

**STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
BOARD OF COMMISSIONERS  
REGULAR SESSION – JANUARY 14, 2008**

**ASSEMBLY**

The McDowell County Board of Commissioners met in regular session at 5:00 P.M. on Monday, January 14, 2008, in the Commissioners' Board Room, the usual place of meeting.

**MEMBERS PRESENT**

Andrew K. Webb, Chairman; David N. Walker, Vice-Chairman; Dean Buff; and Michael Lavender; and Barry E. McPeters

**OTHERS PRESENT**

Charles R. Abernathy, County Manager; Carrie Padgett, Clerk to the Board; Fred Coats, County Attorney; Ashley Wooten, Assistant to the County Manager (Video); and Mike Conley, Reporter for THE McDOWELL NEWS

**CALL TO ORDER**

Chairman Andrew Webb called the meeting to order. The invocation was given by Commissioner Walker, followed by the pledge of allegiance, led by Carrie Padgett, Clerk to the Board

**APPROVAL OF MINUTES**

Minutes of the October 8, 2007 regular session were presented for approval.

With no corrections being made, Commissioner Walker made a motion to approve the minutes as presented. Commissioner McPeters seconded the motion and the vote was unanimous.

**APPROVAL OF AGENDA**

Chairman Webb made note of one addition to the agenda, a closed session to discuss economic development.

Commissioner Walker made a motion to approve the agenda as amended with the additional item. Commissioner Buff seconded the motion and the vote was unanimous.

## **RESOLUTION HONORING CARROLL HEMPHILL**

Chairman Webb called on the County Manager to introduce this item relating to Emergency Management Director Carroll Hemphill upon his retirement after 20 years of service to McDowell County.

Mr. Abernathy commented on Mr. Hemphill's dedicated service over the last 20-plus years in the area of emergency services, noting that when he was first hired he was solely in charge of emergency management and later headed up communications and EMS. He added that he was a good steward of the public's money with his constant effort to find grant funds to assist operations.

Commissioner Buff stated that he had known Carroll for over 30 years and considered him a pillar of the community with his involvement with Glenwood Fire Department and other community activities. He added that Mr. Hemphill is a man of character, and that he appreciated his commitment to the citizens of McDowell County.

Commissioner Lavender noted that Carroll's contributions went beyond emergency services. He noted that Mr. Hemphill had been involved with the Jesus video project, has served faithfully in his church, and was a longtime member of the McDowell Tech Board of Trustees.

Commissioner Walker stated his appreciation for Carroll's family, noting that they have made sacrifices over the last several decades in support of his position.

Commissioner McPeters said that he appreciated the leadership Carroll had shown him as a supervisor and mentor, pointing out that he had grown up with his son Van. He added that Carroll was dedicated to his work and that he will be missed.

Chairman Webb stated his thanks for Carroll's passion for serving others and thanked him for spreading that passion to people around him. The Chairman read the following Resolution:

### **RESOLUTION HONORING CARROLL W. HEMPHILL UPON HIS RETIREMENT AS DIRECTOR OF EMERGENCY MANAGEMENT**

**WHEREAS**, Carroll Hemphill has served as the Director of Emergency Management for over twenty years; and

**WHEREAS**, during this period of time the Emergency Management Program was established and is recognized as one of the premier programs in the State of North Carolina; and

**WHEREAS**, Carroll W. Hemphill assumed additional responsibilities over the years including management of emergency communications and the Emergency Medical Services; and

**WHEREAS**, Carroll W. Hemphill has served in many official state capacities including the North Carolina State Fire and Rescue commission, the North Carolina State Fire and Rescue Pension Fund Board of Trustees and President of the North Carolina Emergency Management Association; and

**WHEREAS**, Carroll w. Hemphill has served in many volunteer capacities over the years including being a charter member of the Glenwood Volunteer Fire Department, the Board of Trustees for McDowell Technical Community College, and he co-chaired the “Jesus Video” project.

**NOW, THEREFORE BE IT RESOLVED** as follows:

The McDowell County Board of Commissioners expresses its most sincere appreciation to Carroll W. Hemphill for his many years of service to the County organization and the McDowell community and wishes him and his wife Jeanette and family all of the best in his retirement from his official capacity.

**ADOPTED** this day, the 14<sup>th</sup> of January, 2008

The Chairman presented Mr. Hemphill with the Resolution and Mr. McPeters presented his helmet. Commissioner Lavender motioned to approve the resolution, with a second by Commissioner Walker

When put to a vote, the motion passed unanimously.

**RESOLUTION HONORING STAN BRASWELL**

Chairman Webb asked the County Manager to speak about the next person to be recognized, Stan Braswell.

Mr. Abernathy said that Mr. Braswell was hired in 1997 to lead the Recreation Department. He stated that Stan came from Virginia into a department that was undergoing difficult transitions. Mr. Abernathy stated that Stan did an excellent job in stabilizing the department and growing its programs. He noted that Mr. Braswell left at the end of December to take another job.

Chairman Walker read the following Resolution:

**RESOLUTION OF APPRECIATION  
FOR STAN BRASWELL**

**WHEREAS**, McDowell County hired Stan Braswell to be Recreation Director in December 1997; and

**WHEREAS**, Mr. Braswell guided the McDowell County Recreation Department during a period of increased recreational activity; and

**WHEREAS**, during this time the county successfully operated basketball and soccer leagues as well as special programs such as gymnastics; and

**WHEREAS**, Mr. Braswell was instrumental in working to secure a NC Parks and Recreation Trust Fund grant to assist in the purchase of the Maple Leaf Sports Complex; and

**WHEREAS**, Mr. Braswell worked to expand the recreational opportunities for McDowell County's citizens through such ventures as the skatepark and various trails through the county.

**NOW, THEREFORE, BE IT RESOLVED** that the McDowell County Board of Commissioners do hereby recognize Stan Braswell for his ten years of service as Recreation Director, and furthermore congratulate Mr. Braswell for his accomplishments as director.

**ADOPTED** this day, the 14<sup>th</sup> of January, 2008

Chairman Walker presented the Resolution to Mr. Braswell's wife, Barbara. Upon a motion by Commissioner McPeters and a second by Commissioner Walker, the board voted unanimously to approve the Resolution.

### **RECOGNITION FOR DOC BUCKNER**

For the next agenda item, Chairman Webb introduced Martha Buff of the Soil and Water Conservation District. Mrs. Buff briefed the Board about the recent recognition at the Grove Park Inn of C.A. "Doc" Buckner, Chairman of the District Board of Supervisors, for his many years of service. Mr. Buckner was inducted into the State's Soil and Water Hall of Fame with a plaque to be displayed along with other honorees. Mrs. Buff presented plaques for Mr. Buckner as well as for Bill Greenlee who had been inducted previously.

The County Manager stated that the Soil and Water office is small, but the work of the staff and volunteers is quite significant.

### **OVERVIEW OF 2007 ACCOMPLISHMENTS**

Chairman Webb distributed a presentation he assembled detailing accomplishments of McDowell County for the 2007 calendar year. He briefly touched on several of the main points such as the growth of the County owned water system, growth in support for education and economic development successes. He requested that staff load the report on the County's web site for review.

### **2006-2007 AUDIT PRESENTATION**

Chairman Webb invited Kathy Atkinson of Johnson, Price, and Sprinkle Accounting Firm to the podium to present the 2006-07 audit to the Board.

Ms. Atkinson pointed out that the County had achieved an unqualified opinion for this audit, noting that there were no major deficiencies in the accounting practices of the County. She stated that the actual fund balance had increased over last fiscal year although the percentage had dropped slightly.

Chairman Webb stated that he was pleased with growth in the fund balance and congratulated the staff on the hard work of keeping expenses in check. A general discussion of the County's enterprise fund followed with the Chairman noting that the County is attempting to reduce how much is transferred from the general fund to this fund.

Commissioner Lavender motioned and Commissioner Walker seconded to accept the audit as presented.

When put to a vote, the motion passed unanimously.

### **RECOGNITION OF BOY SCOUT TROOP 818**

Chairman Webb recognized Briggs Gilliam of Boy Scout Troop 818. Mr. Gilliam introduced each Scout and thanked the Board for all its hard work.

### **MENTAL HEALTH LME DESIGNATION**

Chairman Webb asked the County Manager to summarize the request before the Board. Mr. Abernathy stated that since Burke County had withdrawn from the Foothills Local Management Entity (LME) to join with Catawba County, Foothills no longer meets the population threshold set by the state. A committee comprised of Chairman Webb and Commissioner Lavender as well as other stakeholders met with the directors of Western Highlands and Smoky Mountain LME's on several occasions to learn about what each could offer to McDowell County's citizens. After much consideration, the ad-hoc committee recommended that McDowell County join the Smoky Mountain LME. The Foothills LME board has also made the recommendation to merge with Smoky Mountain. Mr. Abernathy presented a resolution that would begin the process of merging LME's.

Commissioner Lavender spoke of the transition and stated that he was impressed with the Smoky Mountain operations and felt it was a good fit for the County. He felt that this move would make sense in the event that the State further consolidates LME's.

Chairman Webb invited persons with interest in this subject to speak.

Jim Hamilton, an employee of Foothills LME, spoke in favor of Smoky Mountain and his impression of the positive impact of the merger.

Susan Monroe spoke representing the Community and Family Advocacy Council (CFAC) and stated that their council was in favor of the merger. She said that they had

examined Smoky Mountain's operations and were impressed with the relationship the LME had with the CFAC.

Pat McGinnis and Mr. Tommy Adams both spoke in favor of the merger and the benefits they perceive of the combination.

With no further comments, Commissioner Lavender motioned and Commissioner McPeters seconded to approve the Resolution entitled:

***RESOLUTION BY THE McDOWELL COUNTY BOARD OF COMMISSIONERS TO ENTER INTO AN AFFILIATION WITH SMOKY MOUNTAIN CENTER FOR THE PROVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES***

Further, the motion authorized staff to work with both Foothills and Smoky to make the move as effortless as possible.

When put to a vote, the motion passed unanimously.

**MCDOWELL HOUSE UPDATE/COMMITTEE**

The County Manager summarized the process that led to the decision to purchase the McDowell House including the action by the General Assembly to increase the occupancy tax.

Mr. Abernathy stated that the County will own the property and now must work with the community to determine its future use. He noted suggestions had been made by various persons to make it a County history museum, a visitor center for the Overmountain Victory Trail, and/or a trailhead for the future greenway. He proposed the creation of a committee comprised of community stakeholders who would explore options related to the renovation and use of the building.

Commissioner Lavender suggested appointing two Commissioners and two City Councilmen to the committee. He also suggested that the Historic Preservation Commission lead or coordinate the committee. Commissioner Buff stated that he felt differently due to the fact the County is financing the purchase and will hold the deed to the property. Mr. Abernathy suggested that the Chamber of Commerce facilitate the committee in regards to meeting minutes, notices, and so forth. Chairman Webb suggested staying with what had been presented by the County Manager and add further committee members as needed.

Commissioner Lavender made a motion to appoint the committee as presented and to name it the McDowell House Preservation Committee. Commissioner Buff seconded the motion.

When put to a vote, the motion pass unanimously.

Mr. Abernathy stated he will coordinate with the Chamber of Commerce concerning the facilitation of the committee.

### **WATER LINE UPDATES**

The County Manager informed the Board that due to the hard work and diligence of Mr. Wooten and the staff at Isothermal Planning and Development Commission, the County had been awarded a grant of \$179,800 from the North Carolina Rural Center for the Sherwood Forest Water Project.

Mr. Abernathy confirmed with Mr. Wooten that there was still not a firm date when the County could go to bid on the Sherwood Forest or Watson Road projects.

Mr. Abernathy also stated that Commissioners Buff and staff had met with representatives of Duke Energy and Crescent Resources to discuss potential sites for a water intake and treatment plant on Lake James. An engineering study will be conducted to determine the feasibility of any proposed sites.

### **BOARD APPOINTMENTS**

Chairman Webb reviewed current board vacancy as follows on second reading:

Transportation Planning Board with Steve Early as the lone applicant.

By written ballot, the Board voted on the lone vacancy and the vote was unanimous for *Steve Early for the Transportation Planning Board*.

### **FOREST SERVICE UPDATE**

The County Manager updated the Board on the progress staff had made in proceeding with the Forest Service project. Mr. Abernathy stated that the State had yet to send a signed Memorandum of Agreement, but staff was proceeding with the project. He stated that the County had received a proposal from McGill Associates to perform the engineering work for the site and a proposal from Bunnell-Lammons Engineering to perform the lead clean-up. He asked for execution of the documents so that the project may proceed.

Commissioner Lavender motioned to approve the contracts with McGill Associates and Bunnell-Lammons Engineering with a second by Commissioner McPeters.

When put to a vote, the motion passed unanimously.

### **RECREATION ISSUES/OLD FORT AND MYSA**

Chairman Webb next moved to new business on the agenda. The County Manager introduced the first item of business concerning the maintenance and operation of the

recreation facilities in Old Fort. Mr. Abernathy stated that he had met with Chairman Webb and the Mayor of Old Fort and an alderman. The Town was interested in turning over the operation of the Old Fort recreation facilities to the County. The Town was basically in a situation where the ability to afford to continue to maintain the facilities was impaired. The County Manager explained that the Mayor had informally agreed to ask the Old Fort alderman to make a one-time allocation of \$20,000 to the County in the 2008-09 fiscal year to assist the County in making the transition. The Board discussed the ownership of the property, providing insurance, a timeline and taking the current Old Fort recreation employee on as a County employee.

A motion was made by Commissioner Lavender and seconded by Commissioner Walker to accept the proposal made by the County Manager and to merge the Old Fort Recreation program into the County Recreation Department as soon as possible and to have the attorney draft a lease document for the facilities.

When put to a vote, the motion passed unanimously.

A second recreation issue concerns a decision by the McDowell Youth Sports Association to no longer provide youth baseball and softball programs. The County Manager explained that the County had received notice in December of this decision and that he had met with representatives from the MYSA and County staff. The recommendation from the staff was for the Board to direct County staff to take over the operations of the baseball programs effective immediately.

A motion was made by Commissioner Walker and seconded by Commissioner McPeters to have County staff perform all related activities to providing baseball and softball programs and to coordinate this activity with the volunteers representing youth sports.

When put to a vote, the motion passed unanimously.

### **PROPERTY MATTER NORTH GARDEN STREET**

The next issue under new business was the property matter on North Garden referred to as the Brooks Building. Chairman Webb reviewed the need for the additional space and the interest by the County in purchasing the building. The County Manager explained that the building had been placed under option for \$45,000 and that the option period extended through the end of the month of January.

Mr. Abernathy explained that the 1,000 square foot building would be of great benefit and that the initial thoughts were to place building inspections in the space along with an office for Planning and Emergency Management.

A motion was made by Commissioner Walker and seconded by Commissioner McPeters to purchase the Brooks Building for the price of \$45,000.

When put to a vote, the motion passed unanimously.

**DESIGNATE DEPUTY CLERK**

The County Manager outlined to the Board a need for a Deputy Clerk to the Board in the absence of the Clerk to the Board. The Board had previously designated Mavis Lavender to be a Deputy Clerk to the Board. Mr. Abernathy suggested designating Ashley Wooten as the Deputy Clerk to the Board and relieving Mavis Lavender of this responsibility.

Upon motion by Commissioner Buff and seconded by Commissioner Walker, the Board unanimously approved the following Resolution designating Ashley Wooten as Deputy Clerk to the Board.

**RESOLUTION CONCERNING THE APPOINTMENT OF  
ASHLEY WOOTEN AS DEPUTY CLERK TO THE BOARD**

**WHEREAS**, North Carolina General Statute 153A-111 permits the McDowell County Board of Commissioners to appoint a Clerk to the Board; and

**WHEREAS**, situations may exist when the Clerk to the Board may not be available to perform her duties; and

**WHEREAS**, the McDowell County Board of Commissioners recognizes the need for a Deputy Clerk to perform the duties of the Clerk in her absence.

**THEREFORE, BE IT RESOLVED**, that the McDowell County Board of Commissioners does hereby appoint Ashley Wooten as Deputy Clerk to the Board, effective immediately.

**ADOPTED** this 14<sup>th</sup> day of January, 2008.

**TAX MATTERS**

The Board received the monthly report from the Tax Assessor concerning releases and refunds in summary as follows:

Releases/Under	Released amount of \$227.49
Releases/Over	Released amount of \$5,466.00
Motor Vehicle Releases/Under \$100	Released amount of \$1,014.30
Releases/Over	Released amount of \$183.37
Release Refunds	Refund amount of \$595.70

A motion was made by Commissioner Walker and seconded by Commissioner McPeters to approve the releases and refunds presented by the Tax Assessor for the month of January.

The Tax Assessor also recommended to the Board that they accept a Late Exemption Application for Davidson's Fort. A motion was made by Commissioner Lavender and seconded by Commissioner Walker accept the Late Exemption Application submitted by Davidson's Fort and the motion passed unanimously.

### **JURY COMPENSATION**

The County Manager presented a memo from Clerk of Court Don Ramsey asking for the Board of Commissioners to approve the Jury Compensation list. Mr. Abernathy explained that the approval is routine and that State law requires Board approval in order for the payments to be made.

A motion was made by Commissioner McPeters and seconded by Commissioner Walker to accept the jury compensation list as presented with a jury compensation payment of \$250.00 each to members Nora Arrowood, Vance Caudle and Louis Wall.

When put to a vote, the motion passed unanimously.

### **CITIZEN COMMENT**

Scottie Willis signed up to speak in reference to the memorial on the Courthouse Lawn. He presented the Board with two pictures of the memorial. He discussed the various war memorials in Washington, DC as well as the importance of the memorial on the Lawn. He discussed the contributions the County, City of Marion, and Town of Old Fort made to construct the memorial. Mr. Willis stated that he would be willing to pay to have the memorial restored by moving the Confederate portion elsewhere on the Lawn.

### **REPORTS AND COMMUNICATIONS**

There were no Reports and Communications for the Board to consider.

### **CLOSED SESSION FOR ECONOMIC DEVELOPMENT**

Chairman Webb advised that the Board would need to go into closed session for the purposes of discussing economic development matters.

Commissioner Walker motioned to go into closed session and was seconded by Commissioner McPeters. The Board voted unanimously to go into closed session for discussion of economic development matters as allowed by North Carolina General Statutes 143-318.11 (4).

Commissioner Walker motioned and Commissioner McPeters seconded to come out of closed session. The vote was unanimous to return to open session.

When back in open session, Chairman Webb stated that no action was taken as result of the closed session on economic development.

**ADJOURNMENT**

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

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ANDREW K. WEBB, CHAIRMAN

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ASHLEY R. WOOTEN  
DEPUTY CLERK TO THE BOARD