

**STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
BOARD OF COMMISSIONERS
REGULAR SESSION – APRIL 14, 2008**

ASSEMBLY

The McDowell County Board of Commissioners met in regular session at 5:00 P.M. on Monday, April 14, 2008, in the Commissioners' Board Room, the usual place of meeting.

MEMBERS PRESENT

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

THOSE ABSENT

Michael Lavender (sick)

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 Andrew Webb called the meeting to order. The invocation was given by Commissioner Walker, followed by the pledge of allegiance, led by Commissioner Buff.

APPROVAL OF MINUTES

Minutes of the March 10, 2008 regular session were not yet completed; therefore, approval was deferred until the next meeting.

LITTER AWARENESS MONTH

Chairman Webb recognized Keep McDowell Beautiful Coordinator Gloria Burrow. Ms. Burrow gave an overview of the Earth Day celebration to be held on April 19, 2008. She reviewed the various events and activities that will be held on that day including a school poster contest, paint swap, hybrid car demonstration, and a flower sale fundraiser. The theme this year is "Go Green in 2008".

Chairman Webb congratulated the organizers of the Eco-Van program for creating an effective program. He also spoke of the new recycling efforts initiated by County staff and the School System.

In closing, Ms. Burrow thanked JoAnn Bumgarner for her dedication as the Eco-Van teacher over the last four years, and encouraged everyone to come see the van in person at the Earth Day celebration.

INTRODUCTION OF MACA DIRECTOR

Chairman Webb recognized Bob Ramsey, President of McDowell Arts Council Association Board of Directors. Mr. Ramsey introduced MACA board members present including Gretchen Mosier, Heather Cotton, Cathy Green, Carol Price, and Carole Markum, and staff members Janet Williams and Susan Grant.

Mr. Ramsey introduced Susan Pyatt Grant, the new executive director for MACA. Mrs. Grant thanked the Board for their support over the years. She distributed information about MACA programs and presented an overview of upcoming events at MACA.

Mrs. Grant noted that MACA was working with local artisans to construct a gift shop in the MACA building on Main Street in Marion. She said plans were being formulated and she hoped construction would begin in the next few months.

Chairman Webb stated he was excited about the possibility of having a shop on Main Street that local citizens and visitors could find locally produced gifts. Mr. Ramsey encouraged those present to attend the local production of "Suessical the Musical", presented by Foothills Community Theatre.

SALES TAX DISTRIBUTION AGREEMENT

Chairman Webb provided a brief overview of the issue raised at the last meeting concerning the methods of distribution for sales tax available to county government. Chairman Webb explained that counties are provided through the North Carolina General Statutes with two methods of sales tax distribution. The issue was addressed at the previous month's meeting and it was agreed that the issue would be placed on the April agenda.

The County Manager overviewed the Per Capita and Ad Valorem methods of distribution. The Per Capita method had been used historically because it provided greater financial benefit to the County. The County Manager explained that because of the annexation of the prison facility and the higher tax base growth in the unincorporated area a shift had occurred creating a substantial financial gain to the County if the method were changed to the Ad Valorem method. This increased revenue would total approximately \$460,000.

The County Manager recommended that if the method were changed that an Inter-Local Agreement be entered into with the City of Marion to phase the financial impact in over time. The impact to the City was described as extremely significant and approximately 8% of their entire budget. The County Manager next reviewed a Resolution that would authorize the change in the method of distribution. This notification to the Department of Revenue must occur based on Board of Commissioners' action in the month of April.

The Board discussed several issues related to an Inter-Local Agreement and a consensus was expressed that this would be an appropriate step but that issues needing attention such as water issues in the Nebo community also need to be addressed.

Upon motion by Commissioner Walker and a second by Commissioner McPeters, the *RESOLUTION APPROVING THE CHANGE IN SALES TAX DISTRIBUTION* was unanimously approved.

DISCUSSION OF OLD FORT TRAIL AGREEMENT

County Manager Chuck Abernathy presented an overview of the Old U.S. 70 trail project. He noted that funds are being held in the North Carolina Department of Transportation Improvement Program for improving the old road for trail use.

According to the County Manager, if McDowell County accepts maintenance of the trail, NC D.O.T. will improve the trail. He stated that the Town of Old Fort and the McDowell Trails Association will assist with maintenance. He also noted that Terrell Finley of the Mountain Gateway Museum will prepare a historical overview of Old 70 and the various trails up the mountain to the Swannanoa Valley.

Mr. Abernathy cautioned that if the maintenance agreement is not approved, no other agency would be prepared to move forward and the funding would probably be lost.

Chairman Webb noted that a cooperative effort with the MTA is an excellent way to achieve this project. Commissioner Buff noted that inmates could be used to perform much of this maintenance since the trail is remote and away from the public.

Vice-Chairman Walker made a motion to approve the trail maintenance agreement with the North Carolina Department of Transportation, including an agreement with the Trails Association and the Town of Old Fort. Commissioner Buff seconded the motion.

In discussion, Vice-Chairman Walker amended his motion to say that staff is directed to draft a maintenance agreement to be brought back for approval. Commissioner Buff seconded the amended motion and the vote was unanimous.

APPROVAL OF THE AGENDA

At this time, Chairman Webb stated he had previously overlooked approval of the agenda; however, there were no changes to be made.

BOARD APPOINTMENTS

The Board held a second reading on two vacancies (one regular member and one alternate) for the Planning Board. Applicants were Bob Blankenship and Vance Caudle, current members, and Frank G. Kissell, Jr. and Marc Cook.

Also, concerning the vacancy still open on the TDA Board, the County Manager advised the TDA Director had informed him that since the Board of Commissioners had been unable to find anyone meeting the specific criteria (“over 50-units” category), even though the vacancy had been advertised and left open for an extended period of time, the Board could appoint someone anyway.

David Huskins, a business owner in Linville Falls, had filed an application for the TDA Board.

The Board proceeded to vote, by written ballot, on applicants for the Planning Board and TDA. Results were a unanimous vote for **Bob Blankenship and Vance Caudle for the Planning Board**, and for **David Huskins for the TDA Board**.

TOWER LEASE

The County Manager presented a request from AND Wireless& Security, Inc., a locally owned and operated high speed wireless internet and security company that wished to lease space on the Grants Mountain Tower. He said there was an issue as to when payments are made (would make quarterly payments instead of monthly), but through negotiations, this had been worked out. Mr. Abernathy said otherwise the lease is standard.

Commissioner Buff made a motion to approve the requested Tower Lease with authorization for quarterly payments. Commissioner McPeters seconded the motion and the vote was unanimous.

TAX MATTERS

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

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|-------------------------|-------------------------------|
| Releases/Under \$100.00 | Released amount of \$2,345.65 |
| Releases/Over \$100.00 | Released amount of \$7,648.11 |

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|---------------------------------------|-------------------------------|
| Release/Refunds | Refunded amount of \$3,190.82 |
| Motor Vehicle Releases/Under \$100.00 | Released amount of \$492.31 |
| Motor Vehicle Releases/Over \$100.00 | Released amount of \$250.73 |

A motion was made by Commissioner Buff to approve the tax releases and refunds as presented. Commissioner Walker seconded the motion and the vote was unanimous.

The Tax Collector's report was received as information.

UPCOMING EVENTS

Chairman Webb briefly reviewed upcoming events including the Gold Festival on April 18th and 19th at Tom Johnson's Camping Center and the groundbreaking for the Old Fort Nutrition Center on Friday, April 18th, at 2:00 p.m.

CITIZEN COMMENT

Scottie Willis, resident of Pleasant Gardens, had signed up to speak and was recognized by the Chairman at this time.

Again, Mr. Willis addressed the Veterans' Memorial on the Courthouse Lawn, noting that he had just returned from Washington, D.C. where he had, with pride, viewed the memorials there. He said he would like to see a private memorial service some time in the near future at which time the Memorial would be separated and returned to its original state. He stated he was not against the Memorial (Confederate) but was against where it is located.

ADJOURNMENT

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

ANDREW K. WEBB, CHAIRMAN

CARRIE PADGETT,
CLERK TO THE BOARD