

**STATE OF NORTH CAROLINA
MCDOWELL COUNTY
BOARD OF COMMISSIONERS
REGULAR SESSION – MAY 10, 2021**

Assembly

The McDowell County Board of Commissioners met in Regular Session on Monday, May 10, 2021, at 5:00 p.m., at the Universal Conference Room, 634 College Drive, Marion, North Carolina.

Members Present

Tony Brown, Chair; David N. Walker, Vice-Chair; Brenda Vaughn; Chris Allison; Patrick Ellis

Members Absent

None

Others Present

Ashley Wooten, County Manager; Cheryl Mitchell, Clerk to the Board; Attorney Fred Coats; Allison Bell

Call to Order

Chairman Brown called the meeting to order. The invocation was given by Commissioner Allison, followed by the pledge of allegiance, led by Commissioner Vaughn.

Approval of Minutes

Commissioner Vaughn made a motion, second by Commissioner Ellis, to approve the April 12, 2021 Regular Session, April 16, 2021 Joint School Board, and April 19, 2021 Regular Session minutes as presented. By a vote of 5-0 the motion passed.

Approval of Agenda

Commissioner Ellis made a motion to approve the agenda, second by Commissioner Allison. By a vote of 5-0 the motion carried.

COVID-19/Vaccine Update

Mr. William Kehler gave the following update:

- Day 421 at the EOC for COVID-19 under Level 2 Activation
- 5,099 positives; 77 deaths; and 10.0% 14-day positivity rate
- 15,117 first doses administered; 13, 903 second doses administered; total doses administered 29,020
- This Friday will be last day of vaccinations at Grace Community Church, both Pfizer and Johnson & Johnson will be available, and no appointment will be needed
- Local pharmacies are giving the vaccinations also
- In process of winding down operations at EOC

Mr. Kehler thanked Grace Community Church for the use of their facilities and property in administering the vaccines. He also expressed appreciation for all the support from the Board and other agencies and county departments during this pandemic.

Vice Chairman Walker made a motion for staff to prepare a Resolution of Appreciation for Grace Community Church and its volunteers, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Introduction of New Transit Director

Mr. Wooten introduced Transit Director, Jason Hollifield to the Board. Today was his first day on the job. He previously worked for Mitchell County Transit.

Mr. Hollifield expressed his appreciation for the opportunity to work for the county, and looked forward to working with the staff.

Employee Health Insurance Proposal

Over the last several months staff had been reviewing the county's employee self-insured health plan. The county's broker also reviewed the plan and recommended several changes. The changes should allow for continuity of coverage, with the possibility of lower costs than the current provider.

Brian Flynn, county broker representative of One Digital with Morrow Insurance spoke on cost savings by changing plans. A copy of his presentation is with the agenda materials. His suggestion was to move to Maxor Pharmacy and save potentially \$421,000 in pharmacy cost. For medical claims he suggested MedCost for more flexibility and potentially a better discount. The County employees could keep their same medical providers. He added the difference in the savings is due because with the current carrier, Blue Cross Blue Shield, they use their own pharmacy and keep all rebates and the cost have gone up every year significantly.

Mr. Wooten noted the County had budgeted \$2.6M for the self-insurance cost and the estimate by the end of the fiscal year was \$3.6M. The increase was partly due to COVID claims and surgeries being postponed until now. By the year 2025 it was estimated 50% of cost will go towards pharmacy costs.

Mr. Wooten noted that one third of the counties charge a monthly premium averaging \$53 a month. Mr. Finn added Counties and Municipalities were having to charge due to the rising healthcare costs, and several were charging for children and spouse coverage.

Vice Chairman Walker made a motion to take the staff recommendation to switch to MedCost, and for staff to review and bring recommendation of employee cost, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Library Activities Update

Mr. Marlan Brinkley, Library Director, gave an update of library operations. Due to the COVID pandemic, library staff used digital programming of staff doing crafts and reading aloud books. Craft kits would be placed outside of the library for pick up, and would be gone within an hour.

The Library also offered curbside pick-up and helped over 6,000 people. Another program the Library offers is Tutor.com and had over 30 patrons last month. Patrons can also pull into the Library parking lot and use the wi-fi.

Since April 15,000 patrons have used the library and 80,000 items have been checked out. He added the new Book Mobile should arrive by the last week of June.

Vice Chairman Walker expressed his appreciation for the Library staff and all the work they had done during this pandemic.

MACA Building Repair Assistance Request

Ms. Susan Pyatt-Baker, Executive Director of McDowell Arts Council Association (MACA) gave an update on activities through their association. MACA has contributed \$10,000 to the middle and high schools to go toward artist virtual residency. Also, art kits had been distributed through the Community Forums and food distribution sites. The McDowell Health Coalition has given funds to get more art kits for distribution.

Ms. Baker's request was for assistance in replacing 22,000sf roof on the MACA building. The children's theatre is their largest fundraiser, and due to the COVID shutdown that revenue as well as the other fundraisers was not able to happen.

MACA has raised \$9,300 through their GoFundMe account, the Chamber has donated \$2,500, TDA has donated \$3,000, and there has been a request sent to the City of Marion.

Commissioner Ellis made a motion to give MACA \$2,500 toward the roof repair, and challenge the City of Marion to also pay \$2,500, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

Parks and Recreation Department Update

Mr. Wooten announced Ms. Susan Huskins, former Recreation Director retired on May 14th, and interviews would be this week.

Mr. Wooten noted staff had addressed several concerns at the Old Fort ballfield facility regarding sanitation and lighting. He added the Facility Maintenance staff assisted with addressing the issues at the park.

Mr. Wooten stated two quotes had been received and a third vendor had been on site but has not presented a quote for sound baffles in the gym.

Vice Chairman Walker made a motion to wait two weeks if no quote had been received, move forward with the quotes they have, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

Facilities Updates

Mr. Wooten noted the Public Shooting Range bridge is still being constructed. The office building bid is out for contract now.

Vice Chairman Walker asked for an update on recreation grants available. Mr. Wooten noted there are several different grant opportunities for parks. PARTF and Land and Water Conservation Fund (LWCF) are two opportunities available. October 1st is the deadline for filing for the LWCF federal grant. Mr. Blackly has done preliminary work on filing for the federal grant.

Commissioner Ellis asked if the county owned the land where the Old Fort ballfields and swimming pool are located. Mr. Wooten noted the Town of Old Fort owns the swimming pool, and ballfields and has a lease with the County. The County maintains the facilities and properties, and either party can exit the agreement by giving a 60 days' notice.

Vice Chairman Walker stated he would like for the Town of Old Fort to help fund 50% of the cost for repairs since the property was owned by the Town.

Chairman Brown noted he thought it would be in the best interest of the County for the Town to give the property to the county.

Commissioner Ellis would like to see more accountability for the oversight of the facilities in the future, and also for the revenues taken in at the facilities.

Commissioner Allison confirmed that the County pays for electrical utilities. He asked how much money did the youth activities bring in at the gate for programs. Mr. Wooten noted youth activities collect gate funds and concession stands, pay for officials (umpires) and needs for the teams, including any disposable items such as toilet paper, paper towels.

Commissioner Allison made a motion for county staff to request a treasurer's report from all county youth activity boards for accountability, second by Vice Chairman Walker. By a vote of 5-0 the motion passed.

Vice Chairman Walker noted that all teams went to Big League Camp and registered for teams. Usually the sign-up process went through the school the child attends. Mr. Wooten noted several years ago there was an agreement that the County would not supply umpires, the schools would register and the County would receive a portion for liability insurance and registration fees for the CAL Ripken/Babe Ruth Little League Assoc.

Consensus of the Board was for staff see if there is any interest in the Town of Old Fort taking over the pool and fields, or give the property to the county.

Garden St. Property

A drawing prepared by Fred Blackly, landscape architect, was provided for the parking on the county property on S. Garden Street. A total of 16 parking spaces would be available.

Vice Chairman Walker made a motion to approve the plan as presented, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Mr. Wooten noted the bids would be opened on June 3rd for the N Main St building.

Mr. Wooten presented a request for lease renewal on the rented office space on West Court Street where part of the probation staff has been housed. He noted the second floor of the Administration Building has not been renovated, and recommended renewing the lease for another year. Also, another year would allow time for the current EMS base to be removed to allow for more parking. The lease is \$970 currently thru October.

Vice Chairman Walker made a motion to approve the lease, and also see a timeline for the renovation of the second floor, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

Illegal Solid Waste Ordinance Discussion

Mr. Wooten noted the illegal accumulation of solid waste, deals mainly with litter and roadside debris. Chairman Brown added that littering was a big problem in the county, and would like to see cameras and additional policing in problem areas.

Vice Chairman Walker noted he would like to see a shorter timeframe than the recommendation of 90 days once the Enforcement Officer has given notice to the occupant. He suggested 30 days.

Commissioner Ellis would like to have a future discussion on solid waste fees and functions to see how much the county spends.

Vice Chairman Walker asked if the littering fine of \$50 per violation, per day with \$500 maximum fine is as much as the County could charge. Mr. Wooten noted if the State law covers an item the county wants to make illegal, let the state law prevail when the fine is larger.

Vice Chairman Walker made a motion to approve the Illegal Solid Waste Ordinance with 30 days instead of 90 days, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Commissioner Ellis asked the Sheriff and Chief of Police to write letters to Gov. Cooper for assistance in cleaning up the state. Also, for the Commissioners to write the NCACC to help with cleaning up the county. Mr. Wooten added HB 700 was a bill to bring back inmate litter crews, and the deadline to pass the House was May 13th.

Opioid Lawsuit Settlement Agreement

The County entered into a federal multi-district litigation lawsuit against several manufacturers, distributors, etc. of opioids. The belief has been the true nature of the addictive nature of the drugs was minimized.

The NC Attorney General, the NC Association of County Commissioners, the NC League of Municipalities strongly suggested all 100 counties and the largest cities band together to adopt a memorandum of agreement that would settle the various lawsuits against the defendants. In exchange monies would be made available over an 18-year period for intervention and treatment programs. The funding would be monitored and reported as a special revenue fund.

The estimated settlement would be \$150,000-\$200,000 for McDowell County. A copy of the memorandum and materials is with the agenda materials. No action was taken.

American Rescue Plan Discussion

In March the US Congress signed into law the American Rescue Plan. McDowell County will receive \$8.8M in restrictive funds. The necessary guidance from the U.S. Treasury has not been published, but the general expenditure parameters are listed below:

- Responding to or mitigate the public health emergency with respect to the COVID-19 emergency or its negative economic impacts;
- Providing government services to the extent of the reduction in revenue;
- Make necessary investments in water, sewer, or broadband infrastructure; and
- Responding to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work.

Mr. Wooten noted the expectation is the State will offer guidance on expenditures, and funds must be spent by December, 2024.

Second Amendment Sanctuary

Per discussion at last month's meeting the Board requested the following resolution be presented again since it had previously been approved by a prior Board of Commissioners.

**RESOLUTION REAFFIRMING McDOWELL COUNTY
A SECOND AMENDMENT SANCTUARY**

WHEREAS, the Constitution of the United States is the Supreme Law of our nation; and

WHEREAS, the Second Amendment to the Constitution of the United States of America states: "A well-regulated Militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed;" and

WHEREAS, the North Carolina Constitution, Article I, Section 30, states: "A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they shall not be maintained, and the military shall be kept under strict subordination to, and governed by, the civil power. Nothing herein shall justify the practice of carrying concealed weapons, or prevent the General Assembly from enacting penal statutes against that practice;" and

WHEREAS, the McDowell County Board of Commissioners is concerned about the passage of any bill or legislation which could be interpreted as infringing the rights of the citizens of McDowell County to keep and bear arms; and

WHEREAS, the criminal misuse of firearms is not a reason to unconstitutionally infringe the rights of law-abiding citizens of McDowell County; and

WHEREAS, the McDowell County Board of Commissioners wishes to express its intent to stand as a Sanctuary County for Second Amendment rights and to oppose, within the limits of the Constitution of the United States, the Constitution of North Carolina, and McDowell County's authority, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the rights of the citizens to keep and bear arms.

NOW, THEREFORE, BE IT RESOLVED that the McDowell County Board of Commissioners do hereby declare its intent to uphold the Second Amendment rights of the citizens of McDowell County and that public funds, resources, employees, buildings or offices not be used to unconstitutionally restrict Second Amendment rights or to aid or assist in the unconstitutional enforcement of the rights under the Second Amendment of the citizens of McDowell County to keep and bear arms; and

FUTHERMORE, the Board of Commissioners hereby reaffirms McDowell County, North Carolina, as a "Second Amendment Sanctuary."

Adopted this the 10th day of May, 2021.

Attest:

Cheryl L. Mitchell, Clerk to the Board

Tony G. Brown, Chairman

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

Glenwood Ruritan Road Closure Request

Mr. Wooten presented a request from the Glenwood Ruritan Club for a road closure for their annual Gold Rush 5K for Saturday, June 5, 2021.

**AN ORDINANCE DECLARING A ROAD CLOSURE
FOR THE 2021 GOLD RUSH RUN 5K**

WHEREAS, the McDowell County Board of Commissioners are supportive of events held by various community groups; and

WHEREAS, the Glenwood Ruritan is planning to hold the annual Gold Rush Run 5K race on Saturday, June 5, 2021; and

WHEREAS, the McDowell County Board of Commissioners recognizes that this Run requires approximately one and three-quarter hours to install signing and traffic control, hold the Run and for the removing of signs, traffic control, and litter;

NOW THEREFORE BE IT ORDAINED by the McDowell County Board of Commissioners pursuant to the authority granted by G.S. 20-169 that they do hereby declare a temporary road closure during the day and time set forth below on the following described portion of a State Highway System route:

Date: Saturday, June 5, 2021

Time: 7:45 a.m. to 9:30 a.m.

Route Description: 1250 SR 1781 Polly Spout Rd to 3000 Polly Spout Rd.

This ordinance to become effective when signs are erected giving notice of the limits and times of the event, and implementation of adequate traffic control to protect participants and to guide vehicles around the event route.

Adopted this 10th day of May, 2021.

ATTEST:

Cheryl Mitchell
Clerk to the Board

Tony G. Brown
Chairman

Vice Chairman Walker made a motion to approve *AN ORDINANCE DECLARING A ROAD CLOSURE FOR THE 2021 GOLD RUSH RUN 5K*, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

Administrative Items

The Juvenile Crime Prevention Council presented a request for approval of their annual funding plan. The funds are used for activities that prevent juvenile behaviors and address them after the fact. Commissioner Vaughn gave an update of the Council since she serves on the council.

Vice Chairman Walker made a motion to approve the JCPC funding plan, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

Previously the Board had reviewed a settlement proposal involving the Chapter 7 bankruptcy of the Whitnel Properties, Inc. The bankruptcy judge approved the settlement of a single lump sum payment in the amount of \$113,269.78 in full satisfaction of the property taxes owed. A copy of the settlement is with the agenda materials.

Commissioner Ellis made a motion to approve the Whitnel Properties, Inc settlement, second by Vice Chairman Walker. Discussion was held on net after attorney fees. The attorney fees were

approximately \$5,000, and the balance would go toward the taxes owed. By a vote of 5-0 the motion passed.

Mr. Wooten presented \$29,783.00 in EMS write-offs for consideration.

Commissioner Vaughn made a motion to approve the EMS write-offs, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Budget Amendments

The following was presented for approval:

Project Budget Ordinance Corona Virus Relief Fund Amendment 2

Project Budget Ordinance Courthouse Renovation and Addition Project Amendment 5

Vice Chairman Walker made a motion to approve both Project Budget Ordinances, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

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|--------|--|
| GF—50 | Transfers between various line items in amounts below \$3,000 |
| GF—51 | Records loan proceeds and donations for Emergency Services |
| GF—52 | Appropriates Medicaid Hold Harmless due to equipment maintenance |
| GF—53 | Appropriates reserved funds for equipment at the Library |
| GF—54 | Transfers between line items and appropriates revenues for Waste Collections |
| GF—55 | Appropriates revenue to cover state tax and supplies in the Register of Deeds budget |
| GF—56 | Appropriates revenue and transfer between line items in the Sheriff's Dept. |
| GF—57 | Appropriates revenue due to state credit and debit service fees |
| GF—58 | Appropriates grant revenue and transfers between line items in the Board of Elections budget |
| GF—59 | Appropriates revenue for HVAC repair at MTCC |
| GF—60 | Appropriates revenue for additional Medical Examiner costs |
| GF—61 | Appropriates revenue for the Old Fort memorial donation |
| GF—62 | Appropriates revenue to complete the Courthouse project |
| GF—63 | Appropriates revenue to the Universal Enterprise Fund to make repairs. |
| FD1-- | Allocates estimated sales taxes to the fire and rescue districts |
| FD2-- | Allocates estimated property tax collections to the fire and rescue district |
| DSO1-- | Allocates designated funds for school improvements |

SP4--	Amends the School Project Fund for the prior amendment
ENT2--	Transfers between line items and allocates revenue in the Waste Enterprise Fund
UENT2	Appropriates a general fund transfer and allocates revenue in the Universal Enterprise Fund
SR2--	Appropriates anticipated revenue for Special Revenue funds formerly known as trust accounts
SI2--	Allocates revenue sources and appropriates fund balance for the self-insurance fund.

Vice Chairman Walker expressed the unfairness of the State in not letting the County choose a company to handle credit card fees.

Vice Chairman Walker made a motion to approve the budget amendments as presented, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Tax Matters

MV tax refunds	\$ 1,172.87
Release under \$100	\$ 31.53
Release over \$100	\$ 3,464.95
Discoveries	\$ 404.56
Write-offs	\$ 3,210.57

Vice Chairman Walker requested the Hwy 55 Burgers prior owner still be billed and not be approved.

Vice Chairman Walker made a motion to approve all tax matters minus JK Thomas Company DBA Hwy 55 Burgers from the write-offs for further collection measures, second by Commissioner Allison. By unanimous vote of 5-0, the motion carried.

Board Appointment

The Tourism and Development Authority, McDowell Tech Community College Board of Trustees, and the Jury Commission all have vacancies. All were presented as a first reading. The Clerk will advertise the vacancies.

Citizen Comment

Chairman Brown opened the floor for public comments at 6:47pm.

Matt Jackson thanked the Board for approving the 2nd Amendment Sanctuary Resolution.

Public comment ended at 6:52pm.

REPORTS AND COMMUNICATIONS

Vice Chairman Walker made a motion with the percentage of county employees vaccinated and low number of positives he would like for the county employees that had been fully vaccinated have the right not to wear mask if they choose, second by Commissioner Allison. Discussion followed

on CDC guidelines for those who were fully vaccinated should still take precautions indoor with mask. Mr. Wooten noted the Transit employees were bound by Federal mandate, that masks must be worn through September. Also, the NCDMV office employees were to wear mask until the Governor changed his mandate. Mr. Kehler noted the local EMS has an 80% vaccination rate. Commissioner Ellis noted he preferred to follow the CDC guidelines.

By a vote of 3-2 the motion passed.

Chairman Brown, Vice-Chairman Walker, Commissioner Alison-yes
Commissioner Ellis, Commissioner Vaughn-no

Mr. Wooten reminded the Board they would be meeting with the Marion Fire Dept, and the Marion Rescue Squad on Thursday, May 13th at 5:15pm and at 6:30pm with the Fire Commission. Both meetings would be at the William Harold Smith Building on the MTCC Campus.

ADJOURNMENT

There being no further business to transact at this time, upon motion by Vice Chairman Walker, second by Commissioner Allison, the meeting was recessed at 7:05pm to 5:15pm at the Wm Harold Smith Building.

Attest:

Cheryl L. Mitchell
Clerk to the Board

Tony G. Brown
Chairman