

**STATE OF NORTH CAROLINA  
McDOWELL COUNTY  
BOARD OF COMMISSIONERS  
REGULAR SESSION – JUNE 11, 2012**

**ASSEMBLY**

The McDowell County Board of Commissioners met in regular session at 5:00 p.m. on Monday, June 11, 2012, in the Commission 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 Josh Dobson.

**OTHERS PRESENT**

Charles R. Abernathy, County Manager; Carrie Padgett, Clerk to the Board; Theresa Strickland, Filming; and Mike Conley, Reporter for The McDowell News

**CALL TO ORDER**

Chairman Walker called the meeting to order and asked Commissioner Dobson to have the invocation, followed by the pledge of allegiance led by Commissioner Lavender.

**APPROVAL OF MINUTES**

Minutes of the April 16, 2012 regular session; the May 7, 2012 special session; the May 14, 2012 regular session; and the May 22 and May 29, 2012 budget sessions were presented for approval.

Commissioner Lavender advised he had spoken with the County Manager concerning two corrections to the minutes of April 16, 2012. Those corrections had been made by the Clerk, and a revised copy placed on the table for each Commissioner prior to the meeting showing corrections underlined as made.

With corrections noted, Commissioner Lavender made a motion, seconded by Commissioner McPeters, to approve minutes of the April 16, 2012 regular session as amended, and to approve minutes of the remaining four as recorded.

The County Manager asked if the motion would include minutes of the two sessions he had emailed to the Board. Commissioner Lavender advised those minutes were not included.

With no further discussion, the motion carried by unanimous vote.

With reference to the minutes of two budget meetings which Mr. Abernathy had emailed to Board, Chairman Walker asked what would be the pleasure of the Board. Commissioner Lavender advised he had not reviewed those minutes but would have no problem if other members of the Board wished to approve them. By consensus, the Board agreed to postpone approval of those minutes since everyone had not reviewed them.

### **APPROVAL OF AGENDA**

With no additions/deletions to the agenda, Commissioner Lavender made a motion, seconded by Commissioner McPeters, to approve the agenda as prepared. By unanimous approval, the motion carried.

### **BUDGET UPDATE AND AMENDMENTS INCLUDING FINANCE MATTERS**

The normal budget update as typically done by the County Manager was not given, but amendments were presented by the Finance Officer as follows:

GF 45 – Transfers \$35,000 additional dollars to the enterprise fund for waste disposal. With increased tonnage, fuel costs have risen.

GF 46 – To allocate grant revenue, places the McDowell House grant received for archeological work. Also, the Baldor amendment involves State funds received for their expansion.

GF 47 – Allocated donations in the Extension budget.

GF 48 – Allocates funds for fuel in the Building Inspection budget.

GF 49 – Transfers funds within the EMS budget that is grant related.

GF 50 – Transfers the Sheriff's Communications to the Communications Budget.

GF 51 – Necessary for a variety of repairs and leases including the copiers, the computers and the phone system.

GF 52 – Necessary due to the various items that have occurred over the past 6 months including the repairs of HVAC systems. Several systems have gone out.

GF 53 – Allocates grant funding in the Library budget and transfers funds within the department.

GF 54 – Allocates fund in Waste Collections primarily for fuel costs.

GF 55 – Allocates restricted revenues in the Register of Deeds budget.

GF 56 – Transfers funds within the Sheriff’s Department and also allocates restricted revenues.

GF 57 – Pays for increased costs in the Tax Department (printing and supplies).

GF 58 – Transfers funds within the JCPC budget.

GF 59 – Handles various miscellaneous line items including increases in the receipts of occupancy tax, increases due to the billing for the Rescue Squad, additional expenses for the medical examiner, increases to the ABC revenues and adjusting the City of Marion Hold Harmless.

REVF 1 – Allocates additional dollars for revaluation.

FD 1 – Recognizes actual revenue for the fire districts.

DS 1 – Adjusts the school reserve fund to recognize additional charges to the fund.

CP1 – Includes very small adjusts to two line items (County Projects).

SP3 – Allocates ADM and school sales tax.

ENT 1 – This amendment is the opposite side of the previous amendment.

911F1 – Appropriates the 911 Fund Balance and approved purchases.

ENT-UCSC2 – Allocates funds in the Universal fund that have been previously approved.

SI 1 – Receives reimbursement that was applied for by staff. Payroll is being posted and another self-insurance amendment will probably follow.

Additional items including a budget ordinance for the Tilson Project (\$480,000), documents for close-out of various County projects, and the application for ADM funds were also presented.

A brief discussion followed.

Commissioner Dobson made a motion, seconded by Commissioner Lavender, to approve budget amendments GF #45-59, REVF 1, FD 1, DS 1, CP 1, SP 3, ENT 1, 911F1, ENT-UCSC2, SI 1, and the additional items as presented by staff including projects and the application. By unanimous approval, the motion carried.

The Finance Officer presented two adjustments associated with the Nebo Water System—one a posting error; the other a meter reader error.

Commissioner Lavender made a motion, seconded by Commissioner Dobson, to approve the two water system adjustments as presented. By a unanimous vote, the motion carried.

### **BIDS AND FINANCING ON WHEEL LOADER**

Public Works Director Mike Gladden came before the Board concerning replacement of the wheel loader at the Transfer Station, the area where heavy equipment is used the most. He they pointed out they try to buy a piece of equipment that will last at least seven or eight years.

The County Manager pointed out the Board of Commissioners had previously authorized the bidding for the wheel loader. The bidding process had occurred and a total of three bids were received. Mr. Abernathy pointed out the bids reflect a warranty price and a base bid, with a total price to include both as staff is suggesting.

The bids were presented as follows:

<u>Vendor</u>	<u>Base Price</u>	<u>Warranty Price</u>
H & E Equipment	\$162,430.00	\$7,000.00 (7500 hrs/60 months)
<b>Total Price</b>	<b>\$169,430.00</b>	
James River Equipment	\$173,819.00	\$16,284.00 (7500 hrs/60 months)
<b>Total Price</b>	<b>\$190,103.00</b>	
Carolina Tractor	\$186,929.98	\$3,190.00 (6000 hr/72 months)
<b>Total Price</b>	<b>\$190,119.98</b>	

Mr. Abernathy then addressed financing of the equipment which staff recommended instead of paying cash, but staff did not recommend the low bid. Mr. Abernathy pointed out the statutes say the County must accept the lowest responsible bid and it can deviate from that but must have substantial reasons for doing so. He said staff was suggesting acceptance of the second highest bid and asked Mr. Gladden to address this.

Mr. Gladden advised two of the three companies (H & E Equipment and Carolina Tractor) did not meet the minimum delivery date; therefore, he was recommending the bid from James River Equipment for the John Deere 624K in the amount of \$190,103.00

since this company did meet the required bid stipulation. He pointed out he had checked references on all three machines and the best reference was for the John Deere.

A brief discussion followed.

Concerning financing, the Finance Department had received four RFP's to finance one (1) John Deere 624K Wheel Loader for use in the Public Works Department. BB&T responded with a rate of 1.97% for a period of seven (7) years semi-annual payments in arrears beginning December, 2012. A *Resolution Approving Financing Terms* was also presented for the Board's approval.

Other financing responses were:

PNC – 2.80%  
 Mountain First – 5.50%  
 Bank of America – Not at this time

Commissioner Webb made a motion, based on the recommendation of staff, the bid from James River Equipment, and the need for immediate delivery, to approve the bid from James River Equipment (John Deere product) at \$190,103.00, and to approve the *Resolution Approving Financing Terms* with BB& T at 1.97%. Commissioner Lavender seconded the motion and by unanimous approval, the motion carried.

### **BIDS ON SECOND TRAIL LOOP**

The County Manager led the discussion, noting the bids received on the second section of the trail which picks up where the first phase stopped behind the Senior Center and will run along the Medical Park, The McDowell Hospital, the Health Department and the Law Enforcement Center. Mr. Abernathy made reference to a memo from Ronald Harmon date June 5, 2012 showing a summary of four base bids with alternates 1, 2, 3 and 4. He advised nothing was being recommended for alternates 3 and 4, other than to enter them into the minutes.

	Base Bid	Alternate 1	Alternate 2	Alternate 3	Alternate 4
G.E.M.	\$433,289.00	\$45,244.00	\$76,514.00	\$54,318.00	\$4,000.00
England Builders	\$310,941.00	\$45,021.00	\$49,895.00	\$48,317.00	\$3,350.00
Eagle Wood	\$357,294.00	\$31,800.00	\$55,729.00	\$59,000.00	\$ 967.00
Baker Grading	\$259,144.00	\$69,000.00	\$70,400.00	\$34,650.00	\$3,000.00

Mr. Abernathy explained that at first he was curious as to why the project was bid this way but now he could clearly see why. He pointed out that in order to build the entire loop, the base bid and alternates 1 and 2 are all part of that loop. The engineer, the

architect and designer worked it out so that alternates 1 and 2 were done separately, the reason being that the initial design had a couple of issues. First, it was designed to comply with ADA regulations which had a softer, gentler slope. PARTF was asked if they would allow the County not to comply with that in a particular steep section of the trail. When it was bid, that was not done; therefore, it was bid with full ADA compliance. He said there was an affordable way to do this and PARTF ended up allowing us to do it. Secondly, the area has a questionable soil issue whereby some soil would have to be removed and more soil brought in. Therefore, the project was bid separately for that reason as well.

Mr. Abernathy said with the base bid and the two alternates, Baker Grading is the low bid, noting they are a McDowell County company located in Old Fort, with an excellent reputation and work history. Further, Mr. Abernathy pointed out that in view of the available funds that are remaining, with the base bid and alternates 1 and 2, there is possibly about \$18,000 more project. However, he seemed optimistic that the project could be done for less, noting that he had even suggested over the weekend that it be narrowed down, but he heard very specific responses to the contrary, both from Commissioners and others involved. He said one of the changes would be to go from a 10 foot trail in width to an 8 foot trail. Mr. Abernathy recommended having the Corpening YMCA split the overages with us and to accept the low bid and alternates 1 and 2 with Baker Grading, with the understanding that there may be a cost overrun and that we anticipate that possible cost overrun being \$18,000.

A brief discussion followed.

Commissioner Lavender made a motion, seconded by Commissioner McPeters, to approve Baker Grading as the low bid with alternates 1 and 2, to stick with the original plan for a 10 foot trail as opposed to 8 foot, and to ask the Corpening YMCA to share the overrun. By a unanimous vote, the motion carried.

### **TRAIL ARBORETUM PRESENTATION**

Melanie Shaver, Biology teacher at McDowell High School, came before the Board with a proposal for an arboretum project along the YMCA Greenway Trail. She said when Mr. Abernathy had contacted her about the project she was very excited and felt this would be a great opportunity for her students to become involved in the community and with nature. Ms. Shaver introduced one of her students, Kaitlyn McMinn, who spoke concerning a project at McDowell West Junior High School in which she was involved. As volunteers, the students had cleaned off a trail and the surrounding area, rebuilt some of the bridges, and installed posts with signage to identify areas of interest. As a way of integrating technology into nature, the students had included bar codes for the convenience and enjoyment of people walking the trail. She felt this concept could be implemented to enhance the YMCA Trail.

Another student, Avery Vestal, was excited about being involved with this project. She talked about the variety of plants and trees along the trail and how signage could be posted to identify each one.

The County Manager pointed out that Miss Shaver was chosen as Teacher of the Year, and that Baker Grading will be involved in this project. Commissioner Webb addressed the value of this project and suggested that the project be monitored to see if McDowell County might be recognized as the first certified County in the State. Everyone was in agreement with this suggestion, and asked that Miss Shaver and others be involved in this effort.

The County Manager pointed out there is \$1,000 to \$1,500 from the PARTF grant that could be made available for this project, and that the County may apply for some grants as well.

Commissioner Lavender made a motion, seconded by Commissioner Webb, to approve this project and allow them to proceed and explore other grant opportunities. The motion carried by unanimous approval.

Mr. Abernathy advised a letter would be submitted to the Department of Commerce, noting if the City of Marion did something similar on their trail and the same is done on Point Lookout, the idea of our being a “certified community” might well be a reality.

### **BRIEF RECESS**

Chairman Walker declared a brief recess at this time to allow equipment setup.

### **PUBLIC HEARING ON 2012-2013 BUDGET**

At 5:45 p.m. as duly advertised, Chairman Walker declared the Board in public hearing to receive comments concerning the proposed Budget for Fiscal Year 2012-2013. He asked Mr. Abernathy for any further comments concerning the Budget Officer.

Mr. Abernathy advised the Budget was prepared in accordance with the Local Government Budget and Fiscal Control Act and that the Budget was being shown on the County Channel for the public’s review.

Chairman Walker opened the floor for comments from the public, but there was no one present who wished to speak.

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

## **PUBLIC HEARING ON ROAP FUNDING**

At 6:00 p.m. as duly advertised, Chairman Walker declared the Board in public hearing on the proposed Rural Operating Assistance Program (ROAP) application to be submitted to the North Carolina Department of Transportation. He introduced Steve Early, Chairman of the McDowell Transit Authority, for his presentation.

Mr. Early advised the performance period for Rural Operating Assistance Program funds is July 1, 2012 through June 30, 2013 and the individual program totals are:

Elderly & Disabled Transportation Assistance Program (EDTAP)	\$62,277
Employment Transportation Assistance Program (EMPL)	<u>15,926</u>
Total	\$78,203

Mr. Early pointed out the EDTAP funds are \$46,000 less than last year.

Chairman Walker declared the Board in public hearing to receive comments from the public concerning the ROAP funding. There was no one present who wished to speak.

Commissioner Lavender asked about the study which had been addressed in previous years. Mr. Early advised he had inquired concerning the study but he had not received anything further to share. The County Manager noted the transportation resources in the County for DSS, veterans, etc.

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

Commissioner Dobson then made a motion to approve the distribution of state funds as presented. Commissioner Lavender seconded the motion and the vote was unanimous.

## **PRESENTATION BY KATE B. REYNOLDS**

Carolina Rodier, Director of McDowell County Partnership for Children, and Corpening YMCA Director Tim Blenco came before the Board to provide an overview of the Kate B. Reynolds Charitable Trust grant submission process.

Mr. Blenco said McDowell County was one of three counties (Beaufort and Halifax are the other two) chosen to participate in an intensive, rural county strategy that will be locally led, an effort called Healthy Places NC. He said McDowell County was chosen because we have the capacity and assistance available for making the most of this opportunity. He addressed their plans for the next year to bring together the various community agencies and leaders, engaging those not typically involved, to talk about community needs, the risk factors that exist, those currently being dealt with, and how

they hope to address those. He pointed out the next funding cycle is August 15<sup>th</sup>, with another one in December.

Mrs. Rodier further explained how the process will go, noting they will split up from the beginning into two groups, and work to find leaders and see what can be done to make McDowell County a healthier county. She reference a meeting scheduled for September 13<sup>th</sup>, noting they will have more advertisements about this later.

Discussion followed on their plans for applying for grants, etc.

### **UNIVERSAL UPDATE AND GOLDEN LEAF CONTRACT/MOU WITH MTCC**

The County Manager advised he was working on two items related to this grant and completing the process. The Executive Committee of MTCC is scheduled to meet on Friday and the Trustees the next week. He presented the *Memorandum of Agreement Between the McDowell County Board of Commissioners and the McDowell Technical Community College Board of Trustees Regarding Matters Related to the McDowell Universal Career Pathways Skill Center and Golden Leaf Funding*. Further, Mr. Abernathy advised they are updating the budget for the grant, noting the initial budget was for the grant proposal. The second one is an update that was refined for the presentation with the Golden Leaf Board. Mr. Abernathy addressed his discussion with Chuck Hamrick concerning the equipment and construction costs, the computer room, renovations at the College, etc. He pointed out they had kept the parking lot the same that plumbing is low and is a concern, that they had taken out the landscaping, shuffling them to other areas. Mr. Abernathy said he did not want to do this on his own and would welcome input from the Board.

Comments and questions from the Board followed, after which Mr. Abernathy commented further about expenditures and revenues. Concerning vacated space, Mr. Abernathy pointed out this is not the final copy, noting this was not included in the copy available to them today.

### **UNIVERSAL ADVISORY COMMITTEE**

The County Manager updated the Board on the process of forming an advisory committee for the Universal Building, noting that he would draft a general mission and charge for this committee. Concerning potential appointees for the committee, he advised information, including an application, had been sent out to Baxter Healthcare, Inc., Baldor, and Haldex asking them to share with anyone that is interested. Mr. Abernathy said several, including the Chamber, wants the plant manager at Baxter's to be on the committee, and the City of Marion has expressed having Juanita Doggett as their representative.

In discussion, Chairman Walker suggested adjusting the composition of the committee to allow two appointments for the City of Marion, with the Mayor being one

of them. Commissioner Lavender liked this idea and Commissioner Dobson said he had no objections.

### **UPDATE ON MAPLE LEAF RESTROOM**

The County Manager gave a brief update on the Maple Leaf Restroom project.

### **NEBO WATER UPDATE (STACEY HILL)**

The County Manager advised a survey had been prepared and they want residents to participate with hopes of trying to secure grants. He advised failed water and wells are the right factor in securing grants, therefore, well testing will be occurring.

Concerning the Lake James Contract, Mr. Abernathy noted what has transpired on getting things approved, etc. He pointed out the federal process was moved at this pace (being slow and steady) but progress was being made.

### **BOARD APPOINTMENTS**

In review, Chairman Walker advised current board appointments for a second reading were one vacancy on the McDowell Tech Board of Trustees with three applicants (Chet Allen Effler, Sam R. Dotson, and Joy Shuford), two vacancies on the TDA Board with two applicants (Theresa Carr and Barbara Brown, both for reappointment), two vacancies on the Library Board with two applicants (Robert Creekmore and Evelyn Butler), and three vacancies on the Planning Board—two regular members and one alternate—with three applicants (Sam Dotson, Dan Thornton and Frank G. Kissell).

Also, presented on first reading was a vacancy on the Region C Workforce Development Board. The position must meet a specific criteria and the Region C WDB was requesting that current board member Steve Early be reappointed.

In a brief discussion, the Board agreed to fill only the regular member slots to the Planning Board tonight. For clarification, it was noted that Dan Thornton is currently a regular member and Sam Dotson is an alternate on this Board.

The Board voted by written ballot and votes were tallied by the Clerk. Results were as follows:

#### **McDowell Tech Board of Trustees**

For Joy Shuford – Commissioners McPeters, Webb and Walker

For Chet Allen Effler – Commissioners Dobson and Lavender

*Joy Shuford was appointed by majority*

**TDA** – *Unanimous vote for Theresa Carr and Barbara Brown*

**Library** – *Unanimous vote for Robert Creekmore and Evelyn Butler*

Planning Board – *Unanimous vote for Sam Dotson and Dan Thornton as regular members.*

### **TAX MATTERS**

The monthly listing of tax releases and refunds were presented for the Board's approval. They are summarized as follows:

Releases Under \$100.00	Released amount of \$481.34
Releases Over \$100.00	Released amount of \$3,341.74
Motor Vehicle Releases Under \$100.00	Released amount of \$752.65
Release Refunds	Refunded amount of \$8,864.68 (includes Bremfore Group in the amount of \$8,462.08)

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

### **CITIZEN COMMENT**

There were no citizens who wished to speak.

### **REPORTS AND COMMUNICATIONS**

Chairman Walker advised invitations would be forthcoming, but he wanted to mention the special service at Zion Hill Baptist Church on Sunday, July 1<sup>st</sup> at 10:45 a.m. in recognition of all emergency service personnel in the County.

The County Manager asked if the Board could adjourn from tonight's meeting to either Thursday or Friday this week for another meeting on the Budget with an email perhaps on Tuesday compiling the major issues (7-8 items). He and the Finance Officer will have remaining amendments, although he felt they have covered most of them.

In a brief discussion, the Board agreed to meet on Thursday, June 14<sup>th</sup>, and again on Wednesday, June 20<sup>th</sup>.

Commissioner McPeters noted the Fire and Rescue Banquet on Saturday, June 16<sup>th</sup> at the High School, beginning at 6:00 p.m.

**ADJOURNMENT**

There being no further business to transact at this time, upon motion by Commissioner Dobson, a second by Commissioner Lavender and by unanimous vote, the meeting was adjourned at 7:15 p.m.

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DAVID N. WALKER, CHAIRMAN

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CARRIE PADGETT  
CLERK TO THE BOARD