

**STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
BOARD OF COMMISSIONERS  
REGULAR SESSION – APRIL 11, 2011**

**ASSEMBLY**

The McDowell County Board of Commissioners met in regular session at 5:00 p.m. on Monday, April 11, 2011, in the Commissioners' Board Room, the usual place of meeting.

**MEMBERS PRESENT**

David N. Walker, Chairman; Barry E. McPeters, Vice-Chairman; Andrew K. Webb; Michael K. Lavender; and Joshua R. Dobson.

**OTHERS PRESENT**

Charles R. Abernathy, County Manager; Carrie Padgett, Clerk to the Board; Theresa Strickland (Video); and reporter Mike Conley for THE McDOWELL NEWS.

**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

Minutes of the March 14, 2011 regular session and the April 1, 2011 public hearing for purposes of economic development were presented for approval.

Commissioner Dobson made a motion, seconded by Commissioner McPeters, to approve the minutes of both meetings as presented. The motion carried by unanimous approval.

**APPROVAL OF AGENDA**

With no additions or deletions noted, Commissioner McPeters made a motion to approve the agenda as prepared. Commissioner Webb seconded the motion and by unanimous vote the agenda was approved.

## **PRESENTATION OF NCACC ANNUAL AWARD**

Chairman Walker welcomed David Nicholson, Outreach Associate with the North Carolina Association of County Commissioners, who was at tonight's meeting to present an award. First, he expressed his appreciation for the opportunity of meeting with the Board, and noted McDowell County's participation with the Association which is very important to them. He thanked Mr. Abernathy and Commissioner Webb for being at their district meeting on April 7<sup>th</sup> in Asheville.

Mr. Nicholson stated this was the second year in a row that McDowell County had received an award from NCACC through their Outstanding County Program Awards. This year's award was given for McDowell County's "Community Health and Mobility Partnership" (CHAMP), a fall prevention program. The winning programs will be featured in the April issue of *CountyLines*, a publication of NCACC.

Mr. Nicholson congratulated McDowell County for again being a recipient of an award, noting that out of 40-45 programs submitted, only nine were approved for an award. The main criteria of this program are taking what one county is doing and, applying the same principles, using it for the same type of program somewhere else.

Mr. Abernathy gave a brief summary of the program which is collaborative involving the private sector. Baxter Healthcare, through their grant program, provided funding. The program has multiple partners, ranging from County government and several departments to external entities such as the Community College, the curses and medical program at UNC-Chapel Hill as well as other public health groups. It is a senior citizen fall awareness and prediction program. What the County learned is that there were significant impacts to County services directly, especially in EMS, and a high percentage of our calls were in responding to this type of situation. Since implementation of this program, there has been an 80% reduction using the methodology used by the professors at Chapel Hill in the number of falls based on the people that have gone through the screening program. McDowell is the first county to implement this program which can be duplicated elsewhere.

Mr. Nicholson then presented the Outstanding County Program Award to Chairman Walker.

## **RECOGNITION OF JUANITA DOGGETT**

Chairman Walker welcomed Juanita Doggett, former Director of Industrial Training at McDowell Technical Community College. He congratulated her on her work for the College and on her recent retirement. He gave other Board members an opportunity to comment as well. Some of the comments heard were on how active she had been, her ability to interact in the business world, of being a real asset at the College in doing recruitment work, her dedication to her job and of being there when needed, even on weekends, etc.

Economic Development Director Chuck Abernathy spoke of her role in training, saying she is the epitome of customer service having worked for a number of years with General Electric. He said he felt a debt of gratitude to her in that she had helped immensely with serving local industries as well as assisting him with expanding and new industry recruitment.

On behalf of the Board of Commissioners, Chairman Walker presented a plaque to Mrs. Doggett for her services to McDowell County. Mrs. Doggett thanked the Board for the plaque and expressed her appreciation for the opportunity of working with members of the Board and Mr. Abernathy over the years and for the good relationship she had enjoyed.

### **BUDGET UPDATE AND AMENDMENTS/RESOLUTION ON 457 PLAN**

The County Manager presented an overview of the budget amendments recommended for approval at this time:

- GF 27 – Transfers funds between line items. The transfers are all under the \$3,000 limit allowed with notification to the Board.
- GF 28 – Allocates 4-H donated revenues and transfers funds between several line items.
- GF 29 – Amendment takes the same amount from salaries and uses it for contract labor. The County hired using contract labor instead of a full-time position for several reasons this year.
- GF 30 – Funds were rolled forward to purchase dumpsters from the previous fiscal year. Amendment appropriates those funds.
- GF 31 – Amendment does the same thing for the Volunteer Center.
- GF 32 – The state reduced funding to the JCPC program. This does not affect local revenues.
- GF 33 – Amendment allocates revenue for the McDowell Mission roof, the option payment and survey for the water filtration plant property, and for our continued use of tax audits. The audits are paid for out of the collections.
- GF 34 – Amendment primarily receives additional federal funding in the DSS programs.
- GF 35 – Amendment results from a high speed wiring project that was placed on the County by the State for the Clerk of Court. AOC updated all of the fiber in all 100 counties. The County was unable to postpone until next

fiscal year.

A motion was made by Commissioner Lavender and seconded by Commissioner McPeters to approve budget amendments #27-35 as presented. The motion carried by unanimous approval.

The Finance Officer explained the NC Deferred Compensation Plan (also known as a 457 Plan) is sponsored by the State of North Carolina and is available ONLY to North Carolina public employees. As a public employer in the State of North Carolina, McDowell County has the ability to offer its employees this unique plan. She introduced a BOARD RESOLUTION for the Board's approval. She advised County employees already have access to a 457 Plan through NACo, which would not be disrupted, although not many employees participate.

A general question/answer session followed.

Commissioner Dobson made a motion, seconded by Commissioner Lavender, to accept the Resolution as presented to allow participation in the 457 Plan. By a unanimous vote, the Resolution was approved as follows:

### **BOARD RESOLUTION**

WHEREAS, the Board of Commissioners wishes to provide a qualified defined contribution plan to the employees of McDowell County.

AND WHEREAS, the State of North Carolina has established the North Carolina Public Employee Deferred Compensation Plan, a qualified governmental Deferred Compensation Plan under the Internal Revenue Code, 457(b), for public employees of North Carolina.

THEREFORE, be it resolved that McDowell County has adopted the North Carolina Public Employee Deferred Compensation Plan, also known as "NC Deferred Comp," under the terms of the Plan Document and the Third Party Administrator Agreement. All employees shall become eligible to defer Compensation (immediately or waiting period).

Signed this 11<sup>th</sup> day of April 2011.

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Chairman of the Board

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Date

## **MENTAL HEALTH PROVIDER UPDATE**

The County Manager advised the Mental Health District that McDowell County is a member of recently issued Requests for Proposals to private or not-for-profit firms to provide Mental Health related services for McDowell County. Those services are currently provided by New River. The decision is the Mental Health District's decision to make. The Board of Commissioners is only receiving information on the transition that will occur to the new entity which is RHA and since there is a change in the service provider, there will obviously be a change in the lease.

Brian Ingraham, CEO for Smoky Mountain Center, thanked Commissioner Lavender for his leadership on their Board of Directors, his attention to detail and all that he contributes. Mr. Ingraham advised they had been trying to improve service delivery in this region for some time and had made the decision to reorganize service delivery as a result of an RFA. RHA is the organization that was chosen. The lease will now involve RHA instead of New River.

Mr. Ingraham then recognized Sandy Feutz, LCSW, and Vice President of Operations, passed out a packet of information and then gave a general summary of RHA and the services they provide.

Commissioner Lavender stated he was pleased with the decision made to go with RHA and recommended that the lease with New River not be renewed. He pointed out the County Attorney says this is a routine matter and that he sees no problem with it. In further discussion, the County Manager addressed the transition and what it will entail. Commissioner Lavender noted that the County Attorney had recommended an additional clause to the lease that would remove any ambiguity that exists with the current lease.

A motion was then made by Commissioner Lavender to not extend the lease with New River, to authorize staff to negotiate a lease with RHA, and to expedite the transition as much as possible. Commissioner McPeters seconded the motion. In further discussion, Mr. Ingraham addressed their plans for notifying clients of the transition, assuring the Board that this will be done as carefully and efficiently as possible.

When put to a vote, the motion passed by unanimous approval.

## **UPDATES ON VOLUNTEER CENTER ACTIVITIES**

Volunteer Center Director Gloria Burrow came before the Board with an update on various activities consisting of four components.

The first event is the Volunteer Awards Reception on April 14<sup>th</sup> at the McDowell Senior Center at 6:00 p.m. to celebrate and honor outstanding volunteers who are recipients of the Governor's Award, Make a Difference Day Participants, and Community Volunteers. Veterans of the County will be involved with the display of

colors, the pledge, etc. The program will include an experienced speaker and Dr. Trollinger will also address how local volunteers have impacted the schools.

Terry DePoyster, the County's Facility Maintenance Director and a member of the Volunteer Center Board of Directors, expressed his appreciation for the Board's support. He said without it, they would not have the involvement of others as much as they do, noting the need to reach out and help in whatever way possible during the current economic times.

Continuing, Ms. Burrow asked the Commissioners to consider naming another member of their Board to serve on the Keep McDowell Beautiful Board of Directors in the absence of former Commissioner Dean Buff. She then advised the 2011 Earth Day Celebration, sponsored by Keep McDowell Beautiful, Inc., would be on Saturday, April 16<sup>th</sup>, from 9:00 am to 2:00 pm, noting the change in location from Wal-Mart to the YMCA this year. She advised the program will include live music, food, plant sales, paint swap, school banner contest with first, second and third place winners, and was to include a hybrid vehicle demo. However, this may not happen because they have not located a dealership yet that has one available.

YMCA Director Tim Blenco explained what will be involved with the Healthy Kids Day, also scheduled for April 16<sup>th</sup> at the Corpening YMCA.

Darline Atamanchuk, Coordinator for the Housing Coalition, provided an update on their fund raisers and grants, noting that she will have some suggestions on new fund raisers in the future.

The County Manager explained the part the Commissioners had in establishing the housing coalition and mentioned the need to take this project to another level for sustainability.

### **PUBLIC HEARING ON ECONOMIC DEVELOPMENT PROJECT**

Chairman Walker declared the Board in public hearing to receive public comment concerning economic development incentives offered by McDowell County as authorized by Section 158-7.1 of the North Carolina General Statutes. He asked Economic Development Director Chuck Abernathy to give a summary of the incentive being offered for this project.

Mr. Abernathy advised this is the third one held in about 60 days although this one is a little different. He advised the incentive will include the payment of \$120,000 paid over five years for machinery, equipment, and building improvements. McDowell County has determined that the public benefits to be derived and received from the company include the capital investment of \$1,500,000 in machinery, equipment and building along with the employment of 40 new jobs at wages paid by the company that will exceed the average manufacturing wages for the County. Further, Mr. Abernathy advised a 1NC application has been submitted to the State in the amount of \$3,000 a job.

This grant must be matched by County dollars. The amount is obviously consistent with the Board's guidelines and everything is done contractually and no dollars are expended until the company first performs. He advised he could not comment on the name of the company, noting the Governor of the State must make the announcement.

Chairman Walker opened the floor for public comment; however, there were none made.

Commissioner McPeters made a motion, seconded by Commissioner Lavender, to close the public hearing. The motion carried by unanimous approval.

Chairman Walker called for a motion concerning the project. Commissioner Lavender made a motion, seconded by Commissioner McPeters, to authorize Mr. Abernathy as Economic Development Director to offer the incentive package as outlined for 40 new jobs at \$3,000 per job to be paid over five years. By unanimous approval, the motion carried.

### **CENTRALIZED DISPATCHING AGREEMENT**

As an update, the County Manager summarized the 911 Consolidation Proposal of services between the City and the County, including the enhancement of services, the County's savings in future costs, the City's savings in funding, as well as the opportunity to use the accumulated 911 funds for the move and the renovation. The City of Marion is providing space at their Police Department. Mr. Abernathy said he is excited about the consolidation and about the City's cooperation, noting the improvement will provide better security and be more efficient. He advised the State has been very flexible in allowing much of this to happen.

Emergency Management Director Terry Young spoke of the working relationship and his experience with the Utility Committee, the City personnel, etc. He addressed the renovation, the budget needs, etc., noting the 911 Center will be more secure and much improved, etc., and said the timing for this to happen is good as well.

Mr. Young explained they will have four work stations as opposed to the current three which will be good for times when additional people are involved or in the event the Sheriff's Department comes in to be a part of this transition. He said their goal for implementation is July 1<sup>st</sup>, although it could be somewhat later.

Commissioner Webb asked about the generator. Mr. Young advised the generator will meet their needs very well.

Chairman Walker spoke of Chief Brooks' cooperation and asked that he be advised and updated as the transition moves forward.

Commissioner Webb made a motion to enter into the 911 Consolidated Agreement as presented. Commissioner McPeters seconded the motion and by unanimous approval, the motion carried.

### **EMERGENCY OPERATIONS PLAN**

Emergency Management Director Terry Young addressed the Regional Hazard Mitigation Plan and what this will entail. He advised it had been sent to the State and was approved and to the Federal Emergency Management Agency (FEMA) and was approved there also. He was now asking that the Board approve it as well. Mr. Young advised this will be the first one in the State.

A brief discussion followed on the floodplain maps, our involvement with other counties, etc.

A motion was made by Commissioner McPeters to approve the *Emergency Operations Plan* as presented. Commissioner Lavender seconded the motion. By unanimous approval, the motion carried.

### **WATER PROJECTS UPDATE**

The County Manager advised the water line project on Harmony Grove Road was being finished and would extend a little further than originally thought. The extension on South Creek Road will not be very lengthy (about a thousand feet to Lilly Pad Drive) and would not go to Tanya Drive. The hook-ups are greater than he had thought, with about 30 having signed up.

Chairman Walker commented on the residents' appreciation for the work that has been done. Mr. Abernathy noted the fees were waived and completion of the project will occur in a couple of weeks.

Next, Mr. Abernathy addressed the email from the City of Marion on their partnering with the County in the Sugar Hill Road Water and Sewer Project. He pointed out the bids are coming in and are very competitive. Everything is approved and the County's share of the project is \$51,968.05.

Concerning the small business infrastructure grant from the NC Rural Center, Mr. Abernathy advised there were three related documents in the agenda packet that needed the Board's approve:

- 1) Authorizing Resolution by Governing Board – Authorizes the County Manager to sign documents related to the grant and also lays out expectations of the Rural Center regarding the grant.
- 2) Certification by Chief Elected Official – Actually two similar resolutions, both of which provide requirements the County must abide by if the grant is received.

3) Conflict of Interest Statement – This certifies that the Board understands NC General Statute 14-234 which covers contracting by public officials.

Mr. Abernathy stated the County has about \$10,000 that will connect the facility to water.

Commissioner Lavender made a motion to approve the related NC Rural Center grant documents as presented. Commissioner Dobson seconded the motion and by unanimous approval, the motion carried.

Next, Mr. Abernathy made reference to the updated Cost Estimate for water and sewer improvements to the Ashworth Road Property. The updated figures show the construction cost for sewer at \$717,025 and the construction cost for water at \$287,650.

Commissioner Dobson raised a question as to whether this will be mostly grants or local dollars. The County Manger said it would be mostly grants.

### **TRAVELING VIETNAM WALL UPDATE**

The County Manager advised he wanted to highlight the Board in being front and center on this project, noting the need for the two governing boards (County and City), the School System, and the Town of Old Fort Board of Aldermen being a part of the ceremony in laying a wreath on the Courthouse Lawn. He pointed out this will be a great celebration with many people involved. The wall being displayed in McDowell County is an 80% replica of the wall in Washington, DC.

### **DMV APPLICATION DISCUSSION**

The County Manager advised the DMV Application process is very complicated and the operation of the DMV Tag Office is a very difficult service to provide due to the stress on employees and the frustration to the public in having to renew tags, change titles, etc. However, the Commissioners wanted the County to take over the operation due to the situation with the previous office being shut down. The County has now been operating the Tag Office for two to three years. He pointed out that several months ago, the State had said they would seek applications for the operation and the County submitted an application to continue.

Mr. Abernathy advised the County had made \$6,000 according to the audit and there is about \$7,000 indirect costs, etc., noting we are not doing this because of the profit. He pointed out he tends to think that if a good vendor offers to provide the service that we cease doing it. However, he noted the bill (#1779) that will change the operation by the State and what will happen when the bill goes into effect. He said he would ask that the Board not turn loose of this operation right now if they had been thinking of doing so.

In comments from the Board, Commissioner Webb stated he was not ready to make that decision yet. He said hopefully there will be a better view of where the County would need to go and maybe some revenue to offset what we are doing. Others noted the convenience, a good location, waiting to see that everything is right, etc. The computer system aspect was also mentioned.

### **NO TRESPASSING ORDINANCE/RECOMMENDATION FROM PLANNING BOARD**

Concerning a No Trespassing Ordinance, a recommendation from the Planning Board, the County Manager pointed out that a few problems had arisen, noting the electronic collars, the group of people that will be interested, etc. He recommended sending this issue back to the Planning Board, directing that they talk with those people or groups and have their input. He pointed out it was not necessary to have a public hearing.

Discussion followed, with each Commissioner addressing his concerns. Among the comments made, the Board felt it best to move carefully, have input, considering the issues and pending legislation, etc., remembering that hunting and good sportsmanship are important aspects. Consensus was to wait for more input.

### **BOARD APPOINTMENTS**

Chairman Walker noted the vacancy on the Planning Board, presented on second reading with Bob Blankenship as the applicant, and two additional vacancies presented on first reading.

Also, the Chairman pointed out the Adult Care Home Advisory Committee currently has only three members and needs more. Leah (Hoppi) Robertson had applied for the Nursing Home/Adult Care Home Committees. He asked what would be the pleasure of the Board regarding the Adult Care Committee.

Commissioner Lavender made a motion, seconded by Commissioner McPeters, to suspend the rules and appoint Leah (Hoppi) Robertson to the Adult Care Home Advisory Committee. The motion carried by unanimous approval.

The Board then voted by written ballot on Bob Blankenship for the Planning Board. By a unanimous vote, Mr. Blankenship was reappointed to the Planning Board.

### **TAX MATTERS**

The County Manager made reference to the Tax Assessor's memo concerning the 2011 session of the Board of Equalization and Review. Mr. Renfro wants to open the Board of E & R for taking appeals on Tuesday, April 26<sup>th</sup> at 5:00 p.m. (a very short meeting only for swearing in Board members) and close the Board of E & R for taking appeals on Tuesday, May 24<sup>th</sup> at 5:00 p.m., with appeal hearings starting on that evening.

By consensus, the Board unanimously agreed with the Tax Assessor's schedule.

Next, the Board considered the monthly presentation of tax releases and refunds. In summary, they were:

Releases Under \$100.00	Released amount of \$293.39
Releases Over \$100.00	Released amount of \$521.80
Release Refunds	Refunded amount of \$1,577.58
Motor Vehicle/Releases Under \$100.00	Released amount of \$947.72
Releases Over \$100.00	Released amount of \$599.64

Commissioner Webb made a motion, seconded by Commissioner McPeters, to approve the tax releases and refunds as presented. The motion carried by unanimous approval.

### **MUDDY CREEK PARTNERSHIP ORGANIZATION**

The County Manager advised Mr. Andy Brown had not shown up and that it was important to have him present for discussion of this item, suggesting that it be placed on next month's agenda. He made mention that a group from this organization had met with the Board a year ago.

By consensus, the Board agreed to table the item until next month.

### **CITIZEN COMMENT**

Marion resident Frank Denniston requested clarification on the 911 Centralized Dispatching Agreement, pointing out the need to have the Sheriff's Department included. He asked what happens if one needs the Sheriff's Department.

The County Manager explained the protocol to be followed for dispatching the Sheriff's Department, noting that there had been discussion of perhaps including the Sheriff's Department at some point in the future.

Also, Mr. Denniston made reference to the area near Lowe's on Highway 70 and the flooding that occurs there. He asked who could one contact to inquire about getting this problem rectified. Mr. Abernathy responded, noting that the Department of Transportation has so far not taken responsibility for fixing this problem, and further discussion followed

Bob Barnes, also a Marion resident, had a question regarding the property the County had originally purchased for the Nebo water plant. He asked if the County still owns the property and, if so, suggested that the Board might consider developing the property for a park or something. He pointed out there could be approximately 175 parking spaces for parking on Lake James, but at any rate thought they should keep property for future uses. Further, he suggested to the Board that they read the hunting and fishing manual as it pertains to the Muddy Creek Watershed issue, noting that he owns property there and is interested in this.

Fred Murray, a resident from Gateway Mountain, advised there are 175 homes in his community and invited the Board to come visit them there. He said he would give them a tour.

### **REPORTS AND COMMUNICATIONS**

The County Manager noted the meeting of Soil and Water Conservation to be held on Tuesday at 10:00 a.m. He asked that at least one member of the Board attend this meeting since they are looking at doing some emergency planning in those areas, such as Muddy Creek.

Concerning the Veterans Memorial celebration, Mr. Abernathy advised there are two events for which the Commissioners are needed and he would ask that they focus on the Wednesday and Saturday events.

### **ADJOURNMENT**

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

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DAVID N. WALKER, CHAIRMAN

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CARRIE PADGETT  
CLERK TO THE BOARD