

**STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
BOARD OF COMMISSIONERS
REGULAR SESSION – MAY 11, 2009**

ASSEMBLY

The McDowell County Board of Commissioners met in regular session at 4:00 P.M. on Monday, May 11, 2009, 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 Mike Conley, Reporter for THE McDOWELL NEWS

CALL TO ORDER

Chairman David Walker called the meeting to order. The invocation was given by the Reverend Doug Worley, Pastor of Nebo First Baptist Church. The pledge of allegiance followed, led by Commissioner Dean Buff

APPROVAL OF AGENDA

The County Manager requested the addition of two items for the agenda, the first being a Resolution Recognizing Mario DeLuca upon his Retirement; the second being forms related to the small animal processing facility from the USDA Grant.

Upon motion by Commissioner McPeters and a second by Commissioner Buff, the agenda was unanimously approved as amended.

APPROVAL OF MINUTES

Minutes of the March 30, 2009 special session and the April 13, 2009 regular session were presented for approval.

Upon motion by Commissioner McPeters and a second by Commissioner Lavender, the minutes of both meetings were unanimously approved as recorded.

BUDGET UPDATE AND AMENDMENTS

The County Manager briefly updated the Board on current-year revenues including EMS billing, property tax and State shared revenue. He advised the recommended budget for FY 2009-2010 would be presented on Wednesday, May 13th, at 11:30 a.m.

Mr. Abernathy then asked the Finance Officer to present budget amendments for the Board's approval:

- #GF 39 – Cooperative Extension – To allocate 4-H and Educational Funds and transfer the budgeted with line items
- #GF 40 – Emergency Medical – To allocate donations and EMS Revenue and to transfer the budget between line items
- #GF 41 – Finance Department – To allocate additional EMS revenue due to Collections
- #GF 42 – Human Services – To allocate additional revenue due to worker's comp.
- #GF 43 – Industrial Maintenance – To allocate additional tax revenue and to transfer within the line items
- #GF 44 –Library – To allocate additional donated revenue
- #GF 45 – Public Works – To transfer the budget within the department
- #GF 46 – Sheriff's Department – To allocate handgun permit fees
- #GF 47 – Social Services – To allocate additional revenue and to transfer between line items
- #GF 48 – DMV/Assessing/Collections – To allocate additional revenue and to transfer between line items
- #GF 49 – Volunteer Center – To appropriate for reserved grants funds
- SP3 – School Project – To allocate funds for projects
- mt2 – McDowell Tech Baldwin Avenue – To amend the budget for loan proceeds

Commissioner Buff made a motion to approve budget amendments #GF 39-49, SP3, and mt2 as presented. Commissioner McPeters seconded the motion and the vote was unanimous.

COMMUNICATION SYSTEM RFP

Emergency Management Director Terry Young provided an overview of the request for proposals, 43 pages in length, to upgrade the CAD, 911 Telephone System, Mapping and the console furniture in the 911 Center. A total of seven bid packages were sent out with all seven vendors responding. A bid opening is scheduled for May 18th at 3:00 p.m. in the County Administration Building. The proposed equipment will be covered by the 911 surcharge funds earmarked to upgrade the present system.

A brief discussion followed, with the County Manager explaining that these are state-controlled funds, made available for viable projects, and that the law does not require an RFP process; however, staff wanted the Board's input.

The update was received as information only, with no action being necessary.

NEBO LEASE AGREEMENT

Nebo Fire Chief Richard Simmons, along with other firemen, came before the Board concerning the Nebo Base Station Lease Agreement which had been amended to reflect changing circumstances of the project. Fireman Steve Silver advised the primary difference was in Section 5 – Lease Payment. The lease will remain a thirty-year lease but the financing agreement is now twenty years instead of thirty. The County will pay a prorated amount of 19.8% of the project cost, not to exceed \$35,188 annually for twenty years, at which time the lease payment will be reduced to reflect an amount for the building maintenance fee.

The County Manager thanked the Nebo Firemen for allowing the County to be a part of this project, noting that while the payment is somewhat more due to the twenty-year amendment, the overall lease term is still thirty years. He said the \$25,000 is still in reserve to be applied toward the first year's lease payment, and they were looking at a winter completion date (February or March).

A brief discussion followed.

Commissioner Lavender made a motion to approve the Building/Grounds Lease Agreement with Nebo Volunteer Fire Department, Inc. as amended. Commissioner Buff seconded the motion which carried unanimously.

ABANDONMENT OF A PORTION OF SR 1819

The County Manager advised the Department of Transportation had received a request from McDowell Technical Community College for the abandonment of a portion

of SR 1819, Universal Drive, and SR 1832, Incubator Facility Drive. Therefore, D.O.T. requested the Board's approval for abandonment of a section of the roads as stated. Mr. Abernathy said he had contacted Dr. Bryan Wilson at the College and he recommended this action.

Commissioner Webb made a motion to approve the request for abandonment of a portion of SR 1819 and SR 1832 as presented. Commissioner Lavender seconded the motion and the vote was unanimous.

MEETING WITH MUDDY CREEK PARTNERS

The County Manager advised he had previously mentioned that the Muddy Creek Partners wished to begin a discussion with the County regarding a transition plan for this activity. They had suggested a dinner meeting for the month of August, similar to the Board's meeting this month with Cooperative Extension Service, instead of having to compete with another meeting for the sake of time. Mr. Abernathy said he wanted to make sure sufficient time is given for coordination purposes, etc.

By consensus, the Board agreed to have the meeting scheduled as suggested.

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 \$261.57
Releases over \$100.00	Released amount of \$2,023.60
Motor Vehicle/Releases under \$100.00	Released amount of \$687.66
Release Refunds	Refunded amount of \$670.33

Upon motion by Commissioner McPeters and a second by Commissioner Lavender, the tax releases and refunds were unanimously approved as presented.

BOARD APPOINTMENTS

The County Manager noted the following board vacancies, presented on first reading:

Two for the Library Board of Trustees – one for the Pleasant Gardens/Greenlee area and one for the Montford Cove Community

One for the McDowell Technical Community College Board of Trustees

One for the Tourism Development Authority – “tourism-related” position

RESOLUTION RECOGNIZING MARIO DeLUCA

As the first addition to the Agenda, Chairman Walker introduced the following Resolution:

Resolution Recognizing Mario DeLuca for Twenty-eight Years of Professional Service to the Citizens of McDowell County as Agricultural Extension Agent

WHEREAS, Mario DeLuca has been employed with McDowell County Cooperative Extension Service for 28 years as Agricultural Extension Agent; and

WHEREAS, during his 28 years of service to McDowell County, Mario has provided innovative programs and cutting edge information in the areas of livestock production, field crops, forages and in the 4-H youth program; and

WHEREAS, Mario is recognized by McDowell farmers as an expert in all aspects of livestock production and he is the person that they turn to when they have problems that need solving or need to make a critical management decision; and

WHEREAS, Mario has worked many long hours to help livestock producers improve production practices such as herd health, forage production, nutrition, working facilities, breeding, and marketing, and has introduced many new and innovative practices to the livestock producers in our County including embryo transfer, alternative forages, heat detections systems and others. With Mario’s help, livestock producers have been able to increase the profits that they realize from their operations; and

WHEREAS, Mario has coordinated an agricultural education program where 500 fourth graders learn the importance of agriculture in their lives and through the youth livestock program, has shared his experience of raising and showing livestock with countless youth. Mario has also organized the McDowell County Livestock Show for the past 28 years.

WHEREAS, Mario is highly regarded among farmers, by the Extension staff, agents in other counties and states, in the local community and in the livestock community, to the extent that McDowell County Cattlemen’s Association President Doug Jenkins said of Mario “I don’t know of anyone that can replace him”.

NOW, THEREFORE, BE IT RESOLVED that the McDowell County Board of Commissioners does hereby recognize Mario DeLuca for his many accomplishments and service to McDowell County and its citizens and expresses its best wishes to him, his wife Margaret, and their children in his retirement.

ADOPTED this 11th day of May, 2009.

Commissioner Webb made a motion to adopt the foregoing resolution as presented. Commissioner Buff seconded the motion and the vote was unanimous.

USDA GRANT

The County Manager advised that he and his Assistant, Ashley Wooten, had met with Marvin Hutchison, Area Specialist with the U.S. Department of Agriculture, concerning the USDA grant (\$260,000) the County would be receiving for the small animal processing facility. Also, that he had received several related documents today which USDA said should be processed immediately. Mr. Abernathy pointed out the minutes needed to reflect that all policies and procedures are approved by the Board for this grant including the:

RD 400-1 "Equal Opportunity Agreement"
 Rural Development Instruction 1942-G Attachment 1
 Certification Regarding Debarment, Suspension, and Other Responsibility Matters
 Certification Regarding Drug Free Workplace Requirements
 Civil Rights Act of 1964 Assurance Agreement

Further, Mr. Abernathy advised Smith and Mills had met with the MEDA Board, they were receptive, and had approved the grant for \$64,000. Also, he said the Forest Service project is moving forward.

Commissioner Lavender made a motion to approve the grant and all related forms and signatories. Commissioner McPeters seconded the motion and the vote was unanimously in favor.

BIO-DIESEL PRESENTATION

As an introduction, the County Manager explained the County's Business Property Lister, Judy Pittman, was present because she had taken the listing for a new small business starting in the County. She had immediately informed Mr. Abernathy about the new business, knowing that he would be interested. Mr. Abernathy introduced Ricky McKinney who is engaged in the production of a bio-diesel product in the Nebo/Dysartsville area of the County.

Mr. McKinney explained that he collects spent restaurant and cooking oil to produce a fuel which is now being used in various pieces of equipment and vehicles, such as the container truck. He said the product burns much cleaner and helps the engine rather than hurts it, and they can produce 2,500 gallons per week. Other items such as corn and soy beans can be used and they are exploring them as he wants to increase his production soon. Mr. McKinney pointed out this will help the farmers with greater use of

empty land and will provide more jobs as well. He noted how his product is benefiting Public Works in their operation.

Concerning the price of the product, Mr. Abernathy pointed out Mr. McKinney's cost is \$1.75 and it is \$1.64 on state contract.

A general discussion followed during which Mr. McKinney answered various questions from the Board and addressed his certification.

A motion was made by Commissioner Lavender to enter into a contract with this small business for the purchase of monthly fuel for the Landfill. Mr. Abernathy asked if Mr. Lavender would consider supporting Mr. McKinney in the submission of grant applications. Commissioner Lavender agreed to amend his motion as Mr. Abernathy suggested. Commissioner McPeters seconded the motion and a brief discussion followed in which Mr. McKinney advised he collects from 30 restaurants, some in Morganton and other surrounding areas.

When put to a vote, the motion carried unanimously.

PUBLIC HEARING ECONOMIC DEVELOPMENT

At 5:00 p.m. as duly advertised, Chairman Walker declared the Board in public hearing concerning proposed economic development incentives for a local industry expansion as authorized under NCGS 158-7.1.

In his role as Economic Development Director, the County Manager stated he could not name the company but that it is an existing industry that will add 25 jobs plus invest \$3,000,000 in new machinery and equipment. He said there is a competitive aspect on the part of the company that involves a One NC application in the amount of \$75,000, which the County will need to match over a three-year period. He introduced Bill Payne, existing industry contact for the State, for any additional comments.

Mr. Payne spoke briefly of the company, noting it is a worldwide industry that is encouraging growth. He also referenced the One NC application and its competitiveness, pointing out the incentive package is being offered for the addition of jobs and to support the company in their efforts.

Chairman Walker opened the floor for comments from audience but no one came forward to be heard.

Commissioner Lavender made a motion to go out of public hearing. Commissioner McPeters seconded the motion and the vote was unanimous.

Mr. Abernathy advised the salaries being offered will exceed other average salaries in the area and again noted the \$3 million investment. He said the State will make the announcement at the appropriate time.

Commissioner Lavender made a motion to authorize the incentive package for \$75,000 over three years. Commissioner Buff seconded the motion and the vote was unanimous.

PUBLIC HEARING ECONOMIC DEVELOPMENT

At 5:15 as duly advertised, Chairman Walker declared the Board in public hearing for to receive public comment concerning economic development incentives being offered by McDowell County for economic development activities as authorized by Section 158-7.1 of the North Carolina General Statutes.

The County Manager, in his role as Economic Development Director, said there was a chance of this being announced but the State was not quite ready; however, he did point out the “deal” had been made pending nothing going wrong. He advised he had been working with the company for 3-4 years, it employs 15 and that number will go up to 65, with perhaps a few beyond that. The company will occupy an existing building, they will invest a half million in machinery and equipment. They offer good paying jobs with salaries that meet the average wage, and their primary function is welding. The company will move in within two weeks.

In further comments, Mr. Abernathy pointed out this is only the eighth building in both North and South Carolina to be occupied this year during these economic times.

Chairman Walker opened the floor for comments from the public but no one came forward to speak.

Commissioner Webb made a motion to go out of public hearing. Commissioner Lavender seconded the motion and the vote was unanimous.

Commissioner Webb then made a motion to offer the incentive package as presented and recommended by the Economic Development Director. Commissioner Lavender seconded the motion and the vote was unanimous.

In further comments, Mr. Abernathy said he was working on two more projects about which he is very hopeful.

WATER ISSUES UPDATE

The County Manager advised there were three issues to be dealt with, the first being the Interlocal Agreement with the City of Marion for water extension out Sugar Hill Road, which is the same document.

Commissioner Lavender made a motion to approve the Interlocal Agreement with the City of Marion for the Sugar Hill Road project. Commissioner McPeters seconded the motion and the vote was unanimous.

Concerning the second item, Mr. Abernathy advised the Harmony Grove Road commitment stimulus package was in for funding, but he felt it would be better to postpone this project for now as he was hedging on the idea of looping the road from South Creek Road to see what level of interest there might be. He advised staff was working on a letter to go door to door, plus they had talked with some of the firemen and felt there could be a real interest in doing this.

Following general comments from each Commissioner, by consensus the Board agreed.

The last item with reference to the Nebo Water Line was the County operation of the system, including the letter from the City. Concerning the rate, Mr. Abernathy pointed out the County had requested that the rate be lowered; however, the City had kept the \$1.90 rate, agreeing to work with the County on this.

Mr. Abernathy advised if it was the Board's intent to initiate the system in July, then together they would need to figure out a way to do it and move forward fast. He suggested a workshop in 2-3 weeks with the contractor and the Maintenance Director being brought in for discussion and to answer questions. He said perhaps this could be a luncheon meeting.

In general discussion, the Board agreed to have a target date of August 1st or the 15th, no later than the start of school to be sure that everything is operating well. The Board further agreed to have Mr. Abernathy proceed with scheduling a workshop as he had suggested, with lunch.

With the person for the 5:30 appointment not yet present, the Chairman proceeded with another item.

ANIMAL ORDINANCE

Concerning the proposed Animal Protection Ordinance, the County Manager pointed out the Board had received the Planning Board's recommendation last month, had received input, and that the document was available for public access. He said there had been positive input regarding the Ordinance, noting the Planning Board had done a good job with it. He said the Board could hold a workshop to review the document, noting the two main issues were tethering and more structured housing for animals.

Chairman Walker gave each Commissioner opportunity to comment as to how the Board might proceed with the Ordinance from this point. In conclusion, a majority of the Board felt that a workshop would be best.

SALES TAX DISBURSEMENT AND FIRE TAX/CITY OF MARION

With reference to the sales tax disbursement, the County Manager pointed out that when the formula was changed, the Town of Old Fort benefited along with the County. He stated the City had suggested elimination of the Town in relationship to the formula, but he had nothing to say in this matter. He said the Board had acted prudently and in moderation regarding the formula change, noting that annexation projects had generated half a million more for the City.

Commissioner Lavender said he felt the Board should stand by the Agreement, not “tinker” with it, and would state this as a motion. Commissioner McPeters seconded the motion and the vote was unanimous.

Concerning the fire tax issue, the Board agreed by consensus to handle this in a workshop.

BOY SCOUTS 100TH ANNIVERSARY PRESENTATION

Jim Wilkin, representing Boy Scouts of America, advised that on February 7th, 2010, Boy Scouts of America will celebrate their 100th year and they want to make this a special year. He pointed out their anniversary is much more than a recognition of the longevity of an organization, but is a “Century of Values”, the legacy of millions of young lives that have been molded by the ideals and values of Scouting. He noted several activities they have planned to commemorate the occasion, including having “School Night for Scouting” at each of the schools in the County, being partners in an Arbor Day celebration and working with the County and City in the planting of trees (100 in each district). He said they want to honor the memory of two of the most well known scouts in McDowell County, Mr. John Roach and Dr. Bill Bell, Sr., by having dinner and a ceremony in their memory.

Mr. Wilkin presented a draft letter and requested that the Board sign on to the letter as a means of support, along with the municipalities, the Schools Superintendent and others in the County.

Commissioner Lavender made a motion to authorize signing of the draft letter as requested. Commissioner Buff seconded the motion and the vote was unanimous.

TRAILS ASSOCIATION REQUEST/OVER THE MOUNTAIN TRAIL

Bill Hendley and Frank Dean, members of the Trails Association, came before the Board with a request for the formation of an “umbrella” committee to coordinate efforts in the various activities related to the Trails Association and the McDowell House.

Mr. Dean said they were proposing to get the “Over the Mountain Victory Trail” headquartered at the McDowell House in order to bring all agencies together to make a formalized plan. After sharing some of the ideas and plans they want to develop, Mr. Dean advised they were basically asking the Board’s blessing to continue with what they are doing.

Mr. Dean made reference to the special ceremony on the Courthouse Lawn at 3:00 p.m. on Sunday, May 24th, for Memorial Day, noting that 30 veterans had been flown to Washington to view the Veterans Memorial.

Commissioner Lavender made a motion to authorize the initial steps to form an “umbrella committee” as presented. Commissioner McPeters seconded the motion and the vote was unanimous.

CITIZEN COMMENT

At 6:00 p.m. Chairman Walker called Brian Carter forward to present his comments concerning the Animal Ordinance.

Mr. Carter, President on McDowell County Coon Club, said he was speaking for himself as well as others, noting that the biggest problem brought to Board so far was on tethering and shelter. With reference to the upcoming workshop, he asked what is going to happen with the Ordinance.

The County Manager proceeded to explain what had transpired thus far with regard to the development of the Ordinance, noting the Planning Board had done a good job with its development, and assured Mr. Carter that it is the Board’s interest to use best practices as they proceed.

Mr. Carter said he was in total agreement with the workshop and wanted to attend.

The Board agreed to have the draft Ordinance on the website this week.

REPORTS AND COMMUNICATIONS

Regarding upcoming events, the County Manager noted the meeting with the Fire Commission which had been rescheduled for May 18th at 6:30 p.m., and the budget presentation at 11:30 a.m. on Wednesday, May 13th, at which time the fire tax will also be handled.

ADJOURN TO COOPERATIVE EXTENSION ROOM

Upon motion by Commissioner Lavender and a second by Commissioner Buff, the Board recessed until 6:30 p.m. for a meeting with Cooperative Extension Service at which time they presented their annual report to the Board, after which the Board adjourned until Wednesday, May 13, 2009, for a meeting on the Budget for 2009-2010.

DAVID N. WALKER, CHAIRMAN

CARRIE PADGETT
CLERK TO THE BOARD