

**STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
BOARD OF COMMISSIONERS
REGULAR SESSION – JUNE 9, 2008**

ASSEMBLY

The McDowell County Board of Commissioners met in regular session at 5:00 P.M. on Monday, June 9, 2008, in the Cooperative Extension Conference Room on Second Floor of the County Administration Building. The location for this meeting was changed due to renovations being made in the Commissioners' Board Room.

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; 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 Buff, followed by the pledge of allegiance, led by Commissioner Lavender.

APPROVAL OF MINUTES

Minutes of the May 12, 2008 regular session, the May 19 and May 29, 2008 special sessions, and the May 30, 2008 adjourned session were presented for approval.

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

APPROVAL OF AGENDA

Chairman Webb advised the County Manager had nothing to share on Old Business Item B "Water System Update" therefore this item was being deleted from the agenda.

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

RECOGNITION OF LARRY WITHROW

The Board recognized Larry Withrow for his volunteer assistance to McDowell County in emergency services. In a brief introduction, Emergency Management Director Terry Young stated Mr. Withrow has been a great asset to the County, particularly in emergency communications.

Chairman Webb noted Mr. Withrow's involvement in the following:

- Member of Executive Board American Red Cross
- Member of Local Amateur Radio Club
- ARRS Emergency Coordinator for McDowell County
- FCC Expert Class License
- Volunteer for 911 Center
- Tuning of radios and antennas for Emergency vehicles
- Assisted maintaining Communications equipment
- Assisted with Grants Mountain Project
- Helped write Communications grants
- Mans Mobile Command during emergencies
- Installed Winn-Links System on Mobile Command Unit

On behalf of the Board, Chairman Webb presented a framed "Certificate of Appreciation" to Mr. Withrow.

Mr. Withrow expressed his appreciation for this recognition, noting that he has always felt we should use the talents God has given us.

AMENDMENTS TO TOWER LEASE

With reference to the Lease Agreement which the Board had previously approved with AND Wireless & Security, Inc., the County Manager requested an amendment in Item 7, "Increased Rent", to insert a statement that the County increase "will be limited to the annual Consumer Price Index as computed by the U.S. Department of Labor".

Commissioner Lavender made a motion to approve the Tower Lease amendment as presented. Commissioner McPeters seconded the motion and the vote was unanimous.

AUTHORIZATION TO CONDUCT COMMUNICATIONS STUDY

In a brief introduction, Chairman Webb advised the Board had attended a recent Fire Commission meeting during which communications equipment was the main topic. He said the Board had assured members of the Fire Commission that their concerns were clearly heard, realizing then this could be a multiple-need situation. Therefore, tonight's proposal was to take action on the need for conducting a communications study.

The County Manager pointed out there were a number of issues at hand, including the condition of 911 equipment, dead spots in the County not covered for emergency traffic, and staffing, and that he had asked whether the State Office of Emergency Services might conduct a study. He advised they used to do them but apparently no longer do. Mr. Abernathy made reference to two studies done recently in relationship to the Highway Patrol System. He asked Terry Young, Emergency Management Director, to elaborate more on the two studies.

Mr. Young said approximately two years ago a study was done on Grants Mountain, a site the North Carolina Highway Patrol did for the VIPER System, and also a communications study in the Dobson Knob Area. He stated a grant was approved for a tower on the Dobson Knob Site, both of which were done by the North Carolina Highway Patrol for VIPER sites.

Mr. Withrow pointed out there had been discussion with Mitchell County EOC concerning doing a site study of the various dead spots in the County. This discussion had resulted with them agreeing to do a study at any time at no charge.

The County Manager said staff would meet with the Fire Commission to receive their input as to where the problem areas are and, using the information available along with additional studies, a set of recommendations could then be drafted for some percentage of coverage that would be desirable. He said in discussion with Mr. Young about this, they had agreed that 90-120 days would be a reasonable time to get a report back to the Board.

A general discussion followed. The County Manager noted there was a fairly substantial amount in the wireless fund, over \$400,000, and this is a reoccurring stream of revenue (over \$200,000 annually as he recalled). He pointed out the problem is the ambiguity in the law and the interpretation as to what is an allowable expenditure and what is not. He said staff was suggesting that recommendations be drafted and submitted to the State requesting written approval from them as to what items would be allowed, noting that very expensive items are financed from these funds also, an example of which was the tower system built some years ago using 911 funds. He gave examples of other items that had been questionable.

Commissioner McPeters made a motion to authorize an internal communications study as recommended. Commissioner Walker seconded the motion and the vote was unanimous.

ELECTIONS EQUIPMENT SALE

The County Manager provided information on the sale of the MicroVote elections equipment, no longer in use and of no value to the County, nor of any value to anyone in the State. When purchased by the County, the equipment was financed and there is still remaining debt of \$131,537. Sealed bids were advertised for disposal of the equipment. MicroVote was the only bidder interested in the equipment and their bid was \$61,810.

This left a balance of \$69,727 on the equipment, therefore the budget would need to be amended by this amount in order to pay off the debt when combined with the bid amount.

With reference to elections equipment which the County had purchased after the situation with the general election in Florida, changes in the law which resulted in a new system for all counties with service that was provided by one vendor, etc., Mr. Abernathy stated the County now has no use for the equipment, nor does any one else in the State. The equipment was financed and there is remaining debt for the County with limited ability to pay off. Even with advertisement in other states, only one bid was received. Microvote submitted a bid of \$61,810 and they wanted to pick up the equipment this week which did not allow the County opportunity to postpone payoff until the coming fiscal year. Therefore, he recommended an amendment to the budget to handle the payoff.

In a general discussion, the Board expressed its disapproval of the situation in which they had been placed, the fact that a good decision was made, but that decision was over ridden by the State.

Commissioner Lavender made a motion to approve the sale of elections equipment, with an amendment to the budget for both revenue and expenditure as presented. A second was made by Commissioner Buff and the vote was unanimous.

PUBLIC HEARING ON FISCAL YEAR 2008-2009 BUDGET

At 5:30 p.m. as duly advertised, Chairman Webb declared the Board in public hearing to receive comments from the public concerning the proposed Budget for Fiscal Year 2008-2009.

The County Manager gave a brief overview of requirements in relationship to the Budget process, noting the number of meetings held, the media coverage and the fact that the presentation had been airing on the Cable Channel. He advised the Budget continues all of the programs and the goals and objectives set by the Board of Commissioners, such as the new Nutrition Center in Old Fort, water line extensions, an aggressive economic development package, an EMS base station, and the relocation of the Forest Service involving the Community College. He noted necessary items such as increases to worker's compensation and insurance coverage, replacement vehicles, etc. which are recommended by staff for inclusion in the Budget.

Mr. Abernathy advised the Budget was being recommended to increase \$780,000 (recommended at \$37,063,738) or a little over 2%, which is the smallest increase as a percentage in about seven years but a little misleading due to the Medicaid relief legislation. He advised the tax rate was recommended to remain the same as it has been through this revaluation cycle (\$.55), but noted there would be more in property tax receipts due to growth in the County and a higher tax base. He briefly addressed sales tax and other revenues and, in a general summary from the expenditure side of the Budget, highlighted the major ones such as educational funding to the School System and

McDowell Tech (including renovations of the Baldwin Avenue property and moving the Forest Service), a 5% increase for County employees, new positions (a paramedic and one EMT added at mid-year; an emergency communicator; some part-time hours at the Animal Shelter; a new clerical position for management of the cable channel; and a Recreation employee with a \$20,000 transfer from the Town of Old Fort as a result of merging services), self-insurance, equipment needs, purchase of the McDowell House, the new Nutrition Center in Old Fort, and economic development projects.

Chairman Webb opened the floor for comments from the public, but no one desired to speak. The Chairman then commented briefly on some of the projects in which the Board had been involved in areas of education, economic development, etc.

Commissioner McPeters made a motion to close the public hearing. Commissioner Lavender seconded the motion and the vote was unanimous.

PRESENTATION ON PROJECT CARE PROGRAM

Chairman Webb recognized Weyland Prebor, McDowell Senior Center Director, and Nancy Clark, of the North Carolina Senior Tar Heel Legislature, for their presentation.

Mr. Prebor provided an overview of Project C.A.R.E. (Caregiver Alternatives to Running on Empty) program designed to help the caregivers of persons with Alzheimer's disease or related dementias receive free respite care. He advised the program is currently offered in 14 counties, including McDowell, and has won several awards and recognitions during the years of its existence. However, the program would no longer receive federal funding to continue operating after June 30, 2008 and would cease offering this service in the County. In order to continue providing the current rate of respite care, Project C.A.R.E. is seeking \$500,000 from N.C State Government. There are no county costs involved.

Mrs. Clark addressed the involvement and support of people such as Representative and Mrs. Mitch Gillespie and Senator Joe Sam Queen for Project C.A.R.E. and the various forums that had been conducted. She asked for the Board's support, requesting that they contact Senator Queen and Representative Gillespie to let them know they support the program also. She noted that funds are not recurring funds and they would like very much for them to be recurring ones.

Chairman Webb expressed his apologies for not attending the forum, but said he understood the program better after having talked with someone about it. He agreed to send letters of support as requested, and to encourage citizens to do the same. He thanked Mrs. Clark for her dedication, etc.

Commissioner Walker made a motion to approve Mrs. Clark's recommendation of supporting the program by contacting Representative Mitch Gillespie and Senator Joe Sam Queen. Commissioner Lavender seconded the motion and the vote was unanimous.

LEGISLATIVE ISSUES/STATE TIPPING FEE/AOC PHONE COSTS

Chairman Webb briefly introduced the legislative issues of a State tipping fee and the Administrative Office of the Courts transferring phone costs to the County. He asked the County Manager to give an update, noting that Commissioner McPeters had some concern that he would share as well.

Mr. Abernathy advised the State had two mandates that had come to the forefront, one a \$2.00 tipping fee that counties would collect and remit to the State on all solid waste crossing the scales; the second one would be a transfer of responsibilities for the AOC for their computer system, the internet and phone systems in the Court System. He pointed out a bill had passed that would transfer those phone costs to the County, and currently they are around \$16,000 annually.

Commissioner McPeters made reference to the issue discussed earlier of elections equipment being passed down to the County, and now are unfunded mandates being transferred to the County with very little input from the County. He said these would either have to be added to the County's budget or passed on to the citizens to offset the costs. He said he understood the NCACC had drafted a letter saying they would like to delay passage of the bill, but he wanted to see the legislature forego the bill rather than just have it delayed, and wanted this conveyed to the legislature.

In discussion of the tipping fees situation, the Board agreed they would like to ask what the State plans to do with this money.

Commissioner Walker suggested that a resolution be drafted as well as sending letters to our legislators stressing that we cannot afford these additional expenses.

The County Manager noted a delay in tipping fees from July 2008 to January 2009.

A motion was then made by Commissioner Walker to authorize the writing of letters to our legislators stating the County's position regarding the additional costs that would be incurred. Commissioner McPeters seconded the motion and the vote was unanimous.

UPDATE ON FOOTHILLS PILOT PROJECT

Cooperative Extension Director Dan Smith came before the Board with an update on the Foothills Pilot Project, a small processing plant for independent poultry and rabbit producers in the foothills area that wants to locate in the County. He said North Carolina Agriculture Commissioner Smithson Mills, the one who thought of the poultry project, feels McDowell would be a good location for it. He pointed out a number of farmers are interested in it and the money for the project is available. Mr. Smith stated this is an

excellent project, noting it will benefit farmers and his staff is available to do programs on this project.

The County Manager pointed out there were four or five items related to this project that needed to be handled. First, he suggested that the process be for McDowell County to handle the project during the construction and grant period. MEDA would then form a Limited Liability Corporation (LLC) and transfer the completed property to this entity. He advised this was the suggestion of Smithson Mills for purposes of operating the facility as well as potential liability.

A general discussion followed.

Mr. Abernathy mentioned that Mr. Mills' recommendation on naming people to the steering committee were a member of the Board of Commissioners, NC State University, NC A & T, the Agriculture Commissioner, and two local growers representing the local association of growers, with these individuals eventually becoming the Board of Directors. Commissioner Lavender suggested that someone from Foothills Family Farms be considered as well. A brief discussion followed.

Further, Mr. Abernathy requested that the Board authorize the contract with Smithson Mills in the amount of \$4,500, noting that the grant would pay for the contract. He also requested approval of an architect for the project, suggesting that if the Board had no problem with it, to name Chuck Hamrick of Holland, Hamrick and Patterson as the architect. He introduced a *Resolution Exempting the Foothills Pilot Plant Project from G.S. 143-64.31* for the Board's approval.

A motion was made by Commissioner Lavender to authorize a contract with Smithson Mills in the amount of \$4,500, to appoint a steering committee with membership as recommended by staff and Mr. Mills, that the processing plant overview be given as general direction, and that the *Resolution Exempting the Foothills Pilot Plant Project From G.S. 143-64.31* be authorized. Commissioner Walker seconded the motion.

In discussion, the County Manager noted that Commissioner Lavender had suggested that a member of the Foothills Family Farms be included for the steering committee.

The motion and second were amended accordingly and, upon being put to a vote, the motion carried unanimously.

FLOOD MAPS

The County Manager referenced the information in a state model ordinance copied to the Board from the past meeting and the Board's direction of asking the Planning Board to do a review of the ordinance and do a comparison of the existing ordinance which would be received later this month. He stated staff would have to run a ½-page advertisement in the newspaper for holding a public hearing, and would like to do

this for the July meeting, but could do it in August if that is the Board's choosing. Either way, he suggested meeting for this purpose to get the process started.

A motion was made by Commissioner Lavender to schedule a public hearing for the second Monday in July. Commissioner Buff seconded the motion and the vote was unanimous.

REIMBURSEMENT AGREEMENT/GLENWOOD

The County Manager advised the Glenwood Fire Department had requested approval for their participation in the DOT Reimbursement Agreement for driveway improvements to accommodate their newly constructed truck bays. They anticipate being able to occupy the new facility around the first of August.

Commissioner Lavender made a motion to approve the DOT Reimbursement Agreement for Glenwood Fire Department as presented. Commissioner Walker seconded the motion and the vote was unanimous.

LAW ENFORCEMENT MUTUAL AID AGREEMENT

The County Manager advised Sheriff Greene had requested that the Board readopt the agreements with other agencies entered into by former Sheriff Turner since current agreements are invalid until new ones are adopted. He introduced the *RESOLUTION ADOPTING A POLICY FOR MUTUAL ASSISTANCE WITH OTHER LAW ENFORCEMENT AGENCIES* for the Board's adoption.

A motion was made by Commissioner Lavender to approve the *RESOLUTION ADOPTING A POLICY FOR MUTUAL ASSISTANCE WITH OTHER LAW ENFORCEMENT AGENCIES* as requested by Sheriff Greene. Commissioner Walker seconded the motion and the vote was unanimous.

CHARTER LETTER/CHANNEL/NEBO INTERCONNECTION

The County Manager updated the Board on the County's attempts of providing HDTV and seeing the interconnection of Charter with Mediacom. He advised staff had completed its work and now it was a matter of getting Charter to agree. He pointed out the County desperately needs to provide this service, and that resources are being wasted. He noted past discussion with the City, including having their programming aired on the County channel.

In discussion, a question was asked as to who would approve items for placement on the channel. While this was not really foreseen as being a problem, the feeling was that all bases should be covered in the event something should come up on which all parties may not agree.

In response, the County Manager said there could be an agreement stating that should a problem arise, it will be referred to the Utility Committee who will then work to resolve the problem. By consensus, the Board agreed on this. In reference to the letter from Charter outlining the process for the connection between the three parties, Mr. Abernathy stated it was not acceptable with the City and that efforts to amend it were underway.

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 \$1,351.56
Releases/Over \$100.00	Released amount of \$364.75
Release/Refunds	Refunded amount of \$37.12
Motor Vehicle/Releases Under \$100.00	Released amount of \$1,106.22
Motor Vehicle/Releases Over \$100.00	Released amount of \$923.67

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

BOARD APPOINTMENTS

The Library Board had requested the reappointment of three of its members whose terms have expired. They were Margaret Grindstaff, member at large, and Harry Carroll and Joe Tisdale, representing Old Fort and the Nebo community respectively. Also, the Library Director had requested the appointment of a new at-large member to replace a member whose term had expired (Mrs. Martha Simmons). The two applicants for this vacancy were Ann McNutt and Laura Myhr.

With Commissioner Webb's term on the McDowell Tech Board of Trustees soon to expire, Commissioner Buff made a motion to suspend policy and reappoint Commissioner Webb. Commissioner Walker seconded the motion and the vote was unanimous.

The Board proceeded to vote, by written ballot, on the four Library Board vacancies and the McDowell Tech vacancy. Results of the vote were a unanimous vote for Margaret Grindstaff, Harry Carroll, Joe Tisdale, and Ann McNutt for the Library Board and a 3-0 vote for Commissioner Webb for McDowell Tech (Commissioner Webb refrained voting for himself and Commissioner McPeters had left the meeting).

CITIZEN COMMENT

At 7:18 p.m., with no one signed up to speak, by consensus the Board agreed to suspend this item.

DISCUSSION OF FURTHER BUDGET MEETINGS

The County Manager advised the Board would need to meet again on the Budget, noting that the ABC question with the Drug Court was still to be decided.

Following a brief discussion, the Board agreed to meet on Thursday, June 12th, at 11:00 a.m. in the Conference Room.

ADJOURNMENT

There being no further business to transact at this time, upon motion by Commissioner Lavender and a second by Commissioner Walker, the meeting was adjourned until Thursday, June 12, 2008 at 11:00 a.m. in the County Manager's Conference Room.

ANDREW K. WEBB, CHAIRMAN

CARRIE PADGETT
CLERK TO THE BOARD