

**STATE OF NORTH CAROLINA  
COUNTY OF MCDOWELL COUNTY  
BOARD OF COMMISSIONERS  
REGULAR SESSION  
OCTOBER 14, 2013**

**ASSEMBLY**

The McDowell County Board of Commissioners met in regular session at 4:00 p.m. on Monday, October 14, 2013, at Historic Carson House, 1805 Highway 70 West in Marion, North Carolina. The meeting was duly advertised for the change in time and location.

**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); Fred Coats, County Attorney; and Mike Conley, Reporter for The McDowell News

**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

Minutes of the September 9, 2013 regular session were presented for approval.

Commissioner McPeters made a motion to approve the minutes as recorded. Commissioner Kaylor seconded the motion and by unanimous approval, the motion carried.

**APPROVAL OF AGENDA**

Upon motion by Commissioner Hollifield, a second by Commissioner McPeters, and by unanimous approval, the agenda was approved as presented.

## **BUDGET UPDATE**

The first item under this heading was budget amendments, presented by the Finance Officer as follows:

- GF 2 – Records the reimbursement the County receives for the sales of tax refunds.
- GF 3 – Receives donated funds to the EMS used for a safety awards dinner.
- GF 4 – Receives a Wal Mart grant for the Library to be used for the young adult section.
- GF 5 – Amends the expense for business audits as the discoveries are billed.
- GF 6 – Rolls forward funds for special needs and allocates \$14,098 received from the old Council on Aging non-profit. These funds were raised by senior citizens to be used for senior projects.
- GF 7 – Appropriates designated reserved funds from fiscal year 2013 and appropriates a grant that was received. The grant has been in place several years and is called Health Net.

Discussion of GF 5 and GF 6 followed.

Commissioner McPeters made a motion, seconded by Commissioner Hollifield, to approve budget amendments GF 2-7 as presented. By unanimous approval, the motion carried.

The Finance Officer then presented a request from a local business for waiver of late fees attached to occupancy tax. The occupancy tax was submitted 13 days late due to illness. The tax was in the amount of \$14.85; the late fees were in the amount of \$130.00.

Following a brief discussion, Commissioner McPeters made a motion, seconded by Commissioner Lavender, to approve the waiver of occupancy tax late fees as presented. By unanimous approval, the motion carried.

The County Manager presented three posting error adjustments associated with the Nebo Water System (one in the amount of \$30.00; two in the amount of \$5.00 each).

Commissioner Lavender made a motion, seconded by Commissioner McPeters, to approve the three posting error adjustments as presented. By unanimous approval, the motion carried.

The Finance Officer then presented accounts for solid waste fees and other accounts considered as “non-collectible” for write-offs, with penalties and interest included. A brief discussion followed.

Commissioner Kaylor made a motion, seconded by Commissioner Hollifield, to approve the “non-collectible” accounts as presented. By unanimous approval, the motion carried.

Next, Mr. Abernathy presented the monthly budget update, consisting of expenditures and revenues, sales tax, and property tax showing a 5% increase over last year. Also under this heading was a request from the Automotive Instructor at the High School for four (4) Ford Crown Victorias owned by the County and ready for auction. The value is around \$3,500 and the vehicles would be used for instructional training and repair purposes by the School System. Mr. Abernathy introduced a resolution to authorize the donation of personal property to the non-profit organization.

Commissioner Hollifield made a motion, seconded by Commissioner Kaylor, to approve the resolution as presented. By unanimous approval, the resolution was approved as follows:

**RESOLUTION AUTHORIZING DONATION OF  
PERSONAL PROPERTY TO NON-PROFIT ORGANIZATION**

**WHEREAS**, the County of McDowell desires to donate (1) 2000 Ford CV (8737), (1) 2001 Ford CV (7300), (1) 2004 Ford CV (5283) and (1) 2004 Ford CV (5282) to McDowell County Schools, Automotive Technology Department,

**WHEREAS**, G.S. 160A-279 permits the Board of Commissioners to donate personal property to non-profit organizations that carry out a public purpose,

**WHEREAS**, records of all donated property will be maintained by the County,

**WHEREAS**, all donated personal property will be returned to the County of McDowell if the Agency receiving the item ceases to continue to use for public purpose.

**NOW, THEREFORE, BE IT RESOLVE** by the Board of Commissioners of McDowell County that

The County of McDowell desires to donate (1) 2000 Ford CV (8737), (1) 2001 Ford CV (7300), (1) 2004 Ford CV (5283) and (1) 2004 Ford CV (5282) to McDowell County Schools, Automotive Technology Department.

This resolution shall become effective upon its adoption.

**ADOPTED** this the 14<sup>th</sup> day of October, 2013.

## **DSS/FEDERAL FUNDING UPDATE**

The County Manager provided a general overview concerning DSS and the impending Federal Shutdown. He advised federal dollars affect two major DSS programs which are Temporary Assistance for Needy Families (TANF) and the Social Services Block Grant Program. TANF includes programs such as Foster Care, Work First, and Adoption Assistance. The Social Services Block Grant Program includes programs such as Child Protective Services, Adult Protective Services, Foster Care and Guardianship. Mr. Abernathy advised the possible impact of these two mandated programs will exceed \$100,000 a month and annually exceed \$1,000,000. He pointed out the staff had started to develop a contingency plan and had no concrete recommendations at this time regarding possible reductions.

Mr. Abernathy advised the second significant area of impact is Subsidized Daycare and that qualified users of daycare receive a subsidy from the Federal Government. The total amount also exceeds \$1,000,000 annually and no county dollars are in this amount. However, if the federal funds are eliminated a notification would need to occur that the service is going to be discontinued because of this loss. The notification must occur with a ten-day notice. Mr. Abernathy pointed out many counties have instructed their DSS to authorize this notice and that he, the Finance Officer and the DSS Interim Director all agree that McDowell County should take this step also.

Continuing, Mr. Abernathy advised the notice is not binding and the Board could adjust if it chose to do so. The County would be liable for this amount if federal funding stops and people continue to receive the subsidy. Mr. Abernathy said he would strongly suggest immediately having McDowell's contracted company provide notice to the day care operators that this subsidy will be eliminated in the event the federal shutdown continues.

At this point in the meeting, DSS Interim Director Lisa Sprouse picked up on the situation, noting all the programs this is affecting and impacting and what is being done on the state and federal level to continue operating some of these service programs for the citizens.

Chairman Walker noted the responsibility of the County to subsidize these funds when Smart Start does not meet the need at least through October. Commissioner McPeters said the rumor circulating in the County is that the Board is going to stop issuing vouchers for these folks. He said he wanted it to be known that this is not the case at all, and would suggest maybe allocating \$125,000 to assist in this area at least to the end of the month.

Mr. Abernathy addressed the issue, suggesting going at least 30 days instead of until the end of October. He mentioned the possibility of being reimbursed but said of course no one knows if that will be the case. He said at least this is a short-term fix.

Commissioner McPeters suggested that a resolution be sent to our representatives regarding the County's situation. Mr. Abernathy recommended an amendment to this issue.

Commissioner McPeters made a motion, seconded by Commissioner Hollifield, to direct that an amendment be prepared to assist with the Subsidized Daycare as discussed. By unanimous approval, the motion carried.

In further discussion, Ms. Sprouse said the next item would be to handle the child welfare situation. Mr. Abernathy mentioned possible furloughs, lay offs, etc. and how these issues will be addressed, which he advised will be very dramatic.

Chairman Walker thanked all the staff for working together to resolve or handle this issue.

### **GLENWOOD FIRE DEPARTMENT RESOLUTION**

Glenwood Fire Chief Donnie Tipton, along with Fire Department members Dustin Waycaster and Matthew Crawford, came before the Board to request the Board's approval of a resolution concerning financing by the Glenwood Fire Department of up to \$210,000.00 for a new Fire Truck Project. The resolution is requested only because the Department is borrowing on a tax-exempt basis, and the County does not approve fire department debt except for this example, and the County incurs no liability or responsibility for the payment of the debt.

Commissioner Kaylor made a motion, seconded by Commissioner Hollifield, to approve the resolution as presented. By unanimous approval, the motion carried and the resolution was adopted as follows:

#### **Resolution Approving the Financing by Glenwood Volunteer Fire Department of up to \$210,000.00 for the New Fire Truck Project**

#### **WHEREAS:**

Glenwood Volunteer Fire Department has determined to finance an amount of up to \$210,000.00 for the new fire truck. The United States Internal Revenue Code requires that for such financing to be carried out on a tax-exempt basis, this Board must first approve the financing. The VFD has held a public hearing on the financing after published notice, as required by the Code. The VFD has reported the proceedings of the hearing to this Board.

**BE IT THEREFORE RESOLVED by the Board of Commissioners of McDowell County, North Carolina, as follows:**

1. The County approves the VFD's entering into the financing, as required under the Code for the financing to be carried out on a tax-exempt basis. The VFD's conduct of the required public hearing is approved.

### **PRESENTATION BY SOUTHMOUNTAIN CHILDREN & FAMILY SERVICES**

Chairman Walker welcomed Chris Jernigan, Executive Director of Southmountain Children & Family Services, for the presentation. With Mr. Jernigan were Janet Curtis, Associate Director, and Beth Browning, Administrator and Nurse Examiner, from Southmoutain, and District Attorney Brad Greenway.

Mr. Jernigan talked about child welfare and advocacy issues and how these issues are dealt with at Southmountain, which is basically a foster care facility with group care. He explained the collaboration of DSS, Law Enforcement, the Court System, and others in protecting children, keeping families together, and finding permanent solutions for children living outside of the own homes. Mr. Jernigan explained that in child abuse cases, they have a professionally trained Sex Abuse Nurse Examiner who conducts the child medical examinations on site and, rather than have the child traveling to the various other agencies for other exams and interviews, they bring representatives of these other agencies on site as well. That way, each agency gets the information they need to move forward with their respective duties.

Mr. Greenway addressed the success of these programs and how children are being benefited through them. He noted the Lily Carr Room that was dedicated the previous week at the Gingerbread House in Marion.

Beth Browning further addressed the collaboration with the various agencies to have these programs working in this County. Discussion followed of the exams, interviews, etc., the number of facilities they operate, where funding comes from, etc.

Mr. Jernigan said he would also like to discuss the possibility of funding specifically for the McDowell County Children's Advocacy Center to assist in continuing this vital service.

### **PUBLIC HEARING/ECONOMIC DEVELOPMENT**

At 5:00 p.m. as duly advertised, Chairman Walker declared the Board in public hearing concerning proposed economic development incentives for a new industry location as authorized under NCGS 158-7.1.

Economic Development Director Chuck Abernathy pointed out he has worked with this company since January and with the project having been discussed in closed session. The company would invest \$3 million in equipment and would employ 33 people. The incentive being offered is one year of free lease in the Universal Building of 35,000 square feet. The value of this incentive is \$70,000. Mr. Abernathy pointed out

that a One NC application had been submitted to the State as well as a Rural Center (now being transferred to Commerce) grant, but he was not clear how either will turn out. He said he had told the company that without the building reuse grant, our ability to perform upfits to the building will be very limited.

Chairman Walker opened the floor for any comments from the public; however, none were heard.

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

By consensus, the Board authorized Mr. Abernathy to move forward with this project.

### **PUBLIC HEARING/ECONOMIC DEVELOPMENT**

At 5:15 p.m. as duly advertised, Chairman Walker declared the Board in public hearing concerning proposed economic development incentives for a new industry location as authorized under NCGS 158-7.1.

Again, Mr. Abernathy gave details of the project, noting this one is happening rather quickly and involves a possible manufacturing location. He pointed out the ad said 20 people and now it is 30 people for the jobs and the company would locate in an existing building. The company is located in another North Carolina county and this project would be an expansion with a new product. Mr. Abernathy said he had proposed the standard \$3,000 a job with a one NC application in the same amount to be submitted. He asked that the Board agree to the incentive package, noting that he would also apply for a building reuse grant.

Chairman Walker opened the floor for comments from the public, but none were heard.

Commissioner McPeters made a motion to go out of the public hearing. Commissioner Kaylor seconded the motion and by unanimous approval, the motion carried.

Commissioner Lavender made a motion, seconded by Commissioner McPeters, to authorize the incentive package which would include the standard \$3,000 per job (or \$90,000 total which is an increase from our advertisement) over three years, and to pursue the One NC and building reuse grant. By unanimous approval, the motion carried.

### **WATER LINE GRANT**

The County Manager advised the County had been approved for a Rural Center grant (in the amount of \$260,000) to extend the waterline from the railroad to the

Universal Building. The grant would require a 50% local match. However, the ability to move forward was contingent on the first public hearing with jobs going into the Universal Building. Mr. Abernathy said the bad news is that this item is no longer something to move forward with although when it was placed on the agenda, he thought it was, so there is yet time. He said the question to ask might be “how would we spend \$130,000”, noting that he wants to prepare a “fund balance picture document” with this in mind. Mr. Abernathy pointed out the Universal Building needs to be on City water and needs to be converted.

General discussion followed. Ashley Wooten, Mr. Abernathy’s Assistant, said a lot of different angles had been tried but so far none had been successful.

### **FIRE SERVICE WORKMEN’S COMP**

This item was first presented to the Board two months ago when Fire Commission Chairman Brad Ledbetter appeared before the Board regarding funding for the fire service workmen’s compensation program. In follow-up to that meeting, Mr. Abernathy said he and Emergency Management Director Terry Young had met with Mr. Ledbetter two weeks ago during which time they had a very constructive discussion. As a result, Mr. Abernathy had compiled two documents, the first is the current county funding for the fire/service tax districts by the general fund; the second one is funding received by the fire departments from the district tax. Mr. Abernathy advised making general fund allocations to fire departments is rare, noting that he had found only four counties (of the 40 he had contacted) that do this. He said there was discussion of transferring the workmen’s compensation cost both current and future and the supplemental insurance amount from a general fund appropriation to the fire service. This would result in a reduction in the County’s general fund appropriation of approximately \$75,000 and a small increase in the fire tax rate. Further, there was discussion of the county-wide fire rate currently set at .0019 and used for the response reimbursement.

Mr. Abernathy suggested that all aspects of the district be included in looking at what is being considered as the issue continues to be discussed. He said Mr. Ledbetter is going to discuss the matter with the Fire Commission. Mr. Abernathy suggested that the County wait for this to occur, noting that the matter did not have to be resolved tonight but he did recommend transitioning 3 funding items.

A general discussion followed, with Commissioner Lavender suggesting some policies or related procedures.

### **UPDATE ON RECLASSIFICATION/PROPERTY**

Mr. Abernathy was pleased to report that the City had approved the Resolution by the City of Marion, North Carolina Endorsing Reclassification of the Lake James Watershed as executed by Mayor Little. On the property acquisition issue for the water filtration plant, Mr. Abernathy said there may be a second piece of property that would be under a 90-day contract of about 40 acres.



Commissioner Lavender made a motion to enter into the 90-day contract. Commissioner Hollifield seconded the motion and by unanimous approval, the motion carried.

### **UPDATE ON DSS TRANSITION**

The County Manager advised staff had been meeting on a weekly basis and what can be expected is a newly reconciled County policy that will be brought back in probably January. He said the ad on hiring a new Director had gone out and he noted the support and feedback he has been receiving. He stated all he knows to do is his best and he feels good about what has been done.

### **RECREATION PLANNING GRANT**

The County Manager said this project is moving quickly and the County has received a Kate B. Reynolds grant in the amount of \$25,000 to do a Recreation Master Plan. He encouraged the Board to get involved along with coaches and others who will be involved. He made reference to the grant for the gym floor and said the action tonight is to accept the \$25,000 grant.

Continuing, Mr. Abernathy said he wants to do background checks on coaches and he introduced a policy that would accomplish this.

(County Attorney Fred Coats came in at this time and remained for the rest of the meeting.)

Commissioner Kaylor made a motion, seconded by Commission Hollifield, to accept the KBR Grant as presented. By unanimous approval, the motion carried.

Commissioner Hollifield made a motion, seconded by Commissioner Lavender, to approve the background check policy. In discussion, Commissioner Lavender noted a correction needed in the third paragraph under *Standards* (change seven to ten) and he suggested a longer period of time for felony convictions. The County Attorney said he would look into expanding this item to put no limit on the time element.

Commission Hollifield amended the motion to include the changes noted and Commissioner McPeters suggested that area coaches be included or brought back later for consideration. Commissioner Hollifield agreed to include this addition as well. Commissioner Lavender agreed on the addition as well and by unanimous approval, the motion carried.

## **RECORDS RETENTION SCHEDULE AMENDMENTS**

The County Manager noted the required amendments from the North Carolina Government Records Section concerning records retention schedules for County Management, County Register of Deeds and Tax Administration.

A brief discussion followed.

Commissioner Lavender made a motion, seconded by Commissioner McPeters, to approve the records retention schedule amendments as presented. 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 \$114.28
Releases Over \$100.00	Released amount of \$5,236.80
Motor Vehicles Releases Under \$100.00	Released amount of \$1,017.46
Motor Vehicles Releases Over \$100.00	Released amount of \$283.02
Release Refunds	Refunded amount of \$1,826.36
Motor Vehicle Adjustments Under \$100.00	Adjusted amount of \$1,054.45
Motor Vehicle Adjustments Over \$100.00	Adjusted amount of \$457.04

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

## **GOODWILL DONATION SITE**

The County Manager asked that this item not be acted on. He advised Public Works Director Mike Gladden had been approached about having a trailer on site to accept items at the Transfer Station with staff manning it, etc., and he wondered about how this would affect the other agencies in the County. Mr. Abernathy said he and Mr. Gladden were concerned about this as it would be competition as far as donations.

Commissioner Kaylor made a motion, seconded by Commissioner McPeters, disallowing the placement of the trailer on site at the Transfer Station. By unanimous approval, the motion carried.

## **DISCUSS NOVEMBER MEETING/JAIL AND COURTHOUSE WORKSHOP**

With the second Monday falling on Veterans Day, the County Manager advised Tuesday had been suggested as the alternative date for the November meeting.

Commissioner Kaylor made a motion, seconded by Commissioner Hollifield, to move the November meeting to Tuesday, November 12<sup>th</sup>. By unanimous approval, the motion carried.

Mr. Abernathy made reference to the email he had sent out regarding the Jail and Courthouse Workshop on October 28<sup>th</sup>. By consensus, all agreed on this date.

## **REPORTS AND COMMUNICATIONS**

The County Manager said October 25<sup>th</sup> at noon was the date set for the tour of the Universal Building, if agreeable with the Board. He noted that Dr. Wilson and Grayson England would be available. The Board agreed with the date.

Other dates mentioned were the Workshop at 11:30 a.m. on October 28<sup>th</sup>, the Wellness Fair on October 23<sup>rd</sup> with the first fun run, and the Education Committee meeting on October 22<sup>nd</sup>. Commissioner Kaylor stated he would attend this meeting in the Chairman's absence. Also, the Job Fair is scheduled for November 14<sup>th</sup> at the Armory.

## **BOARD APPOINTMENTS**

The Board accepted a first reading on two vacancies (due to expiration of terms) for the Agriculture Board. The vacancies will be advertised according to Board policy.

## **CITIZEN COMMENT**

According to the Sign-Up Sheet, no citizens were signed up to speak.

## **UPDATE ON CARSON HOUSE ACTIVITIES**

Chairman Walker thanked Dr. James Haney and other members of the Carson House Board for the opportunity of meeting at Historic Carson House and for their hospitality. He asked Dr. Haney to give an update on the Carson House.

Dr. Haney advised this is the 170<sup>th</sup> anniversary to meet here and noted that Historic Carson House is celebrating 50 years since the House was chartered as a museum. He mentioned the people on the Board in 1963 which included Mary Greenlee, Hugh Beam, Fleming Snipes, and Mary Moore. Dr. Haney spoke briefly of John Samuel Carson, builder of the House, and his sons William Carson and Joseph Carson, all of whom were involved in public service. He noted that Court met at the Carson House four

times a year, and the House has been recognized as a classroom, and other sites for exhibition purposes.

Dr. Haney addressed plans for constructing an outdoor arbor facility, The Jubilee Arbor, for wedding, receptions, reunions, and other gatherings, for which they will charge a usage fee. The projected cost for this facility is \$185,000 and they will solicit bids in January for construction. He said he was pleased to accept pledges of \$125,000 and \$22,000 that the board members contributed. He introduced the current Carson House board members who were present, including Dr. Phillip Wells, Mrs. Dora Cantey, and Mrs. Nancy Hunter. Also present were Executive Director Linda Cloherty, and her Assistant Miss Carly Kauffman.

Chairman Walker asked Dr. Haney to give the blessing for the food.

### **ADJOURNMENT**

There being no further business to transact at this time, upon motion by Commissioner Lavender, a second by Commissioner Hollifield, and by unanimous approval, the meeting was adjourned until October 25<sup>th</sup> for the tour of the Universal Building.

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DAVID N. WALKER, CHAIRMAN

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CARRIE PADGETT  
CLERK TO THE BOARD