

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

ASSEMBLY

The McDowell County Board of Commissioners met in regular session at 5:00 P.M. on Monday, July 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; Michael Lavender and Barry E. McPeters

OTHERS PRESENT

Charles R. Abernathy, County Manager; Carrie Padgett, Clerk to the Board; Terry DePoyster, Facilities Maintenance Director (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 Commissioner Buff.

APPROVAL OF MINUTES

Minutes of the June 3, 2008, June 6, 2008, and June 13, 2008 adjourned sessions, and the June 20, 2008 special session were presented for approval.

Upon motion by Commissioner Lavender and a second by Commissioner McPeters, minutes of the four meetings were unanimously approved as recorded.

APPROVAL OF AGENDA

Chairman Webb asked if there were any additions to the agenda.

Commissioner Lavender made a motion to add the Rural Center Grant. Commissioner McPeters seconded the motion and the vote was unanimous.

Chairman Webb noted this would be added as Old Business, Item #3.

Chairman Webb made a motion to add an item on well water monitoring. Commissioner Walker seconded the motion and the vote was unanimous.

The item on well water monitoring (HB 2499 – Drought Management Bill) was added for discussion after the 5:30 public hearing, to include information from Representative Gillespie.

Commissioner McPeters made a motion to approve the agenda as amended. Commissioner Walker seconded the motion and the vote was unanimous.

PUBLIC HEARING – INDUSTRY EXPANSION

At 5:10 p.m. as duly advertised, Chairman Webb declared the Board in public hearing concerning proposed economic development incentives for a local industry expansion as authorized under NCGS 158-7.1, noting he was pleased to disclose this kind of information.

The County Manager briefly explained the public hearing process and the intent for the advertisement. He advised the proposed incentive package is \$40,000 over a three-year period. He stated while he could not disclose the name of the company, their expansion would involve the investment of \$4 million in equipment and the creation of 20 new jobs at wages exceeding the average local wage (upper \$20,000 range) and will provide over \$20,000 in new tax revenue. He noted the One NC grant in the amount of \$40,000 with a match for this project.

Chairman Webb asked if any one from the audience wished to speak concerning this project. No one responded; however, Commissioner Buff said he thought this is a good way to do business—with a local business person.

Commissioner McPeters made a motion to go out of public hearing. Commissioner Walker seconded the motion and the vote was unanimous.

Commissioner Lavender made a motion to approve the incentive package as previously discussed. Commissioner Walker seconded the motion and the vote was unanimous.

PRC INDUSTRIES

The County Manager explained that he has been working with this company for some time, having closed with them about three weeks ago. He mentioned they were using Tilson Machine Company for the needed roof replacement and other problems that have been involved. Mr. Abernathy noted the County had received an award of \$300,000 to go toward the roof replacement and other repairs.

In comments from the Board, Commissioner Lavender said he appreciated the Rural Center for coming forward and allowing this to happen.

A motion was then made by Commissioner Lavender to allow staff to pursue this project. Commissioner Walker seconded the motion and the vote was unanimous.

PUBLIC HEARING – FLOOD MAPS

At 5:30 p.m. as duly advertised twice, Chairman Webb declared the Board in public hearing to consider amending the County's flood hazard management ordinance. The ordinance will include consideration of the accompanying Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM).

Chairman Webb explained this process has been ongoing since 2006 and that he was interested in hearing from all who wanted to speak.

The County Manager made a few brief statements concerning the ordinance and flood maps and introduced Milton Carpenter from FEMA, Ronald Harmon of McDowell County Planning, Chief building Inspector Jerry Silvers, and Planning Board Chairman Max Boyd. He pointed out McDowell County is one of the last counties to be mapped, that the public hearing is a requirement, and there would be answers for the public. He suggested having Mr. Carpenter do a 10-minute overview of the issue and then take comments from the public.

In his overview, Mr. Carpenter explained why the amendments were necessary as a result of old maps, the flood plain has gotten wider, etc., and that FEMA wanted to know what each person wanted to do as a property owner. He noted some of the issues associated with maps, why the ordinance is necessary, and the impact to the County if the ordinance is not approved.

In general comments, Chairman Webb addressed the correspondence he had on file, the County's efforts throughout this process, and why the public hearing is important. He then opened the floor for comments from the public.

The first questions came from Max Boyd, Chairman of the Planning Board. He wanted to know where this process would end, noting he felt the need for more time.

Mr. Carpenter addressed the process and how the last flooding comes into play as far as the effects, etc. Discussion followed on how to challenge the flood maps and who will have to pay for changes that are made, past discussions, etc. with both Chief Building Inspector Jerry Silvers and the County Manager responding to explain that the staff would allow the public to view maps and assist them but they pointed out that the appeals process is over. Mr. Abernathy and Chairman Webb addressed their frustration over how the citizens had been treated in this process as they challenged different issues, but noted they had been told that certain things would need to be proven in order for changes to the maps to be made.

Next, Mr. Paul Boyd said he did not understand why the process was necessary and why the citizens could not be left alone because they are doing great. He pointed out we take care of ourselves; we protect our land, our water and other resources and do not need any help. He added that it is not fair that property owners have to spend their money in these situations, therefore he wanted to opt out and forget all of this.

Mr. Carpenter explained the overall process including the appeals process, the fact that October 2nd is the date for approval, etc.

A general discussion followed on various aspects of the issues in relationship to obtaining flood insurance and applying for a mortgage, individual property development, what the impact would be to individuals who receive federal monies such as public assistance, public housing funds, etc. and what the consequences will be to citizens if the ordinance is not adopted as required.

The Board clearly stated they understood concerns of the citizens and their wishes to opt out; but they were also considering the consequences of opting out. The Commissioners said they were unable to do anything that would make things right for everyone but knew they would have to do something.

A motion was made by Commissioner Lavender to go out of public hearing. Commissioner McPeters seconded the motion and the vote was unanimous.

Commissioner Lavender then made a motion to table this issue until the August meeting, and also to have the Planning Board further review the Ordinance and bring back a recommendation. Commissioner Walker seconded the motion and the vote was unanimous.

BRIEF RECESS

Chairman Webb declared a brief recess following the public hearing, after which he called the meeting back to order and proceeded with the next item of business.

WELL WATER MONITORING (HB2499 – DROUGHT MANAGEMENT BILL)

Chairman Webb addressed HB2499, the Drought Management Bill which was currently out of committee and being considered by the legislature. He noted that Section 6 is not law but was being studied at this time, adding that Representative Gillespie had gotten an exemption on deep water wells.

Discussion followed as to how this would affect the overall legislation.

Chairman Webb encouraged the public to contact both Representative Gillespie and Senator Joe Sam Queen to let them know they are opposed to this legislation. He provided contact information for both.

Commissioner Lavender made a motion to ask staff to draft a letter to the legislature (particularly legislative delegation) saying that we do not support any legislation for monitoring deep water wells. Commissioner Walker seconded the motion and the vote was unanimous.

PUBLIC HEARING – TRANSPORTATION FUNDING

At 8:45 p.m. (instead of 6:00 p.m. as duly advertised, Chairman Webb declared the Board in public hearing on the proposed Rural Operating Assistance Program (ROAP) application to be submitted to the North Carolina Department of Transportation by the County of McDowell.

Joy Shuford, Chairman of the Transportation Planning Board, presented details of the grant and a breakdown of the funds to be received. The Fiscal Year 2009 ROAP individual program totals are:

EDTAP	\$77,274
EMP	\$12,537
TOTAL	\$89,811

Mrs. Shuford requested the Board's approval for submission of the grant application.

In a brief discussion, Mrs. Shuford advised the grant is perhaps 20% more this year than last. Funds are mainly for operating costs (gasoline and staff).

Chairman Webb asked if there were any comments from the public. No one responded.

Commissioner Lavender made a motion to go out of public hearing. Commissioner Walker seconded the motion and the vote was unanimous.

Commissioner Lavender made a motion to authorize the EDTAP grant for submission. Commissioner Walker seconded the motion and the vote was unanimous.

PARKING LOT/RAIN GARDEN GRANT

Jon Calabria, from The North Carolina Arboretum in Asheville, came before the Board in place of Cooperative Extension Director Dan Smith to present a proposal for a "rain garden" for placement in a corner of the Jury Parking Lot. He mentioned a similar project at Eastfield Elementary School, noting the educational opportunities this will provide for students and other groups.

Mr. Calabria explained the County has been working with several partners through the Muddy Creek Partnership, which includes the NCSU Water Quality Group and NCSU Extension Service, and is participating in the development of a Watershed Restoration Plan for Young's Fork/Jacktown Creek. The City of Marion and McDowell County have been working with the Marion Business Association, all of which are participants in the Citizens Advisory Committee. These partners are participating in the development of a Watershed Restoration Plan for Young's Fork/Jacktown Creek and this storm water practice was identified through that project.

Mr. Calabria gave details of a grant for which they had made application for this project, noting that the City of Marion Public Works Department would provide labor for the project.

The County Manager briefly addressed the project, noting the need for resurfacing of the parking lot, and the design realignment for better utilization of space.

A brief discussion followed.

Commissioner Lavender made a motion to approve the grant application, with a project budget to be forthcoming. Commissioner Walker seconded the motion and the voter was unanimous.

McDOWELL HOUSE DESIGNATION/UPDATE

Anne Swann, Chairman of the McDowell House Steering Committee, came before the Board to request the formal designation of the McDowell House as a local landmark.

First, Mrs. Swann gave an update on the McDowell House project, noting that they had been "fruitful" so far, and that she appreciated both Commissioner Lavender and Mr. Abernathy for their attendance. She advised some of the items being considered so far were security, maintenance, increased patrol, etc. She advised the National Park Service has a member, Mr. Bill Carson, who had offered to arrange an assessment of the McDowell House by a fire consultant. Also, that they had met with an Archives and History consultant who had agreed to give a free estimate. She said the City had requested a local landmark designation which will not cost anything. However, they needed the approval of the Board of Commissioners prior to their giving approval.

Commissioner Lavender made a motion to name the McDowell House as an historic site or local landmark as recommended. Commissioner Walker seconded the motion and the vote was unanimous.

WATER LINE UPDATE

With reference to the memo from his Assistant, Mr. Abernathy pointed out the County had received a Rural Center Grant in the amount of \$256,750 from the NC Rural

Center to go toward construction of a water line to serve Watson Road. The County had previously received \$247,760 from the CDBG program.

Mr. Abernathy introduced the *Resolution Affirming Minimum Water Rates* to be approved by the Board, but noted the project budget was not yet prepared. He pointed out the rates have to be high enough to receive funding. He said on Sherwood Forest, a 10% minority participation rate would be set.

Commissioner Lavender made a motion to approve the *Resolution Affirming Minimum Water Rates* and the *Resolution to set the Verifiable Percentage Goal for Participation by Minority Business in the Awarding of Building Construction Contracts Awarded Pursuant to NCGS 143-128.2*. Commissioner McPeters seconded the motion and the vote was unanimous.

RURAL CENTER GRANT PROJECT

Concerning the Rural Center Grant project, the County Manager advised the recent meeting with Burke officials was viewed very favorable and this would be a good project. However, the Rural Center would not award this project in this cycle. He advised staff was proceeding with the study and should have an update in 60 days.

BOARD APPOINTMENTS

The County Manager advised Commissioner Webb's term on the Social Services Board had expired as of June 30, 2008 but he could be reappointed if the Board chose to do so.

Concerning the vacancy on the TDA Board, Mr. Abernathy pointed out the Board's past inability to identify any one that fit the "over 50-unit" category and the fact that the Board put David Huskins on the Board to fill the unexpired term of someone that had resigned. Matthew Martin had applied for appointment and fit the category and was notified by email by the TDA Director but he had not responded.

The two applicants for consideration were Matthew G. Martin and David Huskins.

A brief discussion followed.

Concerning the Social Services Board vacancy, Commissioner Buff made a motion to suspend the rules and vote on Commissioner Webb's reappointment. Commissioner Walker seconded the motion and the vote was unanimous.

Mr. Webb asked to be excused from voting and the Board concurred.

The Board then proceeded to vote, by written ballot, on the two board vacancies. Results of the vote were a majority vote (4) for Commissioner Webb to the Social

Services Board and a majority vote (4) for Matthew G. Martin to the TDA Board and one vote (Commissioner Buff) for David Huskins to the TDA Board.

VOTING DELEGATE NCACC

Concerning the selecting of a voting delegate for the North Carolina Association of County Commissioners' Annual Conference in August, Commissioner Lavender nominated Commissioner Buff to be the voting delegate. Commissioner Walker seconded the motion and the vote was unanimous.

TAX MATTERS

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

Releases/Under \$100.00	Released amount of \$644.91
Release Refunds	Refund amount of \$1,088.14
Motor Vehicle Releases/Under \$100.00	Released amount of \$562.76
Motor Vehicle Releases/Over \$100.00	Released amount of \$583.54

Commissioner Buff made a motion to approve tax releases and refunds as presented. Commissioner Lavender seconded the motion and the vote was unanimous.

REPORTS AND COMMUNICATIONS

The County Manager advised there would be a public input session on the trail at the YMCA on Monday, July 21st (time to be determined later). Also, he said he had considered putting an item on the agenda and decided not to but said staff was engaged in looking at options to address the fuel situation. He advised he would not do anything on this matter without the Board's oversight, but he pointed out that a hydrogen conversion project was being explored.

Chairman Webb mentioned that free fans were available for seniors but have specific guidelines. Also, he congratulated the seniors on their strong participation in the Senior Games, noting their hard work and staying active.

CITIZEN COMMENT

Chairman Webb checked the sign-in sheet for any one wishing to speak during this time. He noted that although there had been plenty earlier tonight, there were none further.

ADJOURNMENT

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

ANDREW K. WEBB, CHAIRMAN

CARRIE PADGETT
CLERK TO THE BOARD