

**STATE OF NORTH CAROLINA  
COUNTY OF MCDOWELL COUNTY  
BOARD OF COMMISSIONERS  
REGULAR SESSION – NOVEMBER 9, 2020**

**Assembly**

The McDowell County Board of Commissioners met in Regular Session on Monday, November 9, 2020, at 5:00 p.m., at the Universal Conference Room, 634 College Drive, Marion, North Carolina.

**Members Present**

David N. Walker, Chair; Tony Brown, Vice-Chair; Lynn Greene; Barry McPeters; Brenda Vaughn

**Members Absent**

None

**Others Present**

Ashley Wooten, County Manager; Cheryl Mitchell, Clerk to the Board

**Call to Order**

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

Chairman Walker noted in honor of Veteran's Day he requested all Veterans to please stand. The audience gave a standing ovation to Vice Chairman Tony Brown who served in the US Navy- 2<sup>nd</sup> Marine Corp Division.

**Approval of Minutes**

Commissioner McPeters made a motion, second by Commissioner Greene, to approve the October 12, 2020 Regular Session and October 19, 2020 Regular Session minutes as presented. By a vote of 5-0, the motion carried.

**Approval of Agenda**

Chairman Walker called for any additions or deletions to the agenda. There were none.

Vice Chairman Brown made a motion to approve the agenda as presented, second by Commissioner McPeters. By a vote of 5-0, the motion carried.

**COVID-19 Update**

Mr. William Kehler, Emergency Services Director, gave an update on the COVID-19 response:

- Day 239 of Emergency Operation Center (EOC) activation; 19,627 tested; 1,380 positives (41 positives today); 18,115 negative tests; 1221 out of quarantine; 36 deaths
- Community spread is from private large gatherings that are continuing to be held in the county with no social distancing or masks
- Deer Park facility 4 staff, 0 residents tested positive
- Autumn Care has 65 residents and 26 staff that have tested positive; 3 COVID deaths

- McDowell Detention Center holds at 4 staff and 2 inmates who tested positive
- McDowell Correctional Facility holds at 4 inmates and 17 staff tested positive
- continuing weekly coordination calls with all long-term care facilities
- PPE supplies still being distributed to facilities in need in the county
- Nine FEMA applications are in process; four have been filed
- Tropical Storm Zeta damages are being assessed; there were 135 reports of damage
- The northern part of the county was isolated for 36 hours due to a large landslide on Hwy 226N; emergency personnel were placed above the landslide to provide emergency response if needed
- getting ready for potential of heavy rainfall 3-4" from Tropical Storm ETA; and more in a couple of days over the weekend

### **Introduction/Chamber Update**

Ms. Kim Effler, Chamber Executive Director, gave a bio of herself and handed out the five-year strategic plan for the Chamber. She joined the McDowell Chamber of Commerce in January 2019 as the office manager following volunteer service to the Old Fort Chamber of Commerce since 2017. Ms. Effler holds an associate degree in paralegal studies and has a solid foundation in the banking industry.

Ms. Effler distributed the McDowell Chamber of Commerce Vision 2025 Strategic Plan. A copy is with the agenda materials.

Chair Walker and the rest of the Board congratulated Ms. Effler on her appointment.

### **P.G. Fire Department Request**

Mr. Anthony Killough, PGFD Board President; and Mr. Neil Settlemyre, Chief of PGFD, presented a resolution for approval to build a new facility. The fire department had bought the car wash property adjacent to them and are going to expand the current facility. The PGFD has a Class 5 rating.

#### Certificate of Clerk Reapproval of Tax-Exempt Loan to Volunteer Fire Department by Board of Commissioners

The undersigned, being the duly qualified Clerk of McDowell County, North Carolina, does hereby certify that the following is a true and accurate copy of the Resolution passed by the Board of Commissioners of McDowell county, North Carolina, at its regular meeting on the 9<sup>th</sup> day of November, 2020, with Resolution was duly introduced, seconded, and approved, and that said Resolution remains in full force and effect:

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Board of Commissioners of McDowell County, North Carolina does hereby approve (within the scope of the qualifying language set forth below) a tax-exempt loan to the P.G. VOLUNTEER FIRE DEPARTMENT, INC (the VFD) from First Bank in the principal amount of \$995,000., which loan is for the following purpose:

1. For the construction of an addition to the existing fire station for the P.G. Volunteer Fire Department, Inc.

P.G. Volunteer Fire Department, Inc. will own and operate the station to be financed at the Fire Department's following address:

2703 Hwy 70W  
Marion, North Carolina 28752

RESOLVED, FURTHER, that the approval of the loan to the VFD set forth above is given solely for the purpose of the public approval requirement for tax exempt financing applicable to the VFD because of Section 150(e)(3) and Section 147(f) of the Internal Revenue Code of

1986, as amended, and such approval does not obligate the County or its Board of Commissions in any way regarding repayment of the debt.

Duly certified by the execution hereof and placing heron of the seal of the said County, this the 9<sup>th</sup> day of November, 2020.

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Clerk to the Board  
McDowell County, North Carolina

Commissioner Greene made a motion to approve the Resolution, second by Commissioner Vaughn. By a vote of 5-0 the motion was approved.

### **Public Shooting Range**

Mr. Wooten presented a construction schedule from the contractor, which was subject to change due to weather conditions. A copy is with the agenda materials. Mr. Chuck Hamrick is working on the office/classroom design. The completion date is expected to be August, 2021. January, 2016 was the initial presentation of the shooting range from NC Wildlife.

NC Wildlife asked for the Board to be considering a name for the shooting facility. One suggestion was McDowell County Public Shooting Complex.

Prior to next meeting the Board members will submit two names for the facility.

### **Emergency Services Capitol Projects Update**

Mr. Wooten reported construction continues on the two building projects. The Station 4 project is moving very quickly, and is scheduled for completion in early 2021. Photos were submitted of the truck bays.

Construction on the foundation for the Headquarters is about ready. November, 2021 is the anticipated completion date.

### **Facilities Update**

Mr. Wooten gave the following updates:

69 N. Main Street—Due to no blueprints, Chuck Hamrick and his staff have measured all of the rooms, and he is preparing existing drawings and will then be able to design office spaces for the staff currently located at the Administration Annex.

South Garden Street—Bids for the two existing buildings to be removed, graded and add parking spaces for the Administration Building have been solicited. One quote had been received, waiting on a couple more quotes and then will bring back to the Board for approval.

Probation and Parole—relocating to the second floor of Administration Building. Mr. Wooten had met with representatives of Guardian Ad Litem program and Extension for relocating.

Marion Armory—will be relocated in Burke County to the Regional Readiness Center. Once it closes the property will revert back to the county.

Commissioner Greene noted the Board needed to look seriously at the DSS building to get the employees more room.

## **Recreation Facility Update**

### **Property**

The title issue had been addressed and now the County clearly owns the facility. A survey has been ordered for the property, and survey bids will be opened this week. Once the survey is complete, a site plan will be developed.

### **Recreation Center Gym**

The Rec gym lighting has all been replaced with LED fixtures. The new fixtures are much quieter and more efficient. Quotes for sound baffles will be received next week to help alleviate the echo in the gym. Will be installing flashing on the side of the building, and also getting quotes on front glass windows.

### **Maple Leaf**

The only survey is boundary only, so staff has ordered a survey for the complex property. The survey will be used to establish a development plan that will be used for grant applications, etc.

### **Woodlawn Roadside Park**

Improvements have been made to the restroom plumbing, and a HVAC replacement is in process. The lease renewal with the US Forest Service will be on the agenda in the near future.

Chairman Walker noted the Board was dedicated to improving the facilities, grounds and programs at the Recreation Dept.

## **Black Bear Park Update**

Duke Energy has completed the design of the park near the Black Bear Access Area. The facility will be located on approximately 165 acres near the boat launch. The park will have a separate entrance and will be maintained by McDowell County. There will be a day-use component with a fishing pier and picnic shelter. There will also be an overnight camping area with multiple tent camping sites with provisions for several small cabins. Duke Energy is responsible for all permitting, contracting, and construction of the area.

The park should open to the public under County operation in 2022.

Discussion was held on how many and the types of cabins that would be constructed. Mr. Wooten and Commissioner Greene will look at pre-fab buildings, and stick built cabins at other campgrounds for options. Suggested \$50,000 to go toward cabins.

Commissioner Greene made a motion to set aside \$50,000 for cabins, second by Vice Chairman Brown. By a vote of 5-0 the motion passed.

## **Universal Property Update**

Dogwood Health Trust issued a press release about the workforce housing project that is planned on the north side of College Drive. Gateway Wellness and Housing Assistance have been meeting with HUD officials for preliminary work.

Mr. Wooten and Mr. Chuck Abernathy submitted the Golden Leaf CBGI application. The requested funding would be used for additional infrastructure to serve the property on the south side of College Drive.

**Administrative Items**

Mr. Wooten presented three Nebo Water System fee waiver requests from:

Lois Hutchins	\$65.38	underground water leak
Robert Dennis Stroud	\$45.73	water leak
Fred McGee	\$47.24	water leak

Commissioner McPeters made a motion to approve the fee waiver requests, second by Commissioner Greene. By a vote of 5-0 the motion passed.

Mr. Wooten presented a request to add a job title to the County job position class listing. The position of Public Services Manager will replace Deputy Director of Solid Waste, the position will be filled by an existing employee.

Vice Chairman Brown made a motion to approve the reclassification, second by Commissioner Greene. By a vote of 5-0 the motion passed.

Mr. Wooten presented a Project Budget Ordinance for the Courthouse Renovation and Addition Project Amendment 5 for approval.

Commissioner Greene made a motion to approve the Project Budget Ordinance Amendment 5, second by Commissioner McPeters. By a vote of 5-0 the motion passed.

Mr. Wooten presented a Resolution of Close-Out of Project Fund (46) for McDowell School Projects Fund for approval.

**Resolution Close-Out Project Fund**

**WHEREAS**, the County of McDowell began a Project Fund (46), and  
**WHEREAS**, the County received ADM Funds in the amount of \$231,450 and restricted sales tax in the amount of \$2,432,291 from other governmental agencies to finance the school project fund, and  
**WHEREAS**, the County desires to close certain school projects within the school project fund, and  
**WHEREAS**, final payments have been made, and the projects the County will close are as follows:

EMMS Roofing	\$487,043
MHS Phase II Athletic	\$1,673,158
Roofing Field House	\$149,941
EMMS/PG Roofing	\$245,349
Roofing Marion Elem	\$63,250
WMMS Cooling Tower	\$45,000

**NOW THEREFORE, BE IT RESOLVED BY THE COUNTY OF McDOWELL BOARD OF COMMISSIONERS THAT** the County of McDowell School Projects Funds listed above are complete and all documentation will be preserved in County files to comply with recordkeeping requirements.

Adopted this 9<sup>th</sup> day of November, 2020.

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Cheryl L. Mitchell, Clerk to the Board

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David Walker, Chairman

Commissioner Greene made a motion to approve the Resolution Close-Out of Project Fund (46), second by Commissioner McPeters. By a vote of 5-0 the motion passed.

**Budget Amendments**

Mr. Wooten presented the following amendments:

GF 10 – Transfers between line items, appropriate revenues and restricted funds in Emergency Medical

GF 11 – Transfers between line items, appropriate revenues and restricted funds in the Library

GF 12 – Transfers between line items, appropriates revenues, and restricted funds in the Sheriff's Office

GF 13 – Transfers between line items and appropriates additional funding at Social Services

GF 14 – Appropriates fund balance for Economic Developments and Property Purchase

GF 15 – Appropriates fund balance for the Courthouse Project costs

GF 16 – Appropriates property sale proceeds to salary/benefits and park improvement

CP1 – Appropriates fund balance for the YMCA operating grant

SP2 – Amends the School Project Fund for several school capital projects

SP3 – Amends the School Project Fund for several school capital projects

ENT1 – Transfers between line items in the Waste Enterprise Fund

911F1 – Transfers the budget between line items in the 911 Fund

SR1 – Appropriates anticipated revenue for Special revenue funds, formerly known as trust accounts

Commissioner McPeters made a motion to approve all amendments as presented, second by Vice Chairman Brown. By a vote of 5-0 the motion passed.

**Ordinance Updates**

Request was received from the Board of Adjustments for the Board of Commissioners to consider several amendments to the 2020 Lake James Protection Ordinance:

- Trees 2" in diameter and larger be considered protected vegetation and cannot be removed unless they pose a hazard to the home, dock, or accessory structures. Or cleared for the footprint of the home, accessory structure, septic or driveway.

- Amend the violation section that removes the warning, and violations are now subject to a fine as well as having to be brought into compliance. The current fine ranges from \$500 to \$5,000. The recommendation was to have the fine be \$5,000.

Mr. Wooten noted the request concerning the maximum fine cannot be met since statute sets a maximum fine per ordinance violation at \$500.

Vice Chairman Brown made a motion to approve the request, second by Commissioner McPeters. By a vote of 5-0 the motion passed.

Mr. Wooten noted the Board had previously requested the Planning Board to look at a littering ordinance. A draft Illegal Solid Waste Ordinance was presented to address the littering issue. The Solid Waste Operation Ordinance was also presented as an update of a preexisting ordinance. The Operations Ordinance governs the disposal of solid waste at the Transfer Station on Hwy. 226S. This was the second reading on both ordinances.

Discussion followed on the collection of trash at personal homes or yards.

Commissioner Greene asked what gives the Board authority to go on private property and regulate cleaning up. Attorney Coats noted it would fall under public health and safety. Mr. Wooten stated the Board has general police power that would refer the situation to the Sheriff's office.

Commissioner Greene made a motion to table the Illegal Solid Waste Ordinance until next meeting, second by Commissioner McPeters. By a vote of 5-0 the item was tabled.

Vice Chairman Brown made a motion to approve the Solid Waste Operation Ordinance, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

**Tax Matters**

Releases over \$100	\$ 3,827.20
Releases under \$100	\$ 128.77
Discoveries	\$ 61,135.24
MV tax refunds	\$ 391.68
Refunds	\$ 479.26
Write-offs	\$ 675.19

Vice Chairman Brown made a motion to approve all tax matters, second by Commissioner Greene. By a vote of 5-0 the motion passed.

**Board Appointments**

Planning Board member Chris Allison was elected as a County Commissioner and member Corey MacKinnon was elected as District Court Judge. The Planning Board request that alternate member, Terry Good be appointed as a member.

Vice Chairman Brown made a motion to appoint Terry Good as a member, second by Commissioner Greene. By a vote of 5-0 the motion passed.

The Clerk will advertise vacancies for one full member and one alternate member, and bring applications to the next Regular Session.

**Public Comment – NCGS 153A-52.1**

Chairman Walker opened the meeting for public comment at 6:19 pm.

There were no comments.

Public comment ended at 6:19 pm.

**Commissioners/Staff Reports and Communications**

Chairman Walker suggested having a drive-thru meal and random door prizes for county active and retired employees in lieu of the annual Christmas party.

Vice Chairman Brown made a motion to proceed with the drive-thru plan, second by Commissioner McPeters. By a vote of 5-0 the motion passed.

Mr. Wooten noted the county offices would be off Wednesday, November 11 in observance of Veteran’s Day. He also expressed his appreciation to the many law enforcement and emergency services personnel that would be working on that day.

Chairman Walker expressed his support of our law enforcement and would never vote to defund the police. The Board agreed and discussed creating a resolution to that effect.

Vice Chairman Brown made a motion to create a resolution that the Board would never decrease the funding of law enforcement, second by Commissioner Greene. By a vote of 5-0 the motion passed.

Mr. Wooten reminded the Board they would be meeting with the McDowell Tech Community College Board of Trustees at 4:30pm on Thursday, November 12<sup>th</sup>.

**Adjournment**

There being no further business to transact at this time, upon motion by Commissioner Greene and a second by Commissioner Vaughn, the meeting was recessed at 6:25pm to November 12<sup>th</sup> at 4:30pm.

Attest:

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Cheryl L. Mitchell  
Clerk to the Board

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David Walker  
Chairman