

**STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
BOARD OF COMMISSIONERS
REGULAR SESSION – MARCH 12, 2012**

ASSEMBLY

The McDowell County Board of Commissioners met in regular session at 5:00 p.m. on Monday, March 12, 2012, in the Commissioners' Board Room, the usual place of meeting.

MEMBERS PRESENT

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

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 Webb, followed by the pledge of allegiance led by Commissioner Lavender.

APPROVAL OF MINUTES

Minutes of the February 13, 2012 regular session were presented for approval.

Commissioner Webb made a motion, seconded by Commissioner McPeters to approve the minutes as recorded. By unanimous approval, the minutes of February 13, 2012 were approved as recorded.

APPROVAL OF AGENDA

Chairman Walker stated he had been informed that Kendall Waugh would not be present for the Relay for Life Presentation and this item would be handled by the County Manager.

Commissioner Dobson made a motion, seconded by Commissioner Webb, to approve the agenda as amended. By unanimous vote, the agenda was approved.

BUDGET AND FINANCE MATTERS/AMENDMENTS

The County Manager began by noting the General Fund statement of revenues, expenditures, and changes to fund balance from the Finance Department along with recommended budget amendments. Also, noted was the report of sales tax and tax collections.

The Finance Officer reviewed the budget amendments as follows:

- GF 17 – Receives and allocates additional revenue in the Rescue Squad collections, adjusting the NC One grant for Jaynesville, and transportation funding.
- GF 18 – Allocates the dollars necessary to install the phone system at the relocated Building Inspection office.
- GF 19 – De-obligates the generator grant in Emergency Management. This grant will be handled by another county.
- GF 20 – Allocates donated revenue and transfers funds between line items in the EMS Department.
- GF 21 – Transfers funds with the Building and Grounds budget.
- GF 22 – Receives and allocates spay and neuter funds received from the State. The amendment also allocates the funds for us to keep the Shelter open.
- GF 23 – Transfers funds with the Garage budget and completes the move of the Garage into one facility.
- GF 24 – Allocates revenue received and transfers funds within the Sheriff's Department.
- GF 25 – Transfers funds within the Assessing Department.
- GF 26 – Transfers funds within the Library budget.
- GF 27 – Transfers funds within the Soil and Water budget.
- GF 28 – Pays for collection expense from collected taxes. It is an "in and out".
- GF 29 – Handles various items including rolling forwards funds for the McDowell House and the Watershed. It also allocates funds for the removal of an abandoned mobile home removal and a tax audit.
- GF 30 – Allocates additional revenue in DSS.

GF 31 – Is the mid-year insurance amendment for self-insurance, projected to be \$200,109 in the red. The amendment requires \$133,156 from the tax collection line item.

GF 32 – Address the disposal line item in the Enterprise Fund. The line item is up \$64,000 from the general fund primarily because of increased fuel and the fuel surcharge.

ENT1 – Allocates revenue in the Enterprise Fund (Waste).

The following close-out of project funds was presented for approval:

Project Fund (52) for the Development Project, PRC, Inc. with grant funds in the amount of \$150,000.00

Project Fund (56) for the Family Practice Office/OB Gyn Project with grant funds in the amount of \$120,000.00

A general discussion followed on GF 17 and GF 21, more particularly about the reduction of Courthouse renovations and whether the items from the Court System have been dealt with (restrooms and access, signs, etc.).

Commissioner McPeters made a motion, seconded by Commissioner Dobson, to approve GF 17-GF 32, ENT 1, and the two close-out projects as presented. When put to a vote, the motion carried by a vote of 4-1 as follows:

AYES: Commissioner Dobson
Commissioner McPeters
Commissioner Walker
Commissioner Webb

NAY: Commissioner Lavender

Ambulance Bids and Financing

EMS Director William Kehler presented bids received on a new ambulance, the intent being to have the unit delivered in the next fiscal year. Mr. Kehler advised three bid packages were sent out and bidders were requested to bid on a 2012 F-450 Super Duty Type 1 Ambulance with 6.7L diesel engine. On February 20, 2012, sealed bids were opened and the following responses were received:

<u>Northwestern Emergency Vehicles</u>	Jefferson, North Carolina
2012 Ford F-450 4x4 Diesel	\$159,568.00

<u>Taylor Made Ambulance</u>	Newport, Arkansas
2012 Ford F-450 4x4 Diesel	\$144,642.00
<u>Wheeled Coach</u>	West Jefferson, North Carolina
No bid	

Mr. Kehler recommended that the bid from Taylor Made Ambulance be accepted, noting that they are a reputable company who had built ambulances for McDowell County for many years.

In discussion, a question was raised concerning the additional amount for North Carolina sales tax and the tag which would bring the total purchase price of the ambulance up to \$148,982. Mr. Kehler explained the amount to equip the new ambulance had not increased since the last time an ambulance was purchased.

Concerning financing, the Finance Department had received three RFP's on financing of one Super Duty F-450 Ambulance. BB& T had responded with a rate of 1.68% and for a period of four (4) years, semi-annual payments in arrears beginning September, 2012. Other responses were from Suntrust at a rate of 1.785% and Mountain First at 4.25%.

A Resolution Approving Financing Terms was introduced for the Board's approval.

Commissioner Lavender made a motion to approve the bid from Taylor Made Ambulance in the amount of \$144,642 plus NC sales tax and tag, to approve the financing with BB&T at the rate of 1.68% for a period of four (4) years beginning September, 2012, and to approve the *Resolution Approving Financing Terms* as presented. Commissioner Webb seconded the motion and by unanimous approval, the motion carried.

Chairman Walker expressed his appreciation to Mr. Kehler and to the Finance Department staff for their work toward the purchase of a new ambulance.

Request from The McDowell Hospital for Fee Reduction

Karen Morgan, of the County's Finance Department, advised she had received a request from The McDowell Hospital for a fee reduction according to the Medicare Fee Schedule for transporting patients interfacility for tests that are not available locally and to return patients to skilled nursing facilities. She advised the County currently gives skilled nursing facilities and Hospice the discounted Medicare rate for convalescent transports. However, if the request is granted, she recommended that some guidelines be set stating this would be strictly for interfacility transports that are in-patient to avoid

potential problems regarding ordinary transports from emergency room visits back to facilities and residences.

The EMS Director agreed with Mrs. Morgan on in-patient fees, etc.

Commissioner Lavender made a motion, seconded by Commissioner Dobson, to approve the request from The McDowell Hospital as presented.

A brief discussion followed.

Commissioner Lavender then amended his motion and Commissioner Dobson his second, to agree to negotiate with The McDowell Hospital to keep fees more in line with Medicare and Medicaid.

In further discussion, County Attorney Fred Coats asked how this process would be monitored. Commissioner Lavender asked that, if time would allow, the County Attorney and/or staff further examine the request. Both the motion and second were withdrawn and, by consensus, the Board agreed to allow staff to check into the matter further.

Resolution on Cell Phones

The County Manager advised the Sheriff had requested that he be allowed to donate used cell phones to a non-profit entity called the "911 Cell Phone Bank", the purpose being to assist the elderly in dialing 911. Information on the entity address was provided, and a Resolution that would authorize this donation was introduced so that all cell phones taken out of service are donated to this entity.

Commissioner Webb made a motion, seconded by Commissioner McPeters, to approve the request and the related resolution as requested. By unanimous approval, the motion carried and the resolution was adopted as follows:

RESOLUTION AUTHORIZING DONATION OF PERSONAL PROPERTY TO NON-PROFIT ORGANIZATION

WHEREAS, the County of McDowell desires to donate all "expired" cell phones to the 911 Cell Phone Bank, a non-profit entity; and

WHEREAS, G.S. 160A-279 permits the Board of Commissioners to donate personal property to non-profit organizations that carry out a public purpose; and

WHEREAS, records of all donated property will be maintained by the County.

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

The County of McDowell is authorized to donate all “expired” cell phones to the 911 Cell Phone Bank, a non-profit entity.

The resolution shall become effective upon adoption.

ADOPTED this the 12th day of March, 2012.

Resolution Regarding Sale of Property

The County Manager advised the County had foreclosed on a half-acre piece of property in Little Mountain community of Nebo and that Nakia Carson, a person in the community, had made an offer of \$3,069.26 on the property, the amount the County has incurred in expenses. Mr. Carson has given a bid deposit of \$306.93, which is 10% of the offer price. Mr. Abernathy recommended that this offer be accepted. If the Board agrees to accept the offer, it would then make recommendation on the process of sale.

A brief discussion followed.

Commissioner Webb then made a motion, seconded by Commissioner McPeters, to authorize the sale of County owned property and to handle in accordance with the upset bid process. 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 desires to sell property located in the Little Mountain Community on Highway 70 East; and

WHEREAS, property consists of 0.50 acre and has a condemned structure attached to it. 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 the property will be responsible for all coats associated with the sale, including legal and advertising. The bidder will also submit a 10% 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 in the Little Mountain Community on Highway 70 East through the upset bid process and accepts the initial \$3,069.26 offer.

This resolution shall become effective upon adoption.

ADOPTED this the 12th day of March, 2012.

Non-Collectible EMS Bills

The County Manager presented non-collectible EMS bills as write-offs for the Board's approval, total bills in the amount of \$130,174.61.

Commissioner Webb made a motion, seconded by Commissioner Dobson, to approve the document as non-collectible in the amount of \$130,174.61. By unanimous approval, the motion carried.

OVERVIEW OF MAPLE LEAF RESTROOM PROCESS

In a brief comment, the County Manager advised the Board had directed that restrooms at the Maple Leaf Sports Complex be constructed and the design is out. He asked Facility Maintenance Director Terry DePoyster to update the Board on the status of this project.

Mr. DePoyster advised bids for the Maple Leaf Restrooms project would be opened on March 15, 2012. He identified the location for the 850 square foot structure, noting that 850 feet of water and sewer lines would run from Finley Road to that location. Calculations for bleacher seating capacity and standing area are based on NC General Statute guidelines and the facility being placed there will actually double the capacity for the ball field. Since more than one facility will be connected to the sewer system and tapped into the City's water system, a request for permitting had to be submitted to the State. The request was submitted and approved and the water/sewer taps are completed. Lighting and other aspects of the projects were addressed.

The County Manager commented on how well the City of Marion had cooperated on the work already done on this project, noting they had waived the tap fees. Mr. DePoyster agreed, saying the City had really stepped forward since the Nebo Water System project was started and had continued to do so with the Maple Leaf project.

Further general discussion followed.

VARIOUS LEGAL MATTERS

County Attorney Fred Coats came before the Board concerning three legal matters, the first being Wild Ridges at Morgan Creek. Also present was Steve Crowley, a member of the Board of Directors for the Homeowners Association, and Tax Collector Phyllis Ryan.

Mr. Coats explained the property owners of Wild Ridges are trying to get that development restarted and they want property owners to give *CONSENT TO AMENDMENT OF THE AMENDED AND RESTATED DECLARATIONS OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WILD RIDGES AT MORGAN*

CREEK. He stated there are 327 lots and about 75% of the property owners have signed for the amendment.

The purpose of the amendment is to allow the Homeowners Association the authority to continue with development so it can possibly become a viable development and an asset to the County as far as it being back on the tax roles at a significant value. This was not allowed with the original declarations. Secondly, the Amendment would allow lots to be donated to a land conservancy. Some of the lot owners wish to do this, but doing so requires that the lots not be assessed for value. Mr. Coats pointed out this process that would enhance the overall value of the development. The County owns several lots via foreclosure of tax liens. Therefore, since the County is a property owner, the Board of Directors is asking the County to sign as owners of property in Wild Ridges authorizing them to amend the deed restrictions. Mr. Coats advised he found no reason not to approve the request as it may bring the development back to life and generate tax revenue.

Mr. Crowley advised the intent is to move the development forward. He addressed various phases in the property's development and what will occur in each phase. He agreed to answer questions from the Board.

A general discussion followed during which the Board asked about the value of the property, the number of lots, the role of the County as a landowner in the future under this agreement, and what the County's options will be (1) as this goes forward, or (2) if it does not agree.

Commissioner Webb made a motion that, as property owners, the County supports this plan or a future plan with the element risk that exists. Commissioner McPeters seconded the motion. When put to a vote, the motion carried by a vote of 3-2 (corrected at April 16, 2012 meeting from 4-1) as follows:

AYES: Commissioner McPeters
Commissioner Walker
Commissioner Webb

NAY: Commissioner Lavender
Commissioner Dobson

The second item addressed by Mr. Coats was in regard to a Scattered Site Housing Grant for rehabilitation work done on a house owned by Mary Katherine Walker. Isothermal Planning and Development Commission took a deed of trust in the sum of \$46,641 on what they thought was the correct piece of property. However, it has since been determined that the deed of trust was on another piece of property owned by Ms. Walker which had a deed of trust on it. Further, the correct piece of property had a lien placed on it for a reverse mortgage, making the County deed of trust a second deed of trust that than a first. The County is being asked to allow its deed of trust to be a second deed of trust because the homeowner did not make this mistake and the correct land is being sold.

A brief discussion followed.

Commissioner Dobson made a motion, seconded by Commissioner Lavender, to table this item for further information. By unanimous approval, the motion carried.

The third item concerned the transfer of property from the County back to the School System. The debt that was issued on the Glenwood Elementary School has been paid and the property needs to be formally transferred back to the McDowell County Board of Education.

Commissioner Webb made a motion, seconded by Commissioner Lavender, to allow the County Attorney to prepare the proper documents to transfer the Glenwood Elementary School property back to the McDowell County Board of Education. By unanimous approval, the motion carried.

PUBLIC HEARING – ROAD NAME CHANGE

First, Chairman Walker noted the celebration on the previous Saturday at which time the Baptist Side Community of Old Fort honored the memory of Mr. Albert Joyner, Sr.

Chairman Walker then declared the Board in public hearing to receive comment on the proposal to rename Baptist Church Road (SR #1272) to Albert Joyner Road. A petition requesting the name change had been received and was presented. Chairman Walker asked if any one present wished to speak at this time concerning the proposed road name change. No one responded.

Commissioner McPeters made a motion, seconded by Commissioner Lavender, to close the public hearing. By unanimous approval, the motion carried.

The County Manager confirmed the road name should be *Albert Joyner, Sr. Road* (instead of Drive).

Commissioner Lavender made a motion, seconded by Commissioner Dobson, to approve the request for renaming of Baptist Side Church Road (SR 1272) to *Albert Joyner, Sr. Road* in honor of Mr. Joyner. By unanimous approval, the motion carried.

RELAY FOR LIFE PRESENTATION

Chairman Walker noted that last year the Board did a monetary donation to help support Relay for Life. He said he appreciates all the volunteers who work tirelessly to help find a cure through their time and effort and through raising funds.

The County Manager recommended that the Board budget \$1,000 next year for the Relay for Life Program.

Commissioner Dobson made a motion, seconded by Commissioner Lavender, to budget and allocate \$1,000 toward the Relay for Life Program for the next fiscal year.

Discussion followed as to when Relay for Life might want the money, and a suggestion was made that perhaps it should be given during the current year.

Commissioner Dobson amended his motion and Commissioner Lavender his second to allocate the money (\$1,000) for the current year and to place that amount in the budget for the following year. By unanimous approval, the motion carried.

UNIVERSAL UPDATE

In a general update, the County Manager advised the debt for purchase of the property was approved by the Local Government Commission this week and the closing date is set for Thursday, March 22nd. The Rural Center Grant had been announced in the amount of \$220,000 for Tilson Machine with an additional 20 jobs. The 59,211 square foot section was leased the previous Monday and will generate \$118,000 annually and create 20 jobs.

In discussion, the Board commented about the work staff had done during this endeavor, expressing their appreciation for what has been accomplished.

BOARD APPOINTMENTS

Chairman Walker noted the vacancy on the Adult Care Committee, presented on second reading with one applicant for re-appointment. Also, noted was the expiration of terms of three members of the Planning Board, presented on first reading.

By written ballot, the Board voted on the Adult Care vacancy with Benny Stamey as the applicant. Mr. Stamey was re-appointed by a unanimous vote.

PUBLIC HEARING AND PROCESS ON HIGHWAY 221 SOUTH WIDENING

The County Manager advised the public hearing on the proposed alignment and design for the widening of Highway 221 had been set for March 13th at the Marion Community Building. He encouraged the Board to attend this meeting and to ask questions.

Mr. Abernathy advised there are issues involved with the work that is being proposed. One concern with the design is the divided highway, the u-turn aspect, and the access problems this may create for businesses and industry. He said there are three recommendations being made and again asked that Board members be present for the public hearing and have input.

In discussion, the suggestion was made of getting the Transportation Board member involved in order that she will be made more aware of the impact on businesses, etc.

CATAWBA TRAIL REQUEST FROM CITY OF MARION

The County Manager pointed out the City of Marion was successful in receiving a grant (PARTF) which will enable the second phase of the Joseph McDowell Historical Catawba Greenway to be constructed, the section that will extend from the current location to the McDowell House. This grant will include the construction of an amphitheater at the back of the property adjacent to the River. The grant requires a local match and this was discussed in the Utility Committee meeting. Mr. Abernathy said he felt the Board would be in agreement in helping with the match. The City is asking that the County share in the local match at a requested amount not to exceed \$45,000 out of the \$126,000 local match. The City agrees to contribute \$45,000 also and the Trails Association has been asked to raise \$35,000 toward the local match. In addition, the County will be making property available for parking and for the outdoor theater.

Mr. Abernathy advised the County will have two fiscal years to allocate the funding based on the schedule of this project, and there is just over \$90,000 in the current year budget to finish the YMCA. He suggested taking \$45,000 from this amount. He stated some investigation needs to be made concerning the parking lot and the amphitheater, which was in the grant application also.

Further, Mr. Abernathy pointed out that debt on the building and County ownership should be retained, noting the possibility of an inter-local agreement that would be in order.

In discussion, Commissioner Webb asked about the Round Hill aspect of the project. Mr. Abernathy pointed out this has been done.

Commissioner Lavender made a motion, seconded by Commissioner McPeters, to participate in a 50/50 match with the City on the local match. By unanimous approval, the motion carried.

RESOLUTION REGARDING THE CONSTITUTIONAL AMENDMENT DEFINING MARRIAGE

Chairman Walker advised that in light of the vote on May 8th to amend the State Constitution and the importance of that vote, he had asked the County Manager to prepare a resolution regarding this issue. He said he felt this would be one way to highlight or bring to the spotlight the importance of voting. As a result, he introduced a resolution modeled after the resolution adopted by the Wake County Board of Commissioners. He opened the floor for comments or questions from other members of the Board.

Commissioner Lavender made reference to the next to the last paragraph in the resolution, which he felt should be stricken because he did not think it is the Board's role to tell people to vote any particular way and he did not think they had done this in the past. He said the last paragraph would encourage voter participation. He cited the bond referendum for the Community College financing as an example of the Board not taking a position on telling people how they should vote. He said he didn't think with other referendums that had been on the ballot they had encouraged people to vote any particular way. Again, he said they should only encourage people to vote, not how they should vote.

Commissioner Webb addressed his position on this issue. He noted a couple of examples in which the funding was not cut, pointing out for sure that the County did not cut but rather increased funding for the School System. He said this is a moral issue and he was willing to sign the Resolution if need be.

Commissioner McPeters advised that shortly after he became a Commissioner, the Board had voted on this same issue. He said just as he had previously voted, he was willing to vote again because he felt the Board should take a stand.

Commissioner Dobson read the last paragraph, noting the wording is important and, based on this, he does support the Resolution.

Commissioner Lavender clarified his previous comments, saying he was referring to ADM funding, not county funding. Further, that he is not in favor of taking a "County" stand on this, and yes, he does have his own personal feelings regarding the issue.

Commissioner McPeters made a motion that the Board does support the amendment protecting marriage as being between one man and one woman to be voted on in the May 8, 2012 Primary Election. Commissioner Webb seconded the motion which passed by a vote of 4-1 as follows:

AYES: Commissioner Dobson
 Commissioner McPeters
 Commissioner Walker
 Commissioner Webb

NAY: Commissioner Lavender (due
 to the wording of resolution)

The resolution was adopted as follows:

**RESOLUTION IN SUPPORT OF VOTER PARTICIPATION
 IN THE MAY 8, 2012 VOTE TO AMEND
 THE NORTH CAROLINA CONSTITUTION PROTECTING MARRIAGE**

WHEREAS, in 1995 the North Carolina legislature enacted NCGS 51-1.2, which states that Marriages, whether created by common law, contracted, or performed outside of

North Carolina, between individuals of the same gender are not valid in North Carolina; and

WHEREAS, the United States Congress enacted 1 USCS Section 7, which states “In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word “marriage” means only a legal union between one man and one woman as husband and wife, and the word “spouse” refers only to a person of the opposite sex who is “a husband or a wife”; and

WHEREAS, in 2011 the North Carolina General Assembly allowed the people of this great State the right to vote on whether or not to amend the North Carolina Constitution to preserve marriage as the legal union of one man and one woman; and

WHEREAS, North Carolina is the only state in the South that has not protected marriage in its constitution; and

WHEREAS, every state in the country that has allowed the people to vote, 30 in all, has protected marriage in its constitution as the union of one man and one woman, including North Carolina’s bordering states of Virginia, Tennessee, Georgia and South Carolina; and

WHEREAS, the McDowell County Commissioners encourage the people of McDowell County and North Carolina to voice their opinion by exercising their right to vote; and

WHEREAS, the amendment reads:

“Marriage between one man and one woman is the only domestic legal union that shall be valid or recognized in this State. This section does not prohibit a private party from entering into contracts with another private party; nor does this section prohibit courts from adjudicating the rights of private parties pursuant to such contracts.”

NOW, THEREFORE, BE IT RESOLVED that the McDowell County Board of Commissioners endorses the Marriage Amendment to the North Carolina Constitution which states that the only domestic legal union that is valid or recognized in North Carolina is marriage between one man and one woman; and

BE IT FURTHER RESOLVED that the McDowell County Board of Commissioners encourages voter participation on this important issue to be voted upon on May 8, 2012.

This the 12th day of March, 2012.

DAVID N. WALKER, CHAIRMAN

ATTEST:

CARRIE PADGETT, CLERK TO THE BOARD

CAMERA AND POWER POINT PROJECTOR RECOMMENDATION

The County Manager pointed out that Ashley Wooten and Theresa Strickland had been working on a proposal toward making upgrades to the video recording equipment in the Board Room. The equipment would include robotic cameras that would replace the large camera currently being used. The feed from these cameras will be imported to an existing computer across the hall, greatly enhancing production of the meeting in less time. Also, there will be installation of a PowerPoint projector for viewing images on the screen at the back of the room or on the side wall.

Mr. Abernathy advised there are funds available in the Cable TV reserve fund to pay for the equipment which is proposed at a total cost of \$5,500.

Mr. Wooten credited the County's intern, Jonathan Shuman, with the recommendation being made as far as cost savings, efficiency, etc.

Commissioner Lavender made a motion to authorize the purchase of equipment at \$5,500, to be taken from the Cable TV reserve fund. Commissioner McPeters seconded the motion.

In discussion as to who will provide maintenance for the equipment, Mr. Wooten said most of this would be done in-house.

When put to a vote, the motion carried unanimously.

REQUEST CONCERNING CARDBOARD RECYCLING

In reference to discussions with the City of Marion regarding picking up and servicing their cardboard containers located at businesses around the City, the County Manager advised the City had cancelled their contract with the company which had collected and hauled their cardboard. Beginning in July, the City will be collecting the cardboard themselves and delivering it to the County's baling operation at the Transfer Station. The City is requesting that, on a quarterly basis, proceeds from the sale of cardboard be split on a 50-50 basis with them.

Mr. Abernathy advised the County's Public Works Director has estimated what the proceeds might be. Based on annual tonnage (145 tons), Mr. Gladden estimates the range of revenue for the cardboard being between \$3,000 and \$12,000 per year. Therefore, half of the revenue would be \$1,500 to \$6,000. As to what this might do to

the County's capability to handle, Mr. Gladden informs Mr. Abernathy they have the capacity to handle the request with no additional cost to the County and, in fact, says it helps the County without creating a staffing or operational hindrance.

A proposed Agreement between the County of McDowell and the City of Marion was presented for the Board's approval.

Commissioner Webb made a motion, seconded by Commissioner Dobson, to approve the Agreement on Cardboard Recycling as presented. By unanimous approval, the motion carried.

RESOLUTION ABANDONING THE MAINTENANCE OF CERTAIN PUBLIC STREETS

The County Manager advised where the City annexes areas, the maintenance of roads in those areas transfers from the Department of Transportation to the City of Marion. This is the case with several public streets in the Eastfield Community of McDowell County where the City of Marion is requesting that DOT abandon the following streets:

SR1718, SR1719, SR1720, SR1721, SR1722, SR1723, SR1724 (only the portion located inside the city limits), SR 1724 (West section), SR1725, SR1726, SR1727, SR1728, SR1729, SR1730, SR1731, SR1732 & SR1827

A resolution in support of the transfer of maintenance was presented for the Board's approval.

Commissioner Webb made a motion, seconded by Commissioner Lavender, to support the resolution to DOT for the abandonment of roads. By unanimous approval, the motion carried.

TAX MATTERS

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

Releases Under \$100.00	Released amount of \$1,928.57
Releases Over \$100.00	Released amount of \$5,377.70
Motor Vehicle Releases Under \$100.00	Released amount of \$781.03
Motor Vehicle Releases Over \$100.00	Released amount of \$929.29
Release Refunds	Refunded amount of \$2,285.75

A question was raised concerning release refunds and the associated comment “settlement per state appeal”. The County Manager agreed to have the Tax Assessor provide a response to this question.

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

CHANGE APRIL MEETING DATE

The date for the Board’s April meeting, when following the normal schedule, would fall on Easter Monday. Chairman Walker suggested changing the April meeting to Monday, April 16th, due to the Easter holiday on Monday, April 9th. He asked for comments from other members of the Board.

Commissioner Lavender advised he had a conflict on the 16th and would prefer having the meeting at the regular time or changing it to Tuesday, the 10th. Commissioner Dobson said he thought the Board should honor Commissioner Lavender’s request.

Commissioner *Webb* (corrected at April 16, 2012 from McPeters) made a motion, seconded by Chairman Walker, to set the April regular meeting for April 16th. When put to a vote, the motion carried by a vote of 3-2 as follows:

AYES: Commissioner McPeters	NAYS: Commissioner Dobson
Commissioner Walker	Commissioner Lavender
Commissioner Webb	

CLOSED SESSION

Chairman Walker called for a motion to go into closed session in accordance with G.S. 158-17 regarding an industrial recruitment matter which also relates to a property matter. Commissioner McPeters made a motion, seconded by Commissioner Lavender, to go into closed session. By unanimous approval, the motion carried.

Mr. Abernathy, as McDowell Economic Development Director, briefed the Board on the industrial recruitment matter and the related property matter.

Commissioner McPeters made a motion, seconded by Commissioner Lavender, to go out of closed session. By unanimous approval, the motion carried.

REGULAR SESSION RESUMED

When back in regular session, Chairman Walker stated that as a result of the closed session just ended, no action was to be taken.

CITIZEN COMMENT

There were no comments from citizens since no one had signed up to speak.

REPORTS AND COMMUNICATIONS

There were no reports/communications at this time.

ADJOURNMENT

There being no further business to transact at this time, upon motion by Commissioner McPeters, a second by Commissioner Dobson, and by unanimous approval, the meeting was adjourned.

DAVID N. WALKER, CHAIRMAN

CARRIE PADGETT
CLERK TO THE BOARD