

**STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
BOARD OF COMMISSIONERS
REGULAR SESSION – AUGUST 10, 2009**

ASSEMBLY

The McDowell County Board of Commissioners met in regular session at 5:00 p.m. on Monday, August 10, 2009, in the Commissioners' Board Room, the usual place of meeting.

MEMBERS PRESENT

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

THOSE ABSENT

Michael Lavender (out of town)

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, of THE McDOWELL NEWS, and Wendy McAnally of 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 June 8, 2009 regular session were presented for approval.

Upon motion by Commissioner Webb and a second by Commissioner Buff, minutes of the June 8, 2009 regular session were unanimously approved as recorded.

APPROVAL OF AGENDA

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

SPECIAL AWARD/JEWELL McNEAL

Chairman Walker said the Board was honored to have a very special lady with them tonight. The Chairman introduced, for the Board's approval, a *Resolution of Appreciation to Mrs. Jewell McNeal for Her Many Contributions to the Community of McDowell County*, after which Mrs. Joy Shuford would make a presentation of an award on behalf of the Governor's office.

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

Chairman Walker gave each Board member opportunity to comment. Commissioner Buff said he had the privilege of working with Jewell on several committees and saw her on many occasions during the time they both worked within the School System. He noted she was named correctly because she is definitely a "jewel", exemplifying true Christian attributes, always the same, a wonderful lady. Chairman Walker pointed out that Mrs. McNeal had directed his wedding and, reflecting back to that time, he knew his groomsmen had tried her patience in many ways. But he remembered her as very professional and a true testament to Christian character in her conduct. Commissioner McPeters said he remembered, after twenty-eight years, visiting the School Bus Garage where Mrs. McNeal worked, and that she was always smiling. He said he appreciated her and all that she means to McDowell County, and to him it was an honor to honor her. Commissioner Webb said when he thinks of Mrs. McNeal, in all of the prayers he has heard from her and in all of the openings of meetings, he thinks of one word---encourager. He said with him there is a correlation with the Apostle Paul and Mrs. McNeal because she is always interested in lifting up others and helping them. Commissioner Webb said it had been a privilege working with Mrs. McNeal at Foothills Industries, and experiencing the many accomplishments this facility has made

Chairman Walker then called Mrs. McNeal forward and read the Resolution as follows:

**Resolution of Appreciation to Mrs. Jewell McNeal
For Her Many Contributions to the Community of McDowell County**

WHEREAS, Mrs. Jewell McNeal has volunteered for significant numbers of leadership positions for over 30 years giving of herself and benefiting many programs and people; and

WHEREAS, these volunteer programs include being a board member for Foothills Industries for over 32 years, with many of these years serving as President; and

WHEREAS, Jewell McNeal has served as Manager and Volunteer Board Member for the Christian Clothing Center for over twenty-five years and was a founding member; and

WHEREAS, Jewell McNeal has served as a Board Member for the McDowell Mission Ministry for over fifteen years, a member of the Nursing Home Advisory Board for twenty-five years, a volunteer for the Hospital Auxiliary for over twenty years, a member of the Council on Aging for over twenty years, and has volunteered with the PTO, Autumn Care, the McDowell Red Cross, the Christian Women's Club; and

WHEREAS, Jewell McNeal has volunteered in many additional organizations; and

WHEREAS, Jewell McNeal was named Woman of the Year in 1985 by the Marion Pilot Club, Senior Citizen of the Year in 1999, and received the Governor's Volunteer of the Year in 1996; and

WHEREAS, Jewell McNeal has taught Sunday School at Garden Creek Baptist Church for thirty years, held many offices within the Church, served as an Executive Committee Counselor for the Billy Graham Crusade and has lived a dedicated life in service to her Lord.

NOW, THEREFORE, BE IT RESOLVED, that the McDowell County Board of Commissioners extends its heartfelt and sincere appreciation to Jewell McNeal for her many years of service and contribution to the McDowell County community. Mrs. McNeal is surely one of the finest examples of the spirit and kindheartedness of the people of this community.

ADOPTED this 10th day of August, 2009.

Joy Shuford introduced family members of Mrs. McNeal who were present, including her daughter Suzy McNeal McKinney and her husband Mike, sister Ada Mae Cuthbertson, and Sister Jenny from Shelby. Mrs. Shuford explained that Mrs. McNeal was nominated by Representative Mitch Gillespie to receive the prestigious award, the *Order of the Long Leaf Pine*, created in 1965. After reading the inscription on the plaque, she presented the award to Mrs. McNeal on behalf of Governor Perdue.

Mrs. McNeal expressed her appreciation of this honor and the recognition given her by the Board of Commissioners.

TAX MATTERS

Chairman Walker recognized the County Manager for a brief introduction of this agenda item. Mr. Abernathy pointed out there were three items to be handled under tax matters: (1) Settlement, (2) Order of Collection, and (3) Appointment of Collector.

Tax Collector Pam Sain came forward and presented her tax settlement for 2008 McDowell County property taxes and district taxes. The tax settlement consisted of three items:

- 1) List of unpaid 2008 taxes on real property at the close of the 2008-2009 fiscal year
- 2) List of unpaid 2008 taxes on personal property at the close of the 2008-2009 fiscal year (Insolvent's List)
- 3) List of unpaid 2008 taxes on registered motor vehicles at the close of the 2008-2009 fiscal year

Mrs. Sain advised the overall collection rate for 2008 county ad valorem taxes was 96.22%, only a .28% decrease from the collection rate for 2007-2008. She was very pleased with this overall rate given current economic conditions and the exceptionally high unemployment rate of the past six months. Broken down into real and personal taxes, the 96.22% rate represents a 97.83% rate for real and personal property and an 81.34% rate for registered motor vehicles. Mrs. Sain further noted the delinquent (prior year) tax collections for the 2008-2009 fiscal year totaled \$613,710.06 including interest, an increase of \$23,249.68 over last fiscal year.

Commissioner McPeters made a motion to approve the tax settlement, the Insolvent's List, and the Order of Collection. Commissioner Buff seconded the motion which passed unanimously.

Mrs. Sain then officially announced her retirement, effective October, 2009, and will step down as Tax Collector at the end of September. She expressed her appreciation to the Board of Commissioners, the County Manager and other County staff who, in her words, "has made my stay more pleasant", and to the citizens for the opportunity of serving them. She noted that she looks forward to the future things of her life.

Chairman Walker expressed his appreciation to Pam for her professional work and her manner of working with other people. Each member of the Board commented as well, with mention of professionalism, respect, fairness, of being willing to work with people in making payments, and the sense of a competitiveness with her. At this point, Pam mentioned the dedication of her staff.

The County Manager made reference to the collection rate and the very few times there has been a situation or problem to deal with. He noted that Pam has done an outstanding job, has been consistent, has kept a human face and has forcibly collected a large portion of the taxes.

Mr. Abernathy noted that Pam's last day will be October 30th, and as Tax Collector on September 30th, and that her replacement (Chief Tax Collector Phyllis Ryan) will carry out her remaining term until August 11, 2012. Plans were for Mrs. Ryan to be sworn in tomorrow.

A motion was made by Commissioner Webb to approve Mrs. Ryan's appointment as recommended by staff and in according to the dates mentioned. Commissioner McPeters seconded the motion and the ayes carried unanimously.

SHERIFF'S DEPARTMENT GRANT

Sheriff Dudley Greene came before the Board to request its approval on making application to the U.S. Department of Justice for grant funding in the amount of \$21,621. Also, Sheriff Greene announced plans of starting to hold meetings in different communities, noting that he has identified some problems that his department wants to deal with and work on. The Sheriff advised he had done preliminary steps for the grant which has no matching funds and that he hoped to use the larger portion of the grant for special projects.

Chief Deputy Sam Arrowood read a portion of the narrative that explained how funds will be used, noting that effort has been made to partner with local schools and fire departments to host these meetings in hopes of increased attendance.

A motion was made by Commissioner Webb to approve submission of the grant application to allow Sheriff Greene to move forward. Commissioner McPeters seconded the motion and by a unanimous vote, the ayes carried.

Commissioner Webb commended the Sheriff on his plans of outreach into the various communities, noting this is good public relations.

WATER SYSTEM UPDATE

At the Chairman's request, the County Manager provided an update on the new Water System, noting the County has contracted with the City of Marion for certain services while County personnel will read meters, do billing and collect fees, and will learn as they move forward with the operation. Concerning the Sherwood Forest Project, which is in service, Mr. Abernathy said staff was working to complete the grant, and that grants had been received for an additional extension down Harmony Grove Road. Also, that design work was being done for an extension on South Creek Road which will be a major undertaking but is necessary to keep water flowing.

Mr. Abernathy said he wanted to hold a meeting in the Nebo Community later this month to explain to the new customers how fees are calculated, etc., as well as to advise citizens on South Creek Road what is happening. He pointed out that Commissioner Buff was assisting him with the meeting location and they were thinking the Nebo Baptist Church Fellowship Building might be a suitable one, but nothing had been confirmed as yet. Mr. Abernathy said he was considering holding the meeting on a Thursday, perhaps August 27th.

Mr. Abernathy said he was continuing to work toward getting the Water Agreement with the City of Marion executed, along with the Sales Tax Agreement. Further, he advised work was continuing on the Small Animal Pilot Project which would mesh well with the Forest Service Project, noting that the County had received a grant (\$65,000) for a sewer line for the pilot project. He pointed out that working with the State on the Forest Service Project had been a lengthy process but it was moving forward

and once the new facility is completed, the current one will be deeded to McDowell Tech.

Chairman Walker expressed his appreciation to staff for their work during negotiations on these projects and to Commissioners Buff and Webb for serving on the Utility Committee as related issues are being resolved.

EMS AMBULANCE FEE AMENDMENT

Chairman Walker welcomed Emergency Services Director William Kehler and Chief David Cable of the Rescue Squad to the meeting. Mr. Kehler was present to request an amendment to the Ambulance Fee Schedule. He explained that after carefully evaluating the fee schedule, it was noted that McDowell County did not have a convalescent charge in the current schedule. He explained the new charge being proposed will only pertain to calls from a licensed medical facility that only require ambulance transportation and do not require continued patient care during transport. He said the current schedule fee is substantially higher than the one being proposed and is being recommended at a competitive rate on the market scale. The new rate will assist the licensed care facilities and would generate funds for the Rescue Squad who is very much in support of establishing this lower fee and taking on the responsibility for the calls. Further, this arrangement will free up paramedics to respond to emergency calls without being involved with routine transports.

Continuing, Mr. Kehler advised the new convalescent transport rate is being proposed at \$150.00 base charge with a mileage charge of \$5.25 per mile.

A general discussion followed on how the new rate will affect the licensed care facilities, arrangements for backup, etc.

In review, Mr. Kehler said they had added the charge of \$150.00 for Convalescent Transport from Licensed Medical Facility under Standard Rates, had added the \$5.25 per mile charge for Loaded Mileage on Convalescent Transport from Licensed Medical Facility under Mileage Charge, and had deleted the Wait Time under Convalescent Transport.

Commissioner McPeters requested permission to abstain from voting due to his employment with McDowell County Emergency Medical Services. The Board concurred with his request.

A motion was made by Commissioner Buff to approve the amendment to the Ambulance Fee Schedule pertaining to Convalescent Transport and mileage, and to eliminate the wait time. Commissioner Webb seconded the motion and the vote was 3-0 in favor.

TAX RELEASES AND REFUNDS

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

Releases Under \$100.00	Amount released \$1,317.74
Releases Over \$100.00	Amount released \$36,103.61
Release Refunds	Amount refunded \$6,778.44
Motor Vehicle Releases Under \$100.00	Amount released \$713.00
Motor Vehicle Releases Over \$100.00	Amount released \$340.05

Upon motion by Commissioner McPeters and a second by Commissioner Buff, the tax releases and refunds were unanimously approved as submitted

PLACING THE GOVERNMENT CHANNEL ON THE INTERNET

The County Manager advised he had asked his Assistant, Ashley Wooten, to investigate the issue of placing the government channel on the Internet so that any one (in the world) with Internet could access the channel, the information, the music, and the Commissioners' meetings. Mr. Abernathy stated there had been good feedback and staff had a proposal for recommendation. The proposal requires a one-time cost of \$4,995, with an annual maintenance fee of \$2,995 which can be paid from the dedicated cable revenue (over \$10,000 annually).

Mr. Wooten stated he had looked at several options and he felt the one being recommended is the best. He pointed out he had seen their implementation and that it is very user friendly.

General discussion followed on what the County's capabilities will be and how soon others might be available.

Commissioner Webb made a motion to authorize this initiative and to allow staff to carry forward. Commissioner McPeters seconded the motion and the vote was unanimous.

HOMELESSNESS GRANT OVERVIEW

DSS Director Phillip Hardin came before the Board concerning the submission of a grant through the Homelessness Prevention & Rapid Re-Housing Program offered by the Federal Government and funded through the American Recovery Act. Mr. Hardin said that due to the economic crisis, his department's business is booming and while they cannot do much to assist in major housing situations with ordinary funding, they felt this

was an opportunity to provide assistance with rent costs, utility costs, counseling, etc. He pointed out this is a three-year contract, with a grant amount of \$777,000, most of which would go toward housing. Mr. Hardin anticipates hiring only one person as a case manager because there are some requirements, such as credit-type counseling, assessments of families, etc. Other work associated with this grant would be absorbed by the current staff. He had recently established a new position by converting an existing position to a financial social worker that fits in well with this grant, not in anticipation of the grant but because he felt it was the right step to take.

Mr. Hardin explained that unlike HUD and other long-term programs, this one is short-term, and the people they will be unable to help are those who own their homes because the grant will not allow this assistance. Mr. Hardin pointed out that some of the work would be done through contracted services with Isothermal Planning and Development and the McDowell Mission Ministry, and that certain legal issues would be dealt with in-house through contracted legal services.

Continuing, Mr. Hardin pointed out that North Carolina was one of nine states chosen to be monitored on a federal level among all 50 states.

A general discussion followed with Mr. Hardin pointing out that rental or utility assistance is the main thrust with this program and he addressed the various means of notifying people about the program and the grant assistance.

Mr. Abernathy stated the recommendation of staff was to authorize support of the grant application being submitted.

Commissioner Webb made a motion to authorize and endorse the grant application and to direct staff to expedite and move forward. Commissioner Buff seconded the motion which carried unanimously.

NO WAKE BUOY REQUEST

Concerning this item, the County Manager stated residents of a cove near Magnolia Drive just west of the Marion Lake Club had expressed a concern on the danger that exists in the cove with various activities on the Lake.

Nebo resident Suzy Johnson presented a request for creation of a No Wake Zone for the entire Lake James cove in Nebo bounded by the developments of Lakeview Shores on the east, North Shores on the south, and by Waterglyn on the west (with No Wake buoys across the mouth of the cove between the island and Carrier's or Finger's property)

Mrs. Johnson shared several emails she had received supporting this request, noting the concern of someone being killed due to jet skiers and other activities.

The County Manager addressed the process for consideration of the requested No Wake buoys, the need for a public hearing (in September), etc., noting that the cost for the buoys would be born by the citizens. He asked that a public hearing be scheduled for the September meeting.

Commissioner Buff made a motion to schedule a public hearing for the next meeting (September). Commissioner McPeters seconded the motion and by a unanimous vote, the motion carried.

HEALTH COALITION UPDATE

Chairman Walker welcomed Marjorie Vestal and Shamoree Cromartie from the McDowell Health Coalition who came before the Board to give a presentation on a new program they are implementing called "Voices in McDowell".

Ms. Vestal stated they had received three grants, one totaling \$180,000 to be used toward reducing drinking and driving in the County. She advised they plan to promote this program during the Mountain Glory Festival to be held in October. The second grant was in the amount of \$50,000, received through Health Net to allow individuals to access care that they need, and the third grant, in the amount of \$10,000, is to be used for greenways, etc. She pointed out the County had received a \$240,000 return for its \$5,000 investment.

Ms. Vestal then introduced her assistant, Shamoree Cromartie, who gave a brief report on what her plans are with respect to updating their web site, producing a newsletter, etc.

ESTABLISH McDOWELL COUNTY AS A RECOVERY ZONE

The County Manager stated a new funding mechanism for financing projects for units of local government and for private industry had been created through the Stimulus Act. He said the financing mechanism, called Recovery Zone Bonds, functions very similar to industrial revenue bonds but appear to be easier and cheaper to process. Mr. Abernathy stated McDowell County had been designated to receive about \$6.5 million in Recovery Zone Bond financing funding, with funds being made available to the County and to private sector agencies. He advised the first step would be to declare a recovery zone, either for a portion or the entire County. He recommended that the entire County be declared a recovery zone due to fact that our needs are very great.

Mr. Abernathy pointed out that a company is interested in pursuing this financing mechanism and the project is tied to a significant number of potential new jobs. He said they want to apply for \$4.5 million of the \$6.5 million, and no other commitment is being made at this time---this is simply the first step of the process.

General discussion followed on who can apply, whether small businesses would be included, could a funding “pool” for our small businesses be established, etc. Mr. Abernathy said the program is intended to assist larger entities.

Commissioner Webb made a motion to approve the Recovery Zone Bond loan as presented. Commissioner McPeters seconded the motion and it passed by a unanimous vote.

OFFER TO PURCHASE COUNTY PROPERTY

The County Manager advised that an offer had been made on a piece of property owned by the County on Highway 226 South on which an old cabin is located. The property was donated to the County back in the 1940s for a 4-H camp site or area. The previous owner(s) had a reversion clause that should it cease to be used for that purpose, it would revert back to them. He pointed out there is a legal process for disposal of County property and that it might be difficult to locate property heirs. Mr. Abernathy said Scottie Willis had offered to purchase the property and had offered a price of \$5,300 for the approximate .8 of an acre which is listed on the County’s tax books for \$10,000.

Mr. Abernathy recommended taking time for reviewing the property before making any decision. By consensus the Board agreed to accept the County Manager’s recommendation in order to examine all the facts, with assistance by the County Attorney.

Z. SMITH REYNOLDS GRANT

The County Manager advised the County was recently awarded a \$20,000 grant for the Foothills Pilot Plant project through the Z. Smith Reynolds Foundation. The grant will allow for work to proceed on the project with a portion being used to provide for the continued assistance from Smithsonian Mills.

Commissioner McPeters made a motion to approve the grant agreement as presented by staff. Commissioner Buff seconded the motion and the vote was unanimous.

BOARD APPOINTMENTS

Chairman Walker reviewed current board vacancies including five for the Marion Area Advisory Board of Directors, one on the Library Board, and one reappointment to the Nursing Home Advisory Committee. While there were no applicants for the Marion Area Advisory Board, there was one for the Library. The Chairman asked that the Board members to mark their ballot sheets.

Results of the vote were a unanimous vote for **Mary Jane Boyd to the Library Board** and a unanimous vote to reappoint **Jewell McNeal to the Nursing Home Advisory Committee**.

REPORTS AND COMMUNICATIONS

The County Manager advised the September meeting was taking shape, noting the solar energy contracts and the idea of him signing contracts, etc. By consensus, the Board agreed on the signing of contracts as long as they are updated on what is taking place.

CITIZEN COMMENT

Since no one had signed up to speak, the Chairman stated the Board would forego this item tonight.

The County Manager noted the invitation received for the Volunteer Center's Annual Meeting on August 11th at 6:30 p.m., and the Utility Committee meeting on August 20th at 3:00 p.m.

ADJOURNMENT

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

DAVID N. WALKER, CHAIRMAN

CARRIE PADGETT
CLERK TO THE BOARD