

**STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
BOARD OF COMMISSIONERS  
REGULAR SESSION – JANUARY 11, 2010**

**ASSEMBLY**

The McDowell County Board of Commissioners met in regular session at 5:00 p.m. on Monday, January 11, 2010 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 Reporters Mike Conley, for THE McDOWELL NEWS, and Wendy McAnally for THE NEWS BULLETIN OF McDOWELL COUNTY.

**CALL TO ORDER**

Chairman Walker called the meeting to order. The invocation was given by Commissioner Webb, followed by the pledge of allegiance, led by Commissioner Lavender.

**APPROVAL OF AGENDA**

Chairman Walker advised Commissioner Lavender had an item that he wished to add to the agenda and asked him to present it at this time.

Commissioner Lavender stated the item was to validate a Smoky Mountain Mental Health Center item relative to the purchase of a building for office space.

A motion was made by Commissioner Webb to add the item and to approve the agenda as amended. Commissioner McPeters seconded the motion and the vote was unanimous.

**APPROVAL OF MINUTES**

Minutes of the October 12, 2009 regular session and the December 28, 2009 Public Hearing were presented for approval.

Upon motion by Commissioner McPeters and a second by Commissioner Lavender, the minutes for October 12, 2009 were unanimously approved as recorded.

The Board deferred approval of the minutes for the December 28, 2009 Public Hearing until the next meeting.

**BUDGET UPDATE, AMENDMENTS, INCLUDING COMMUNICATIONS  
EQUIPMENT**

The County Manager gave a general update of the budget as summarized in a memo to the Board, along with the Finance Officer's spreadsheet and budget amendments. He pointed out the memo lays out what has happened since adoption of the budget:

Fund Balance Appropriated	\$185,799 (\$25,000)
Adult Probation	Purchase Building /\$22,000 annual, utilities, cleaning
Jail Reimbursement	Purchase State Street Bldg.-\$179,000/renovations \$90,000 (medical cost still being obtained)
Parking Lot	\$23,000 Removing asphalt/digging up/stripping entire lot
Library Roof	\$12,500
Carpet Library	\$25,000 all of main floor
Cost for Nebo water to fire dept.	\$19,000

The cost to extend water/sewer to the Sugar Hill Road commercial project will not occur until next fiscal year. The estimate on the cost is \$2 million with a grant covering half. The County will then be responsible for 40% of this amount over the loan period.

Estimates on the County's cost to extend water on South Creek and Harmony Grove Road are being obtained and grants are still be pursued

A new issue regarding the local cost for the employee state retirement system, with notice received that the cost will go up next year by \$125,000. There is a question as to whether teachers and community college employees will be increased locally.

An issue related to a console in the 911 Center (more detail to follow)

Mr. Abernathy advised that interest income on the general fund is going down, noting that two years ago \$400,000 was budgeted; this year \$138,000. A brief discussion followed.

Finance Officer Alison Morgan presented Budget Amendments as follows:

GF 18 To increase the Emergency Medical Services budget to reflect donated revenue

GF 19 Includes new grants to the Federal Aid line item and transfers \$4,000 within the DSS budget

GF 20 Transfers \$20,000 to purchase and install used 911 consoles. The Funds are recommended to be taken from the Current Year Property Tax Collections. (Attached were several memos from Terry Young on this matter.)

REVF-1 Allocates the revaluation reserve

Project Budget Ordinance – Homelessness Prevention and Rapid Re-Housing Program Financial Assistance Fund:

Budget Expenditures

Rent Assistance	\$233,100.00
Security Deposits	13,500.00
Utility Payments	17,625.00
Moving Cost Assistance	2,700.00
Motel & Hotel Vouchers	<u>10,125.00</u>
Total Expenditures	\$350,157.00

Revenues

Total ARRA Revenue: \$350,157.00

Project Budget Ordinance – Homelessness Prevention and Rapid Re-Housing Program Housing Relocation & Stabilization Services Fund

Budget Expenditures

Case Management	\$283,884.00
Outreach & Engagement	15,441.00
Housing Search & Placement	41,791.00
Legal Services	4,200.00
Credit Repair	45,168.00
Overhead Costs	<u>9,357.00</u>
Total Expenditures	\$399,841.00

Revenues

Total ARRA Revenue: \$399,841.00

A motion was made by Commissioner Lavender to approve budget amendments as presented. Commissioner Buff seconded the motion and the vote was unanimous.

Commissioner Lavender then made a motion to approve the two project budgets as presented. Commissioner McPeters seconded the motion and the vote was unanimous.

### **UPDATE ON STREAM DESIGNATION HEARING**

The County Manager advised the public hearing for reclassification of a section of stream of the Catawba River is scheduled for January 25, 2010 at 7:00 p.m. in the Old Fort Elementary School Auditorium. He said the State would be conducting the hearing, not the County, although citizens do expect the County to extend communication to them on things happening at the State level. Therefore, a notice was sent to all known property owners, was posted on the County's website, and may be run on the government channel.

### **HOUSING INITIATIVE UPDATE**

The County Manager stated the Commissioners had at their December meeting given direction on starting a housing initiative program that would involve the County making greater use of volunteers, etc. for assistance with people that have housing needs. The group had met several times and, as an update, they would like to have this program in place by February 1<sup>st</sup> with an office across from Gloria Burrows of the Volunteer Center on second floor of the County Administration Building. Staff would include a partially funded DSS position through a housing grant, Ms. Burrows herself, and application will be made for a Title V worker through Isothermal. They will immediately compile a list of volunteers in order to be prepared to join forces with church related groups and other volunteers who will be working through the summer doing construction type/rehab projects.

Mr. Abernathy pointed out they want to hold off on forming the "citizens committee" to fine tune things a bit, get established, etc. because there are a lot of questions yet to be addressed. He said other counties are operating similar programs and they will emulate what they are doing. After about 45 days, they will then be ready for a citizens committee to be appointed. He stated they will need start-up money (\$3-4,000) for a phone, making copies of applications, etc.

In discussion, Commissioner Webb asked about money for materials. Mr. Abernathy noted these will come from volunteers and other resources, grants, etc. Commissioner Lavender added that he would want churches and other groups to solicit funds, not the County. Mr. Abernathy pointed out this is what volunteers will do, with staff doing inspections, taking applications, applying for grants, etc.

## **BUILDING INSPECTION ANNUAL REPORT**

Chairman Walker recognized Chief Building Inspector Jerry Silvers and Planning Administrator Ron Harmon for presentation of this report. Mr. Silvers advised he had a brief summary of building trends for the past seven years, shown in “bar charts” and written form. With reference to the annual report for 2007 (what he called their “banner” year), the report showed a breakdown for new residential, residential additions and renovations, residential storage/auxiliary structures, new commercial, commercial additions and renovations, D/W manufactured homes, S/W manufactured homes, and miscellaneous sub-permits for a total of 1,318 permits at an estimated cost of construction at \$66,777,999.00. The total deposits for that year were \$151,217.71.

Concerning trends in the building industry, Mr. Silvers pointed out that back in the 1990s, they were doing 500-550 manufactured homes per year as opposed to 90-110 new residential. Starting in the year 2000, the trend changed and people began building homes (229 in 2004; 250 in 2007). Mr. Silvers noted that residential renovations are on the rise due to the market. Another trend which he pointed out was in reference to construction costs. In the year 2003 with 158 new residential projects, the cost of construction was \$20,360,668.00; in the year 2009, the number dropped to 107 with construction costs at \$34,265,331.00. In conclusion, Mr. Silvers pointed out that while the building industry has dropped considerably percentage wise in surrounding counties, McDowell County has done quite well.

A general discussion followed, after which Chairman Walker asked Mr. Silvers to express to his staff the Board’s appreciation for their hard work.

## **PRESENTATION BY AOC REGARDING COURTHOUSE**

Chairman Walker recognized Ford F. Heath, Jr., Judicial Branch Risk Manager with the North Carolina Administrative Office of the Courts, to address issues he had raised concerning the McDowell County Courthouse in a letter addressed to the McDowell County Board of Commissioners dated December 10, 2009.

Mr. Heath began by stating that he was not present to point out “this or that needs to be done” but to say there are issues at the Courthouse that need to be addressed. He said he thought the County staff that is responsible for the day to day maintenance of the Courthouse does an outstanding job, based on what they have to work. He thanked the County for responding to the recent issues of the roof.

Mr. Heath stated he had a suggested plan for the Courthouse—whether by way of renovation or a new facility. He proceeded to address the three major issues: Access (the elevator for sure), safety, and the heating and air conditioning system.

The County Manager responded saying the Board of Commissioners is very clear in the direction given and the staff does an outstanding job with a facility built in the 1920’s. The direction given by the Commissioners is for this main Courthouse currently

in use and that steps will be taken to improve it. Those steps have been clearly defined by a previous action and as part of the budget process, although the direction had been deviated from somewhat based on the economic situation. Counties statewide are responsible for providing facilities for the court system and the administration here takes that responsibility very seriously. He said when he talks to other managers, he hears a lot about parking issues but the County here purchased property for jury parking and that is no longer an issue here. Mr. Abernathy continued to note other items that have been purchased or handled as well as those that are on the list to be handled including metal detection equipment, additional employees, courtroom renovations (over \$25,000), the Law Library, roof replacement, and a number of ADA steps.

The County's Facility Maintenance Director, Terry DePoyster, spoke of their efforts to address problems or issues that are brought to their attention, to meet with individuals who do inspections, etc.

Chairman Walker permitted other members of the Board to make comment at this time. Commissioner McPeters commented on the C-02 level and the Law Library. Commissioner Buff addressed the County's efforts on many of the projects mentioned. Commissioner Webb first asked that the County Manager be contacted about any problems that arise. He noted a difference in the "tone" of Mr. Heath's letter and what he had observed today, and challenged Mr. Heath to prove what he had stated. Commissioner Lavender asked about other counties and how they compare regarding the elevator, and asked about other issues raised by Mr. Heath, including the one in Duplin County. He asked that the Board be as proactive as possible to address the issues presented.

Chairman Walker agreed that the Board would work with the court system to address the issues.

Judge Laura Bridges said she appreciated all that the County had done in the Courthouse but said there is a major problem when we must move a murder trial. She stated there would be another murder case in September and that she was not sure how this will play out. She mentioned the trial in Rutherford County and the difficulty that case was for the victim. She also commented on the problem with the Courthouse roof.

Judge Randy Pool spoke next and assured the Board that Court officials were here to work together. He addressed the Law Library and the use his office makes of it. He pointed out the major issues are the elevator, the public restrooms, the other courtroom with heat and air problems, etc. He asked that the bench be changed to other end of the room.

Clerk of Court Don Ramsey spoke of the cooperation with the Maintenance Department, and asked the Board try to address the issues as timely as possible. District Attorney Brad Greenway spoke briefly of have a good working relationship, and asked for some sort of jury assembly room.

A question was raised about a seating solution. The Maintenance Director agreed to check on seating costs, etc. the next day.

### **2008-2009 AUDIT PRESENTATION**

Chairman Walker called Kathy Atkinson, from Johnson, Price and Sprinkle, PA, forward for her presentation. Mrs. Atkinson gave a general summary of the audit report, including the GASB 34 Reporting Method, noting that the report was submitted to the North Carolina Local Government Commission (LGC) and it was accepted and approved.

In general comments, the County Manager stated this had been the best job maybe in this economy, the fact that the County had added to the fund balance in the amount that it had.

Discussion followed on the revaluation process and the significance of the fund balance now and in 2003.

A motion was made by Commissioner Webb to accept the 2008-2009 Audit Report as presented. Commissioner Buff seconded the motion and the vote was unanimous.

### **PUBLIC HEARING – TRAIL MASTER PLANNING DOCUMENT**

In regard to the Trail Master Planning Document, Chairman Walker declared the Board in public hearing for the purpose of adopting an updated version of the Greenway Trail Master Plan. He recognized Greg Lambert from Withers & Ravenel for an update.

Mr. Lambert stated that in the fall of 2007 they were hired to complete a master plan for a greenway trail around the YMCA, the McDowell Hospital, and the Armory, which they did. Last year the County submitted a PARTF grant application but was not selected for funding. The company was then asked to update the public input portion of the grant in order to resubmit the application by February 1 and they began considering how they could maximize points. Their proposal is to update the master plan and deviate from the county-wide Comprehensive Parks and Recreation Survey. He pointed out they had sent copies of the survey to the 500 members of the McDowell Trails Association, put them on the County web page, distributed them to both the County and the City's email distribution list, and placed them both libraries, and at other locations in the County. As of today, for this specific project, they had 179 surveys returned on line and approximately 54 hard copies. Collectively, the total was 2,350, all of which will be submitted in the application.

The County Manager expressed his appreciation for the work of the McDowell Trails Association who had initiated this effort during a busy December. He said the importance of this particular trail is paramount, noting that while there are other different things (Catawba Falls, Point Lookout, etc.) underway, this is the "centerpiece" for the

County. He addressed the point system and the County's overall count, advising that another application would be submitted.

Chairman Walker opened the floor for comments.

Bill Hendley, Chairman of the McDowell Trails Association, pointed out they were submitting two grants this year, one for YMCA and one for Catawba Falls, and that they had no plans to submit any thing that would compete with that. He stated there are a couple of winners for the residents of the County—the River Greenway and Point Lookout, and he believes the YMCA will be another big one. He said they fully support the project.

Frank Dean, a member of the McDowell Trails Association, said he would echo Mr. Hendley's comments, noting that they wholeheartedly support this effort and would not compete in any way concerning this grant. He stated the Trails Association is willing and ready to do whatever they could to make this happen.

Ron Harmon, County Planning Administrator, stated he had worked with the Recreation Department and the Area Directors and while they had worked on short notice, there was a good turnout and everyone seemed very excited. He thanked Mr. Lambert for his hard work.

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

Mr. Lambert said this was just Phase I of the overall Master Plan, an approximate one-mile loop around the YMCA and the Senior Center, and that Phase II would be about two and one half miles that will connect around the Armory and the McDowell Hospital.

A general discussion followed.

A motion was made by Commissioner Lavender to approve the document as presented. Commissioner McPeters seconded the motion and the vote was unanimous.

### **PHASE II CATAWBA TRAIL UPDATE**

The County Manager said that he had been in discussions with members of the McDowell Trails Association about the County's involvement of Phase II of the Catawba River Greenway. Chairman Walker asked Frank Dean of the McDowell Trails Association to give an overview of the project.

According to Mr. Dean, the Trails Association, the City of Marion, and the County have met to discuss how to move forward with the development of the greenway. Mr. Dean stated that at this time his group is not asking for the County to take ownership in Phase II. Ownership or any easement would be in the City of Marion's name. He is

asking that the County pay 50% of the survey costs for land that had been leased for Phase II from Great Meadows.

Chairman Walker praised the McDowell Trails Association for their hard work. Commissioner Lavender made a motion to endorse the plan for Phase II of the Catawba River Greenway and to pay 50% of the survey costs for that phase. Vice-Chairman McPeters seconded the motion and the vote was unanimous.

### **WATER SYSTEM UPDATE/GRANTS**

The County Manager reviewed several planned Nebo Water System projects including Harmony Grove Road and South Creek Road. He stated that the Harmony Grove Road line has been permitted for construction for quite a while. Several attempts at securing federal stimulus funds for this extension were unsuccessful. The South Creek Road design is nearing completion. He said there are remaining funds from prior projects that may possibly be utilized for these extensions. Staff is working to determine what possible funding can be used for these extensions in order to minimize county financial involvement.

### **FLS SOLAR CONTRACT/UPDATE**

Mr. Abernathy gave an update on the FLS Energy contracts. He said the contracts were in hand and were ready to be approved by the County Attorney. He had been in contact with FLS Energy staff and their intention is to start installation at the Senior Center.

### **STATE STREET PROPERTY UPDATE**

The County Manager advised he was working with the County Attorney to schedule the closing date on the State Street property. Since this has to be done by the end of the month, they were considering the week of January 18<sup>th</sup>. A budget amendment will be prepared and will include renovation costs. The goal is to have Adult Probation moved by early April.

### **COMPARATIVE BUDGET INFORMATION UPDATE**

The County Manager advised he had agreed to have additional information from the North Carolina Association of County Commissioners to compare our ranking with other counties. The following summary shows McDowell County in relationship to all 100 counties in the State:

Tax Rate: 33 counties have lower tax rates; 0.55/Average: 0.6175  
 Effective Tax Rate: 20 counties have lower effective rates; 0.4074/Average: 0.5562

Expenditures per Capita:	2 counties have lower numbers; \$772/Average: \$1,110
Tax Levy per Capita:	4 counties have lower numbers; \$377/Average: \$584
Total School Resources/ADM:	21 counties are lower; \$1,494/Average: \$2,127
Current Expense ADM:	31 counties are lower; \$1,108/Average: \$1,458
Total School Resources per Capita:	32 counties are lower; \$212/Average: \$308

A brief discussion followed.

### **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 \$81.57
Releases Over \$100.00	Released amount of \$5,929.17
Motor Vehicle Releases/Over \$100.00	Released amount of \$1,257.77
Motor Vehicle Releases/Under \$100.00	Released amount of \$920.49
Release Refunds	Refunded amount of \$1,380.19

A motion was made by Commissioner Webb to approve the tax releases and refunds as presented. Commissioner Buff seconded the motion.

In a brief discussion, Commissioner Webb amended his motion to add the water refunds to the motion. Commissioner Buff his second as well and the vote was unanimous to approve the tax releases, refunds and water refunds as presented.

### **BOARD APPOINTMENTS**

Chairman Walker noted staff had continued to advertise vacancies for the Marion Area Fire Advisory Board of Directors and for the Town of Montreat Board of Adjustment and Planning and Zoning Board but there were no applicants for consideration. Therefore, no action was to be taken.

### **SMOKY MOUNTAIN REGIONAL MENTAL HEALTH**

Commissioner Lavender explained this item concerned an administrative matter with the Smoky Mountain Center involving the purchase of real property in Watauga County, subject to approval by the Local Government Commission. The Center had been instructed to obtain approval by each county in the region for the purchase. The property will provide office space and allow them to stop renting.

Commissioner Lavender introduced the following resolution for the Board's approval:

**RESOLUTION  
OF THE  
McDOWELL COUNTY COMMISSION**

**WHEREAS**, the Smoky Mountain Center for Mental Health, Developmental Disabilities and Substance Abuse services ("Center") is an area authority organized under North Carolina General Statutes 122C, and as such serves as the Local Management Entity for the area consisting of fifteen counties; and

**WHEREAS**, the Center has purchased certain real property in Watauga County, North Carolina, which it intends to use in the normal course of its business; and

**WHEREAS**, pursuant to G.S. 122C – 147(c) each county in the fifteen county area must approve the purchase of real property by an area authority by resolution of the County Commission; and

**WHEREAS**, the property is described as Suite 2A & Suite 4 of the New Market Office Suites, as shown in Unit Ownership Book 8 Page 162 of the Watauga County Registry of Deeds.

**NOW THEREFORE BE IT RESOLVED** that this Board, upon motion and a second, and after discussion in open session, hereby approves the purchase of the property by the Center, this the 11<sup>th</sup> day of January, 2010.

McDOWELL COUNTY BOARD OF COUNTY COMMISSIONERS

By: *David N. Walker*, Chairman

A motion was made by Commissioner Lavender to approve the resolution, thereby approving the purchase of property for the office area as requested. Commissioner Buff seconded the motion and the vote was unanimous.

**CITIZEN COMMENT**

With no one signed up to speak, there was no Citizen Comment for this meeting.

**REPORTS AND COMMUNICATIONS**

There were no reports/communications to be presented.

**ADJOURNMENT**

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

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DAVID N. WALKER, CHAIRMAN

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CARRIE PADGETT  
CLERK TO THE BOARD