

**STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
BOARD OF COMMISSIONERS
REGULAR SESSION – OCTOBER 10, 2011**

ASSEMBLY

The McDowell County Board of Commissioners met in regular session at 4:00 p.m. on Monday, October 10, 2011, at Historic Carson House, 1805 US 70 West, Marion, NC. By tradition, the Board met at this location by invitation of the Carson House Board of Directors. The meeting was duly advertised.

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; Fred Coats, County Attorney; 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 Dobson.

APPROVAL OF MINUTES

Minutes of the September 12, 2011 regular session and the September 26, 2011 special session were presented for approval.

Commissioner Dobson made a motion, seconded by Commissioner Webb, to approve minutes of both meetings as recorded. The motion carried with unanimous approval.

APPROVAL OF AGENDA

Upon motion by Commissioner McPeters and a second by Commissioner Dobson, the agenda was unanimously approved as prepared.

BUDGET UPDATE AND FINANCE MATTERS

Chairman Walker recognized the County Manager at this time and asked that he proceed with his monthly budget update. Mr. Abernathy advised there were no amendments to be presented at this time and the update would consist of two items—sales tax and tax collections—the largest revenues in the budget. Mr. Abernathy said he would further update the Board on the next 5 or 6 largest revenues in November.

Concerning sales tax, Mr. Abernathy said all 12 months for the previous fiscal year had been received and there had been a substantial “turn around” in the past two months. He summarized the sales tax to 2011-2012 Fiscal Year as follows:

One Cent Sales Tax Actual	2010-11	\$2,620,088
One Cent Sales Tax Budgeted	2011-12	\$2,626,629
Increase Budget		.25% (\$6,541)
Article 40 Half Cent Sales Tax	2010-11	\$1,723,107
Article 40 Half Cent Budgeted	2011-12	\$1,749,301
Increase Budget		\$1.50% (\$26,194)
Article 42 Half Cent Sales Tax	2010-11	\$247,826
Article 42 Half Cent Sales Tax	2011-12	\$230,800
Increase Budget		\$17,026

Regarding the property tax, Mr. Abernathy noted the recent revaluation and how this impacts tax collections. He pointed out that \$16,706,344 was budgeted for fiscal year 2011-12, or 48.87% of the budget, and provided the following update from staff's estimated figures:

Real and Discovery:	\$16,187,222 (97.45%)
Vehicles:	\$1,213,764
Estimated Collections:	\$17,400,986

\$17,400,986 Estimated Collections
\$16,706,344 Budget

\$694,642 In the Black

Mr. Abernathy said he feels very good about these figures; however, he reminded the Board of the budgeting of fund balance (\$427,767) and that he had an amendment of around \$115,000 to extend the water line out Watson Road.

A general discussion followed on how these figures equate to growth, revenue comparisons from previous years, etc.

RESOLUTION REGARDING TRANSFER OF COMPUTERS AND TRANSFER OF VEHICLE

Chairman Walker recognized the County Manager for presentation of three resolutions. Mr. Abernathy advised the first resolution was for the transfer of seven computers from DSS to Foothills Industries; the second one would transfer an Emergency Management vehicle to the Health Department; and the third resolution would transfer a vehicle from Public Works to the Pilot Plant. A brief discussion followed.

Commissioner Webb made a motion, seconded by Commissioner McPeters, to approve the resolutions as presented, thereby authorizing the transfer of seven computers and two vehicles. By unanimous approval, the motion carried and the resolutions were approved as follows:

RESOLUTION AUTHORIZING DONATION OF PERSONAL PROPERTY TO NON-PROFIT ORGANIZATION

WHEREAS, the County of McDowell desires to donate (5) Used Desktop Computers and (2) Used Laptop Computers to Foothills Industries; 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; and

WHEREAS, all donated personal property will be returned to the County of McDowell if the Agency receiving the item ceases to continue to use for public purpose.

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

The County of McDowell desires to donate (5) Used Desktop Computers and (2) Used Laptop Computers to Foothills Industries.

This resolution shall become effective upon adoption.

ADOPTED this the 10th day of October, 2011.

RESOLUTION AUTHORIZING DONATION OF PERSONAL PROPERTY TO NON-PROFIT ORGANIZATION

WHEREAS, the County of McDowell desires to donate (1) 2005 Ford Crown Vic Vin #2FAFP71W85X126901 to McDowell County Health Department; 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; and

WHEREAS, all donated property will be returned to the County of McDowell if the Agency receiving the item ceases to continue to use for public purpose.

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

The County of McDowell desires to donate (1) 2005 Ford Crown Vic Vin #2FAFP71W85X126901 to McDowell County Health Department.

This resolution shall become effective upon adoption.

ADOPTED this the 10th day of October, 2011.

**RESOLUTION AUTHORIZING DONATION OF PERSONAL PROPERTY
TO NON-PROFIT ORGANIZATION**

WHEREAS, the County of McDowell desires to donate (1) 1995 Ford F-150 Truck Vin #1FTEX15N2SKB25214 to Foothills Pilot Plant, LLC; 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; and

WHEREAS, all donated property will be returned to the County of McDowell if the Agency receiving the item ceases to continue to use for public purpose.

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

The County of McDowell desires to donate (1) 1995 Ford F-150 Truck Vin #1FTEX15N2SKB25214 to Foothills Pilot Plant, LLC.

This resolution shall become effective upon adoption.

ADOPTED this the 10th day of October, 2011.

EMS STANDARD OPERATING PROCEDURES

William Kehler, Emergency Medical Services Director, came before the Board concerning the proposed 2011 update to Standard Operating Guidelines for the agency. Mr. Kehler advised the proposed changes were highlighted in the draft copy the Board had received. The update contained new guidelines in the following sections:

Emergency Vehicle Operations
EMS Scene Operations
Training Requirements
General Employee Responsibilities

A brief discussion followed.

Commissioner Dobson made a motion to accept the recommended amendments and updates to the EMS Standard Operating Procedures as presented. Commissioner Webb seconded the motion and with unanimous approval the motion carried.

In other matters, Mr. Kehler advised that both Commissioner Webb and Commissioner Lavender had requested AED training where it might be needed. In a brief update, Mr. Kehler reported that DSS Director Phillip Hardin had purchased two units, one for the Marion Senior Center and one for the Old Fort Center and that his staff had conducted training today.

ANIMAL SHELTER AGREEMENT/MCAO

Marsha Carroll, President of McDowell County Animal Outreach, Inc., came before the Board for further discussion and consideration of the Contract that would have this agency assuming the care and operation of the Animal Shelter.

Chairman Walker recognized Mr. Abernathy to lead the discussion. Mr. Abernathy highlighted the Contract, still in draft form. Of particular mention were key portions such as services to be provided; compensation; terms of the agreement; compliance with State and Federal regulations; compliance with County Ordinances; annual report; copies of correspondence; and maintaining adequate insurance. Concerning services to be provided, Mr. Abernathy pointed out there probably should be more discussion on animals other than domestic animals, such as large snakes, foxes, bear, or other wild animals. The wording "non-domestic animals" was suggested.

Mrs. Carroll questioned the amount of compensation, saying she understood the figure would be \$53,000, not \$40,000 as stated in the Contract. The amount was discussed. Concerning fees, Mr. Abernathy said a fee schedule will be established and the Board will review it. A suggestion was made on using a word other than "review", preferably "approve".

Continuing, Mr. Abernathy asked that the County be copied on inspections and other documents as they occur, noting that he needed to do a thorough review of the County Ordinance to see what changes or amendments need to be made. Further, he said records of McDowell County Animal Outreach are subject to the County's ability to review, and asked that they make an annual, written report to the County summarizing their activities, etc.

In further review, the need for additional bonding was noted as well as an insertion that animals will be picked up and disposed of for Animal Outreach. Concerning the vehicle and related items, the County will take inventory of its assets and a report will be provided to Animal Outreach and those items will revert back to the County in the event they cease to be used for the stated purpose.

In discussion of the location, Mrs. Carroll advised they will need to have the old Ford Dealership zoned, etc. However, they do have another location in mind if this falls through. Concerning additional revenue that could be needed, she advised they hope to have such success that revenue will be no problem. She stated they only made \$8-9,000 in fundraising last year, but did not have a shelter last year. She advised they hope to be open by mid-November but pointed out the Ordinance right now is the holdup.

In further general discussion, a suggestion was made on checking with other agencies as to how they have handled different aspects of this kind of operation, sharing ideas, etc. Mrs. Carroll expressed her agency's appreciation for the support they have received from the Board of Commissioners.

McDOWELL HOUSE UPDATE

Anne Swann, Chairman of the McDowell House Committee, came before the Board with an update on their activities. She advised they had completed some major steps including two archaeological reports which had yielded some really great information. The master plan was completed by John Horton and he is now doing the historic structure report. Mrs. Swann stated the National Park Service has been very supportive in this process, having funded the cost of these reports. She said even though they did not succeed in having the OMVT headquartered here, the National Park Service has assured them they will fund the restoration of the House, doing it in segments. She pointed out their aim is to have the McDowell House open to the public with classes, tours, etc., similar to the activities of Historic Carson House. She envisions this being an entire corridor for historic tourism.

In closing, Mrs. Swann invited the Board to attend a state historic marker dedication at the Daniel Kanipe house, located at 650 Rutherford Road on Monday, on October 17th at 10:30 a.m.

WATER SYSTEM UPDATE

In his monthly update, the County Manager advised the RFP's had gone out, results of which will be on the next agenda, and that the Board might want to have the engineer come in to give a plan of work at the next meeting. Mr. Abernathy pointed out the final date for hookups on South Creek and Harmony Grove Roads is November 15th. Also, via email, he had received word that the pump station has been turned on and there will be a state inspection. Both a sewer line and a water line are now in use.

Commissioner Webb asked about the right of way agreement. Mr. Abernathy said he had not yet met on this. Commissioner Lavender said he would not want to have to ask for an extension; however, Mr. Abernathy said due to the FERK process, etc., there will certainly have to be an extension now, and noted the Lake will have to be reclassified, etc.

GOLDEN LEAF UPDATE

The County Manager made reference to the draft copy of minutes from the August 17th meeting, and noted that Golden Leaf will be at the Corpening YMCA a week from today (October 17th). Mr. Abernathy advised the process is starting to take some form, noting the statement from last month that we would not want to get ahead of the game. He pointed out there clearly are some specific things that have come to mind and said he would hope some money would be added for construction of the road into the Ashworth Road property.

SPAY AND NEUTER PROGRAM UPDATE

The County Manager advised this program had taken a turn that he had not predicted, noting however that reaction is favorable and that Mr. Hardin had reported the process has gone well procedurally so far with approximately 125 vouchers being issued and five or six being processed.

With reference to other concerns, Mr. Abernathy pointed out rabies is an item that needs to be addressed. Also, he said the "State" is not as well defined as perhaps it should be and that the reimbursement is not as well as we were initially led to believe. He asked whether the number should be capped at 100 per quarter until everyone is sure of what will result.

Mr. Wooten commented briefly on the uncertainty of funds at this point, filing of reports for reimbursement, etc.

Commissioner Webb said he felt it would be prudent to accept Mr. Abernathy's recommendation until things are more certain. Therefore, he made a motion to allow staff to continue to review the program and cap the number at 100 per quarter; further, that an addition be made to the notice on the cable channel that there is a cap. The

motion was seconded by Commissioner McPeters and by unanimous approval, the motion passed.

Commissioner Dobson asked that staff get more information with direct clarification on what the State will or will not pay.

BOARD APPOINTMENTS

Chairman Walker noted the vacancy that exists on the McDowell County Planning Board due to the resignation of Bob Blankenship. The vacancy was accepted on first reading.

TAX MATTERS

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

Release Refunds	Refund amount of \$3,764.35
Motor Vehicle Releases/Over \$100.00	Released amount of \$206.37
Motor Vehicle Releases/Under \$100.00	Released amount of \$1,061.68
Releases/Over \$100.00	Released amount of \$28,266.13
Releases/Under \$100.00	Released amount of \$2,103.69

Commissioner McPeters made a motion, seconded by Commissioner Dobson, to approve the tax releases and refunds as presented.

In discussion, a question was raised concerning the release refund for S & S McDowell (state appeal). Without Tax Assessing staff present to answer questions, Mr. Abernathy agreed he have the Tax Assessor prepare an explanation for the next meeting.

The motion was amended and seconded by Commissioner McPeters and Dobson respectively to approve the tax releases and refunds with the exception of S & S McDowell. By unanimous approval, the motion carried.

CONCEALED WEAPONS LAW CHANGES

Concerning this item, Mr. Abernathy reported that the Ordinance needs to be amended to include parks and recreation facilities. In discussion that followed, the suggestion was made that maybe Mr. Wooten and the County Attorney should look at the National Parks and Recreation guidelines.

Mr. Coats suggested that the Board might want to deal with the Roadside Park and the Catawba River Park at a later time. By consensus, the Board agreed to have the document brought back for the November meeting.

REPORTS AND COMMUNICATIONS

The County Manager reminded the Board of the open house and ribbon cutting for the new 911 Center at 2:00 p.m. on October 15th. Commissioner Webb noted the 75th anniversary of Resisflex on October 21st from 7-9:00 p.m.

CITIZEN COMMENT

Chairman Walker checked the sign-up sheet for Citizen Comment and Sheila Adams, a resident of Old Fort, had signed up to speak. The Chairman recognized her at the time.

Miss Adams first thanked the Board for the opportunity to speak. She then made reference to a letter she had sent to Chairman Walker. Chairman Walker advised he had not yet copied the other Board members on this letter. Miss Adams proceeded to address her concerns regarding the absence of police protection in the Town of Old Fort on weekends. She noted three incidents, all serious, which had recently occurred on weekends when there was no coverage. She requested the Board's support in getting this problem rectified.

CARSON HOUSE ACTIVITIES AND UPDATE

Chairman Walker recognized Dr. James Haney at this time, thanking him and the Carson House Board of Directors for their hospitality this evening.

Dr. Haney said they had benefited greatly in the past year through the generous donations made, and the help received from the Board of Commissioners and from TDA, support which they greatly appreciate. He gave a general summary of the status of the Carson House, its activities and the improvements made during the past year. Improvements included solar window treatments, insulation, a heating and air conditioning unit, the corn crib, removal of white pines with additional plantings on the creek side, and new exhibits and special programs such as the history of slaves and the art of farm life with demonstrations. He provided figures on the number of visitors, student visits, etc., noting that an administrative retreat of the school system was held recently at the House. Dr. Haney pointed out the Carson House Board members had contributed more than 300 hours. He recognized Sara Bryant for her contribution as director and introduced the Board of Directors. Mr. Bill Greenlee, the longest running Board member, will retire soon.

At Chairman Walker's request, Dr. Haney then gave thanks for the food.

DINNER ADJOURNMENT

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

DAVID N. WALKER, CHAIRMAN

CARRIE PADGETT
CLERK TO THE BOARD