

**STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL COUNTY
BOARD OF COMMISSIONERS
REGULAR SESSION
NOVEMBER 12, 2013**

ASSEMBLY

The McDowell County Board of Commissioners met in regular session on Tuesday, November 12, 2013, at 5:00 p.m. in the Commission Board Room of the County Administration Building, 60 East Court Street, Marion, NC, the usual location. The Board met on Tuesday due to Veteran's Day being on Monday, November 11th.

MEMBERS PRESENT

David N. Walker, Chairman; Barry E. McPeters, Vice Chairman; Michael K. Lavender; Van Randy Hollifield; and Joseph R. Kaylor

OTHERS PRESENT

Charles R. Abernathy, County Manager; Carrie Padgett, Clerk to the Board; Ashley Wooten, Assistant to the County Manager (Filming); and Mike Conley, Reporter for The McDowell News

CALL TO ORDER

Chairman Walker called the meeting to order. He advised the Board had met at 4:30 p.m. in the Cooperative Extension Conference Room to view a training exercise video with Dr. St. Bernard and EMS staff. During this time Dr. St. Bernard was recognized by the Board for his service as Medical Advisor to the EMS. A framed resolution was presented to Dr. St. Bernard which read as follows:

RESOLUTION OF APPRECIATION TO DR. EDWARD ST. BERNARD FOR SERVING AS MEDICAL DIRECTOR OF THE MCDOWELL COUNTY EMS

WHEREAS, Emergency Medical Services Systems in the State of North Carolina are required to operate under the medical license of a Medical Doctor; and

WHEREAS, the position of Medical Director involves countless hours of dedicated training including the development of procedures and protocols that serve to enhance patient care; and

WHEREAS, Dr. St. Bernard has served as Medical Director of the McDowell County EMS since 2002; and

WHEREAS, during this time, the McDowell EMS has been recognized at the national level for the agency's implementation of the innovative therapeutic hypothermia procedure that has the effect of preventing brain damage after resuscitation from cardiac arrest; and

WHEREAS, in July, 2013 the McDowell County EMS was among only three counties in North Carolina to offer a community paramedic program which serves patients through the newly designed Mobile Integrated Health Model; and

WHEREAS, Dr. St. Bernard maintains a daily practice at McDowell Internal Medicine, serves as an emergency room physician at McDowell Hospital, is the Medical Director for the McDowell Hospice and serves as a member of the North Carolina EMS Advisory Council.

NOW, THEREFORE, BE IT RESOLVED that the McDowell County Board of Commissioners do hereby recognize Dr. Edward St. Bernard for his leadership and innumerable contributions to the McDowell County EMS and his positive impact on the people of McDowell County.

The Chairman then called on Commissioner Lavender to give the invocation, followed by the pledge of allegiance, led by Commissioner Hollifield.

APPROVAL OF AGENDA

With no additions/deletions to the agenda, upon motion by Commissioner McPeters, a second by Commissioner Hollifield, and by unanimous approval, the agenda was approved as prepared.

APPROVAL OF MINUTES

Minutes of the June 6, 2013 adjourned session, the October 14, 2013 regular session, and the October 28, 2013 adjourned session were presented for approval.

Commissioner McPeters made a motion to approve the minutes of June 6, 2013, October 14, 2013, and October 28, 2013 as recorded. Commissioner Kaylor seconded the motion and by unanimous approval, the motion carried.

RECOGNITION OF EAGLE SCOUT/SAMUEL WILLIAMS

Chairman Walker recognized Samuel Williams of Boy Scout Troop 812 in Old Fort, and welcomed him to the meeting. Samuel had recently achieved the rank of Eagle Scout.

Samuel thanked the Board of Commissioners for the letter he had received from Chairman Walker on their behalf. He said he would encourage any one who wants to do

scouting to do it because it is fun, is helpful, and teaches one a lot of skills. He said he would be glad to assist others who might be interested in getting involved.

In a question/answer session, Samuel said of the 67 merit badges he had achieved, swimming was the hardest and cycling was the second hardest. He said he would estimate spending 360 hours working on his project alone for his Eagle Scout award. The project was to build a pole-barn type shelter at Davidson's Fort in Old Fort. Chairman Walker congratulated Samuel for his hard work and staying focused.

Samuel's father, Joe Williams, pointed out this had been an approximate five-year commitment for Samuel to reach his goal.

BUDGET UPDATE AND AMENDMENTS/FINANCE RELATED ITEMS

There were no amendments or bill write-offs for the Board's approval but the County Manager presented the budget report and sales tax receipts for two months. He pointed out last month the sales tax, which is 25% of the budget, was \$600.00 in the black; this month it shows a gain of \$10,378 at the end of August.

CONTAINER TRUCK BIDS/REIMBURSEMENT RESOLUTION

Public Works Director Mike Gladden came before the Board with bids received on a new front-loading dumpster truck for his department. Typically, they try to get at least five years of service out of these trucks, and had gone out for bid several months ago for a replacement. Two bids were received with multiple options. They were:

Advantage Truck Center	\$221,099.44
	\$226,036.60
	\$236,231.60
TranSource	\$201,218.00
	\$206,156.00
	\$207,686.00
	\$215,150.00

Mr. Gladden recommended purchasing the MACK with the New Way body. It is a 2014 model with a fair delivery time, a great warranty that covers towing and is extended for a five-year period for power train, hydraulics, transmission and hydraulics, transmission and emissions service. The total bid is \$212,889.00. The next responsible bid was \$20,000 higher.

Commissioner Lavender questioned the option mentioned and the reference to the bid of \$212,889, noting that another document in the agenda packet suggested a figure of \$208,181. He asked if they were accepting the option for the power train or not. In

addressing this, Mr. Gladden advised he was considering the options too which would bring the bid up to \$212,889.

In further discussion, the County Manager explained the situation now is that Public Works operates two trucks with one being a spare. He advised they are currently faced with a situation that if it is not replaced in an orderly way, they could end up spending additional dollars to repair. He advised a payment was included in the budget because this was anticipated. He explained the recommendation is for the Board to authorize the purchase as recommended by Mr. Gladden, and that staff place the order with financing being presented back to the Board in the new calendar year in order to stay under the limit that is imposed on the County as a total number within any calendar year to remain non-taxable. At this point, the Finance Officer introduced the reimbursement resolution as follows:

**COUNTY OF McDOWELL, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE**

This declaration (the “Declaration”) is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

1. **Expenditures to be Incurred.** The Issuer anticipates incurring expenditures (the “Expenditures”) for the Waste Truck Purchase (the “Project”).
2. **Plan of Finance.** The Issuer intend to finance the costs of the Project with the proceeds of debt to be issue by the Issuer (the “Borrowing”), the interest on which is to be excluded from gross income for Federal income tax purposes.
3. **Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$212,889.
4. **Declaration of Official Intent to Reimburse.** The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Adopted this 12th day of November, 2013.

A motion was made by Commissioner Lavender to authorize the purchase of the vehicle at \$212,889.00, and to approve the Declaration of Official Intent to Reimburse, changing the amount to reflect the option that Mr. Gladden had requested. Commissioner Hollifield seconded the motion and by unanimous approval, the motion carried.

WATER INTAKE PROPERTY PURCHASE

The County Manager advised he had presented at last month's meeting a recommendation that the Board place the Hendrix property under option, which has been done. The option is for 90 days and the process of performing phase one archeological and endangered species investigation on the property is underway. Initial reviews by the engineer indicate that all of these will come up positive and that we will in fact have a good piece of property with which to work. This piece of property was not available when the County put the larger Crescent tract of property under option. The asking price is \$197,500. The owner of the property is asking for two payments and that we close prior to the end of this calendar year, with the second payment being made by the end of the next fiscal year. Mr. Abernathy said an amendment may be required within this year, noting that he had reviewed the numbers that were budgeted and had increased the water line item substantially. He was not sure whether this would cover the full payment plus the other items that will be required, but feels it will come close. He pointed out a large amendment may not be necessary, and the full amount can then be budgeted next year.

Continuing, Mr. Abernathy said Commissioner Hollifield had met him and the engineer on site for a tour of the property. The engineer has prepared a drawing showing the facilities on the property but he was not asked to come in to verify what he has done. He explained there are actually two different locations on the same 40 acre tract that would sustain the amenity, therefore the property works and is actually cheaper to develop as far as the access road and does open up some interesting opportunities for the County. Mr. Abernathy asked the Board to authorize the purchase of the property and to include our obtaining all the necessary due diligence including a survey and the various environmental work that is required to be done.

In general discussion, Chairman Walker said he was pleased to see another option which looks to be definitely cheaper and a better site. He said he appreciates staff working with the property owners and trying to be good stewards with the money and getting a more suitable site.

Mr. Abernathy advised that a press release was needed for the public's benefit, and proceeded with a general summary of what had transpired with the large tract of land which the County had under option, other properties that were surveyed, and how the County was eventually able to get an option on the Hendrix property. He advised the County was not purchasing extra acreage, but only what is needed. Commissioner Hollifield said what stands out to him about the property is that it is off the road and the County will not have to do a lot of clearing to build the plant. He pointed out the Steve Hendrix's family is selling at a fair price and he appreciates the Board looking down the road for the benefit of the County's citizens.

Commissioner Hollifield then made a motion to approve the purchase of 39.5 acres, plus or minus, known as the Hendrix property for the sum of \$197,500, plus adequate funding to provide any incidental environmental studies for the purpose of building a water treatment plant, with closing being done prior to December 31, 2013,

and that we will pay for this property in two payments. Commissioner Kaylor seconded the motion and by unanimous approval, the motion carried.

Commissioner Kaylor stated he appreciates the work of the County Manager and staff in getting this accomplished.

JAIL AND ELEVATOR DISCUSSIONS/FINANCING

Chairman Walker recognized Sheriff Dudley Greene, Clerk of Superior Court Melissa Adams, and County staff that was present for this item, thanking them for being partners in this endeavor.

Sheriff Greene said he appreciates the Board for taking these issues under consideration, noting there are a few projects that have now become one major project for purposes of discussion. He made reference to the plans that had been presented and discussion of the revenue potential to hopefully offset most if not all of the cost. The Sheriff said a development had happened over the past week that sheds more light on this project from the standpoint of revenue potential. He noted there had been discussion of an expansion providing the opportunity to have additional space to opt into the Statewide Misdemeanor Confinement Program, with reimbursement for housing the inmates. This would hopefully offset a good portion of this project.

Sheriff Greene said he had met last week with representatives of the Federal Marshall Service, and they are also interested in the option of having additional space here in McDowell County to house federal inmates. He had assured the Marshall Service that we will try to accommodate them, noting that they want to move forward almost immediately for increasing our allotment. He said if the Board approves this project, he would probably have some additional cost in creating space by housing some of our inmates in other counties for the short-term so that we can have the long-term potential of gaining the revenue. However, he pointed out that if they go with the option the Marshall Service has presented, there probably would not be the additional space to do the Statewide Misdemeanor Confinement Program. He did say the Marshall Service reimbursement rates are better than what the State is offering now, and by accommodating them, our estimated revenue would increase by about \$100,000 per year.

The Sheriff advised they had carefully reviewed the options for expansion and space, revenue, etc., and that he appreciated Mr. Abernathy and the Finance Officer taking the time to assist with this. However, he did not feel the additional space that they would have would generate the revenue to realize enough to make it worthwhile at this point, particularly with additional staff costs, etc. The Sheriff said he did feel the plans presented by Mr. Hemphill could still be considered for an additional expansion to the Jail at some future time.

For clarification, Mr. Abernathy pointed out that while some additional staff would be needed for the initial expansion, quite a number of additional staff people would be required, and that is what deemed it not worthwhile. Mr. Greene agreed.

A general discussion followed on reimbursement costs for housing inmates with Mitchell County (\$50.00 per day), the Marshall Service (\$51.00 per day), and the State (\$40.00 per day). The County Manager said as he recalls the original construction price of the Jail and the revenue that it has generated, we have paid for the Jail twice, and Sheriff Greene is probably going to beat that with this project if approved. He pointed out this is a good return on what is being proposed, plus the addition of some Courthouse items that are not related.

As discussion continued, Sheriff Greene pointed out they are in desperate need of additional space for housing female inmates, and they are currently sending female inmates outside the County on a fairly regular basis. Also, they need some additional holding space for individuals going to court, and there has been discussion of having an elevator in the Courthouse.

The County Manager pointed out the revenue generated from the Sheriff's plan pays for not only the expansion at the Jail but also the improvements to the Courthouse and he appreciates this.

Commissioner Lavender asked the Sheriff for his thoughts about other uses for the revenue he brings in from the work they are doing in housing of inmates, etc. The Sheriff said he is comfortable with all this.

Both Commissioner McPeters and Commissioner Hollifield commented on the many benefits this project will bring for the Sheriff, the County, the Court System, and the public, particularly the handicapped..

The Clerk of Superior Court said she was present to show her support for the Courthouse renovations, especially the elevator.

In summary, Chairman Walker said the action from the Board would be to approve the Jail renovations, the elevator option as presented, and obtaining a financing package. In addition to those items, the County Manager said they would also authorize the architect to begin the design, the construction bid documents, and to authorize the initiation of the discussion with the Local Government Commission on the issuance of debt.

Commissioner Hollifield made a motion to proceed with the project of the Jail and the additional ladies cells, with required enhancements to those cells, the Courthouse renovations including the sally port, an inmate corridor, and the elevator defined as the East Stairway, and to authorize the architectural firm of Hemphill-Randel Associates to move forward and prepare a bid package for distribution (one for the Jail and another one for the Courthouse) and we would expect the eventual packages once bid to come back in the range of \$1.8 and \$1.9 million. Further, to authorize staff to undertake the financing work with the State. Commissioner McPeters seconded the motion.

In discussion, Commissioner Lavender asked about the two separate bid packages. Commissioner Hollifield addressed this, noting the knowledge, skill, and expertise needed for this type project. Commissioner Kaylor advised he would also like to see separate bids, noting his experience in school construction with the Board of Education. By unanimous approval, the motion carried.

RECLASSIFICATION DISCUSSION/UPDATE

The County Manager pointed out the County has been working with the State for 7 or 8 months on the fact that Lake James would be reclassified from its current WS-V classification to a WS-IV. Mr. Abernathy pointed out Planning Administrator Ron Harmon is front and center on this issue but he was excused from being here due to illness of a family member. He noted that an alternate ordinance was drafted which DEHNR says will work and that some have had discussions with Assistant Secretary Gillespie as well.

Mr. Abernathy advised what is being suggested is language that would hold harmless the affected private property owners both in the City of Marion and in McDowell County by transferring any development impacts from those private property owners to the Pisgah National Forest. He said this is something that staff has been told can happen and is legal and he feels that this particular watershed is unique based on the fact that there are over 60,000 acres within the watershed boundary that will never be developed. There are 25,000 acres of affected property in the County and approximately 5,000 acres of affected acreage in the City of Marion. What is being proposed is to hold those properties harmless by transferring that development impact to federally owned property. He pointed out he thinks that is reasonable based on the abundance of federally owned property that is in this County and in this watershed.

Also, the County wants to take the regulations that are already in place and essentially say that we will continue with those regulations, particularly those governing the development of property along the Lake James and the shoreline. Those restrictions are additional ones that the County is agreeing to keep in place that will serve to further protect the integrity of the water and the intake. Mr. Abernathy said we will make this argument in the form of an ordinance and present that to the State and hopefully have it approved.

As part of this process, the WS-IV requires that any of the affected entities or jurisdictions approve resolutions of support. Using the WS-IV designation, there are three entities affected which are the City of Marion, Burke County and McDowell County. Both Burke and McDowell County have approved their resolutions. The City of Marion approved a resolution but has a caveat in it. The caveat is that their property owners be in fact held harmless. Mr. Abernathy said without that there would be no resolution of approval coming from the City of Marion.

In conclusion, Mr. Abernathy said the process is underway and hopefully it will be reviewed favorably by the State and be approved so that we can continue the process that has been underway for quite some time.

Chairman Walker this is a forward thinking Board that is looking 50 to 75 years ahead to make sure we have suitable water with the Lake as a water source for McDowell County. He said this is part of the process needed to get there and he appreciated the Board moving forward and thinking of other generations rather than ourselves down the road.

The County Manager said the document had not been sent in and he did not know the Board needed to approve it, but what he thought they needed was to have the State review it and give them feedback. Then it would require the Board's action, after they know the State is in agreement with what they want to do.

TAX COLLECTOR ANNOUNCEMENT/RETIREMENT

Chairman Walker recognized Tax Collector Phyllis Ryan at this time. He said the news of her retirement is bad, but the Board appreciates what she has done and they will miss her, but number one they are glad she is doing so much better physically after her illness and she is in their thoughts and prayers and they were glad she was present.

Mrs. Ryan said she appreciated that and noted she had asked Linda Onufrey and Suzanne Moore from her department to join her this evening. She then proceeded to give details of her illness which began here at the office almost three months ago to the day, August 13th. She tearfully said she was very thankful it happened here and she was thankful for the EMS across the street. She said we have a wonderful EMS staff—they are awesome and she had experienced this firsthand. She publicly thanked all those men and women who were on duty that day, especially Marvin Hancock and Andrew Presley for taking such good care of her—they comforted her and prayed for her—some of McDowell County's finest and she could not express that enough.

Mrs. Ryan said on August 15th, she had a brain tumor removed which began her recovery and, as they could imagine, not only was her life and the life of her family thrown into turmoil, but her department was as well. For several weeks she just was not accessible to her staff, but they stepped forward with Mrs. Onufrey assuming a leadership role and Mrs. Moore functioning as her assistant. Because of their hard work and dedication, that department did not "skip a beat", but continued to run smoothly. She publicly thanked them for what they did and acknowledged she knew it was tough on them.

As stated in her packet to the Board, Mrs. Ryan said she was respectfully submitting her resignation this evening as Tax Collector and her last day will be December 31, 2013. As required by statute, she will provide a final settlement in December to the Finance Officer and it will cover the period from July 1 to November 30th, 2013. She stated she had thoroughly enjoyed the opportunity to serve the citizens of

McDowell County as their Tax Collector. She thanked the Board and Mr. Abernathy for their confidence in her and their support through the years that she has been with the County, noting that it has truly been a pleasure working with all of them.

Mrs. Ryan recommended that Linda Onufrey be appointed to complete her term which will expire August, 2016, noting that she (Mrs. Ryan) was appointed on August 13, 2012 for a four-year term. She pointed out Mrs. Onufrey has worked in the Tax Department for 5 ½ years and has served as her assistant since 2011 and at that time they began the process of obtaining state certification her and she has one class remaining out of the four for the program. Mrs. Ryan stated her policy had always been to cross train her staff, therefore even prior to her health issue, Mrs. Onufrey was being trained to fill in for her should there be that need. She noted how this really paid off when this unexpected incident took place on August 13th. She stated her training and experience was invaluable during her sudden absence.

Continuing, Mrs. Ryan noted how tough the month of August can be, even in a normal tax cycle. Further, she noted that in addition to the high volume of activity in that department during the month of August, the collection of county motor vehicle property taxes transitioned to the State DMV and preparation began implementing the new tax system by Bi-Tek. She stated Mrs. Onufrey has more than proven herself capable of handling this position, and she had no hesitation in recommending Mrs. Onufrey as her replacement and, in her professional opinion, would assume the transition would run smoothly and would be in the best interest of the County. For purposes of continuity and bookkeeping, Mrs. Ryan said it would be best to appoint the appointee to be put in place by December 1, 2013. Again, she thanked everyone for their support through the years of her employment with the County.

Again, Chairman Walker said he was glad Mrs. Ryan had come through this ordeal so well and wished her well in her retirement. He commended her for cross training her staff, noting this has been invaluable and is paying dividends. He also commended Mrs. Onufrey for her accomplishments in training.

Other members of the Board provided complimentary comments to Mrs. Ryan for her work, and wished her well in her retirement. Mr. Abernathy also commended Mrs. Ryan on her work and commented on the collection rate and the extra work that is needed to accomplish this rate. He agreed with Mrs. Ryan's recommendation on the appointment and timing for the transition, etc.

Commissioner Lavender made a motion to regretfully accept Mrs. Ryan's resignation letter and to appoint Linda Onufrey as her replacement, effective December 1st. Commissioner McPeters seconded the motion and by unanimous approval, the motion carried.

WORKPLACE WELLNESS UPDATE

The County Manager advised he had been asked to co-chair a committee on the Kate B. Reynolds process as they attempt to improve the wellness situation. The committee is specifically looking at the issue of workplace wellness and what they want to do will affect a large segment of the population. He advised it is an investment and the quality of life will be enhanced due to this program. He provided information, including the committee's objectives or goals, for the Board's review, but no action was required.

UNIVERSAL UPDATE

The County Manager noted the Board's recent tour of the building, the progress that is taking place, and the interest of local people as well as others outside the County. He stated he thinks the Universal project and the emphasis on workforce training and development is something that will get a lot of notice and attention and he feels this project is being done right. He said a lot of collaboration is taking place but even greater collaboration between the Community College and the vocation offerings at the High School. He said he really thinks this is where we can not just construct a building and consolidate the manufacturing operations, but also affect what is happening in those facilities and he thinks this is the greater challenge.

Mr. Abernathy noted news he had heard from Mecklenburg County saying the School Superintendent was going to request funding of the County Commissioners for what he called a manufacturing academy. He said as he listened to the report, his thoughts were that this is exactly McDowell County has underway. He pointed out the President of the College said he is hard pressed to find an example of anything like this anywhere in the State, although he did find an example in Spartanburg. Again, Mr. Abernathy said he feels the County is doing something right with this project.

Continuing, Mr. Abernathy said this is more of a financial update or grant update as opposed to the progress on the construction. He noted the Board had approved a capital budget which had two local dollar figures in it. The capital budget was in the amount of \$3.9 million for the whole thing, including the renovations taking place and the renovations on the 23,000 square feet of space that will be vacated on the College's Main Campus. He pointed out this is a large undertaking, noting that when it was presented, it was proposed that we would use roughly \$1.5 million of local dollars and about half of that is being recommended to come from the General Fund. The other half is to come from revenues generated off the building which are local dollars that we control. But essentially, what he was recommending was that they take all excess revenue in the current fiscal year and all the excess revenue for the next fiscal year, and apply that to cover those dollars. At least that was the plan. He said he thought about that and put in his memo to the Board a somewhat "tongue in cheek" sentence that he assumed the Board's goal is to drive down those two numbers, and he could not imagine that it is not the case. In other words, he wants to do everything possible to make those two numbers that were approved some months ago as low as possible. He stated amendments have not been done yet, therefore what he is really doing is preparing for

some discussion so that he does not just prepare a document and do a massive transfer of funds into the budget. Again, he pointed out the budget has been set up but the dollars have not been amended into it.

Mr. Abernathy said he had expected the Community College to secure a \$325,000 grant through the Appalachian Regional Commission, but when the budget was set up it was not certain that the County would receive the grant. This makes a large issue go away because there is a match associated with that grant. He advised the College had also submitted a \$150,000 Canon Foundation Grant going into it. He pointed out some of the grants can only be used only for machinery and equipment and others can be used for capital and construction. He pointed out the Canon Grant can be used for construction, which is good news because it can be used to offset some of the local dollars.

Mr. Abernathy said the last thing he had done is that he approached Golden Leaf about the possibility of going back to them to ask for additional funding. He had received a somewhat lukewarm response on this, but he was told it had happened twice in the history of Golden Leaf where entities have gone back and requested additional funding. He had enquired about what would be an acceptable amount, but a high-end amount, and was told \$200,000. What he anticipates there is that he will hold off on this for now and hold off on the \$150,000 to see how much of this we can sustain. Then there is the College undertaking a fund drive. Also, he pointed out they are looking at breaking this out over two fiscal years.

Mr. Abernathy stated he had painted a pretty bleak picture of this back when it was approved, but now it is looking more favorable and more positive than it did. He said he is guessing that what they will see out of the General Fund in this fiscal year will be about \$150,000 to \$200,000 from this fiscal year for the amendment from fund balance that they will need to make instead of half the \$750,000 which is sort of standard for what he would do.

Chairman Walker thanked Mr. Abernathy for the detailed overview of this project, noting the long-term effect of the water filtration plant—he said the purchase of this land and building will have the same effect for the next 50 to 75 years for the future of the College. Again, he commended the Board for looking ahead and making this purchase. He noted seeing a fellow commissioner in Rutherford County who wants to come for a tour of the building. He said word has gotten out and there is a lot of interest in what is happening already and he is looking forward to the finished product and the many uses it will afford.

In conclusion, Mr. Abernathy said there is the \$250,000 plus the equipment grant for which the College has applied, and the \$100,000 the County received back during the initiation of this project that can be used for equipment, furnishings, etc.

Chairman Walker noted that Commissioner Kaylor serves on the College's Board of Trustees and he appreciates the College for partnering with the County in this endeavor and trying to put this project together and make it work and be successful.

The County Manager mentioned the expansion of Early College. He stated when the Board talks about something at its meeting, there are other boards that have to be respected and he does know with the Trustees and the School Board there is some possibility of a very successful Early College Program expanding based on the freed up space on the Main Campus.

No action was needed on this item at this time.

PHASE 3 TRAIL CATAWBA RIVER TRAIL GRANT

The County Manager said the Board had approved the Trail Master Plan for the County which extends from the Burke County line all the way to Point Lookout and the Buncombe County line. He said in essence the Board had approved what the Board is now about to discuss. Also, the Board has received discussion of Phase 2 of the Greenway which will go from its current end to the McDowell House and this will happen over the next twelve months. He said funds are in place since the Board had included the local match in the budget. In having that discussion, there was also discussion of Phase 3 of the Greenway. Phase 3 would be from the parking lot area where the Trail initiates all the way to Tom Johnson's property pass the Carson House. His understanding was that there is a little less than two miles of Trail in Phase 1 and 2. Further, he understands Phase 3 will be about three (3) miles on its own which means we will be more than doubling what would be built after Phase 2 is built, which means it is quite aggressive.

Mr. Abernathy said what they would like to do is receive all of it with the understanding that they might have to fall back and break Phase 3 into a couple of phases, but they would like to do the whole thing if the Board agrees.

Continuing, Mr. Abernathy said he and other staff members had met with Frank Dean of the Trails Association, the City Manager, and the City Planner, and then he and other staff members met with Sharon Parker, who represents Kate B. Reynolds. This was done as an attempt of getting people of other entities involved who might help with the funding of this project. He pointed out the reason it is important to have a discussion tonight about this as opposed to waiting a few more months is that there are some things that need to happen. For instance, a master plan for Phase 3 needs to be done. The City of Marion paid for on in Phase 1; they did one in-house for Phase 2 which worked as well as the one for which they paid. Therefore, City and County staff will do one in-house, with the Board's blessing, on Phase 3 which basically would get into a lot of specifics about where the trail would go, what kind of amenities will go with it, new construction estimates, and give more information as a start.

Secondly, there is a deadline of November 15, 2013 for a particular grant, he thinks in the amount of \$100,000, which is a Recreation Trails Program grant. He asked the Board to approve submitting that grant and the grant will ask for the funds in the 2015 year. He pointed out all of next year we will be building Phase 2. Then there is a PARTF, a State Recreation grant, which is capped at half a million dollars and it requires

a dollar for dollar match from other sources. The due date for this PARTF grant is January 31st, which leaves only two Commission meetings before that date, and two public hearings are required. With the Board's approval, there will be a public hearing in December and another one in January, at which time the Board would need to authorize the submitting of the PARTF grant toward the end of January. Mr. Abernathy advised there are a lot of details to work out and a lot of costs which are not clear at this point. He said there are rules of thumb like \$400,000 a mile for new trails construction, plus there is a bridge that is quite expensive that some want to do, plus tying in with the High School that is being discussed because what PARTF wants to see is collaboration. Some thoughts are that gardens and some agriculture type programs coming from the High School, linking it by trail to the High School. He pointed out several School Board members brought the matter up at their last Education-Utility Committee meeting. He said he wanted to make sure the Board is clear on what is happening before a public hearing is held, etc.

Commissioner Lavender said he recalled someone mentioning something that had been discussed about also going near that parking lot out there. Discussion followed with Chairman Walker and Mr. Abernathy explaining what they recalled as far as discussion to which Mr. Lavender was referring.

Commissioner Lavender made a motion to authorize staff to apply for the both the Recreation Trails grant which has the November 15th deadline, and the PARTF grant and that they authorize staff to do the in-house trail long-range master plan in conjunction with the City of Marion. Commissioner Hollifield seconded the motion and discussion followed. By unanimous approval, the motion carried.

BOARD APPOINTMENTS

The two vacancies on the Agriculture Board were considered on second reading. There were two applicants for reappointment (John English and James Nations).

Commissioner Lavender made a motion to reappoint John English and James Nations to the Agriculture Board for another term. Commissioner Hollifield seconded the motion and by unanimous approval, the motion carried.

MENTAL HEALTH BOARD MATTER

Commissioner Lavender provided a general summary regarding the need to approve the new slate of board members for the Mental Health Board and the related issue with Haywood County in adopting a resolution (A RESOLUTION URGING THE NC DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE NC GENERAL ASSEMBLY AND THE GOVERNOR, TO DELAY, REVISIT AND REVISE THE REQUIREMENTS CONCERNING THE GOVERNANCE AND APPOINTMENT OF ELECTED COUNTY OFFICIALS AS BOARD MEMBERS TO THE SMOKY MOUNTAIN LME/MCO BOARD OF DIRECTORS), which they have asked other counties in the region to adopt as well. He recapped the original composition of the

Mental Health Board and explained how the composition has changed as a result of legislation that requires us to have a 21-member board going forward. The merger agreement was being signed this week and the County has 30 days thereafter to be in compliance with the new legislation. He recommended that the Board approve the slate of members for the “new” Smoky Board.

Commissioner Lavender then made a motion, seconded by Commissioner Kaylor, to approve the Smoky Mountain Center Slate of Proposed Board Member nominations. By unanimous approval, the motion carried.

TAX MATTERS

The monthly listing of tax releases and refunds were presented for the Board’s approval. In summary they were:

Releases Under \$100.00	Released amount of \$386.45
Releases Over \$100.00	Released amount of \$18,121.22
Motor Vehicle Releases Under \$100.00	Released amount of \$1,292.28
Motor Vehicle Releases Over \$100.00	Released amount of \$612.55
Release Refunds	Refunded amount of \$2,173.09
NCVTS Pending Refund Report	Refunded amount of \$1,164.81

Upon motion by Commissioner Lavender, a second by Commissioner Hollifield, and with unanimous approval, the tax releases and refunds were approved.

AUTHORIZATION FOR JURY COMMISSION COMPENSATION

As required by General Statutes, the Clerk of Superior Court had requested that the Board of Commissioners authorize the Order for Payment for the Jury Commission. The sum for compensation for each Jury Commissioner was recommended at \$350.00 by the Clerk of Superior Court, Melissa Adams.

Commissioner Lavender made a motion, seconded by Commissioner Hollifield, to authorize payment of \$350.00 for each Jury Commissioner as recommended. By unanimous vote, the motion carried.

ADMINISTRATIVE CONTRACT FOR URGENT REPAIR GRANT

The County Manager advised a \$97,000 grant was received six months ago for the purpose of repairing homes through the Housing Finance Office. Typically, the County contracts with Isothermal Planning and Development Commission for the administration

of grants. An Inter-local Agreement for Technical Assistance on the McDowell NC Housing Finance Agency Urgent Repair Project was presented for the Board's approval.

Commissioner Lavender made a motion to approve the Inter-local Agreement for Technical Assistance on the NCHFA Urgent Repair Project. Commissioner McPeters seconded the motion and by unanimous approval, the motion carried.

CITIZEN COMMENT

No one signed up to speak; however, Michelle Harris had a question in reference to the Jail expansion, etc. She asked if any one had done a study on the impact to the community of bringing inmates from other counties here. The County Manager responded, saying this is a good question and it was asked very thoroughly when the prison located here and the prison houses a much different type of individual, more of which are needed. He advised it was determined that this facility was in the best interest for the County. He said he would be hard pressed to say that housing of federal inmates produces many of those people that would choose to live here after being released. He said he would think that there is not an impact to the community; rather the impact to the community is in saving the tax dollars that we are saving by keeping the rate low and keeping our other services that we are trying to enhance like recreation, the public schools, the college, and having the resources that we need.

Chairman Walker said that question had been asked at another meeting and the Sheriff had answered it. He said most of the time typically what happens with those inmates that are not from McDowell County and housing funds are received by the County, normally someone in their family will pick them up and take them back to the area from which they came. Brent Rumpfelt, a Sheriff's Department employee, was present. He advised that most of the federal inmates housed here are from the immediate adjoining counties, and come from the Federal Court System in Asheville, and they return home.

Again, Mrs. Harris addressed what had transpired in Rutherford County regarding Box Creek Wilderness and McDowell County property, and the related court case.

REPORTS AND COMMUNICATIONS

The County Manager updated the Board on the following:

- Thursday, November 14th is Job Fair at the Armory, 11:00 a.m. to 4:00 p.m.
- Health Coalition Community Input Session Reports, Wednesday, December 4th at 3:30 at the Marion Community Building
- Annual Employee Christmas Dinner on December 5th, 6:30 p.m. at the Senior Center
- Saturday, December 7th Candlelight Tour at Historic Carson House

- Saturday, December 7th from 2-5:00 p.m. is the Christmas Parade at Southmountain Children's Home.

ADJOURNMENT

There being no further business to transact at this time, upon motion by Commissioner Kaylor, a second by Commissioner Hollifield, and with unanimous approval, the meeting was adjourned.

DAVID N. WALKER, CHAIRMAN

CARRIE PADGETT
CLERK TO THE BOARD