

**STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
BOARD OF COMMISSIONERS
PUBLIC HEARING ON SECONDARY ROADS
APRIL 14, 2008 – 3:30 P.M.**

ASSEMBLY

The McDowell County Board of Commissioners met on April 14, 2008 at 3:30 p.m. to hold a public hearing with D.O.T. officials concerning Secondary Roads Paving Priorities for the Year 2008-2009.

MEMBERS PRESENT

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

THOSE ABSENT

Michael Lavender (sick)

OTHER PRESENT

Charles R. Abernathy, County Manager; Carrie Padgett, Clerk to the Board; Ashley Wooten, Assistant to the County Manager (Video); and DOT officials E.A. Green, Division Maintenance Engineer in the Asheville office; Jabe Johnson, County Maintenance Engineer; and Scott Killough and Wade Tate from the district office.

CALL TO ORDER

Chairman Webb called the meeting to order at 3:45 p.m. and welcomed those present.

The County Manager stated the Board was in Public Hearing, which had been advertised, noting that annually the State of North Carolina makes a report in each County on the paving schedule that is proposed for the coming year, including the progress made for the previous year. The Board is then asked by resolution to endorse the paving schedule. Mr. Abernathy introduced Mr. Ed Green from the Department of Transportation.

Mr. Greene expressed his appreciation for the opportunity of meeting with the Board and, after introducing other D.O.T. staff members, stated he called forward Jabe Johnson, County Maintenance Engineer, to make their presentation.

Mr. Johnson explained the priority system for secondary roads is done in accordance with G.S. 136-44.7 and 44.8, enacted in 1973, and that roads are surveyed

every four years using an established point system. The last survey was done in 2004-2005.

Mr. Johnson presented the 2008-2009 Paving Priority for McDowell County as follows:

PAVING	SR #	DESCRIPTION	LENGTH	EST. COST
<u>RURAL ROADS</u>				
6F	1782	Rhom Road From SR 1781 to E.O.M.	1.31	\$450,000.00
Unavail.	1730	Westmoreland Street From E.O.P. to E.O.M.	0.02	\$ 15,000.00
9F	1322	No Name Road	0.41	\$150,000.00
Rural Total =			1.74	\$615,000.00
<u>SUBDIVISION STREETS</u>				
	1613	Snyder Drive From SR 1576 to E.O.M.	0.08	\$ 20,000.00
Subdivision Total =			0.08	\$ 20,000.00
<u>SAFETY PROJECT</u>				
07/08		Widen and strengthen SR 1769, Dysartsville Road, from Burke County to SR 1768, Sain Road		\$125,000.00
Grand Total =			1.82	\$760,000.00
CONTINUE DOWN PRIORITY LIST UNTIL ALL FUNDS ARE EXHAUSTED				
<u>PROGRAM SUBJECT TO AVAILABILITY OF FUNDING, RIGHT-OF-WAY, AND ENVIRONMENTAL REVIEW</u>				
TOTAL SECONDARY CONSTRUCTION PROGRAM				\$760,000.00
RESERVED FOR CONTINGENCIES				\$ 80,017.00
TOTAL ALLOCATION				\$840,017.00

McDOWELL COUNTY 2008-2009 PAVING PRIORITY BACKUP PROGRAM

<u>SR#</u>	<u>DESCRIPTION</u>	<u>EST. COST</u>
1769	Widen and strengthen SR 1769, Dysartsville Road from SR 1768, Sain Road, to SR 1770 Trinity Church Road	\$350,000.00

Mr. Johnson asked if there were any comments.

With reference to Rhom Road, Chairman Webb asked if this was a situation where right-of-way was acquired and as a result, the road had become a high priority, or had the criteria changed over the last couple of years? In response, Mr. Johnson explained that in McDowell County they were essentially at the end of their program, with only this road and three others having available right-of-way. He advised the paving program will then be complete except for the remaining 51 roads where right-of-way is unavailable.

Mr. Green added that when the rating is done, the top ten roads are frozen and cannot be bumped to a lower position. He said Rhom Road was in the top ten when the rating was done.

Chairman Webb noted the total number of roads with unavailable right-of-way totals 25 miles of unpaved roads. He said some people favor an unpaved road over the additional traffic and noise, and he respects their wishes.

Concerning the roads with unavailable right-of-way, Mr. Greene pointed out that if circumstances do change, such as when property is sold and exchanges hands, they are always willing to go back and reassess the road. He said it is best if the property owner initiates this process.

The County Manager raised a question concerning Mill Creek Road. In response, D.O.T. officials pointed out that all right-of-way had been acquired with this road except for the Forest Service property. They pointed out there seems to be a lot of issues with them on several roads, not just with this particular road but in other areas as well, that it is a long, drawn-out situation.

Chairman Webb opened the floor for comments from the audience, but no one responded.

Commissioner Buff made reference to the CSX Trestle on 226, and asked what leverage does the State have to work with the railroad in situations like this? In response, Mr. Green said the railroad would allow the work if D.O.T. were to provide the funds for doing it. He said he was not sure what the schedule is, but it had been assessed. Further, Commissioner Buff asked again about a guardrail for the soccer field at the YMCA. In response, Mr. Green agreed to check this area out to see if it warrants a guardrail.

Concerning this, Commissioner Walker asked what length do guardrail sections come in and what the cost would be. In response, Mr. Greene said they come in 20-foot sections and the cost would be \$15.00 to \$20.00 per section. Also, Commissioner Walker mentioned the community off of Epley Drive that needs fire protection but it is not available to those residents due to the condition of the bridge. Mr. Greene pointed out this would be up to the developer or property owners to bring the bridge up to a standard that meets their criteria.

Chairman Webb asked about the long-term 221 North project through McDowell County and what its status might be in regard to four-lanes. In response, Mr. Green said it is on their books but he was not sure about the status. He said they had begun to acquire right-of-way on the southern most end of the project. He agreed to find out what the status of the road is and report back.

Also, Chairman Webb mentioned the motor assistance program which is rather concentrated in some areas further east and in Haywood County going through the gorge. He said he would like, with consensus of Mr. Greene and others present, to have a letter drafted to ask the Department of Transportation to consider some kind of motor assistance program in reference to Old Fort Mountain during hazardous conditions with the rain, fog, etc. He noted the large number of calls the Old Fort Fire Department deals with during these conditions. Mr. Greene agreed to pass this request along to his colleagues.

With no further discussion, motion was made by Commissioner McPeters to close the public hearing. Commissioner Buff seconded the motion and the vote was unanimous.

Commissioner McPeters then made a motion for adoption of the *Resolution Approving Paving Priorities for Fiscal Year 2008-2009 in McDowell County*. Commissioner Buff seconded the motion and the vote was unanimous by those present.

Chairman Webb thanked D.O.T. officials for their assistance, their efforts in meeting the needs of citizens, etc.

BUDGET AMENDMENTS

The County Manager gave a brief summary of the budget amendments being presented as follows:

#25 – Cooperative Extension – To allocate donations and to transfer funds from salaries to the send-in line item for participating employees.

#26 – To allocate funds for the Flood Mapping Project

#27 – To transfer funds in the Board of Commissioners budget to handle dues, legal ads and telephone line items. Also, funds were received for use of Cable

TV and funds were expended to upgrade the channel.

#28 – To transfer funds within the Board of Elections budget. Funds were transferred from Election Expense to handle the listed items.

#29 – The Supplies and Telephone line items in the Administration budget were over budget; therefore, funds were transferred from the Equipment purchase line item to cover the overage.

#30 – To allocate grant revenue for the regional exercise project in the Emergency Management budget.

#31 – To transfer additional funds in the EMS Department. The major problem is with the Fuel and Maintenance line item. Fuel has drastically increased and there were more repairs than usual on several of the units.

#32 – To transfer funds for the payment to the collection agency for delinquent EMS collections. There were also increases to Postage and a server ceased to function and had to be replaced. Funds were also allocated to complete the scanning project.

#33 – To increase the expenditure for the Unemployment Insurance and Workers' Compensation line items.

#34 – To allocate revenue for the Sheriff's Department. The equipment includes a radio, furnishings, software, kitchen equipment and video equipment.

#35 – To transfer funds from the Tax Assessing Department to the DMV operation.

#36 – To allocate the expense incurred for the collection of delinquent taxes in the foreclosure initiative undertaken through Redmond Dill.

#37 – Includes a variety of miscellaneous items, including allocation for a fire department loan that occurred out of the Equipment Pool, additional revenue for TDA, the property purchase of the building on Garden Street, the allocation of ABC funds and the Red Cross amendment already approved.

Concerning the Red Cross amendment, Mr. Abernathy stated they would be coming back to the Board again to ask for additional funding, and that there are some related issues. He stated they would, in fact, make an appearance next month to make the request for funding.

In a brief discussion of amendment #36, Mr. Abernathy pointed out that Mr. Dill's efforts had been worthwhile with the additional taxes that had been collected.

#38 – To allocate additional revenue received for Senior Center operations.

#39 – To transfer funds within the Public Works Department. The primary issues include fuel costs for the Waste Collection operation and utility costs to heat the facilities.

Rec 2 – To transfer funds within the Recreation Department.

Commissioner Walker made a motion to approve Budget Amendments #25-39 and Rec 2, and the Project Budget Ordinance for the Hook-Up CDBG Project as presented. Commissioner McPeters seconded the motion and the vote was unanimous.

APPROVAL OF VEHICLE FINANCING

The County Manager advised the DSS Director wanted to take three vehicles off the road and to purchase four new ones in replacement. Bids had been received on financing of the vehicles and BB& T was lowest bidder at 2.88% for a four-year term, semi-annual payments in arrears. Other responses were RBC Centura at 3.16%, Carolina First at 3.22%, and First Charter 3.35%.

In discussion of the vehicles being retired, Mr. Hardin stated his concerns about the one van used by staff in transporting children out of the County for appointments in the event of mechanical failure, etc. Further, he commented on the federal reimbursement, etc.

Commissioner Buff made a motion to approve the financing documents, including the *RESOLUTION APPROVING FINANCING TERMS*, and to approve the low bid on financing with BB&T as presented. Commissioner McPeters seconded the motion and the vote was unanimous.

GIS UPDATE

The County Manager overviewed the process of implementing the GIS System in the Tax Office. He also updated the Board on the input session that was held with realtors, attorneys, surveyors and the public. The input session was well attended and well received. The overwhelming response was to proceed and to make the service available as soon as possible. The County Manager explained to the Board of Commissioners that the system should go on line for the limited use of the realtors, attorneys and surveyors toward the end of May and would go on line for the public approximately one month after this date. The staff was recommending a limited initial “roll-out” to work out any problems or issues.

The Board of Commissioners expressed its strong appreciation for this project and for the work of the vendor and the Tax Office in implementing this project.

NUTRITION CENTER UPDATE

The County Manager next reviewed the status of the Nutrition Center project in Old Fort. The financing for the project was approved by the LGC earlier in the month. A groundbreaking was scheduled for the 18th of April and the Senior Center staff would be present to coordinate the activity. The groundbreaking would include representatives from the Focal Point Advisory Committee and the Town of Old Fort. The grading for the project had started on the date of the meeting (the 14th of April) and the expected completion date for the project would be January of 2009.

WATER PROJECTS UPDATE

Next the Board received an update on the status of water line projects in Nebo. First, the County Manager reviewed an issue concerning a road in the Sherwood Forest project area called Elaine Street. This street was not included in the initial design for the project and there was significant interest by the residents in the street being included. The County Manager explained that it was the intent of staff to include Elaine Street and since it was overlooked, he wanted to make sure the Board approved of its inclusion. The Board unanimously agreed by consensus that the road (Elaine Street) should be included.

Ashley Wooten reviewed the status of the CDBG "Hook-Up" Grants for the community and encouraged citizens to call if they have an interest in tying on to the system. There is a series of requirements that have to be met by the citizens making application. The final items reviewed was the status of the Lake James site assessment and a proposal from McGill Associates to perform necessary report writing to the State of North Carolina required because the County owns the water system.

FIRING RANGE AGREEMENT/UPDATE

The County Manager presented a draft of the McDowell County Firing Range Agreement, noting a few changes that had been made. In item 2 addressing participating agencies, Mr. Abernathy noted that a suggestion was made to eliminate the specific dollar amount referenced and say that the College and the Prison will provide a certificate of insurance with evidence of liability coverage. He noted that the McDowell County Sheriff will schedule use of the Firing Range instead of his department (item 4).

Mr. Abernathy noted that while the document might need to be amended, staff did need to move on getting the agreement in place so that the College is not penalized.

Chairman Webb asked for input from other Board members. Commissioner Buff had a question concerning the time the Firing Range will be in use. The County Manager said the typical or standard schedule will be that the Range will not be used past 9 p.m. and will not be in use before 7 a.m. The Board concurred.

Vice-Chairman Walker made a motion to approve the agreement with the stated changes as proposed. Commissioner Buff seconded and the vote was unanimous.

OLD FORT RECREATION AGREEMENT

The County Manager presented the draft agreement that had been requested, noting the \$1.00 per year cost, entrance agreement, and maintenance. He advised Old Fort's Mayor was in agreement with the changes made and that the County Attorney was to review the document and report back; however, he had not yet heard from Mr. Coats. Mr. Abernathy suggested the Board might want to approve the Agreement pending the Attorney's review.

Further, Mr. Abernathy stated he had spoken with Old Fort's Mayor and that he and the Board of Aldermen are most appreciative for the County's cooperation in this matter.

Commissioner Buff made a motion to approve the Lease Agreement per the County Attorney's review. Vice-Chairman Walker seconded the motion and the vote was unanimous.