

**STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL COUNTY
BOARD OF COMMISSIONERS
REGULAR SESSION –NOVEMBER 8, 2021**

Assembly

The McDowell County Board of Commissioners met in Regular Session on Monday, November 8, 2021, at 5:00p.m., at the Universal Conference Room.

Members Present

Tony Brown, Chairman; 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

Call to Order

Chairman Brown called the meeting to order at 5:00p.m. The invocation was given by Commissioner Ellis. The pledge of allegiance was given by Commissioner Vaughn.

Approval of Minutes

Vice Chairman Walker made a motion to approve the October 11, 2021 Regular Session minutes, October 18, 2021 Regular Session minutes, and October 18, 2021 Closed Session minutes; second by Commissioner Ellis. 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 passed.

COVID-19 Update

Ms. Karen Powell, Foothills Health Director, gave the following update:

- 14-day positivity rate is 4.4%
- 59% of the county population have received at least one vaccination; 56% are fully vaccinated
- Transmission is much lower than a year ago
- Encouraged everyone to continue to distance and mask up
- Highest hospitalization age group is 65 years and up

Vice Chairman Walker made a motion to make mask optional and not mandatory, second by Commissioner Allison. Discussion followed.

Commissioner Ellis asked the percentage of employees vaccinated, and Mr. Wooten noted it was a little over 60%.

Vice Chairman Walker asked if there had been any recent employee transmission of the virus within a department. Mr. Wooten noted within the last two months he was not aware of any internal transmission of the virus. He added the Tag Office falls under the State of NC mandates and must wear masks, as well as the Transit Department.

Chairman Brown asked Mr. Wooten for his recommendation on the county mask mandate. Mr. Wooten advised the county percentage rate was as low as when the mandate was lifted in the summer. He advised the Board to keep a close eye on cases especially after holidays. Currently over 100 employees are not vaccinated.

Ms. Powell noted the county was still in the red zone which symbolizes high transmission, and the county would need to be in the orange or yellow range to make mask optional. Her recommendation was not to remove the mask mandate.

Commissioner Ellis asked for Mr. Kehler's opinion regarding the mask mandate. Mr. Kehler advised the 14-day positivity rate was 4.4%, averaging four cases per day, transmissions are at one of the lowest rates since the pandemic began, and are also at the level where the county dropped the mask mandate last time. He added approximately 98% of EMS employees are fully vaccinated, and they must wear mask while working in patient care contact.

Vice Chairman Walker; Commissioner Allison - yes
Chairman Brown; Commissioner Vaughn; Commissioner Ellis - no
By a vote of 2-3 the motion failed.

Subdivision Ordinance Public Hearing/Planning

Mr. Ronald Harmon noted the changes to the Subdivision Ordinance was changing the definition of a Minor Subdivision to 2-10 lots and the definition of a Major Subdivision would be 11 and up lots.

Chairman Brown declared the Board in public hearing setting at 5:22pm.

There were no comments from the public.

Vice Chairman Walker made a motion to go out of public hearing setting at 5:23pm, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Vice Chairman Walker asked for clarification for families who wanted to subdivide their property for family members. Mr. Harmon noted there was a separate family subdivision clause in the Subdivision Ordinance.

This was also the second reading of the Planning Board Ordinance. The recommended text eliminated the Planning Board Alternate position and increased the full board total to 11 members.

Vice Chairman Walker asked Mr. Harmon the Planning Board's preference for alternate members. Mr. Harmon noted the Board was operating well with the nine current members, and would recommend eliminating the alternate positions.

Vice Chairman Walker made a motion to approve the Subdivision Ordinance changes, and the Planning Board Ordinance change with nine full members, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Mr. Wooten also noted during the recent evaluation of the Subdivision Ordinance, the Planning Board noticed many of the developments now fall into the category of RV parks, tiny home communities, etc. He requested the Planning Board be given authority to evaluate if there is a need to have guidelines in place for these developments via a new ordinance or the modification of an existing ordinance.

Mr. Harmon noted the Planning Board's concern was a safety issue. They would like to have a record of how many campgrounds and RV parks there are, the number of lots and the road width; so, in the event something happened there would be a record. The Planning Board could also look at site spacing and road width and create a new ordinance for safety reasons.

Vice Chairman Walker made a motion for the Planning Board to look into a new ordinance concerning RV parks and campgrounds, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

McDowell Technical Community College Updates

Dr. Brian Merritt, MTCC President gave an update on the college's recent activities. Dr. Merritt reviewed the new established strategic plan "Vision 2025" goals of the college:

1. Access—expanding learning opportunities and remove barriers to enrollment
2. Retention and Progression—enhance student support with holistic, wrap-around student services and decrease barriers to persistence
3. Quality—improve quality through intentional partnerships and finding equitable solutions to enhance the learning environment
4. Success—increase opportunities for student success and transitions to further education or employment

Dr. Merritt noted there are 1200 students enrolled at the college, which is a 17% increase since last fall.

The new Mission Statement was created by current students of the College: "MTCC enriches our community with access to student-centered, affordable, high-quality, lifelong learning opportunities that promote workforce development."

The College received an \$800,000 Golden Leaf Grant to renovate the Rockett Building in Old Fort for a satellite facility. Due to an increase in construction prices they are applying for EDA funding. The goal is to be open for classes by fall 2022. The building has 4,000sf of space and there will be four classrooms, three offices and a large lab space. The classes scheduled are trail construction classes, manufacturing certification and basic construction trades.

Chairman Brown expressed his appreciation on behalf of the Board for Dr. Merritt and the great things happening at the College.

Veterans Services Program Overview

Weyland Prebor, Senior Center Director, introduced Mr. David Byrd, Veteran Services Officer who gave an overview of the services available to the county's veterans.

Mr. Byrd was born and raised in McDowell County and retired with 31.5 years of service in 2016 from the Air Force. He noted the county veteran population is 3,126; which was 98 veterans less than 2019. So far in 2021, 87 veterans have died this year.

Chairman Brown on behalf of the Board thanked all veterans for their service.

Vice Chairman Walker asked all veterans to stand for recognition of their service.

Chamber Small Business Program

Mr. Stacy Buff, Chamber Chairman, introduced Courtney Intres, Business Development Coordinator. Ms. Intres gave an update on the Chamber. The Chamber has established the following focus areas: member value; community development; advocacy; and economic sustainability.

Ms. Intres reported 47% of businesses in McDowell County are Chamber members, and 47 new members have joined this year.

The Chamber will also be taking part in the SBA's Community Navigator Pilot Program Grant. This Chamber is the only participant from WNC. The project will focus on research, retention, and recruitment.

American Rescue Plan Act (ARPA)

Mr. Wooten gave an update on a couple of the ARPA funded projects:

Water System Expansion: Staff recommended McGill Associates for the design of the water system expansion. Staff will be working with the engineers on the scope of the project and will bring back recommendations at the next meeting. Mr. Wooten reviewed the criteria for choosing McGill Associates for the project.

Stacy Hill Road Water: The project is under contract, and expected to begin and end in the next 45-60 days.

Building Projects Update

The new Administrative Offices construction is progressing on both levels. The upper level has a completion date of February, 2022, and the lower level is scheduled for an April, 2022 completion. Parking lot should be paved in a couple of weeks.

The Emergency Services Headquarters is scheduled for an early 2022 completion. The contractor has had some material delays.

The Public Shooting Range project continues with the construction of the buildings. The contractor is experiencing material sourcing issues also. Expected March, 2022 completion date.

Fire Agreement Approval

Mr. Wooten presented a draft Marion Area Fire Agreement for the Board's recommendations. A copy of the agreement is with the agenda materials.

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

Vice Chairman Walker noted in a recent Utility meeting there was discussion about the lack of response from some departments, and the need for the City to hire three more staff to cover all three shifts. He made a motion for staff to request a copy of the the last rating review records of the Marion Area Fire District, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

Commissioner Ellis noted there was also discussion that when the county fire departments had a call there had been a couple of incidents where the responding fire department had not shown up, and the Marion Area Fire Department was the only responding department. He requested staff to see if there was legitimacy to that report. Mr. Wooten noted he had already asked Mr. Kehler for a report and had received a breakdown of 911 calls from 2019 to October 2021. The results were:

- 260 structure fire calls countywide---0 structure fires where the primary fire department failed to respond
- 0 fire calls where the Marion Area providing mutual aid was the first to arrive before the primary fire department
- 13 structure fire calls in the Marion/Marion Area fire district there was one incident that a secondary fire department did not respond, but two other fire departments had responded. At no time were there less than two fire departments responding for mutual aid in the 13 calls.

Commissioner Ellis requested this information to be updated for review for the 2022 annual Fire Commission meeting.

Discussion was held on the Board's need to have accurate factual data when they are in an interlocal agreement.

Opioid Settlement Update

The Dogwood Health Foundation has granted \$600,000 to establish a local collaborative process for disbursing the settlement funds. The County will work with Freedom Life and the Substance Use Coalition to set up recommended procedures for the disbursements. \$450,000 of the total will remain in the county, the rest will go to Avery County.

Power Plant Worker Proclamation

The following proclamation was presented for approval:

Proclaiming November 1, 2021 as Power Plant Worker Appreciation Day

WHEREAS, November 1st is designated as **Power Plant Worker Appreciation Day** in recognition of the men and women who generate the electricity we all depend on; and

WHEREAS, these workers power our lives and deserve recognition and should know how much we respect, value and appreciate them for reliably providing one of life’s essential services 24 hours a day; and

WHEREAS, these workers give back to the local communities where they live and work by volunteering their time and talent and providing financial contributions to nonprofits; and

WHEREAS, many power plants serve as the bedrock of entire communities – contributing to the vitality and economic growth of local communities, providing high-wage jobs and generating millions in annual property and other taxes; and

WHEREAS, McDowell County is home to Lake James and the Bridgewater Hydro Station which have generated reliable energy to serve homes and businesses in our area for over 100 years.

NOW THEREFORE, the McDowell County Board of Commissioners do hereby proclaim November 1st as **Power Plant Worker Appreciation Day in McDowell County** and encourages all citizens to express their appreciation to these vital workers.

Adopted this 8th day of November, 2021.

Attest:

Cheryl L. Mitchell
Clerk to the Board

Tony G. Brown, Chairman

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

Administrative Items

Mr. Wooten noted the City of Marion had obtained funding to repair the significant erosion along the greenway. The local match of the funding would be \$92,500. According to the interlocal agreement, the City and County share would be \$46,250 each. The County had experienced repair costs over the last few years as well totaling \$18,650, which would mean the local shared cost would be \$9,325. That would bring the County commitment under the agreement to \$36,925.

Commissioner Ellis made a motion to fund \$36,925, second by Vice Chairman Walker. By a vote of 5-0 the motion passed.

Mr. Wooten presented a request from Sheriff Buchanan that the sidearm and badge be given to retiring Deputy Rick Smith.

RESOLUTION AUTHORIZING SALE OF COUNTY OWNED PROPERTY

WHEREAS, the County of McDowell owns certain items of personal property that has become surplus for its current needs; and

WHEREAS, North Carolina General Statute 20-187.2 permits the County to donate the badge worn by a Law Enforcement Officer upon their retirement or death; and

WHEREAS, Deputy Rick Smith has requested to receive his service badge and purchase his service weapon upon his retirement.

NOW, THEREFORE BE IT RESOLVED, by the McDowell County Board of Commissioners that the Board authorizes the donation of the service badge and purchase of the following service weapon to Deputy Rick Smith for \$1.00:

Make/Model: Glock 45
SN#: BLKD870

This resolution shall become effective upon adoption.

ADOPTED this the 8th day of November, 2021

Attest:

Cheryl L. Mitchell
Clerk to the Board

Tony G. Brown
Chairman

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

Mr. Wooten presented EMS write-offs totaling \$76,044.72 for approval. He explained there had been an attempt at bill collection; garnishments; filing against estate efforts made before presenting as a write-off to the Board.

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

Mr. Wooten presented Grant Project Ordinance American Rescue Plan Amendment #1 for approval.

Commissioner Ellis made a motion to approve the Ordinance as presented, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

Vice Chairman Walker made a motion for staff to present architectural drawings for the picnic/play area at the Maple Leaf Family Area; also, for staff to apply for a T-Mobile grant; and explore Gateway funding sources, second by Commissioner Allison. By a vote of 5-0 the motion passed.

The following budget amendments were presented:

GF 3 – Transfers funds in the 911 Fund for prior years

GF 4 – Appropriates loan proceeds for the current and prior years

GF 5 – Appropriates grant revenue and transfers between line items in Emergency Services

GF 6 – Appropriates grant revenue for the Library

GF 7 – Appropriates grant revenue and inmate housing revenue at the Sheriff's Office

- GF 8 – Appropriates grant revenue and prior year reserves at the Senior Center
- GF 9 – Appropriates grant revenue and prior year reserves for Social Services
- GF 10 – Transfers funds between line items for the Probation/Parole rent
- GF 11 – Transfers funds between line items revenue and reserved funds in the Recreation Dept.
- GF 12 – Appropriates grant revenue for the Teen Court Program
- SP2 – Amends the School Project Fund for several school capital projects
- ENT1 – transfers between line items in the Enterprise Waste Fund
- 911F1 – Appropriate prior year adjustment referenced in GF 3
- Transit1 – Transfers between line items in the Transit Fund
- SR1 – Appropriates revenue for Special Revenue Funds

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

The Sheriff's Office requested to sell a bullet proof vest to the Avery County Sheriff's Office. The vest was custom made and would not fit any current staff.

Resolution Authorizing Sale of Personal Property to Avery County Sheriff's Office

WHEREAS, The County of McDowell desires to sale (1) Safariland Sx Level II A7 Panel Set and Carrier to Avery County Sheriff's Office for \$783.00.

WHEREAS, NCGS 160A-274 permits the Board of Commissioners to sale personal property to other governmental units.

WHEREAS, records of sold property will be maintained by the County.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of McDowell County that:

The County of McDowell desires to sale (1) Safariland Sx Level II A7 Panel Set and Carrier to Avery County Sheriff's Office for \$783.00

Safariland SX Level II A7 Male Panel Set
 Front Panel Model# BA-2000S-SX02
 Front Panel SN: 10210148114
 Back Panel Model #BA-2000S-SX02
 Back Panel SN: 10210148094

This resolution shall become effective upon adoption.

ADOPTED this the 8th day of November, 2021.

Cheryl Mitchell
Clerk to the Board

Tony G. Brown
Chairman

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

Glenwood Christmas Parade Closure

The annual Glenwood Ruritan Club Christmas parade is scheduled for November 27th. The road closure ordinance was presented for approval.

An Ordinance Declaring a Road Closure for the 2021 Glenwood Christmas Parade

WHEREAS, the McDowell County Board of Commissioners recognizes the tradition of the Glenwood Christmas Parade the Saturday after Thanksgiving; and

WHEREAS, the McDowell County Board of Commissioners acknowledge the importance of the Parade for residents of McDowell County and the region; and

WHEREAS, the McDowell County Board of Commissioners recognizes that this Parade requires approximately one and a half hours to install signing and traffic control, hold the Parade 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, November 27, 2021

Time: 3:00 p.m. to 4:30 p.m.

Route Description: 1.64 mi. SR 1786 (Old US 221) from SR 1168 (Ashworth Rd) southward to SR 1785 (Hunt Lane)

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 8th day of November, 2021

ATTEST:

Cheryl Mitchell
Clerk to the Board

Tony G. Brown
Chairman

Vice Chairman Walker made a motion to approve the road closure ordinance for the Glenwood Christmas Parade, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

Tax Matters

Release over \$100	\$ 336.03
MV tax refunds	\$ 1,209.00
Refunds	\$ 758.58
Releases under \$100	\$ 50.60
Write-off	\$ 331.39

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

Board Appointments

The VAYA Regional Advisory Board needs two members, one must be a County Commissioner, and the other must be a Commissioner or staff member.

Chairman Brown made a motion for Commissioner Allison and County Manager Ashley Wooten to serve on the Board, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

The Destination McDowell Implementation Committee requested a Commissioner to serve on the committee.

Vice Chairman Walker made a motion for Commissioner Ellis and Commissioner Allison to serve on the committee, second by Chairman Brown. By a vote of 5-0 the motion passed

Heartbeat Bill Resolution

A resolution in support of legislation for the “Heartbeat Bill” was presented for consideration:

Resolution Supporting Passage of a North Carolina “Heartbeat Bill”

WHEREAS, fourteen state legislatures have passed “Heartbeat Bill” legislation protecting the youngest members of the human family whose heartbeats can be detected, and

WHEREAS, these legislative bills disallow the use of abortion procedures after an unborn child’s heartbeat is detectable; usually no later than six weeks following conception, and

WHEREAS, the presence of a heartbeat is a universal and scientific accepted indicator that life does exist, and

WHEREAS, the United States Supreme Court case of Gonzalez v. Carhart ruled as a “finding of fact” that a living person is legally recognized as existing from the time a heartbeat is detected even if the person is unborn, and

WHEREAS, the existence of a heartbeat is a specific and scientific determination that is defensible and is not based on the changing and ambiguous concept of “fetal viability,” and

WHEREAS, the Fourteenth Amendment of the United States Constitution guarantees every person “life, liberty and property” as well as equal protection under the law, and

WHEREAS, it is the position of the McDowell County Board of Commissioners that Constitutional protections should be guaranteed to every living person including, the unborn that are unable to express or defend themselves, and

WHEREAS, the State of North Carolina averages 27,400 abortions each year, many of which occur after the development of a heartbeat.

NOW, THEREFORE BE IT RESOLVED, that the McDowell County Board of Commissioners endorse the passage of “Heartbeat Bill” legislation in North Carolina and that this endorsement includes a reporting and verification process consistent with that passed by other States, and

BE IT FURTHER RESOLVED, that this Resolution be sent to all Clerks to the Board and County Chairs in the other 99 counties requesting that they adopt a similar resolution; and

BE IT FURTHER RESOLVED, that this McDowell County Resolution be forwarded to all members of the General Assembly including the Honorable Tim Moore, Speaker of the House of Representatives, the Honorable Phil Berger, President Pro Tempore of the Senate, Senator Ralph Hise, and Representative Dudley Greene, and the Council of State, including Lt. Governor, Mark Robinson and Governor Roy Cooper.

ADOPTED, this the 8th day of November 2021.

Attest:

Cheryl L. Mitchell
Clerk to the Board

Tony G. Brown, Chairman

David Walker, Vice Chairman

Brenda Vaughn, Commissioner

Chris Allison, Commissioner

Patrick Ellis, Commissioner

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

Citizen Comment

Chairman Brown opened the floor for citizen comments at 6:46pm.

Susan Menard, volunteers with Mercy Fund Animal Rescue, started a trap, neuter, and return (TNR) for feral cats in 2009. Since starting the program 1,862 cats have been altered.

Citizen comment ended at 6:48pm.

Closed Session

Commissioner Ellis made a motion to go into Closed Session per NCGS 143-318.11(3) to discuss litigation on the National Opioid Multi-Jurisdiction Lawsuit at 6:51pm, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

No action was taken in the Closed Session.

Commissioner Ellis made a motion to go out of Closed Session at 6:58pm, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

Reports/Staff/Commissioners

Mr. Wooten noted the county offices would be closed Thursday for Veterans Day.

Adjourn

Commissioner Ellis made a motion to adjourn at 6:59pm, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Attest:

Cheryl L. Mitchell
Clerk to the Board

Tony G. Brown
Chairman