

**STATE OF NORTH CAROLINA  
COUNTY OF MCDOWELL COUNTY  
BOARD OF COMMISSIONERS  
SECONDARY ROADS PUBLIC HEARING/REGULAR SESSION  
SEPTEMBER 14, 2009**

**ASSEMBLY**

The McDowell County Board of Commissioners met at 3:30 p.m. on Monday, September 14, 2009, in the Commission Board Room, the usual place of meeting, to hold a public hearing with Department of Transportation officials on Secondary Roads Paving Priorities. The public hearing was duly advertised.

**MEMBERS PRESENT**

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

**THOSE ABSENT**

David N. Walker, Chairman (out of town)

**OTHERS PRESENT**

Charles R. Abernathy, County Manager; Carrie Padgett, Clerk to the Board; Ashley Wooten, Assistant to the County Manager (Video); officials from the Department of Transportation including District Engineer Doug McNeal; Division Maintenance Engineer, Division 13, Ed Greene; Wade Tate, Assistant District Engineer; Jabe Johnson, County Maintenance Engineer; and Henry Worley, Transportation Supervisor for McDowell County; and (for regular session) reporters Mike Conley of THE McDOWELL NEWS and Wendy McAnally of THE NEWS BULLETIN OF McDOWELL COUNTY

**CALL TO ORDER**

In the absence of Chairman David Walker, Vice-Chairman Barry McPeters called the meeting to order and immediately turned the meeting over to Mr. Greene for their presentation.

Mr. Greene thanked the Board of Commissioners for allowing this opportunity to meet with them. He stated this public hearing was being held in accordance with General Statute 136-44.8 to present to the Board of Commissioners the proposed expenditures of their estimated construction funds for the period July 1, 2009 to June 30, 2010. He advised that while their funds for the year had been reduced, they would still try to construct their program as funds allow. Mr. Greene called District Engineer Doug

McNeal forward to present their program. Mr. Greene pointed out that at the end of the presentation, they would request approval of a resolution if the Board concurred with their program.

### **SECONDARY ROAD IMPROVEMENT PROGRAM, 2009-2010**

First, Mr. McNeal stated that earlier this year, they had completed paving Rhom Town Road, No Name Road and Westmoreland Street, the last three roads on their unpaved road priority list for which right was available. They were proposing an alternate list should funds become available to pave:

#### I. Alternate roads subject to additional funds

<u>Priority Number</u>	<u>SR No.</u>	<u>Length (Miles)</u>	<u>Road Name and Description</u>	<u>Est. Cost</u>
New addition	1597	0.07	Bernice Street Extension from end of pavement to end of maintenance	\$ 45,000.00
#20	1433	0.2	Old Toms Creek Road from SR 1434 for 1975 feet (partial pave)	100,000.00
#23	1768	0.42	Sain Road from SR 1769 for 2200 feet (partial pave)	200,000.00
#1	1324	0.2	Searcy Road from SR 1144 for 1030 feet (partial pave)	100,000.00
#10	1407	2.94	Mill Creek Road	<u>3,000,000.00</u>
			Subtotal	\$ 3,445,000.00

#### II. Paving List FY 2010

2005-09	1782	1.31	Rhom Road from SR 1781 to end of maintenance	\$ 125,000.00
2005-09	1322	0.41	No Name Road from SR 1240 to end of maintenance	50,000.00

1730	0.02	Westmoreland Street	<u>4,000.00</u>
		Subtotal	\$ 179,000.00

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

		Subtotal	\$ 70,000.00
		FY 2010 Anticipated Funding	\$ 249,000.00

Mr. McNeal then addressed the issue of Formosa Drive (an unpaved road) for which the Board had received a petition for maintenance and addition to the State System. He advised that in the mid-1970s, the State of North Carolina passed legislation which said one could continue building unpaved roads; however, if you want the State to assume maintenance on the road, it must be built to a paved road standard after September 30, 1975. He pointed out that Formosa Drive is a subdivision that was subdivided in 1995 or 1996 which means it must be built to a paved road standard. Mr. McNeal acknowledged that he had sent those residents a letter and had received a couple of letters regarding this road.

Discussion followed on the unpaved roads for which right of way is unavailable. Mr. McNeal explained what options DOT has for paving those roads based on the percentage of property owners who have signed right of way, those willing to participate in a condemnation process, and whether some of the property owners might eventually change his or her mind regarding right of way.

Commissioner Lavender expressed his appreciation to DOT officials for all the work they do. He said they are very agreeable and cooperative.

Discussion followed on funding resources, challenges associated with maintenance, signage issues and who is responsible, etc. The County Manager advised he had received notice today that the County would get a \$2,000 grant for interpretative signage on the Point Lookout Trail. He said he still wanted to see some additional "parkway" type signage for the area.

The County Manager mentioned several projects in which DOT had assisted the County that have been very beneficial to everyone. He expressed his appreciation for the assistance DOT has provided.

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

Commissioner Lavender then made a motion to approve the resolution recommending a program of total needs for Secondary Road improvements for

McDowell County as presented by the Department of Transportation. Commissioner Buff seconded the motion and the vote was unanimous.

### **REGULAR SESSION**

In the absence of Chairman David Walker, Vice-Chairman Barry McPeters called the Regular Session of the meeting to order upon completion of the Secondary Roads Public Hearing. Commissioner Lavender gave the invocation, followed by the pledge of allegiance, led by Commissioner Buff.

### **APPROVAL OF MINUTES**

There were not minutes for approval at this time.

### **APPROVAL OF AGENDA**

The County Manager advised there were a couple of poultry plant items that he wanted to add under the Water System Update.

Upon motion by Commissioner Webb and a second by Commissioner Buff, the Board voted unanimously to approve the agenda as amended.

Since there was a period of almost one hour before the first appointment, the Board Chairman moved to Old Business.

### **UPDATE ON STATE BUDGET IMPACTS**

An overview of the impact to the County budget created by the adoption of the State of North Carolina budget was discussed. County governments must adopt their budgets prior to June 30 of each year and State governments often adopt their budgets months following County adoption. The Association of County Commissioners head reported a reasonably successful year in protecting the interest of county governments considering the scope of the State fiscal crisis. Still, there were impacts including a \$90,000 reduction in revenues resulting from the elimination of the reimbursement for State inmates at the County Jail, approximately \$22,000 in additional expense based on a requirement to pay for certain probation and parole offices and some loss in DSS revenue. Also, the State would not make available ADM Capital funding that is typically \$250,000 annually. The County Manager explained that this reduction was not permanent and that McDowell County had not fully funded school construction debt against these funds and would not have to make the payment out of its general fund.

The Commissioners agreed that amendments would be prepared and presented to them at a budget review session to address the new financial liability created by these changes.

## **UPDATE ON U.S. CENSUS**

The County Manager updated the Board of Commissioners on a meeting attended by the staffs of the County and other agencies and units of local government. The meeting was designed to initiate the process for the 2010 census count of the population. The importance of the census for financial disbursements, grants, etc. was reviewed. A committee would be appointed to guide the process in McDowell County. The Board of Commissioners expressed an interest in the matter being placed back on the October agenda with the opportunity for them to make appointments to the Census Committee.

*A Resolution Affirming Support of and Partnership with the 2010 Census* was introduced and was unanimously approved following the motion by Commissioner Lavender and seconded by Commissioner Webb. Following is the Resolution as approved:

### **A RESOLUTION AFFIRMING McDOWELL COUNTY'S BOARD OF COMMISSIONERS SUPPORT OF AND PARTNERSHIP WITH THE 2010 CENSUS**

**WHEREAS**, the U.S. Census Bureau is required by the Constitution of the United States of America to conduct a count of the population and provides a historic opportunity for McDowell County Government to help share the foundation of our society and play an active role in American democracy; and

**WHEREAS**, McDowell County is committed to ensuring every resident is counted; and

**WHEREAS**, more than \$300 billion per year in federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based on census data, including healthcare, community development, housing, education, transportation, social services, employment, and much more; and

**WHEREAS**, census data determine how many seats each state will have in the U.S. House of Representatives as well as the redistricting of state legislatures, county and city councils, and voting districts; and

**WHEREAS**, the 2010 Census creates hundreds of thousands of jobs across the nation; and

**WHEREAS**, every Census Bureau worker takes a lifetime oath to protect confidentiality and ensure that data identifying respondents or their household not be released or shared for 72 years; and

**WHEREAS**, a united voice from businesses, government, community-based and faith-

based organizations, educators, media and others will allow the 2010 Census message to reach a broader audience, providing trusted advocates who can spark positive conversations about the 2010 Census.

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

1. Supports the goals and ideals for the 2010 Census and will disseminate 2010 Census information to encourage participation.
2. Asks its affiliates and membership to partner together to achieve an accurate and complete count.
3. Encourages people in McDowell County to participate in events and initiatives that will raise overall awareness of the 2010 Census and increase participation among all populations.

**ADOPTED** this 14<sup>th</sup> day of September, 2009.

### **TAX MATTERS**

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

Releases Under \$100.00	Released amount of \$2,458.22
Releases Over \$100.00	Released amount of \$57,206.57
Motor Vehicle Releases Under \$100.00	Released amount of \$887.47
Motor Vehicle Releases Over \$100.00	Released amount of \$596.42
Release Refunds	Refund amount of \$1,624.10

A question was raised concerning the release requested for Great Meadows. The County Manager read the explanation issued by the Tax Department as to how a portion of the parcel was double billed. A brief discussion followed.

Commissioner Lavender made a motion to approve the tax releases and refunds as presented. Commissioner Buff seconded the motion and the vote was unanimous.

### **BOARD APPOINTMENTS**

Claudia Anne Baker and Michelle Huelskamp were unanimously approved to serve on the Nursing Home Advisory Committee.

A first reading was held on a Planning Board vacancy and a short discussion occurred on the appointment to the Board of Adjustment and the Planning and Zoning Board for the Town of Montreat. The extraterritorial jurisdiction of this buncombe County Town extends into McDowell County and an appointment is necessary.

### **WATER SYSTEM UPDATE**

Commissioner McPeters asked that the County Manager update the Board on the activities related to the Nebo Water System. Mr. Abernathy briefed the Board on the County assuming operation of the system and activities, including the purchase of software, materials and meters, and the coordination of various transition activities with the City of Marion and the State of North Carolina. The County Manager indicated that dates were being reviewed for a meeting in the Nebo Community with a focus on the first of October.

Also, a Resolution was presented to the Board titled “Resolution Adopting Interim Policies for McDowell County-Nebo Water System”. The purpose of the Resolution was to provide interim policies and procedures to satisfy the State of North Carolina. Upon motion by Commissioner Lavender and seconded by Commissioner Buff, the Resolution was unanimously approved as follows:

### **RESOLUTION ADOPTING INTERIM POLICIES FOR McDOWELL COUNTY-NEBO WATER SYSTEM**

**WHEREAS**, McDowell County assumed operation and maintenance responsibilities for the Nebo Water System, (Public Water System Identification Number NC1056032) on August 17, 2009; and

**WHEREAS**, the Rules Governing Public Water Supplies, as specified in the North Carolina Administrative Code, Title 15A, Subchapter 18C, Section .0307, Subsection (c), “Water System Management Plan”, require owners of public water systems to establish policies for specific operational procedures; and

**WHEREAS**, McDowell County is presently developing such policies; and

**WHEREAS**, interim policies are required to comply with the rules for the Water System Management Plan.

**THEREFORE, BE IT RESOLVED** that the McDowell County Board of Commissioners do hereby adopt, on an interim basis, applicable water system cooperation policies in the City of Marion’s Water System Management Plan until the County establishes superseding policies.

**ADOPTED** this day, the 14<sup>th</sup> of September, 2009.

### **POULTRY PLANT ITEM**

Chairman McPeters noted this item was added to the agenda earlier and asked the County Manager to update the Board at this time.

Mr. Abernathy advised the County had received grants on the Foothills Pilot Project, the small animal processing facility for which the County had made property available on 226 South for this purpose. Board approval was needed on a proposal from McGill Associates for design work of a sewer pump station that will serve the processing plant. The cost for the design work will be \$8,400. The Board had approved the receipt of a Z. Smith Reynolds grant in the amount of \$20,000 at the August meeting. Board approval was needed for the contract in the amount of \$8,000 between the County and Smithson Mills, the project manager of the poultry project. The contract is for administration, educational purposes, a food safety plan, etc.

Mr. Abernathy requested the Board's approval authorizing the design work for the sewer pump station and for the contract documents on the Z. Smith Reynolds grant.

Commissioner Lavender made a motion to approve the contract for the design work with McGill Associates and the contract with Smithson Mills in the amount of \$8,000. Commissioner Webb seconded the motion and the vote was unanimous.

### **PROPOSAL TO PURCHASE PROPERTY/THREE POINT ROAD**

Chairman McPeters next introduced the item of an issue on the agenda in August. An offer was made by a citizen, Scotty Willis, to purchase a tract of land owned by McDowell County. Mr. Willis had submitted an offer of \$10,000 to purchase the approximate .80 tract of land. The tract is located on Three Point Road and has a tax value of \$10,000. The County Manager reviewed the piece of property to the Board. The property was deeded to the County as a gift in the 1930s to be used as a 4-H Community Building. The deed did contain a reversion clause that the property would revert back to the heirs if sold. The County Manager explained that the heirs were either deceased or could not be located. The County Manager also reviewed the disposition laws including the upset bid procedure.

The Board of Commissioners approved the following Resolution Authorizing the Sale of the Tract of Land located on Three Point Road with the provision that the purchaser would be responsible for the associated legal fees:

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

**WHEREAS**, the County of McDowell desires to sell property located on Three Point Road; and

**WHEREAS**, property consists of 0.800 of an acre and a wood frame structure that is condemned. Current tax value of property is \$10,000.00; and

**WHEREAS**, the Upset Bid process per G.S. 160A-269 is recommended for the sale of this property; and

**WHEREAS**, the buyer of property will be responsible for all costs associated with the sale, including legal and advertising. The bidder will also submit a 5% bid deposit upon submitting their bid.

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

The County of McDowell desires to sell property located on Three Point Road through an Upset Bid process and accepts the initial \$10,000.00 offer.

This resolution shall become effective upon adoption.

**ADOPTED** this the 14<sup>th</sup> day of September, 2009.

### **RECOGNITION OF BOY SCOUT BENCH PROJECT**

Chairman McPeters recognized Terry DePoyster to introduce the guests that were present concerning this agenda item. Terry introduced Tyler Smith, a local Boy Scout working on his Eagle Scout Badge. Terry overviewed the construction of two benches at the Point Lookout overlook completed by Tyler. Tyler handled the design, the procurement of the materials and the construction of the benches. The Board members thanked Tyler for his efforts and noted the many citizens and users of the Trail that would enjoy his contribution. The Chairman presented Tyler with a "Certificate of Appreciation" and recognized his parents who were in attendance. Chairman McPeters stated that the benches would not have been completed if not for the efforts of Tyler and he also expressed his appreciation to Boy Scout Troop 807.

### **RESOLUTION OF APPRECIATION FOR COACH ANDERSON**

Chairman McPeters recognized the County Manager for the introduction of the next item on the agenda. The County Manager explained that Commissioner Buff had requested that a Resolution be drafted honoring Coach Johnny Anderson who had recently passed away. Commissioner Buff reviewed the many accomplishments of Coach Anderson paying particular attention to the hundreds if not thousands of young people impacted by the Coach over a career beginning in the 1960s. Commissioner Buff read the "*Resolution Honoring Coach Johnny Anderson for his Outstanding Leadership, his Coaching Legacy and his Numerous Impacts on the Youth of McDowell County*". Commissioner Buff also recognized Coach Anderson's wife Margaret, his daughter Anna, and other members of his family in attendance.

Upon a motion by Commissioner Buff and a second by Commissioner Lavender, the Resolution passed unanimously. The Resolution read as follows:

**RESOLUTION HONORING COACH JOHNNY ANDERSON FOR HIS  
OUTSTANDING LEADERSHIP, HIS COACHING LEGACY AND  
HIS NUMEROUS IMPACTS ON THE YOUTH OF McDOWELL COUNTY**

**WHEREAS**, Coach Johnny Anderson was born in Marion, NC on November 30, 1941 and attended Clinchfield Elementary School and Marion High School and was a standout player in football, baseball and basketball; and

**WHEREAS**, Coach Anderson received a full football scholarship to East Carolina University, and was a member of the victorious Eastern Bowl and Tangerine Bowl teams. He graduated in 1965 with a BS Degree in Physical Education and History; and

**WHEREAS**, Coach Anderson was a head football and girls basketball coach at Marion High School and the first Head Football and Track coach at McDowell High; and

**WHEREAS**, Coach Anderson received numerous coaching honors including four Football Coach of the Year Awards, several football conference championships with the McDowell Titans and Freedom High School and was both Assistant and Head Coach for the East-West Shrine Bowl Game; and

**WHEREAS**, Coach Anderson holds the record for Football Victories at McDowell High School with over One Hundred Victories and was an original inductee into the McDowell High School Hall of Fame; and

**WHEREAS**, Coach Anderson positively influenced thousands of young students and athletes over his career with his continued unselfish emphasis on hard work, dedicated commitment and teamwork.

**NOW, THEREFORE, BE IT RESOLVED**, that the McDowell County Board of Commissioners extends its most sincere appreciation to Coach Johnny Anderson and to his continued legacy of inspiration and unselfish commitment to the ideals of determination, loyalty, humility and the pursuit of excellence.

**BE IT FURTHER RESOLVED**, that the McDowell County Board of Commissioners extends its best wishes and condolences to the family of Coach Johnny Anderson and their appreciation for the support, sacrifice and commitment made over thirty years.

**ADOPTED** this the 14<sup>th</sup> day of September, 2009.

## **COMMUNICATIONS SYSTEMS BIDS**

Chairman McPeters recognized the County Manager to introduce the next item on the agenda. The County Manager explained that formal bids had been taken to replace the 911 components including the computer aspect of 911 (the CAD System), and 911 System (phone related items) and furniture including workstations and consoles.

The bids were opened on August 17, 2009 and a total of six bids were received. The bids were as follows:

Verizon	\$510,378.94
Spillman Technologies	\$642,760.78
Motorola	\$660,118.13
Visionair	\$790,075.05
Whitley's Communications	Incomplete
Interact Public Safety	Incomplete

The County Manager and Emergency Management Director reviewed the bids, the process and the recommendations. The recommendation was to proceed with the low bid submitted by Verizon in the amount of \$510,378.94. Terry Young explained that the low bidder met every criteria required in the bid documents and that references had been checked. Several questions were asked by Commissioners regarding the experience of Verizon in this particular service and if locations had been checked for references. Mr. Young assured the Board that this had been done.

The County Manager explained that the proposal to pay for the system was to pay out of the 911 Revenue Fund. County Finance Officer Alison Morgan was present and she provided the Board with an overview of the available funds and that correspondence had been received from the State 911 Addressing Board that the system qualified for expenditures using this revenue. The McDowell County fund had a cash balance of \$737,104 and that \$338,745 is added to the fund annually.

Upon a motion by Commissioner Lavender and a second by Commissioner Webb, the board voted unanimously to accept the low bid in the amount of \$510,378.94 submitted by Verizon and authorized the processing of all related contracts to carry the project to completion.

## **VEHICLE AND RESCUE AMBULANCE FINANCING**

The next item on the agenda was a discussion of financing for the purchase of several vehicles. First, the Sheriff's Department was budgeted to receive four new vehicles for the 2009-2010 fiscal year. The County Manager explained that this department had not received vehicles in the previous year because of the budget crisis and recession. The request was to purchase three 2010 Dodge Chargers and one 2009

Dodge Charger. The vehicles would be purchased off of State Contract. The Finance Officer had taken bids to finance the vehicles and three bids were received as follows:

BB&T	3.67%
RBC	3.98%
Fifth/Third	5.63%

The second vehicle issue was a request by the Rescue Squad to receive assistance for the purchase of an ambulance. The County Manager explained that even though the Rescue Squad was not a department for County Government, the County had previously provided assistance in this manner. The Rescue Squad had requested assistance on financing an amount not to exceed \$125,000 for a five-year term. The unit to be purchased would be a new Chevrolet/GMAC Ambulance. The Finance Officer had taken bids on the financing and the bids were received as follows:

BB&T	3.67% with no fees
Suntrust	3.655% plus a \$500.00 closing fee
Fifth/Third	4.09%

Upon motion by Commissioner Lavender and a second by Commissioner Webb, the Board of Commissioners voted unanimously to accept the low financing proposal submitted by BB&T for both financing proposals and approved the financing resolutions.

### **AMBULANCE ORDINANCE PUBLIC HEARING**

A public hearing was scheduled to review proposed amendments to the McDowell County Ambulance Ordinance. Chairman McPeters declared the Board in public hearing at 6:00 p.m. and asked that William Kehler review the proposed changes to the original ordinance adopted in 1992. Mr. Kehler explained that the amendments were underlined in the copy provided to the Board and addressed issues related to liability insurance and new North Carolina EMS Rules. The liability insurance amount was increased to \$2,000,000 coverage and the new rules were referenced as State EMS Requirements. Chairman McPeters asked if any member of the audience would like to speak. No one requested to do so except Nebo resident Suzy Johnson who made one brief comment in favor of the proposed amendments.

Upon motion by Commissioner Webb and a second by Commissioner Lavender, the Board voted unanimously to end the public hearing and return to regular session.

The Board had a general discussion on the proposed amendments and thanked Mr. Kehler for the excellent job he is doing managing the EMS.

Commissioner Lavender than made a motion to approve the amendments to the McDowell County Ambulance Ordinance. Commissioner Webb seconded the motion and it was unanimously approved by the Board members.

## **SCHOOL RECYCLING UPDATE**

Dan Smith appeared next before the Board to present an update on the initiative to encourage recycling in the public school system. Mr. Smith reported that the results had been very positive and that the response from school students had been outstanding. The tonnage recycled over the last school year was over 91,000 pounds of cardboard and over 80,000 pounds of commingled recycling. The original direction provided by the Board was that the County would split the earnings with the school system by 50%. The problem with this original agreement was that the price for recyclable materials had greatly declined and little money was made on any of the items except for the cardboard. After quite a bit of discussion, the Board agreed to create a new formula that would consider the savings from the tonnage avoided and allocate all of the profit to each school based on their recycling accomplishments. The amount to be returned to the schools would total \$4,000 using this method.

## **NO WAKE ZONE PUBLIC HEARING**

Chairman McPeters declared the Board in public hearing at 6:15 p.m. regarding the placement of No Wake Buoys at a location west of the Marion Lake Club in proximity to Magnolia Drive on Lake James. At the request of Chairman McPeters, the County Manager gave a brief introduction of the No Wake Zone and noted the various items to be considered, one being the Board's recommendation for local boating regulations and application for placement of markers; the other being the resolution of the Board of Commissioners.

Chairman McPeters opened the floor for comment from the public. The first speaker was George Johnson of Magnolia Drive who, along with his wife Suzy, had made the initial request for placement of No Wake Buoys. He made reference to the letter they had submitted addressing the safety problem occurring in the relatively narrow, populated cove where they live, resulting from increased boat traffic and the various activities in which people are engaged.

A total of 11 citizens spoke of the activities on the Lake, the hazardous conditions that exist, the safety issues involved, their concern for addressing these issues and conditions, etc. All of the citizens except one (Ronald Patton) spoke in favor of granting the buoy request as presented.

Commissioner Lavender made a motion to close the public hearing and return to regular session. Commissioner Buff seconded the motion and the vote was unanimous.

Commissioner Lavender then made a motion to approve the resolution from the Board of Commissioners asking for a No Wake Zone in this Cove, and that they submit to the Wildlife Resources Commission a recommendation of that same nature. Further, that they ask for the placement to be at the mouth of the Cove (the Johnsons' recommended placement). Commissioner Buff seconded the motion.

In discussion, Commissioner Webb advised that he and the County Manager had visited the area on Friday and tried to view it from the road but due to foliage, etc. had actually gone out on the Lake and had taken some pictures. He said this had allowed him to see things and to do an evaluation himself of the length, time, etc. to which Mr. Patton had made reference. Commissioner Webb said that while he understood what Mr. Patton was saying in reference to the time element and the inconvenience this presents, he had come to the conclusion that safety should be the highest priority for everyone. He said hopefully the Wildlife Resources Commission will take a strong look at the Board's recommendation, based on what citizens are saying.

Further discussion followed.

Commissioner Lavender then amended his motion to say that the Board requests placement of the buoys and strongly recommends that they be at the mouth of the Cove, thus giving the Wildlife Resources Commission some latitude in placing them where they deem appropriate. Commissioner Buff amended his second accordingly. When put to a vote, the motion carried unanimously.

In conclusion, the County Manager pointed out this had been a lengthy process and that it takes the State a long time to act once a recommendation is made.

### **ECONOMIC DEVELOPMENT PUBLIC HEARING**

Chairman McPeters declared the Board in a public hearing at 6:45 p.m. consistent with G.S. 58-7.1 for the purpose of considering incentives for an economic development project. The County Manager was recognized to provide a brief overview of the project. The project is one that is considering locating in McDowell County and is competing with an expansion of an existing facility in another State. The project would employ 87 people over three years at wages exceeding the County average. About half of the jobs would be Internet design related and about half would be warehousing. The company would invest \$5 million in an existing building. The County Manager explained that the State of North Carolina is processing a One North Carolina incentive grant in the amount of \$400,000. The \$400,000 application had received a preliminary approval from the State and a match by local government is required in order for the company to receive the State incentive.

The name of the company could not be disclosed at this time. The County Manager reviewed the incentive practice by McDowell County. Essentially, McDowell County enters into a contract with the company if it chooses to locate in this community. No incentive payments occur until the company creates the jobs and makes the investment contained in the contract.

The Chairman asked if anyone from the public would like to speak. Citizen Suzy Johnson stated that any action by the Board that led to the creation of job opportunities was appreciated and should be pursued. No one else present requested to speak. Upon a

motion by Commissioner Lavender and a second by Commissioner Webb, the Board voted unanimously to go out of public hearing.

The Board then voted unanimously after a motion by Commissioner Lavender and a second by Commissioner Buff to accept the recommendation of the County Manager and to offer a \$400,000 incentive package to the proposed company for the creation of 87 above average paying jobs and a \$5 million investment in building upgrades and machinery and equipment. The payments would be made over a three-year period after the company has performed.

The County Manager briefed the Board on another related matter concerning the possible use of \$4,000,000 in Recovery Zone financing bonds by the company. The Board agreed that the use of Recovery Zone Bonds for this project was appropriate.

### **CDBG PUBLIC HEARING**

Chairman McPeters declared the Board in public hearing at 6:55 p.m. for the purpose of applying for a CDBG Building Reuse Grant. The County Manager was recognized and he explained that this grant category is a new program designed to assist company locations with the renovation of existing buildings. The renovation funds are tied to job creation and the County has to make application for funding. Two public hearings are required prior to the grant being submitted. The first public hearing (held tonight) is a general hearing that is designed to provide information about the program. The second public hearing would provide project specific information once the application is complete.

Chairman McPeters asked if anyone present would like to comment on the CDBG Building Reuse Program. No one present requested to speak. Upon motion by Commissioner Lavender and a second by Commissioner Webb, the Board voted unanimously to go out of public hearing.

The Chairman then received a motion by Commissioner Lavender and a second by Commissioner Webb for the County to proceed with a CDBG Building Reuse application and that the second public hearing be scheduled at the appropriate time. The motion passed unanimously.

### **SET MEETING FOR CARSON HOUSE**

The County Manager mentioned the Board past schedule of holding its October meeting at Historic Carson House. He suggested changing the meeting time to 4:00 p.m. in order to complete the business of the Board prior to having dinner and to avoid keeping the Carson House staff so late.

Upon motion by Commissioner Buff and a second by Commissioner Webb, the Board voted unanimously to change the meeting time to 4:00 p.m. for the October meeting.

**REPORTS AND COMMUNICATIONS**

The County Manager addressed the all-day event at Davidson's Fort in Old Fort. Commissioner Buff asked about the amount the Board had committed toward this project. A general discussion followed.

**CITIZEN COMMENT**

Local attorney Leigh Taylor had signed up to speak on the new rate increase proposed by Duke Energy. She noted the fuel increase of 4.5% and how this would affect utility payments in general office buildings. Ms. Taylor mentioned the upcoming public hearing on the proposed new rate increase which the Utilities Commission would be holding in the Main Courtroom on September 17, 2009. She encouraged everyone to attend the public hearing to protest the rate increase and requested the Board's approval of a resolution opposing the rate increase as well.

**ADJOURNMENT**

There being no further business to transact at this time, upon motion by Commissioner Webb and a second by Commissioner Buff, the Board voted unanimously to adjourn to 4:00 p.m. on Monday, October 12, 2009, for the regular meeting at Historic Carson House.

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BARRY E. McPETERS, VICE-CHAIRMAN

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CARRIE PADGETT, CLERK TO THE BOARD