hand of \$44,044.64.

Chairman Walker expressed his appreciation for the work the firemen do, the decision making process, and other aspects of the Agreement.

Further discussion followed.

Commissioner Lavender made a motion, seconded by Commissioner Webb, to approve changes to the *McDowell County Fire Commission Interest Free Loan Program* as recommended by the Fire Commission. The motion carried unanimously.

SWIMMING POOL UPDATE

The County Manager provided a full detailed update regarding repairs to the Marion Swimming Pool. He noted the skimmers and the drain were repaired and the pool was refilled, but water was still leaking onto the sidewalk. The water was cut off at the meter and the leak had stopped, which obviously meant the problem was not with the pool or the liner but with the pipes serving the pool. A company was called in on Wednesday of the past week to try to determine the cause of the problem and the exact location. The leak was found under the pool and several contractors were consulted who said that since the pool is in reasonably good shape, it could be repaired. Their recommendation was to close off the lines under the pool and do new lines along the

sides of the pool through a complete reworking of the plumbing. They estimated two weeks to have the pool reopened.

Continuing, Mr. Abernathy advised he would bring a budget amendment back later for approval. A proposal for reworking the pool's plumbing was distributed and a brief discussion followed.

Commissioner Buff made a motion, seconded by Commissioner McPeters, to approve the amount of \$44,000 submitted by Aquatic Resources for pool repairs. Commissioner Webb asked about a warranty. Commissioner Buff suggested approving the repairs subject to getting necessary warranty information. When put to a vote, the motion carried unanimously.

SMOKING POLICY ADDITION

Chairman Walker asked the County Manager to lead the discussion of this item. Mr. Abernathy noted that several member of the Board had asked about the ability to legally regulate smoking at the recreation facility. He had asked staff to research this matter and to make a recommendation. The recommendation was as follows:

McDowell County Smoking Policy

In accordance with N.C.G.S. 153A-121, smoking is prohibited within 50 feet of any entrance door to the McDowell County Courthouse. The Courthouse is located on Main Street in Marion and does not include the Administration Building located on North Garden. This policy authorizes the McDowell County Sheriff's Department to enforce this 50 foot restriction.

In accordance with N.C.G.S. 130A-492(6), McDowell County prohibits smoking in all designated areas as marked on county owned sports facilities. These are to include but not limited to Maple Leaf Sports Complex, Sandy Andrews Park, The McDowell County Recreation Department and all associated facilities, Sandlin Park in Old Fort, Glenwood Baseball Fields, and the Woodlawn Roadside Park.

Concerning Maple Leaf, Mr. Abernathy said staff was recommending that no smoking would occur pass the dugouts at this facility. In discussion, a suggestion was made to use the wording "county-owned property" but no changes were made in the wording.

Commissioner McPeters made a motion, seconded by Commissioner Lavender, to approve the Smoking Policy as presented by staff. The motion carried unanimously.

TAX MATTERS

There were no tax releases and refunds for approval at this time. They will be presented in August.

BOARD APPOINTMENTS

Chairman Walker reviewed board appointments, including five applicants for the new Marion Area Fire Advisory Board of Directors, a second reading on one appointment each for the Social Services Board, the Planning Board, and McDowell Tech. Presented on first reading were vacancies for the Library Board, the Adult Care Home Community Advisory Committee, the Focal Point Advisory Committee, and the Transportation Planning Board.

Discussion of the McDowell Tech appointment followed. By consensus, the Board agreed to add the Tech appointment to the ballot sheet, with Joe Kaylor as the applicant. The Board agreed to readvertise the DSS vacancy and make the appointment later. Further, there was brief discussion on having Chairman Walker and the County Manager meet with the Marion Area Fire Advisory Board of Directors to assist in setting up guidelines. Also, a suggestion was made to have Chairman Walker, who serves on the DSS Board, speak with a person who might be interested in serving on that board.

The Board voted on applicants for the Marion Area Fire Advisory Board, the Planning Board, and for McDowell Tech. Results were a *unanimous vote* for the following:

Marion Area Fire Advisory Board of Directors:

Bradley Wyatt	Joe Neal
Durwood R. Creson	James Douglas Parker
Kyle Lael	

Planning Board: Tommy Stamey

McDowell Tech's Board of Trustees: Joe Kaylor

MEETING IN AUGUST

The County Manager advised that both he and the Chairman have a conflict for the August meeting on the second Monday. He asked if the Board would be in agreement to move the meeting forward a week, to the first Monday.

By consensus, the Board agreed to move the August meeting forward one week, to Monday, August 2nd.

VOTING DELEGATE

The County Manager advised the Annual Conference of the North Carolina Association of County Commissioners would be held in Pitt County this year, August 26th through 29th, and that a voting delegate was needed for the business portion of the meeting to represent McDowell County. He pointed out the Association had waived the registration fee and staff needed to know who is going for purposes of registration, etc.

Commissioner Buff agreed to serve as the voting if he is able to attend. By consensus, the Board authorized Commissioner Buff to serve as their voting delegate for 2010.

CITIZEN COMMENT

Since no one had signed up to speak, there were no citizen comments at this meeting.

REPORTS AND COMMUNICATIONS

No additional Reports and Communications were necessary at this time.

ADJOURNMENT

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

DAVID N. WALKER, CHAIRMAN

CARRIE PADGETT
CLERK TO THE BOARD