

**STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
BOARD OF COMMISSIONERS  
REGULAR SESSION – JULY 11, 2011**

**ASSEMBLY**

The McDowell County Board of Commissioners met in regular session at 5:00 p.m. on Monday, July 11, 2011, in the Commissioners' Board Room, the usual place of meeting.

**MEMBERS PRESENT**

David N. Walker, Chairman; Barry E. McPeters, Vice-Chairman; Michael K. Lavender; and Joshua R. Dobson.

**THOSE ABSENT**

Andrew K. Webb

**OTHERS PRESENT**

Charles R. Abernathy, County Manager; Carrie Padgett, Clerk to the Board; Ashley Wooten, Assistant to the County Manager (Filming); and reporter Mike Conley, for THE McDOWELL NEWS.

**CALL TO ORDER**

Chairman David Walker called the meeting to order. The invocation was given by Commissioner Dobson, followed by the pledge of allegiance led by Commissioner McPeters.

**APPROVAL OF MINUTES**

Minutes of the June 13, 2011 regular session and the June 24, 2011 special session were presented for approval.

A correction was made to the minutes of June 13, 2011 in reference to the item "Trail Easement Document" and the motion made by Commissioner Lavender. Commissioner Lavender stated he needed to add, for completion and a bit more definition, to his motion which reads "to authorize staff to enter into an agreement with the Trails Association". The motion should read "**with property owners with the understanding that grants will be pursued and no definite time table to begin construction at this time**". With that correction made, Commissioner Lavender made the motion to approve the minutes of June 13, 2011 as amended and to approve the

minutes of June 24, 2011 as recorded. Commissioner McPeters seconded the motion and by a unanimous vote, the minutes were approved.

### **APPROVAL OF AGENDA**

With no additions or deletions made to the agenda, Commissioner McPeters made a motion to approve the agenda as prepared. Commissioner Dobson seconded the motion and by a unanimous vote, the agenda was approved.

### **BUDGET UPDATE/2011-12 ORDINANCE**

With a light agenda, the County Manager advised he wanted to go back and review three or four of the items for discussion with approval of the budget. First, he wanted to let the Board know what he had done, but also to make sure that he had understood the items accurately. He advised the allocation for Davidson's Fort was \$2,500 and made reference to an email sent to the TDA Director basically saying the allocation was restricted to the purchase of property and the Board had asked that TDA consider a similar request. The Director's response was that this will be on their August agenda. He pointed out the funds would not be distributed for a while as they await the outcome, giving the Board the option of reconsidering or doing something different.

Next, Mr. Abernathy made reference to a memo he had prepared to Dr. Bryan Wilson at McDowell Tech which had not yet been sent because he wanted the Board to first review it to make sure the tone is what was intended, as well as the substance, in conveying that this is a real vote of confidence. He pointed out that essentially the Board had kept the current expense and capital outlay items at the same level, and the Board had then added \$30,000 for replacement of the roof. The understanding here is that, based on the estimate of \$60,000, the College would match the \$30,000 with \$30,000 from funds provided by the State which, in the past, have not been available for repairs and renovations but are *now* available for that purpose. He said there is an assumption that the funds could be reverted back to the State and, in the event that they are, the County would make the additional dollars up since we do want to replace the roof, but it is the County's expectation that the match will come from those State funds. Further, Mr. Abernathy advised there is some language about submitting prices to the County in advance of doing the roof.

In discussion, general consensus of the Commissioners was that the memo was well written and that in the event the funds are reverted, they would like to revisit this item.

Concerning the School System, Mr. Abernathy made reference to his contact with the Superintendent of Schools, noting that Dr. Trollinger is looking into the low wealth funding situation. He said Dr. Trollinger seemed in agreement with the \$160,000 going from capital to current expense and thinks that the low wealth calculation takes both numbers in the total and that it really won't make a difference. Mr. Abernathy briefly

addressed McDowell County's low wealth funding, how it compares with the state average, etc. He advised this could be addressed further on a future agenda.

### **TAX MATTER AND WRITE OFFS**

The County Manager presented the following items for the Board's approval:

- A request from the Finance Officer to waive late fees assessed the Alpine Inn for occupancy tax. The recommendation was to waive 17 days of late fees at \$10.00 per day (17 days @ \$10.00 = \$170.00 [late fee] - \$10.47 [submitted] = \$159.53)
- The accounts considered non-collectible for EMS in the amount of \$11,322.46
- Tax releases and refunds as summarized below:

Releases Under \$100.00	Released amount of \$505.61
Releases Over \$100.00	Released amount of \$695.49
Motor Vehicle Releases Under \$100.00	Released amount of \$819.98
Motor Vehicle Releases Over \$100.00	Released amount of \$656.74
Release Refunds	Refunded amount of \$349.96

Commissioner Dobson made a motion to waive the 17 days of late fees as recommended by staff, to waive the "right offs" for EMS in the amount of \$11,322.46, and to approve the tax releases and refunds as presented. Commissioner Lavender seconded the motion and by unanimous vote, the motion carried.

### **WATER LINE UPDATE**

The County Manager advised the initial Watson Road water line extension was complete and the South Creek Road Extension will probably be completed within 30 days. Connection fees have been waived for thirty days. The additional cost for this extension is now estimated to be \$96,006. Mr. Abernathy said he would have an amendment at the next meeting that will cover this.

Chairman Walker advised he had spoken with a man who had asked that the Board be thanked for its efforts with this project. The Chairman said the man was very positive and appreciative.

Mr. Abernathy pointed out the automatic flush valve that is now located on Watson Road will be relocated to South Creek Road. He addressed the need for customers to use the water, future flushing, etc. At last count there were a total of 44 applications for both lines (Watson Road and South Creek).

Mr. Wooten commented briefly on the \$9,500 for the water line to the Pilot Plant. Mr. Abernathy asked that the Board approve the grant contract for the Rural Center grant.

Commissioner Lavender made a motion, seconded by Commissioner McPeters, to approve the Rural Center grant contract as presented. By unanimous vote, the grant contract was approved.

Commissioner Lavender asked if Mr. Abernathy might give the Board a date as to when the plant would be in operation. Mr. Abernathy said he would like to have this project fully on the agenda in August but the gentleman had been doing rotary programs. He said this would probably happen toward the end of August or in early September. He thought it would be good to have Smithson Mills come in and do a fifteen-minute program on this operation. The Board agreed.

### **JOINT EDUCATION COMMITTEE**

The County Manager advised he had spoken with officials of the other entities involved and they have no problem with the joint education committee; however, he noted there are some issues that first need to be resolved and there is an evident need for discussion. He suggested for everyone to stay flexible, find out who the members will be, and then decide when and where to meet, etc.

Chairman Walker suggested having the chairman of each Board to serve on the committee. Mr. Abernathy pointed out that Dr. Wilson wants to appoint two members to the committee; therefore he felt his choosing should be respected. Mr. Abernathy recommended having someone who can speak for the Board, and noted that Commissioner Webb had indicated having the Board's trustee appointee to be one member.

### **ECONOMIC DEVELOPMENT UPDATE**

With reference to Rock Tenn, the County Manager advised the Rural Center announced through Representative Gillispie that the \$480,000 out of the building reuse program was approved by the Rural Center Board. Mr. Abernathy said he was pleased to see this grant approved and it has the County well on its way for honoring its obligation for the Rock Tenn expansion. Both the One North Carolina application and the Rural Center application have been approved. The City of Marion has an incentive package that has been approved, and the County's incentive package has also been approved. The only remaining item is the Community Development Block Grant, which he considered the easy one. He had spoken with the company official who said the bulk of work from their end would be done by the end of next year and they are working diligently to move the operation into the Swift Galey property.

The second item concerned an amendment to the contract approved back in 2007 related to a company known as DGR whose principal, Dr. DiSanto, was present to answer questions.

Mr. Abernathy advised that with most economic development projects, jobs and investments are the main consideration. This project is different in that the County has made available a small tract of land in the Industrial Park for what is essentially a small data center or record recovery facility. Also, this project has the additional impact of seeing a fairly sizeable expansion of broadband availability which has been a priority of this Board. The project had been delayed and is tied to larger projects but is now ready to be put into motion.

Continuing, Mr. Abernathy explained the amendment will do three things: 1) The construction will be underway with a month; 2) The construction will be completed within six months; and 3) The property line will shift slightly to the south, the reason being that there is another project looking at the adjacent property and needs a small amount more in order to fit. He advised that in the event this does not happen, the line would be expanded back.

Dr. DiSanto then addressed the MCNC aspect of the project and took questions from the Board, with discussion following. Mr. Abernathy made reference to the \$120,000 Golden Leaf grant the County had received to construct the road, contingent on job creation.

Commissioner Lavender made a motion to amend the DGR Contract as recommended by staff. Commissioner Dobson seconded the motion and by unanimous approval, the motion carried.

### **EMA OPERATIONS PLAN APPROVAL**

Terry Young, Emergency Management Director, gave a brief overview of the revised Emergency Operations Plan which will now be online and they will no longer have to use the notebooks. Future changes can be done in-house. The document is reviewed by the Local Emergency Planning Committee and approval by the two municipalities is required.

In a brief discussion, Commissioner McPeters noted how easy it is to go online rather than look through a book for direction and guidance.

Commissioner Dobson made a motion, seconded by Commissioner McPeters, to approve the revised Emergency Operations Plan as presented. By unanimous approval the motion carried.

### **911 UPDATE**

Concerning the 911 Center, Mr. Young noted that construction is moving forward very quickly. The local bidder is going the work and there will be two more CAD positions, one being an administrative position. He advised there will be four employees and the 911 funds are paying for this.

A motion was made by Commissioner Lavender and seconded by Commissioner McPeters to approve the two positions. By unanimous approval, the motion passed.

Mr. Young noted the new 911 Center will open no later than mid-August.

### **BOARD APPOINTMENT**

The vacancy on the McDowell Technical Community College Board of Trustees was presented on second reading.

A motion was made by Chairman Walker to appoint Darren Waugh to the MTCC Board of Trustees. Commissioner Lavender seconded the motion and it passed by unanimous approval.

### **NCACC BOARD APPOINTMENT**

Concerning the NCACC Board appointment, Commissioner Lavender asked if by chance Commissioner Webb would consider this appointment. He then made a motion to appoint Commissioner Webb to the NCACC Board of Directors to represent District 15. Commissioner McPeters seconded the motion and it passed by unanimous approval.

### **NCACC VOTING DELEGATE**

Commissioner Dobson made a motion to appoint Commissioner Webb as the Voting Delegate for the NCACC Annual Conference. Commissioner Lavender seconded the motion and by unanimous approval, the motion carried.

### **CITIZEN COMMENT**

Marion resident Mike Blanton, who coaches five-year olds in the County, came before the Board to address issues related to softball season and its scheduling. He pointed out there are 86 teams in County leagues, and had addressed his concerns previously. He said he was not here to criticize anyone, but noted prior to last year ballgame season was over in time to announce the winners. This year they had a game every Saturday and had four games in one week. He pointed out he did not get any answers from the Recreation Director and at times would get a call at 11:00 a.m. that he had a game at 6:00 that evening. He said it is always that we have "to ask the area directors".

**REPORTS AND COMMUNICATIONS**

Chairman Walker said he appreciated the Commissioners for attending the special service at Zion Hill Baptist Church on July 3<sup>rd</sup>. He noted the Board of E & R meeting on Tuesday, July 12<sup>th</sup>. The County Manager reminded the Board of the meeting with Golden Leaf on Thursday, July 14<sup>th</sup>, at 4:00 p.m. at the Senior Center.

**ADJOURNMENT**

There being no further business to transact at this time, upon motion by Commissioner Dobson, second by Commissioner McPeters and a unanimous vote, the meeting was adjourned at 6:30 p.m.

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DAVID N. WALKER, CHAIRMAN

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CARRIE PADGETT  
CLERK TO THE BOARD