

**STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
BOARD OF COMMISSIONERS
REGULAR SESSION – AUGUST 13, 2012**

ASSEMBLY

The McDowell County Board of Commissioners met in regular session at 5:00 p.m. on Monday, August 13, 2012, in the Commissioners' Board Room, the usual place to meet.

MEMBERS PRESENT

David N. Walker, Chairman; Andrew K. Webb; Michael K. Lavender; and Joshua R. Dobson.

THOSE ABSENT

Barry E. McPeters, Vice-Chairman

OTHERS PRESENT

Charles R. Abernathy, County Manager; Carrie Padgett, Clerk to the Board; Theresa Strickland, McDowell County Information Technician (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 Lavender.

APPROVAL OF AGENDA

Chairman Walker asked if there were any additions to the agenda. With none noted, upon motion by Commissioner Dobson, a second by Commissioner Webb, and with unanimous approval, the agenda was accepted as prepared.

APPROVAL OF MINUTES

Minutes of the June 11, 2012 regular session and the June 24, 2012 adjourned session were presented for approval.

Commissioner Lavender made a motion, seconded by Commissioner Dobson to approve the minutes as presented. By unanimous vote, the minutes were approved as recorded.

BUDGET UPDATE

The County Manager advised he had done an assessment of the two largest revenues—property tax and sales tax—updating them from the previous fiscal year to the numbers used in the budget, and compared them to how they are in the new fiscal year. Concerning property tax, he pointed out \$22,000 will be collected over the number that was presented to the Board during their budget deliberations. The amount budgeted for 2012-13 was \$17,390,500 and \$22,000 more will be collected. Also, he did not budget new revenue from the tax base, estimated at \$40 million that will go online as of January 1. Therefore, his projection would be there will be about a \$220,000 cushion or buffer on the tax number used in the budget versus where he thinks it will end up.

Concerning sales tax, Mr. Abernathy advised there is still one month that will accrue back into the previous year, and it appears we will finish the previous fiscal year around \$300,000 in the black. Comparing last year's sales tax to the figure used in the budget, Mr. Abernathy pointed out we will need 4.97% in sales tax growth to meet the budget.

The Finance Officer presented budget amendment GF1 (Miscellaneous) to appropriate sales tax charged on invoices and the revenue for the same.

Commissioner Lavender made a motion, seconded by Commissioner Dobson, to approve GF 41. By unanimous approval, the motion carried.

Mr. Abernathy then presented the water bill adjustments associated with the Nebo Water System, a total of seven.

Commissioner Lavender made a motion, seconded by Commissioner Webb, to approve the water adjustments as presented. By unanimous approval, the motion carried.

Next, Mr. Abernathy presented a request for waiver of tipping fees. The request came from a lady whose house burned and she is indigent with no insurance. The Public Works Director had verified her request to be true.

Commissioner Lavender made a motion, seconded by Commissioner Webb, to authorize the release of the two tickets for tipping fees. By unanimous approval, the motion carried.

TAX MATTERS

Tax Collector Phyllis Ryan came before the Board to present items related to her department. The first item was the 2011-12 fiscal year Tax Settlement for 2011

consisting of a list of unpaid 2011 taxes on real property at the close of the fiscal year, a list of unpaid 2011 taxes on personal property at the close of the fiscal year; and a list of unpaid 2011 taxes on registered motor vehicles at the close of the fiscal year.

The Settlement showed a percentage amount of 98.16% collected for regular tax bills and 80.14% for motor vehicles. The balance to be collected were \$304,014.77 and \$309,267.12 respectively.

The second item was the Order of Collection which, upon execution, authorizes, empowers and commands the collection of taxes as set forth in the tax records filed in the offices of McDowell County.

Mrs. Ryan briefly addressed the increases/decreases for this year in comparison to last year. She advised when the tax bills were sent out this year, a yellow form was inserted which allows the tax payer the ability to set up payment agreements, noting that over 400 people took advantage of this last year. Also, she noted the code that allows people to pay on line. Further, Mrs. Ryan commended her staff for the great job they do.

Next, the Board considered the appointment of the Tax Collector which is up for renewal. In the past, the appointment has been for four (4) years. The County Manager suggested that this term continue, noting that the bond amount for the position is currently set at \$15,000 and he suggested increasing this to \$50,000.

Commissioner Webb made a motion, seconded by Commissioner Lavender, to appoint Phyllis Ryan for another term of four (4) years and to approve increasing the bond to \$50,000. By unanimous approval, the motion carried.

A motion was made by Commissioner Lavender and seconded by Commissioner Dobson to approve both the Settlement for 2011-12 and the Order of Collection. By unanimous approval, the motion carried.

GATED COMMUNITY ORDINANCE

Planning Administration Ronald Harmon came before the Board to present another revision of the Gated Community Ordinance with changes made since the last presentation. The first change was in regard to the definition of a Gated Community, with the wording:

“A residential Development consisting of five (5) or more land or housing units, Commercial or Industrial Development consisting of one or more units, or accessory uses which are enclosed within a geographical area by restrictive gates”.

The second change dealt with grandfathering existing gates that were not 12 feet wide. The definition in section 100.04 item (A) now reads:

“The ingress/egress for fire department and emergency vehicles shall be a minimum 12 feet (12’) wide. All gates prior to the adoption date of this ordinance shall be grandfathered regarding width of the gate. Any significant changes to the structure of the gates after the adoption of this ordinance will require that gate width be brought up to the 12 foot standard”.

The third change as requested dealt with the amount of time to come into compliance and the amount of fines. The compliance time can be found in section 100.05, and the Planning Board suggested “12 months from adoption of the ordinance to have all gates in compliance”.

The section on fines can be found in 100.07, and the Planning Board suggested “that any violation that is found and not remedied within 7 business days will face a \$200.00 per day fine until the violation is fixed”.

Discussion followed on the remedy process, the amount of time for compliance, and when gates should be installed. Some suggestions were made on minor changes that would make the Ordinance clearer.

Commissioner Lavender made a motion, seconded by Commissioner Dobson, to authorize the Ordinance in accordance with the suggested change on use of certified mail and clarification on when area becomes a “gated community”, with copies back to the Board in case there is an issue. By unanimous approval, the motion carried.

Commissioner Dobson thanked Mr. Harmon and the Planning Board on their diligence in this effort.

UPDATE ON TOWER INSTALLATION

Emergency Management Director Terry Young came before the Board with an update on the installation of the Emergency Communications Tower in the northern section of the County. Mr. Young advised the installation is the radio tower on Dobson Knob. He advised they want to put equipment up there to allow significant improvements for emergency services in this community. He stated this has been an ongoing situation since 2007 and they hope to have the equipment by the end of the year.

Mr. Young then introduced Jeffrey French, an intern from Appalachian State University. Mr. French has been working in the County doing research on dam failure and removal. He was very complimentary concerning his interaction with EMS and Emergency Management and the work of both agencies, noting how everything works to one goal and what is best for the community.

Mr. Abernathy commented briefly on the County’s use of interns as a resource to accomplish what we do. He noted the plans regarding dams will be presented on the County’s website.

UNIVERSAL UPDATE/COMMITTEE

The Chairman recognized the County Manager for an update on the Universal Building and appointment of a steering committee. The Manager reviewed the purchase of the building, the Golden Leaf Grant process, the work schedule and reminded the Board that an architect has been approved. New information on the submission of an Economic Development Administration grant was provided and the Board agreed by consensus to submit an EDA grant in the amount of \$750,000. Next, the Advisory Committee was reviewed by the Manager. Appointments had been made by the College Trustees, the Chamber of Commerce, the City of Marion and the Economic Development Association. Five individuals from Industry had expressed an interest in serving on the committee. A motion was made by Commissioner Webb and seconded by Commissioner Lavender to appoint Kenny Greene with IAC, Chad Haas with Baxter Healthcare, Rodney Tilson with Tilson Machine, Joy Shuford with Foothills Industries and Mark Early with Baldor. The motion passed unanimously.

A motion was made by Commissioner Lavender to allow the School System to have two appointments. Commissioner Webb seconded the motion and discussion followed on having two County appointments. Commissioner Lavender then withdrew his first motion and made a motion to name Chairman David Walker to represent the Board of Commissioners. Commissioner Webb seconded the motion and by unanimous approval, the motion passed.

YMCA TRAIL UPDATE

The Board next received an update on the construction of the YMCA Trail loop. The first loop which was completed in early summer circled the YMCA and the Senior Center. The trail loop currently under construction would circle the Law Enforcement Center, the Health Department, the Hospital and the Medical Park. The project is underway and the clearing and grubbing is largely complete. The coordination of the Trail with Ms. Shaver and public school students for an arboretum type of finish was updated as well. The completion of the Trail would occur by December. The County Manager reminded the Board that a “difficult” section of the Trail located between the Senior Center entrance and the pump station could pose problems because of the soil conditions.

MAPLE LEAF RESTROOM UPDATE

An update was provided on the construction of the restroom facility at Maple Leaf. The project is around 75% complete and will be operational in September. Chairman Walker thanked the City of Marion for their assistance on this project and noted the improved facility would much better serve the public. The County Manager reminded the Board that the new facility would provide much safer treated water and corrected the sharing of facilities with the bowling alley. The County would maintain the well for purposes of irrigation. The Chairman also noted the conference swim meet hosted by the McDowell Mariners on the previous Saturday and the close to 1,000

visitors generated by the event. He noted the positive reception when he delivered the invocation for the opening ceremonies.

RURAL CENTER GRANT CONTRACTS

First, the County Manager made mention of his and other staff's experience gained in handling Rural Center Grant Contracts, pointing out this has enabled them to assist others in this process. He made reference to the project in Old Fort with the furniture plant that is international and will locate in the Pisgah Yarn and Dye Building. The company, SBFI-North America Manufacturing, is committed to creating 14 jobs. The funds will allow them to up fit the building and staff is authorized to sign documents related to this.

Commissioner Lavender made a motion to authorize execution of documents including the Contract Document, the Loan Performance Agreement, a Promissory Note, and a Waiver of Confidentiality on the part of the company. Commissioner Webb seconded the motion and by unanimous vote, the motion carried.

WATER SYSTEM UPDATES

A brief overview was provided on a number of waterline issues. The City of Marion had formally requested that excess funds left over from the water and sewer line extension to the new Wal Mart shopping center be used to extend the waterline across the Interstate to serve the Travel Plaza. The excess funds were slightly less than \$300,000 and the estimate provided was approximately \$325,000. The County Manager communicated that the estimate was hopefully high and that sufficient funds could end up being available. The Chairman suggested that the matter be discussed in the City-County Utility Committee and no action was taken.

The second item concerned a brief update on the Lake James water filtration plant project. The County Manager explained that the preliminary work by surveyors and designers on the intake site had begun and that he and Ashley Wooten and the engineers had met with the Chairman of the Catawba River Management Group the previous week. The Management Group essentially consisted of those counties and cities along the Catawba River that used the river for a source of drinking water. The concurrence of this group with the McDowell County project was being sought. The County Manager communicated that this meeting had gone well.

SPAY AND NEUTER PROGRAM UPDATE

A brief update was provided by the County Manager on the participation by McDowell County in the State Spay and Neuter Program. The program makes use of tax revenues generated off of the sale of pet related products to encourage people to have their animals spayed or neutered. The program has provided for 303 operations at a total cost of \$35,582. All reimbursements that had been filed had been processed by the State. There was discussion of limited the number of animals that one owner could file for

reimbursement. A motion was made by Commissioner Lavender and seconded by Commissioner Webb to limit to two the number of animals that one person or household could file each year. The motion passed unanimously.

BOARD APPOINTMENTS

Chairman Walker reviewed current board vacancies including one vacancy for the Planning Board (alternate member status) and one vacancy for the Region C Workforce Development Board. Both were presented on second reading. Also, the Library Board had requested the reappointment of one of its members (Ann McNutt) who serves as an at-large representative of the community. This vacancy was presented on first reading.

The Board then voted, by written ballot, on the Planning Board and Region C Workforce Development vacancies. Applicants for the Planning Board were Frank G. Kissell, Brenda M. Vaughn, Tony G. Brown, and Thomas Fleming. Steve Early was the applicant for the Region C Workforce Development Board. Results of the vote were:

Planning Board Alternate

For Tony G. Brown – Commissioners Lavender, Walker and Webb

For Brenda M. Vaughn – Commissioner Dobson

Region C Workforce Development Board

A unanimous vote for Steve Early

RETIRING OFFICER HANDGUN

The County Manager advised Chief Deputy Sam Arrowood is retiring soon and has requested, upon his retirement, to receive two guns that he had previously donated to the Sheriff's Department rather than his service weapon as authorized by N.C. General Statutes. In his request, Chief Arrowood stated this will alleviate his receiving a handgun from the current ones that have been purchased for the Sheriff's Office and would be at no cost to the County. Mr. Abernathy introduced a resolution entitled *RESOLUTION AUTHORIZING SALE OF COUNTY OWNED PROPERTY* that would grant the Chief Deputy's request.

A motion was made by Commissioner Webb and seconded by Commissioner Lavender to adopt the resolution, thereby granting the request submitted by Chief Deputy Sam Arrowood. By unanimous approval, the motion carried and the resolution was adopted as follows:

RESOLUTION AUTHORIZING SALE OF COUNTY OWNED PROPERTY

WHEREAS, the County of McDowell owns certain items of personal property that have been donated to the County by Sam Arrowood which he won as part of a raffle held at the 2011 N.C. Sheriff's Training Conference; and

WHEREAS, North Carolina General Statute § 20-187.2 permits the County to donate the badge worn by a Law Enforcement Officer upon their retirement; and

WHEREAS, North Carolina General Statute § 20-187.2 permits the County to sell the service side arm to the retiring Law Enforcement Officer upon securing such permit as required by G.S. 14-402 or without such permit the weapon has been rendered incapable of being fired; Sam Arrowood has requested these two (2) donated fire arms in place of his service side arm.

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

The Board of Commissioners authorizes the Sheriff to donate the badge and also authorizes the sale in the amount of \$1.00 of the following service side arms which have been declared surplus to Sam Arrowood:

Glock .40 Cal	Serial # SFS784
Kel-Tec .380	Serial # KWL22

This resolution shall become effective upon adoption.

ADOPTED this 13th day of August, 2012.

NOISE ORDINANCE DISCUSSION

Chairman Walker recognized the County Manager at this time to lead the discussion.

Mr. Abernathy advised Sheriff Greene had submitted a request to have the noise enforcement provisions of Ordinance 112 updated. In his request, the Sheriff had noted the lack of specificity and the difficulty for his officers, court officials and the public to understand enforcement of regulations as written. Mr. Abernathy recommended having the Planning Board review the Ordinance and to make recommendation on a revision.

By consensus the Board agreed.

NCACC VOTING DELEGATE

In view of the upcoming NCACC Annual Conference, the County Manager advised the Board needed to appoint a voting delegate for the conference.

Since Commissioner Webb would be attending the Conference, Commissioner Lavender made a motion, seconded by Commissioner Dobson, to appoint Commissioner Webb as the voting delegate for the Conference. By unanimous approval, the motion carried.

REQUEST TO USE McDOWELL HOUSE/EARLY VOTING

Chairman Walker recognized the County Manager to address this item.

Mr. Abernathy advised the Elections Department has requested to use the McDowell House during the One Stop Voting period which extends from October 18 until November 3, 2012. He noted this request makes sense in that the County owns the building, and it seems special to have this happen at that location. Mr. Abernathy said parking can be handled and some lighting may be needed, noting that we might charge the State for these minor improvements. Commissioner Webb agreed to access other funding for this request. He noted the back area could be wet and might need gravel.

Commissioner Dobson made a motion, seconded by Commissioner Lavender to allow the Elections Department to use the McDowell House for One Stop Voting as requested. By unanimous approval, the motion carried.

PUBLIC HEARING ON SCATTERED SITE HOUSING

At 6:15 p.m. as duly advertised, Chairman Walker declared the Board in public hearing for the purpose of allowing residents the opportunity to express their views concerning the County submitting a 2011 Community Development Block Grant (CDBG) Scattered Site Housing (SSH) application to the N.C. Department of Commerce. He asked the County Manager to give further details.

Mr. Abernathy advised McDowell County is eligible to receive \$400,000 in Scattered Site Housing for the next year. The program requires two public hearings, the first of which is purposefully general and not meant to address specific program issues. The second public hearing will be scheduled for the September meeting where details will be presented.

Chairman Walker opened the floor for public comment; however, there were no individuals present to speak.

Commissioner Lavender made a motion, seconded by Commissioner Webb, to go out of public hearing. By unanimous vote, the motion carried. By consensus, the Board agreed to proceed on with the process.

RELEASES AND REFUNDS

Since the Board did not meet in July, tax releases and refunds for both July and August were presented for approval as follows:

For July

Releases Under \$100.00	Released amount of \$1,878.15
Releases Over \$100.00	Released amount of \$1,215.64
Motor Vehicle Releases Under \$100.00	Released amount of \$458.57
Motor Vehicle Releases Over \$100.00	Released amount of \$273.84
Release Refunds	Refunded amount of \$12,184.66

For August

Releases Over \$100.00	Released amount of \$1,507.81
Motor Vehicle Releases \$100.00	Released amount of \$981.27
Motor Vehicle Releases Over \$100.00	Released amount of \$418.05
Release Refunds	Refunded amount of \$144.11

Commissioner Lavender made a motion, seconded by Commissioner Dobson, to approve the tax releases and refunds as presented. By a unanimous vote, the motion carried.

RECESS TO SECOND FLOOR WITH COOPERATIVE EXTENSION

Commissioner Webb made a motion, seconded by Commissioner Lavender, to recess the meeting to the Cooperative Extension Conference Room on Second Floor of the County Administration for its conclusion. By unanimous vote, the motion carried.

RESOLUTION REGARDING LOCAL FARMING

When the Board convened upstairs, Extension Director Molly Sandfoss welcomed everyone present and proceeded to read aloud a resolution entitled *A Resolution to Promote McDowell's Local Food Economy*, and requested the Board's adoption.

Commissioner Lavender made a motion, seconded by Commissioner Webb, to approve the resolution as presented. By unanimous vote, the motion carried and the resolution was adopted as follows:

A Resolution to Promote McDowell County's Local Food Economy

WHEREAS, North Carolina has the opportunity to harness consumer spending on food to bolster the sustainability of local farms and fisheries, support economic development, job creation and help address diet-related concerns; and

WHEREAS, consumers are demanding locally produced foods and food producers are responding positively to this increased consumer demand; and

WHEREAS, the demand for locally produced foods has not been diminished by a weak economy; and

WHEREAS, there is significant potential for local food and farming businesses to be an economic development engine in North Carolina, particularly in rural areas; and

WHEREAS, in 2009, North Carolinians spent about \$35 billion a year on food; and

WHEREAS, if individuals spent 10 percent of their food dollars on local foods, approximately \$3.5 billion would be available in the local economy; and

WHEREAS, county governments have an important role to play in supporting their local food systems; and

WHEREAS, county governments control budgets that allocate funds for food service in schools, jails and medical centers; and

WHEREAS, county governments set policies to procure local foods; and

WHEREAS, county governments may commit to purchasing local foods when hosting meetings, conferences and/or workshops; and

WHEREAS, the Center for Environmental Farming Systems' 10% Campaign supports local and regional food economies that benefit food producers, related businesses and communities; and

WHEREAS, the North Carolina Cooperative Extension Service is working in support of the 10% Campaign in all 100 counties, including McDowell County; and

WHEREAS, these on-the-ground experts are working with other community leaders, farmers, businesses, parents, teachers and students, many of whom are already working to build the state's sustainable local food economy, from farm to fork; and

WHEREAS, McDowell County is responsible for promoting economic development and job creation; and

WHEREAS, McDowell County is responsible for protecting and enhancing the health, welfare and safety of its residents in prudent and cost effective ways; and

WHEREAS, the people of McDowell County will benefit significantly through the success of the 10% Campaign through a stronger economy and access to fresh, affordable meats, produce, fish and shellfish.

NOW, THEREFORE, BE IT RESOLVED that the McDowell County Board of Commissioners pledges to access its ability to source local foods and to promote participation in the 10% Campaign to its employees and citizenship as appropriate to help build the local food economy.

ADOPTED this 13th day of August, 2012.

Following dinner, consisting of local foods, Cooperative Extension's *Report to the People* was presented. Mrs. Sandfoss advised the format had been changed somewhat from previous years in order to involve some of the people who had received their services. Kristin Mart, Family and Consumer Sciences Agent, began the program, followed by James Schunke with 4-H and Youth Development, Charles Sander and Richard Gant involving Agriculture and Natural Resources, and Pal Manhiani with the Foothills Pilot Plant.

ADJOURNMENT

There being no further business to transact at this time, Chairman Walker declared the meeting adjourned.

David N. Walker, Chairman

Carrie Padgett, Clerk to the Board