

**STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL COUNTY
BOARD OF COMMISSIONERS
REGULAR SESSION
SEPTEMBER 9, 2013**

ASSEMBLY

The McDowell County Board of Commissioners met in regular session on Monday, September 9, 2013, at 5:00 p.m. in the Commission Board Room of the County Administration Building, the usual meeting place.

MEMBERS PRESENT

Barry E. McPeters, Vice Chairman; Michael K. Lavender; Van Randy Hollifield; and Joseph L. Kaylor

THOSE ABSENT

David N. Walker (Vacation)

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

In the absence of Chairman Walker, Vice-Chairman Barry McPeters called the meeting to order. The invocation was given by Commissioner Lavender, followed by the pledge of allegiance, led by Commissioner Hollifield.

APPROVAL OF MINUTES

Minutes of the August 12, 2013 regular session and the August 26, 2013 special session were presented for approval.

Commissioner Hollifield 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 Lavender, a second by Commissioner Hollifield and by unanimous approval, the agenda was approved as prepared.

FINANCE MATTERS

The first item presented was an Amended Project Budget Ordinance for the Universal Career Pathways Skill Center as follows:

Budget Expenditures

Building Renovations	\$3,364,536.00
Design Engineering	222,159.00
Vacated Space	<u>325,000.00</u>
Total Expenditures	\$3,911,695.00

Revenues

Golden Leaf	\$2,140,000.00
Universal Enterprise Rental Fees	745,000.00
Grant/Fund Raiser	325,000.00
County Funds	<u>701,695.00</u>
Total Revenue	\$3,911,695.00

Discussion followed on the expenditure “Vacated Space” and the corresponding revenue “Grant/Fund/Raiser”. Mr. Abernathy pointed out this was the number agreed to with Golden Leaf and also the number “plugged in” for purposes of the Golden Leaf grant. He said of any of the numbers, this is the one that will change and right now, based on where things end up, he is unsure where and how this item will be funded.

Commissioner Lavender made a motion to approve the Amended Project Budget Ordinance for the Universal Career Pathways Skill Center as presented. Commissioner Hollifield seconded the motion which carried with unanimous approval.

In conclusion, Mr. Abernathy advised he had just received an email from Dr. Wilson saying on the grant that was submitted, we will know in November whether the grant will be funded.

Next, Mr. Abernathy presented a water bill adjustment in the amount of \$187.98 which was due to an overcharge to a citizen for a water leak.

Commissioner Lavender made a motion, seconded by Commissioner Hollifield, to approve the water bill adjustment in the amount of \$187.98 as presented. By unanimous approval, the motion carried.

Regarding the budget update, Mr. Abernathy advised eleven (11) months of sales tax had been received for fiscal year ending June 30, 2013 and, here in September, the County is still a month short (\$355,984.23) in receiving sales tax for the previous fiscal year. He pointed out this is consistent with what has been reported for about six months.

A brief discussion followed.

Continuing, Mr. Abernathy made reference to the monthly tax report and reported good news regarding the payment in lieu of taxes (PILT) funds. Basically, a mistake that took place at the federal level was caught and it resulted in the County receiving \$110,837.00.

UNIVERSAL UPDATE

The County Manager advised the contractor is mobilized and work on the interior is starting to take shape. He said he was going to invite the Universal Building Committee to the property in mid-October and would extend an invitation to the Board which would necessitate notifying the media. If the Board agreed, this would give an opportunity to walk through the building and give an update. He asked if the Board had issues or questions regarding the work to give him a call, and noted that everything seemed to be going well.

A short recess followed to allow time to set up equipment for the next item.

PRESENTATION OF ANIMAL VIDEO

Shane Forbes introduced himself, noting that over the summer he had been involved in an internship with the County through the Public Service Internship Program, made possible by the North Carolina Rural Center and financed by the State Employees Credit Union. He pointed out that over the summer he was able to be a part of several different projects. One of these projects was the Animal Video which is the proper care and treatment of pets. He said he was very excited with its outcome and he wanted to thank everyone who was involved with the production of the video, particularly Theresa Strickland and Paleu Vang for their work in creating the video.

The County Manager pointed out the video was done with the idea in mind that it would be used in the public school system.

The video was then shown to those present.

The Commissioners commended those involved with production of the video for the fine job and their creativity, and offered a suggestion on doing additional videos as an ongoing project. Commission Lavender stated he hoped the school system would cooperate with the County in allowing the video to be shown in the classrooms.

Mr. Abernathy thanked Dr. Sewell, Gwen Straub, and others who were featured in the video for their participation. A Certificate of Appreciation will be presented to everyone involved with the production and the County will start showing the video immediately on the County Government Channel, McDTV.

LGC UPDATE

In a general update, the County Manager advised the application had been submitted to the Local Government Commission (LGC), and in speaking with them there had been no concern that staff had not been able to handle. The Finance Officer stated everything looks good and they were now waiting on loan documents from BB&T.

Mr. Abernathy pointed out that a small portion of the property does extend into Burke County and statutes say that a county has to have the approval of another county if property is purchased in that county. A request was sent to Burke County for their approval and he was told that no problems were anticipated. (The associated letter was in the Board's agenda packet.) Mr. Abernathy mentioned the appraised value of \$1.3 million on the property which was not available when the application was submitted. He said the price under contract with the County is \$1,043,000.

WATER IRRIGATION ORDINANCE

In review, Mr. Abernathy advised that sixty days ago a presentation was made to the Board on a water policy and an ordinance. The Board approved the policy but deferred the ordinance. Ashley Wooten, Assistant to the County Manager, advised that most all public water systems are required to have this ordinance and as previously stated essentially all new connections wanting an irrigation system will be required to have a separate meter. He pointed out this is a very simple ordinance put out by the School of Government as a model ordinance and it is ready for adoption.

Commissioner Lavender made a motion, seconded by Commissioner Hollifield, to approve the Water Irrigation Ordinance as presented. By unanimous approval, the motion carried.

TAX MATTERS

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

Release Refunds	Refunded amount of \$474.79
Releases Over \$100.00	Released amount of \$10,794.60
Releases Under \$100.00	Released amount of \$3,125.88
Motor Vehicle Releases Under \$100.00	Released amount of \$787.47
Motor Vehicle Releases Over \$100.00	Released amount of \$537.12
Motor Vehicle Adjustments Under \$100.00	Adjusted amount of \$464.48

Motor Vehicle Adjustments Over \$100.00 Adjusted amount of \$620.94

Pending Refund Report Refund total of \$238.61

A motion was made by Commissioner Hollifield to approve the tax releases and refunds as presented. Commissioner Lavender seconded the motion and by unanimous approval, the motion carried.

BOARD APPOINTMENTS

There were no board appointments to be handled at this time.

PUBLIC HEARING – DSS MATTER

In introduction, the County Manager stated the Commissioners had directed that a public hearing be held regarding the 2012 legislation (G.S. 153A-76 and 77) which allows the Board of Commissioners to receive the duties and responsibilities that are currently conferred on the DSS Board. He advised that item had previously been discussed and is the matter before the Board at this time.

Chairman McPeters then declared the Board in public hearing in accordance with G.S. 153A-76 and 77. He opened the floor for the purpose of public comment.

Laura Myhr, Chairperson of the DSS Board of Directors, came forward and introduced other members of the DSS Board who were with her (Della Watson, Pat Faulkner, and Alice Little). Ms. Myhr noted they make up 80% of the Board, with the remaining 20% being Commissioner David Walker. Ms. Myhr stated during the past several months, the Board of Directors of the Department of Social Services had tried to discuss and negotiate any issues that the Board of Commissioners has had with the agency. However, this had been in vain as the Commissioners have not been open for discussion and solutions. She stated County Commissioners already have great control over the agency as they approve the department's yearly budget. However, the DSS Board does not believe that the County Commissioners are the best equipped with knowledge and experience to totally oversee this award winning agency. She said they understand the Commission has the authority to manage the Department of Social Services; they question the wisdom of them doing so.

Ms. Watson spoke next, questioning why the Commissioners had not met with the DSS Board or invited the DSS Board to meet with them to discuss the issues they had prior to taking action on the transition of DSS to the County's leadership. She noted the Board of Commissioners had a representative on the DSS Board who was supposed to report back to the Commissioners concerning what had transpired at the DSS Board meetings.

Mrs. Faulkner expressed pride for the DSS employees and their work. She advised they were experiencing some problems now because the State has insisted on

changing computer programs and adding additional projects. For that reason, the Board had encouraged them not to attend the meeting tonight, even though they could have filled the room, and the hallway. She pointed out they did not want to divide the staff by having them taking sides as to what should or should not be done, because that would not be fair. She said the Board was present to speak for certainly a majority. Mrs. Faulkner said the Chairman of the Board of Commissioners had said through the media, and also in meetings, that by this takeover efficiency would be improved and that new services would be offered. She wanted to know what efficiencies the Commissioners planned to do and what services they planned to offer.

Mrs. Little said she concurred with what the other members of the DSS Board had said, and she did not understand why the Board of Commissioners had not come to the DSS Board members to talk with them. She said it is entirely possible they would have come to the same decision after much research that maybe would have been necessary but they (the DSS Board) would never know. She said the DSS Board was not given the opportunity to hear what the Commission Board had concerns about nor to give an explanation and tell them how they were overseeing DSS. She pointed out the McDowell DSS is well recognized in North Carolina, noting the many times that agencies from other counties come to McDowell County for training, not by people from Raleigh but by McDowell County's people. She stated they were very sorry that the Board of Commissioners had chosen not to communicate, not to come to the DSS Board and ask for an explanation about things they did not understand, and she too would like to know why.

Michelle Harris spoke as a citizen of McDowell County who has no interest in DSS personally and does not utilize their services. She said she had attended the Commission meetings since March, had taken notes, etc. and was surprised to see this item on the agenda. She noted a lack of discussion on the matter previously and could only ask why no one had mentioned what the advantage would be for the takeover.

Marion resident Neil Schunke said he was present in support of movement, noting that he prefers having agencies such as DSS under the jurisdiction and control of elected representatives, and he had been happy with the Board of Commissioners for years and what they are doing for McDowell County.

Nebo resident Richard Faulkner stated people, including himself, have a lot of questions, but he realized this was not a question/answer period where the Board would give feedback to anything that is said. He briefly commented on a conversation he had with Commissioner Hollifield concerning his decision to make a motion to take over DSS, and what Commissioner Hollifield's reply had been. Also, Mr. Faulkner said the Board had intimated that by coming under the Board of Commissioners, the Board would have more control over the DSS budget, or expenditures, or anything related to the budget. He said this gave him cause to ask if the Board of Commissioners review any budget from any of the County departments on a regular basis that are not in trouble or anything, and they would have to answer that to themselves. Further, Mr. Faulkner expressed disappointment that the previous DSS Director had left the County and said he

felt the loss would not be realized until much further down the road. He wished the Board well in finding the person to run that agency and be a team member.

Marion resident Dean Henline said he was confused by how the public hearing was set up as being “a matter” and his thinking was “What’s the matter?” “The matter” is that unanswered question, which has still not been answered and he would ask why.

Nebo resident Gwen Straub said she is opposed to the change from the present DSS Board to the Board of Commissioners. She said she felt the current Board had done an excellent job under Mr. Hardin’s leadership to make the every day operations of DSS run smoothly and to the betterment of all the people who use its services. Because of that, all the people of McDowell County will feel the loss, which to her is a huge one. She mentioned her experience in working with him through the County’s Spay and Neuter Program where she observed his quick response and willingness to do whatever it takes for not just the people, but for the animals too. She said she felt it would be best to keep DSS under the present Board because of their experience and knowledge.

Mrs. Faulkner pointed out that a survey was taken last year from the clients that DSS works with which is very important. She advised the survey was 98% in approval of DSS and its work. She said this is almost unheard of in a County with as high a rate of people needing DSS as we have for 98% of those surveyed to say they are handled well and DSS has treated us fairly.

With no one else wishing to speak, Commissioner Lavender made a motion to close the public hearing. Commissioner Hollifield seconded the motion and by unanimous approval, the motion carried.

Chairman McPeters introduced a resolution drafted and presented for the Board’s consideration and adoption, said resolution entitled RESOLUTION ABOLISHING THE McDOWELL COUNTY BOARD OF SOCIAL SERVICES AND ASSUMING AND CONFERRING UPON THE BOARD OF COMMISSIONERS ALL POWERS, RESPONSIBILITIES AND DUTIES OF THE McDOWELL COUNTY BOARD OF SOCIAL SERVICES PURSUANT TO NORTH CAROLINA GENERAL STATUTES 153A-76 AND 153A-77.

The Chairman asked his fellow Commissioners if they had any comments.

Commissioner Lavender said he had made comments at a previous meeting directly related to where he thinks the Board should go. However, he wanted to answer some of the questions raised by the DSS Board regarding why the Board of Commissioners was doing this. He said for himself, he did not know—that he was not a part of the process that took them here. He said he too has questions and he had looked at it up and down and there is good and bad. He mentioned the previous DSS Director, noting his good qualities as well as the issues he has and which the Board had talked about from time to time. On the other hand, Mr. Lavender said Mr. Hardin is very good with money management issues although he realizes staff at DSS helped him with this.

However, the question is still there in his mind and the only thing he sees is that someone or some group of persons wants to do this to either get control of the leadership of DSS to somehow get control of finances or to deal with personnel issues. He pointed out since the Director is gone he wasn't sure why the latter issue would still be there other than looking toward the future. In regard to finances, Commissioner Lavender said there is little the Board of Commissioners can control except in a few areas because most of the funds are earmarked by the state or federal government, and it seems the main question goes back to the leadership issue. He commented on assuming the leadership role of the DSS Board, the required meetings and the issues that come into play that have to be dealt with, and how time consuming and intricate that can be. He noted the issue of being under state personnel and how an overworked personnel department will be able to learn the State policy as well. He stated the County is not prepared to handle this operation.

Commissioner Kaylor read the resolution and said he would make a motion to approve it. Commissioner Hollifield spoke about being the money managers and of the large DSS budget, noting that the action the Board takes now will go far into the future. Chairman McPeters said he was not present for the previous action taken by the Board due to his Mother's sickness. He pointed out that he sits on the regional Health Board and had some input in hiring the director, and also noted the legal issues and how the Board of Commissioners has been involved there. However, he said it is not a control issue.

Commissioner Kaylor made a motion to adopt the Resolution as presented. After a brief pause, Commissioner Lavender gave a second to get the motion on the floor and further discussion followed. By a vote of 3-1, the motion carried with Commissioner Lavender opposing.

PUBLIC HEARING – ROAP

Chairman McPeters 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. Steve Early, Foothills Industries Director, was present to give details of the grant application.

Mr. Early advised the total amount of the grant being requested this year is \$77,117 and is broken down with \$63,865 for EDTAP, and \$13,252 for EMPL. He advised this amount shows an increase over last year which was \$72,000, and noted that 3-4 years ago, the amount received was in the range of \$90,000. Mr. Early pointed out the amount of \$63,865 is split between the McDowell Senior Center and Foothills Industries and the amount of \$13,252 goes to DSS for job-related services.

Mr. Early explained that Foothills Industries is not providing public transportation with vans as they have previously done because most of this is done through DSS. Commissioner Kaylor asked about changes made for transportation of kids at group homes. Mr. Early said they had quit providing transportation for group homes because they want to keep kids left in the state and in doing that, the fact is their transportation

cost is in the cost of their care and it is the responsibility of the group home to do that. Commissioner Lavender asked a similar question with regard to folks who work at the Sheltered Workshop who are not in group homes and perhaps do not get transportation. He asked if this is true and if so, why did it change. Mr. Early advised this is not a fact because they still run 4 to 5 vans to transport those who are not in group homes. He advised there is still transportation for everybody that is not in group homes, although there are designated pick-up points, but it is up to other individuals to bring them.

Further discussion followed on transportation provisions for Sheltered Workshop individuals and those in group homes. Mr. Early said all group homes provide transportation.

DSS employee Charles Shumaker spoke briefly, stating that Foothills Industries had contracted them over the last year for pick-ups since the guidelines had changed. He pointed out FI still provides transportation for everyone at their facility. In reference to pick-ups, Mr. Shumaker said these are designated areas where parents or caretakers drop off individuals for transport to the facility. He advised it is not from a financial standpoint that they do this but rather to make it fair for all folks in the County, noting they have four general areas designated for pick-up. He addressed the logistics involved in order to meet the guidelines and make it work.

Further general discussion followed.

Commissioner Lavender asked about the status of the study for public transportation for the County. Mr. Early advised they tried desperately to get the study done for five years. He said as things that have evolved on the state level and the push for counties to go public with transportation, he did not think the study is required now. Mr. Shumaker advised he had spoken with the County Manager approximately four weeks ago about some things Mr. Hardin had started in regard to transport. He explained how some of the other agencies, such as DOT, and others are involved. He said right now McDowell County is the final county without public transportation and that the State is willing to do what is necessary to help the County to advance into public transportation. He said grants would need to be pursued and there would be a six-month period needed to make the change.

Chairman McPeters asked if there was any one from the public who wished to speak, but no one responded to do so.

Commissioner Lavender made a motion, seconded by Commissioner Hollifield, to go out of public hearing. By unanimous approval, the motion carried.

A motion was then made by Commissioner Lavender to approve the Rural Operating Assistance Program (ROAP) Application as presented. Commissioner Hollifield seconded the motion and by unanimous approval, the motion carried.

Commissioner Lavender made a motion to direct the County Manager to straight away pursue grant funding as the deadline is coming up soon. He said the grant writer is available to assist with this and he would be willing to amend the budget if necessary to handle the grant writing services. Commissioner Hollifield seconded the motion and by unanimous approval, the motion carried.

WATERSHED UPDATE

The County Manager made reference to an email received from the State, and proceeded to point out that staff had been trying to get an answer to a fairly straight forward question. The question is since we have an abundance of public properties in the watershed area, can we transfer all development impacts to that federally owned area? He noted the frustration staff has gone in trying to get an answer which he said has been somewhat in evidence. However, he said it looks like we have an answer which is addressed in the email from Julie Ventaloro of the North Carolina Department of Environment and Natural Resources to Ron Harmon, McDowell County Planner. He stated it looks like the full transfer of those impacts to the watershed area is not allowed. He said some will be but not all of them.

Mr. Harmon advised we had a simple question which was since we have 60,000 plus acres of National Forest, could the County do a one-to-one swap? If one is going to develop his property in the new watershed, can he transfer those develop rights meaning setbacks, lot sizes, etc. into the National Forest? He advised this had been asked for the past 2½ to 3 months and always got a different answer. Finally, after asking it one more time and putting it in as simple terms as he could, can we do a one-to-one transfer of development rights and the answer was “No”. However, what we can do is transfer development rights as far as impacts and what this will allow, under the 10/70 option, would help the City of Marion more because it would allow them to develop more of their property there would be located in the watershed. He pointed out they are going to have more high-density commercial development. What it would do for everyone else is it is going to reduce or do away with requiring engineered storm water drainage, which is quite costly and takes some time to develop. But setbacks still have to be met, which if it is a high-density development under the 10/70 option, it is a 100-foot setback from any perennial waters. This is not just the Catawba but anything feeding into it and you will be required to have a vegetative conveyance where the water flows through to diffuse before it gets to the area of drainage. Mr. Harmon said basically, what they are saying is the only thing we can relax is the engineered storm water drainage.

Further explaining, Mr. Harmon said if you are doing residential development, you can still develop up to two dwelling units per acre with this watershed. You will be required to have a 30-foot vegetative setback, but if you are developing less than an acre of land, these impacts will not affect you. The reason for this is that in the State of North Carolina, if you disturb more than one acre of land, you are required to have a sediment and erosion control plan. In the watershed IV, if the development is residential and does not call for sediment/erosion control plan, the watershed rules do not have to be met.

A general discussion followed, with Mr. Harmon responding to questions from the Board.

Mr. Abernathy said staff thinks the logic of this is not evident and that we should meet with the Assistant Secretary and Mr. Reed, his Assistant, to see if the goal of a full transfer, basically holding everything harmless because of the three for one acreage differential that is there between private and public properties, that we would like to pursue that full transfer into the federal forest. He advised there are about six weeks before the date to close on the property and he thought every effort should be made to try to resolve this issue before that time. He said if that cannot be accomplished, then other options should be pursued.

General discussion followed.

Commissioner Lavender made a motion to follow the County Manager's recommendation, to immediately contact the individuals mentioned and pursue the swap as discussed. Further, to ask that staff start looking at alternative ramifications to make sure that this project goes forward. He said there are long-term impacts for having water in the County and this project does not need to hit a roadblock. Commissioner Kaylor seconded the motion and by unanimous approval, the motion carried.

WELLNESS UPDATE

The County Manager addressed the Annual Wellness Fair scheduled for October 23rd between the hours of 10:00 a.m. and 2:00 p.m. at the McDowell Senior Center. He said there will be a lot said about wellness in the workplace, and that the County organization performs well in the area of wellness and workplace initiatives. He invited the Commissioners to attend and have lunch, visit vendors, interact with employees, and participate in the tests, etc. He pointed out the County is self-insured and that wellness is important also due to the insurance changes, etc. He noted there will be two walks or runs involved with the Fair.

Commissioner Lavender suggested doing an A1C test for glucose.

A general discussion followed.

BROADBAND GRANT

The County Manager stated the Chamber of Commerce, the County, the City of Marion, and others had done a good job, with the initiation of the Chamber program, to map out where high-speed internet is available, where it is not available, to assistance with where the need is, and to identify those areas for planning purposes. He made reference to the Skyrunner Company that had been before the Board, noting that the reason for giving them the favorable rate on the tower was to encourage the expansion of broadband into those unserved areas. He identified other things that the Board had agreed to do for the same purpose. He said he thought the County was targeted for this

grant because of the work that has been done and for being proactive. The grant has been made available to the County which will serve to have a group come in and do a better job of determining what the broadband inventory is in McDowell County and map out where it exists and where it does not. Once that information is prepared and presented to the Board, better planning can occur to extend and encourage high-speed internet into those areas where it is not available. He said there is some knowledge of this already, but it helps to lay it out which then gives a marketing tool to use with companies to try to solicit and have them serve those areas. He mentioned that he had sat in on a distribution of Chromebooks on Saturday morning for 10th, 11th and 12th graders. He pointed out the Board had budgeted \$200,000 that was matched up with the Golden Leaf grant for this project. He explained how the Chromebooks still function in areas where internet is not available in the home. He pointed out that a child is at a disadvantage if internet is not available, and this is a way of being proactive. Further, he said there is no local money attached if the Board was so inclined to agree.

A motion was made by Commissioner Lavender and seconded by Commissioner Hollifield to authorize staff to pursue this opportunity. By unanimous approval, the motion carried.

Mr. Abernathy advised that he, Commissioner Kaylor, and Commissioner Hollifield had attended the NACC Conference. He noted the book that was distributed there and which had been placed on the Board's computers. He said hard copies are also available. Mr. Abernathy said he was excited to see how the County had improved on per pupil expenditures, but said it was a mistake that had been corrected on that particular map. He pointed out the book is a comparative study done on all 100 counties. He said what is interesting is to scan down and see where we are consistent with Rutherford, Caldwell, and Burke Counties, and then see where we differ from surrounding counties, and you want to understand why we differ.

Mr. Abernathy said he wants to spend some time for discussion of school funding later on.

REPORTS AND COMMUNICATIONS

Chairman McPeters noted the visitation on Tuesday evening, September 10th, for Mr. C.A. "Doc" Buckner, former Soil and Water Conservation District Supervisor. Mr. Abernathy credited Mr. Buckner for results associated with the MA Fire District.

Mr. Abernathy advised September 30th is the date for the meeting on items related to the Courthouse, scheduled for 12 o'clock noon.

ADJOURNMENT

There being no further business to transact at this time, upon motion by Commissioner Lavender, a second by Commissioner Hollifield, and with unanimous

approval, the meeting was adjourned until 12 o'clock noon on Monday, September 30, 2013, for the meeting on items related to the Courthouse.

BARRY E. McPETERS
VICE-CHAIRMAN

CARRIE PADGETT
CLERK TO THE BOARD