

**STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
BOARD OF COMMISSIONERS
REGULAR SESSION – JUNE 14, 2010**

ASSEMBLY

The McDowell County Board of Commissioners met in regular session at 5:00 p.m. on Monday, June 14, 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

THOSE ABSENT

Barry N. McPeters

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 Gwen Evans for THE NEWS BULLETIN OF McDOWELL COUNTY.

CALL TO ORDER

Chairman David Walker called the meeting to order and recognized Commissioner Buff to introduce a guest. Commissioner Buff introduced Aaron Barlowe from Nebo, an eighth grader at East Junior High School, who was attending tonight's meeting for credit toward obtaining his merit badge with the Eagle Scouts. Commissioner Buff asked Aaron to lead the group in the pledge of allegiance. The invocation was then given by Commissioner Lavender.

APPROVAL OF MINUTES

Minutes of the May 20, 2010 and May 24, 2010 special sessions and the June 3, 2010 adjourned session were presented for approval.

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

APPROVAL OF AGENDA

With no additions to the agenda, upon motion by Commissioner Webb and a second by Commissioner Buff, the agenda was unanimously approved as presented.

GRANT AWARDS

The County Manager advised McDowell County had received two grant awards since the Board's last meeting. The first award, in the amount of \$66,749, is for the installation of the solar panels on the Jail and Law Enforcement Centers. The second grant from the State Energy Office in the amount of \$59,279 was submitted in conjunction with the City of Marion will make upgrades to the light fixtures in the County Administration Building.

Mr. Abernathy asked his assistant, Ashley Wooten, to comment further on either of the grants. Mr. Wooten explained the "light bulb" grant will essentially replace the lighting throughout the County Administration Building, saving the County about \$3,500 per year. Since the grant was a joint effort with the City of Marion, grant funds will be used to replace light fixtures and for occupancy sensors in six city buildings. Funding will be matched with \$16,627 in Duke Energy rebates and in-kind labor from County and City staff.

A general discussion followed.

GATED COMMUNITY ORDINANCE

The County Manager stated when the Board had met with the Fire Commission recently the Commission had brought up the need for consistent county-wide regulations concerning the issue of providing access to gated communities for emergency services. Mr. Abernathy suggested that perhaps the Board would direct the Planning Department to work with County staff and the Fire Commission in developing a recommendation in an Ordinance format regarding this issue. He provided an example of regulations enacted in another unit of government solely for information.

Chairman Walker asked if there were any concerns from Board members. Commissioner Webb said he commended the Board for taking this under consideration and would make a motion to direct staff to ask the Planning Board to proceed with a recommendation concerning access to gated communities for emergency services. Commissioner Buff seconded the motion and by a unanimous vote the motion carried.

PUBLIC HEARING 2010-11 FISCAL YEAR BUDGET

At 5:15 p.m. as duly advertised, Chairman Walker declared the Board in public hearing concerning the proposed Budget for Fiscal Year 2010-11. He asked the County Manager for any further comments. Mr. Abernathy advised the advertisement for this

public hearing was in newspaper and noted the Board and County staff had been working on the budget for several weeks.

Chairman Walker then asked for any comments from the public. No one from the audience responded.

Commissioner Lavender then made a motion, seconded by Commissioner Buff, to close the public hearing. The motion carried by a unanimous vote.

At this point, Mr. Abernathy asked that the Board decide on a date or dates for completion of the Budget and its adoption.

WATER LINE GRANT/HARMONY GROVE ROAD

As an update, Mr. Abernathy stated that almost a year ago the Commissioners had taken leadership of the water lines in the Nebo Community, and staff had been working to extend the lines, add customers, etc. as directed since the Board had set priorities on the direction those lines would go. He noted the lines are now on Highway 70, to the Wildlife Subdivision, to Little Mountain, on Watson Road, and to East Side Baptist Church. He pointed out that, as he recalled, the Board had set a priority to continue on Harmony Grove Road where several homes are without water. Therefore plans are to begin at East Side Baptist Church and go to the "Red Caboose" located near the stream crossing on Harmony Grove Road. Another priority was on South Creek Road and, by looping the lines back, to include Ned McGimsey Road. He pointed out this extension had taken longer than some of the others had but it had just taken longer to get funding. A grant was awarded to the County from the Rural Center in the amount of \$152,220.

Continuing, Mr. Abernathy advised the project budget ordinance for the Harmony Grove Road Water Line Extension shows total expenditures of \$304,440. To meet the shortfall, he was proposing to use \$143,660 in EPA grant funds left over from another project and a small county match (\$10,000-\$15,000).

Mr. Abernathy mentioned a series of items that needed to be approved, including the capital project budget, and a resolution affirming that the County's rates are appropriately set. He advised bids would be opened in August or September and asked that the Board vote to accept the items presented, authorize additional items that are grant related and approve the project budget.

Commissioner Lavender made a motion to authorize items that are grant related, including the resolution affirming the County's rates, and to approve the project budget as presented. Commissioner Buff seconded the motion and the vote was unanimous.

BOARD APPOINTMENTS

Chairman Walker noted the five applicants for the new Marion Area Fire Advisory Board of Directors and, presented on first reading, the vacancies on the Social

Services Board, the McDowell County Planning Board, and the McDowell Tech Board of Trustees.

A motion was made by Commissioner Lavender to suspend policy and to reappoint Joe Kaylor to McDowell Tech and Tommy Stamey to the Planning Board.

Discussion followed, after which Commissioner Lavender agreed to defer the motion and wait for another reading.

PUBLIC HEARING CLOSE OUT CDBG GRANT FOR WATSON ROAD

Chairman Walker declared the Board in public hearing for the purpose of receiving comments from the residents concerning the County closing out a 2007 Community Development Block Grant (CDBG) Economic Development Project. He asked the County Manager to comment on this project.

Mr. Abernathy advised the project was complete and the County had expended \$146,573.66 of the original grant award of \$247,760. He pointed out the people on Watson Road were in a desperate situation and this had been a great project by assisting those in need. Mr. Abernathy explained staff had tried to apply the remaining funds to another project but this could not happen. He asked his assistant to make additional comments.

Mr. Wooten said a survey had been done on South Creek Road in an effort to get a project that would meet the required criteria but this did not happen.

Chairman Walker asked if any one present wanted to speak on the Watson Road Project. No one responded.

Commissioner Webb made a motion, seconded by Commissioner Buff, to close the public hearing. The motion carried unanimously.

Commissioner Webb then made a motion, seconded by Commissioner Buff, to close out the Watson Road Extension Project. The motion carried unanimously.

RESOLUTION REGARDING LAND USE PLAN

The County Manager explained the Transportation Planning Branch of the North Carolina Department of Transportation (DOT) was updating the Transportation Thoroughfare Plan for McDowell County, the City of Marion, and the Town of Old Fort. One requirement is to have a current plan use plan. He introduced *A RESOLUTION TO REAFFIRM THE McDOWELL COUNTY LAND USE PLAN* for the Board's adoption.

Commissioner Lavender made a motion, seconded by Commissioner Webb to approve the resolution as presented. By unanimous vote, the resolution was adopted as follows:

**A RESOLUTION TO REAFFIRM
THE McDOWELL COUNTY LAND USE PLAN**

WHEREAS, the McDowell County Board of Commissioners (the “Board”) adopted the McDowell County Land Use Plan December 1993 (the “Land Use Plan”); and

WHEREAS, the Land Use Plan remains in effect pending development and adoption of a new land use plan; and

WHEREAS, the North Carolina Department of Transportation, Transportation Planning Branch is preparing to start the McDowell County Comprehensive Transportation Plan (the “Comprehensive Transportation Plan”) in January 2011; and

WHEREAS, the Board is considering adoption of the Comprehensive Transportation Plan; and

WHEREAS, it is provided by N.C. General Statute, §136-66.2(b1) that the “Department of Transportation may participate in the development and adoption of a transportation plan or updated transportation plan *when all local governments within the area covered by the transportation plan have adopted land development plans within the previous five years,*”; and

WHEREAS, the Department of Transportation has indicated that this requirement will be satisfied upon adoption by the Board of a resolution reaffirming the Land Use Plan; and

WHEREAS, the McDowell County Board of Commissioners desires to reaffirm its Land Use Plan to comply with N.C.G.S. §136-66.2(b1); and

WHEREAS, the Land Use Plan shall remain in effect until such time as the Board resolves otherwise.

NOW, THEREFORE BE IT RESOLVED BY THE McDOWELL COUNTY BOARD OF COMMISSIONERS that the Land Use Plan is reaffirmed for the purpose of complying with N.C.G.S. §136-66.2(b1).

ADOPTED this 14th day of June, 2010.

RESOLUTION REGARDING NCACCC WORKER’S COMPENSATION POOL

The County Manager pointed out McDowell County has participated in the Worker’s Compensation Pool operated through the North Carolina Association of County Commissioners (NCACC) for a number of years. In order to continue that participation, the Board was being asked to adopt the *RESOLUTION TO ADOPT THE INTERLOCAL*

AGREEMENT AND TO JOIN THE NCACC RISK MANAGEMENT POOL. The *INTERLOCAL AGREEMENT* is the document that governs our participation in the Pool and covers a broad range of issues.

Commissioner Lavender made a motion to approve the resolution as presented. Commissioner Buff seconded the motion and by a unanimous vote, the resolution was adopted as follows:

**RESOLUTION TO ADOPT THE INTERLOCAL AGREEMENT
AND TO JOIN THE NCACC RISK MANAGEMENT POOL**

WHEREAS, McDowell County desires to pool the retention of their risks, liabilities and/or payments, or for the group purchase of coverage, and has completed a Pre-Audit Certification in compliance with N.C.G.S. §159-28; and

WHEREAS, the North Carolina Counties Risk Management Agency d.b.a. NCACC Risk Management Pools (hereafter called the "Risk Pool"), has been established pursuant to G.S. §153A-445 (a)(1) and G.S. §160A-460 through §160A-464; and

WHEREAS, it is desirable for McDowell County to join the Risk Pool to obtain the opportunity for risk sharing and/or group purchase of coverage;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners or Governing Board of McDowell County hereby adopts the foregoing Interlocal Agreement and hereby joins and agrees to participate in the Risk Pool as indicated:

North Carolina Workers' Compensation Joint Risk Management Agency d.b.a.
NCACC Workers' Compensation Pool

BE IT FURTHER RESOLVED that McDowell County is duly authorized to execute the application to join the Risk Pool and hereby executes the Agreement on behalf of McDowell County.

Adopted this 14th day of June, 2010.

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 \$95.41
Releases Over \$100.00	Released amount of \$1,880.76
Motor Vehicle Releases/Under \$100.00	Released amount of \$188.97

Motor Vehicle Releases/Over \$100.00	Released amount of \$498.68
Release Refunds	Refunded amount of \$1,287.42

Commissioner Lavender made a motion, seconded by Commissioner Webb, to approve the tax releases and refunds as presented. By a unanimous vote, the motion carried.

REPORTS AND COMMUNICATIONS

Concerning the budget for the coming fiscal year, the County Manager said obviously everyone wanted to wait as long as possible before adopting the budget for the coming year and the month would end on Wednesday. Also, he pointed out there had been some thought of not holding a meeting in July although there are items of business that cannot wait until August but could be handled at a budget meeting.

Commissioner Webb commented on the situation of the State budget, the shortfall, etc., noting that he was not very optimistic at this time.

In discussion, the dates of June 28th and 30th were considered for further work on the budget. By consensus, the Board agreed to meet on both dates at noon, with a workshop on Monday (28th) and a decision on insurance and the adoption of the budget on Wednesday (30th).

PUBLIC HEARING LITTLE SWITZERLAND SERVICE DISTRICT

Chairman Walker asked the County Manager to lead the discussion.

Mr. Abernathy gave a general overview of the issue with people living in the Little Switzerland area and their inability to obtain insurance, the direction given by the Board last year for a recommendation to be brought back for consideration. He noted the involvement of Parkway Fire and Rescue in seeking a solution as to how responses would be shared, with an agreement for this happening. He said what makes the creation of this service district a little different is that a tax would be levied in McDowell and would be shared with two fire departments (Woodlawn/Sevier and Parkway Fire and Rescue). He made reference to the map and the RESOLUTION FOR APPROVAL OF INSURANCE DISTRICT BOUNDARIES, the upcoming public hearing, and the Agreement creating the Service District between McDowell County and Parkway Fire and Rescue. He advised the rate to be imposed is recommended by all parties to be established at eight cents.

Commissioner Lavender noted the "tweaks" in the document mentioned at a previous meeting. He was advised they were all handled.

At this time, Chairman Walker declared the Board in public hearing on establishing a Service District for fire protection under G.S. 153A-301 in the Little

Switzerland area to be provided by Parkway Fire and Rescue. He asked that any one who wished to speak to please come forward.

Bill Carson, a resident of the Little Switzerland community, said he commended the Board, the two Fire Departments and others who had worked to resolve this issue and wanted them to know that he appreciated the cooperative spirit of everyone and how this has come together for the benefit of everyone.

Terry Young, Emergency Management Director, spoke briefly and noted the creation of the Service District would make it a "class 6" rating. He recognized Tony Cook, Vice-President of the Woodlawn/Sevier Fire Department, and Eric Wiseman and Eddie Duncan of Parkway Fire and Rescue.

A lady (name unknown) thanked everyone for the efforts made in resolving this issue.

A motion was made by Commissioner Lavender, seconded by Commissioner Buff, to close the public hearing. By a unanimous vote, the motion carried.

Commissioner Lavender then made a motion, seconded by Commissioner Webb, to authorize establishment of the eight-cent tax in the Budget Ordinance. By a unanimous vote, the motion carried.

Commissioner Lavender made a motion to approve the Resolution for the Service District as presented. Commissioner Buff seconded the motion and by a unanimous vote, the Resolution was adopted as follows:

***RESOLUTION
FOR APPROVAL OF INSURANCE DISTRICT BOUNDARIES***

**NORTH CAROLINA
McDOWELL COUNTY**

Upon motion by Commissioner Lavender, seconded by Commissioner Buff, **RESOLVED** that the Board of Commissioners of the County of McDowell approves the boundary lines of **PARKWAY FIRE AND RESCUE** Insurance District in accordance with the maps filed this date with the Board of County Commissioners and recorded in the minutes of the meeting. Said **PARKWAY FIRE AND RESCUE** Insurance District being described as follows:

See attached map

RECESS

With a few minutes to spare before the next appointment, Chairman Walker declared a short recess at this time, after which he called the meeting back to order and proceeded with the next item of business.

BIDS ON FOOTHILLS PILOT PLANT PROJECT

The County Manager gave a brief overview of the project and presented bids as follows:

See Attachment

The low bid was submitted by Cooper Construction of Hendersonville, North Carolina in the amount of \$388,000.

Smithson Mills explained the status of the project as far as where they are with the USDA process. He advised they can work with the figures, making note of the alternates, saying they want to meet all the USDA food safety issues, etc.

Commissioner Webb asked about any issues that are of any concern. Mr. Mills said there are some, which he addressed briefly, but assured the Board they want to meet all the requirements and feel they can be met. He noted the area the project will serve, saying people may easily drive 75 miles to come here to do business. He advised Cooperative Extension District Director Dan Smith is aware of what is happening with this project and is very supportive.

Mr. Abernathy pointed out they would really push for Mr. Smith and others of Cooperative Extension Service being here to support and give management in the event that Smithson Mills should move away. He asked that the Board approve the low bid and add the USDA item which Mr. Mills had mentioned.

Commissioner Lavender made a motion to approve the low bid of \$388,000 from Cooper Construction for the Pilot Plant Project. Commissioner Webb seconded the motion and the ayes carried unanimously.

CLOSED SESSION

Chairman Walker called for a motion to go into closed session to discuss a property matter. Commissioner Webb made a motion to go into closed session in accordance with General Statute 143-318-11 (5). Upon a second by Commissioner Lavender and by unanimous vote, the Board went into closed session for the purpose stated.

Commissioner Buff made a motion to go out of closed session. Commissioner Webb seconded the motion and the vote was unanimous.

REGULAR SESSION RESUMED

When back in regular session, Chairman Walker called for a motion from the Board.

Commissioner Lavender made a motion, seconded by Commissioner Buff, to enter into an option of \$5,000 with Crescent Resources to purchase 275 acres of property with due diligence to be completed between now and the end of the year. The motion carried by a unanimous vote.

CITIZEN COMMENT

Chairman Walker checked the roster for any one wishing to speak but no one had signed up; therefore, there was no citizen comment.

ADJOURNEMENT

There being no further business to transact at this time, upon motion by Commissioner Lavender and a second by Commissioner Webb, the meeting was adjourned until Monday, June 28, 2010, at 12 o'clock noon for a budget workshop.

DAVID N. WALKER, CHAIRMAN

CARRIE PADGETT
CLERK TO THE BOARD

Finnish American LLC

3-Jun-10

Bldg Tab - Foothills Pilot Plant, A JN NC

License #	Bid Bond	Base Bid	Alt #1 Insulated Metal Panel	Alt #2 Metal Bul	Jnd Subcontractors	Address #1-3	Voluntary Alternates
Engelhard Builders 280 Barnes Road, Blain A Merton, NC 28752 (828) 662-0087	7003	6%	\$ 485,746.00 \$	30,357.00 \$	3,945.00 \$	Yes	Change Exterior Metal Panels to 28 ga Deduct \$1200 Remove Insulation Deduct \$12,725 Add Eave Canopy \$4800 Use Chain Drains from Warehouse Deduct \$9100 Run water main underground to Mech Room Deduct \$740 Gasburied gas piping Deduct \$400 Dialite into water heater Deduct \$8700 Remove ceiling spec Deduct \$1000
Wilde Construction Co 2025 Harper Ave SW Lenoir, NC 28645 Ph: 828-764-6431	3238	6%	\$ 444,285.00 \$	37,800.00 \$	5,865.00 \$	Yes	Change Exterior Metal Panels to 28 ga Deduct \$600
Hammer Construction 300 Tempa Mountain Road Spruce Pine, NC 28777 Ph: 828-765-7760	8366	6%	\$ 478,787.00 \$	41,400.00 \$	9,020.00 \$	Yes	None
GEM Construction 2024 Nc Creek Road Merton, NC 28752 (828) 663-3767	13669	6%	\$ 479,488.00 \$	42,000.00 \$	6,560.00 \$	Yes	None
CSC Construction Company P.O. Box 2344 Hogantown, NC Ph: 828-437-4141	20445	6%	\$ 416,000.00 \$	39,400.00 \$	3,600.00 \$	Yes	Dialite Single Bover R30 and use R19 Deduct \$5200 Aluminum Cap Ceiling Gold Deduct \$400
Stone-Murphy Building Co 3008 US Highway 70 SW Felicity, NC 28602 (828) 328-2333	42408	6%	\$ 432,250.00 N/A		5,700.00 \$	Yes	None
Patton Construction Group 605 Long Strada Bldg 101 Ardent, NC 28704 (828) 687-7087	60108	6%	\$ 449,000.00 \$	- \$	1,250.00 \$	Yes	None
Cooper Construction Co., Inc. 781 South Allen Road - Pitt Bluff, NC 28771 PO Box 68 - Hendersonville, NC 28759 (828) 652-7228 ext. 316	4783	6%	\$ 389,000.00 \$	33,000.00 \$	4,900.00 \$	Yes	None
Maple Leaf Designs & Build Inc 1364 US Hwy 221 N Rutherfordton, NC 28139 (828) 287-3780 phone/fax	68103	6%	\$ 434,400.00 N/A		5,000.00 \$	Yes	None
Greenco Inc 615 West Main Street Pilot Mountain, NC 27041 (338) 388-2788	34628	6%	\$ 402,000.00 N/A		4,000.00 \$	Yes	None
Humbert Associates, Inc 3704 Security Mills Road Clemex, NC 27233-6168 Phone (338) 282-7280 x500	9028	6%	\$ 526,227.00 \$	36,130.00 \$	3,960.00 \$	Yes	None