

**STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
BOARD OF COMMISSIONERS  
REGULAR SESSION – FEBRUARY 9, 2009**

**ASSEMBLY**

The McDowell County Board of Commissioners met in regular session at 5:00 P.M. on Monday, February 9, 2009, in the Commissioners' Board Room, the usual place of meeting.

**MEMBERS PRESENT**

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

**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 David Walker called the meeting to order. The invocation was given by Rev. Scott Hagaman, Pastor of First Baptist Church in Marion, followed by the pledge of allegiance, led by Commissioner Buff.

**APPROVAL OF MINUTES**

Minutes of the December 1, 2008 regular session were presented for approval; however, approval of the minutes was tabled until the next meeting.

**APPROVAL OF AGENDA**

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

With several people present for the item on Proposed Hunting Regulation Changes, the Board considered whether to move this item forward to keep people from having to wait for an hour and a half. After a brief discussion, the Board agreed to wait since there might be others who planned to attend.

## **BUDGET UPDATE AND AMENDMENTS**

In his monthly update on the budget, the County Manager said he hated to begin on a negative note, but in reality, the County's financial situation continued to worsen. Also, he felt it should be understood the County was lagging substantially behind with its revenue, noting the last sales tax received was for November, so there was cause for concern as to how things move forward.

Mr. Abernathy said he was trying to look ahead to future events as well as to understand where the County currently stands and was projecting a deficit of \$1.3 million at this time. He pointed out 5% of the budget would be \$1.5 million and there were some states and counties reporting a higher percentage than this, therefore he was concerned that his projection might not be quite accurate. With reference to a summary sheet of sales tax, he advised this showed a 7.5% decline in the local option sales tax, and a 10% reduction in the statewide amount, therefore the sales tax impact was \$1.1 million minus the amount going to the School System. Tax collections were shown to be a "wash", and Mr. Abernathy said he continued to believe that, based on the amount in the budget, the County would be in reasonably good shape there.

Concerning other revenues, Mr. Abernathy pointed out interest rates had dropped, building permits had dropped because of lower numbers on new construction, and the revenues in the Register of Deeds had dropped as well. He said since November, he had frozen positions as well as some projects, and had curtailed travel.

Mr. Abernathy presented budget amendment GF 32 that addressed a large part of the shortfall that he said would certainly happen. The amendment reduced expenditures in the County's budget by \$716,255, primarily from a 2.5% reduction in departmental budgets by department heads. In addition, EMS collections were increased by \$125,000. Other areas with change were the Fire Pool (\$5,000), School Technology (\$50,000), Watershed (\$5,000), Transfer to Project Davidson's Fort (\$7,500) and to Champion Rent (\$11,339), and Nebo Base Reserve (\$50,000).

General discussion followed during which Mr. Abernathy assured the Board he would have further recommendations within 60 days, explaining that he wanted to review other areas of the budget before making further recommendations. He stated there was need for two insurance plans because the self-insurance dilemma would not be solved without more flexibility in handling it. He advised that after three or four meetings, he was trying to determine that a different insurance schedule can be established for new hires and that he was considering suspending benefits to new hires for six months. He advised that was a trend taking place in manufacturing, in government, in union operations, etc. He asked for permission to suspend benefits for six months on new hires, effective March 1<sup>st</sup>.

Further general discussion followed.

Commissioner Lavender made a motion to approve the budget amendments as presented exclusive of reductions to external agencies at this time and to adjust the revenue side of the equation to make the amendments balance. Commissioner McPeters seconded the motion and the ayes carried.

Commissioner Lavender then made a motion to suspend travel and purchases except as deemed critical and necessary for things like certifications and emergency situations and as approved by department heads and County Administration. Commissioner Webb seconded the motion. In discussion, Commissioner Buff asked that the County Manager have a meeting with all department heads to make sure that everyone understands the action being taken.

The vote was unanimously in favor of the motion.

Discussion followed on the six-month's idea on benefits, with some concerns expressed regarding the County's ability to attract employees and be competitive with other counties, particularly with the medical aspect of the benefit package.

Commissioner Webb made a motion to approve staff's recommendation in reference to insurance package. Commissioner Buff seconded the motion and the ayes carried in favor of the motion.

### **PUBLIC HEARING – ECONOMIC DEVELOPMENT PROJECT**

At 5:30 p.m. as duly advertised, Chairman Walker declared the Board in public hearing to receive public comment concerning economic development incentives offered by McDowell County for economic development activities as authorized by Section 158-7.1 of the North Carolina General Statutes. The incentive offered by McDowell County will include the payment of \$50,000 paid in two payments in the next two fiscal years for equipment purchase and installation with an existing industry.

The County Manager briefly commented on the County's role in projects such as this as authorized by general statutes. He advised the company, Toolcraft, Inc. would add approximately 25 "metal machining" jobs that pay well and would invest approximately \$1 million in machinery and equipment. He elaborated further on what is being done to assist the company, noting that the incentive proposed by the County is \$50,000 to be paid after the company performs and in equal payments in July 1, 2009 and July 1, 2010. He pointed out he was working on about five or six other projects and that he would have to be equally as fair to them and, if all of them happen, there would be some additional expense the County would incur as a result.

Mr. Abernathy introduced the company's owner, Mr. Ray Porter, for any comments he might have, after which the public would be asked to comment and the Board would be asked to take action as well.

Mr. Porter gave a brief overview of his company which currently has 84 employees, nine of which were recently hired. He said two years ago they were fortunate enough to land a \$25 million contract with the Department of Defense to produce the carrier and key assembly for the M-16 rifle, the most replaced item of the weapon and a highly complicated, technical part. He stated they now have two other customers that have almost tripled their production.

Mr. Porter then introduced his operations manager, David Smith, advising they had already started training people on the new equipment. He said their employees were working 7 days per week, 24 hours per day and they have had a \$750,000 payroll increase. Bushmaster, who services the commercial market, is another customer with whom they are doing business.

Chairman Walker opened the floor for comments from the public. One gentleman in the audience said he wanted to applaud Toolcraft for what they are doing.

Mr. Smith spoke briefly of the success of their company and the great opportunity they were being given. He stated they had recently met with Colt and Smith and Wesson, as well as some other companies, but they have had to decline doing business with them because Toolcraft has already reached its capacity even with the new machinery. Toolcraft has been in negotiations with Smith and Wesson about doing a joint venture whereby Smith and Wesson would acquire machinery for Toolcraft to do their parts. He stated they have good employees and staff and are very optimistic about the future and wanted to express their thanks for any help they were given.

A brief discussion followed.

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

Mr. Abernathy advised a contract was being drafted for execution at a later date.

Commissioner Lavender made a motion to authorize the project and to approve the incentive package as presented. Commissioner Buff seconded the motion and the vote was unanimous.

### **PUBLIC HEARING – ECONOMIC DEVELOPMENT PROJECT**

At 5:45 p.m. as duly advertised, Chairman Walker declared the Board in public hearing to receive public comment concerning economic development incentives proposed by McDowell County for economic development activities as authorized by Section 158-7.1 of the NCGS. The proposed incentive involves the conveyance of property for a proposed commercial development project.

The County Manager noted this project was different and one on which he had been working for about nine months. He could not say what the company is but

described it as being a large “big box” company that would locate on Sugar Hill Road, on the left near Interstate 40. The project would employ 400 people and is not doing many of these projects nationwide. The investment is \$15 million with the possibility of being more, and with sales tax benefit being present. Mr. Abernathy advised the policy of the Board was not to offer incentives to commercial projects; however, they had been trying to assist and be a facilitator on this project. He said there is a tract of land (1.37 acre) that fronts on Sugar Hill Road and is surrounded by property owners that are all under contract. The property is owned by the Department of Transportation and is what is called “residual right-of-way”. The County would purchase the property from DOT and then sell it to WRS Realty, the developer, for the price paid by the County. The proposed price for purchase is \$28,900.00 (the appraised price), and the State will prepare the deed.

Commissioner Lavender made a motion to close the public hearing. Upon a second by Commissioner McPeters, the motion carried unanimously.

Mr. Abernathy advised the action from the Board would be to authorize purchase of the property (approximately .80 acre) at \$28,900.00 and to approve the incentive package.

Commissioner Lavender made a motion to approve purchase of the property at \$28,900 and to authorize conveyance to WRS Realty as stated. Commissioner McPeters seconded the motion and the vote was unanimous.

### **TAX LIEN ADVERTISEMENTS**

Tax Collector Pam Sain came before the Board to request authorization to advertise the tax lien for all unpaid 2008 real property tax bills. The suggested advertising date is for Wednesday, May 6, 2009. Mrs. Sain advised the legal advertisements for The McDowell News are now handled out of the legal advertising department in Hickory, N.C. The price quoted was an estimate based on column inch price but could be broken down to an approximate cost per name. The price quoted was as follows:

	Total Estimated Entire List	Total Estimated Split List
<u>The McDowell News</u>	\$3,505.63	\$2,629.22
	Approximate Price per Name for Entire List	Approximate Price per Name for Split List
<u>The McDowell News</u>	\$1.84	\$1.75
<u>The News Bulletin</u>	\$1.00	\$1.00

The McDowell News has no separate charges for printing the legal heading and any additional information while charges for printing the legal heading and any additional information in The News Bulletin will be \$3.00 per column inch. The notary fee for affidavit of publication will be \$5.00 for both newspapers. The split list advertising quote referred to the printing of the Old Fort and Crooked Creek townships in The New Bulletin and the remaining eight townships in The McDowell News.

Commissioner Buff made a motion to authorize a split list for advertisement of tax lien for unpaid 2008 real property tax bills with The McDowell News for eight townships and authorize advertisement of tax lien for unpaid 2008 real property tax bills for the other two townships (Old Fort and Crooked Creek) with The New Bulletin. Commissioner McPeters seconded the motion and the vote was unanimous.

Commissioner Lavender made a motion to authorize the publication notice as presented. Commissioner Buff seconded the motion and the vote was unanimous.

### **TAX EXEMPT LOAN APPROVAL (WOODLAWN FIRE DEPARTMENT)**

The Fire Chief of Woodlawn Fire Department came before the Board to request the Board's approval of a tax-exempt loan to the Fire Department for purchase of equipment. The Fire Chief described the type of fire truck they plan to purchase in the principal amount of \$167,598.

The County Manager explained the process with County involvement in order that they get the tax exempt loan.

Commissioner Lavender made a motion to authorize the tax-exempt loan for Woodlawn Fire Department as requested. Commissioner Buff seconded the motion and the vote was unanimous.

### **PROPOSED HUNTING REGULATION CHANGES**

Chairman Walker advised that Commissioner Webb had requested that this item be placed on the agenda for discussion. He introduced Benny Riddle who would provide an overview of the item.

Mr. Riddle, a resident from Yancey County and President of the Western Carolina Quality Care Management Program, addressed proposed regulation changes to deer and wild turkey hunting submitted by the Wildlife Resources Commissioners to the legislature. He said several counties were involved to voice their opposition to the proposed regulations. After addressing some of the proposed changes and their impact to both hunters and the deer population, various meetings and what had transpired at these meetings, etc., Mr. Riddle requested a letter of support from the Board opposing the proposed regulations, with the letter being sent to the Governor and to the North Carolina Wildlife Commissioners.

Comments from the Commissioners were heard. Commissioner Webb expressed concern about safety and the deer population, the lack of a biological study, the time table for making a decision, quality of population, economic disadvantages, having justification for decisions made, opportunity to hear comments from the public, etc.

A general discussion followed.

Commissioner Webb then made a motion to send a resolution opposing changes to deer and wildlife hunting rules proposed by the North Carolina Wildlife Resources Commissioners for 2009-2010, and ask that they delay that decision and that they would allow scientific data to be included in the decision making process if it is not already. Commissioner Buff seconded the motion.

In discussion, the Board asked that the resolution be sent to Governor Perdue, the Speaker of the House Joe Hackney, President Pro Tempore Marc Basnight, and the 25 Wildlife Resources Commissioners. Mr. Riddle suggested that the resolution also go to Dr. Cobb and the deer biologist (Evan Stafford) and Commissioner Lavender recommended adding safety issues, etc. Commissioner Webb agreed to amend his motion accordingly, as did Commissioner Buff his second.

When put to a vote, the motion carried unanimously.

Commissioner Webb thanked Chairman Walker and the other Board members for allowing this issue to get some debate and discussion.

### **UPDATE ON VARIOUS PROJECTS**

The County Manager addressed the earlier amendment that took the water line funds left funding to get to the previous project that the Board approved, which was further out on Harmony Grove Road. He said this project was being designed, progress was being shown, and that there were grants monies involved as well. He pointed out that plumbing work was being done on the Watson Road extension and things were looking good.

Concerning the Forest Service project and the persistence noted earlier by Commissioner Webb, Mr. Abernathy said they had finished the lead removal, and there was still a mound of soil needing to be moved. The engineers had recommended that when the water line is installed to the property, perhaps the contractor could remove the soil and use for backfill. He advised there was some additional grading to be done and that he would continue his contact with the State as the project moves forward with initiation of the water line. He pointed out this has a heavy grant component as well tied to the animal processing facility.

Concerning the Nutrition Center in Old Fort, Mr. Abernathy said this facility was largely completed except that there was still some paving, phone lines, etc. to be done, but the dedication and open house was planned for Sunday, March 29<sup>th</sup>, at 2:00 p.m., and

they would start serving meals on the following Monday. He stated they were ordering some tables and chairs from the donated money.

Concerning the new EMS Base Station in Nebo, Mr. Abernathy advised this facility was taking shape and that they had named a general contractor to oversee the project which will take about a year to complete. He said everyone would see progress being made on this project.

### **BOARD APPOINTMENTS**

Concerning the three vacancies on the Community Advisory Committee being presented on second reading, the Chairman noted applicants were Benny Stamey, Janice Daves and Teresa Kehler Culbreath reappointment.

The Board proceeded to vote by written ballot on the three applicants. The vote resulted with a unanimous vote on all three.

### **SEX OFFENDER ORDINANCE**

Concerning the Sex Offender Ordinance, the County Manager advised that a public hearing was held and that the Board delayed action pending notification to the two municipalities which had occurred. He pointed out the wording *leased property* had been inserted in addition to county owned, as well as clarification that Commissioner Lavender had requested in relationship to property located in the municipal jurisdiction (recreational and not county owned). With that, he stated the Ordinance was ready for approval.

Commissioner Lavender made a motion to approve the Sex Offender Ordinance as presented. Commissioner McPeters seconded the motion and by unanimous vote, the Ordinance was approved.

### **NAMING OF ROAD INTO AGRICULTURE BARN**

The County Manager advised the road leading into the Agriculture Barn was not named and the County is owner of all the property with exception to the Ag Barn. He said the County had not transferred the property to the Forest Service at this time. He pointed out the Forest Service, Extension Director Dan Smith, and the Ag Barn Committee had been approached concerning a name for the road. Consensus of those asked was for the road name to have reference to agricultural services; therefore, "Ag Services Drive" was the recommended name.

Commissioner McPeters made a motion to approve "Ag Services Drive" for the road name. Commissioner Buff seconded the motion and the vote was unanimous.



## **NAMING OF ROAD INTO MTCC**

In reference to a road on the McDowell Technical Community College Campus, Chairman Walker noted that with a Commissioner serving on the College Board of Trustees, Commissioner Webb, staff was asking for input from the College Board of Trustees. He asked what would be the pleasure of the Board.

Commissioner Webb stated this would be an offer of good faith and a good gesture on the part of the Board. Therefore, he would make the motion to seek input from the Board of Trustees concerning naming of the road. Commissioner Lavender seconded the motion and the motion carried unanimously.

Commissioner Lavender pointed out he was approached about this earlier today at the College, and his understanding was that naming the new road would not change anything in relation to the College's actual address. In discussion of this, the County Manager advised that all buildings, including the Incubator, would still have the address for College Drive. He noted that it would be good to have someone from the College staff call Eddie Epley with Communications to ask questions to be sure that a proper name is chosen.

## **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	Amount released \$1,736.63
Releases/Over \$100.00	Amount released \$19,346.75
Release Refunds	Amount refunded \$110.59
Motor Vehicle/Releases Under \$100.00	Amount released \$1,129.75
Motor Vehicle/Releases Over \$100.00	Amount releases \$245.65

Commissioner McPeters made a motion to approve tax releases and refunds as presented. Commissioner Lavender seconded the motion and the ayes carried unanimously.

## **REPORTS AND COMMUNICATIONS**

Chairman Walker stated the Board appreciates the email notification from the Clerk concerning the various events each month. He noted the Awards Reception to honor Soil and Water Conservation District's poster contest winners would be Sunday, March 1<sup>st</sup>, at 2:00 p.m. at the Senior Center.

**CITIZEN COMMENT**

Two individuals, Joy Harklerode and Susan Menard, had signed up to speak at this time.

In her comments, Ms. Harklerode asked that the issue of shelter be added to the ordinance, noting that the cruelty act should be enforced and she wanted to add shelter to the County's ordinance.

Susan Menard, of Cozy Critters Inn, spoke on the same issue, asking that the shelter aspect be included with the ordinance.

The County Manager advised the Ordinance would definitely have a "humane emphasis" on a variety of matters, although he did not know obviously what would be presented to the Board. However, he stated that his discussions with the Planning Administrator, those kinds of things would be a major piece of what the document contains, including something along those lines. He said if staff was able to pick up a State law and enforce it, then he would interpret that to be something of a staff decision unless a policy Board said otherwise. He asked, if there was not a problem with this, he would ask for feedback from the Board and that he could also talk with the County Attorney and start looking at the more serious types of offenses to make sure this is being done.

By consensus, the Board concurred.

A brief discussion followed.

**ADJOURNMENT**

With no other items on the agenda, upon motion by Commissioner Buff and a second by Commissioner Webb, the meeting was adjourned.

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DAVID N. WALKER, CHAIRMAN

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CARRIE PADGETT  
CLERK TO THE BOARD