

**STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL COUNTY
BOARD OF COMMISSIONERS
REGULAR SESSION – OCTOBER 11, 2021**

Assembly

The McDowell County Board of Commissioners met in Regular Session on Monday, October 11, 2021, at 4:00 p.m., at the Historic Carson House Arbor, 1805 US Hwy 70W, 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

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 Vice Chairman Walker.

Approval of Minutes

Vice Chairman Walker made a motion, second by Commissioner Allison, to approve the September 13, 2021 Regular Session, September 20, 2020 Regular Session, September 28, 2021 Special Joint Session; September 30, 2021 Recessed Session; and September 30, 2021 Closed Session minutes as presented. By a vote of 5-0, the motion carried.

Approval of Agenda

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

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

COVID-19 Update

Mr. William Kehler, Emergency Services Director, gave an update on the flash flood event that occurred on October 7, 2021.

- There were several water rescues; fortunately, no fatalities or injuries due to the flooding
- Currently over 70 damage reports had been filed with ES
- Most of the damage was to private bridges, driveways, culverts
- Four residential structures suffered water damage; three vehicles were totaled in flood waters
- ES installed three portable foot bridges on October 8th to allow residents access in and out of their property
- A number of individuals have damages between \$25,000-\$50,000

- Encouraged individuals who make repairs to take pictures before, during, and after the repairs, and save all receipts, in the event there would be assistance that would be retroactive back to Tropical Storm Fred.
- Made a recommendation to terminate SOE on October 12 at 12noon
- Debris blocking major culverts and drains was the reason for several areas of roadway being flooded; several structures had water that was waist high.

COVID-19 response:

- Day 574 of Emergency Operation Center (EOC) activation for COVID-19;
- 14-day positivity rate is 19.4%
- 58% of residents are partially vaccinated; 54% of eligible residents are fully vaccinated
- Since last report there have been 26 COVID-19 deaths
- 50-64 years old age group are driving the COVID hospitalizations
- Saturday Mission-McDowell Hospital had a two-hour full diversion
- Six long term care facilities are in outbreak status
- Andor Labs has expanded Covid testing 5 days a week

Vice Chairman Walker added the Board of Commissioners strongly urge everyone to get vaccinated; but vaccination is not mandated for county employees. Mr. Kehler noted if the county was at a 70% vaccination rate he believed it would strongly help against the virus.

Vice Chairman Walker made a motion to have staff organize a memorial ceremony for those that had lost their life to COVID-19; and a ceremony recognizing the County’s frontline staff. Also, to have a Board resolution in recognition of ES staff, and have the Town of Old Fort and the City of Marion participate in the ceremony. Also, contact Rep. Dudley Greene, Sen. Ralph Hise and Governor Cooper to have a day set aside on the state level for remembrance yearly. The motion was seconded by Commissioner Allison. After discussion, staff will make recommendation of a date for the recognition and memorial. By a vote of 5-0 the motion passed.

Planning Department Updates

Mr. Ronald Harmon presented changes to the Ordinance Establishing the Planning Board due to several changes that had occurred including the NCGS 160D update. The Planning Board is no longer the Board of Adjustment, since that is now a separate board. Also, eliminating the alternates and having a full 11-member board.

ORDINANCE ESTABLISHING MCDOWELL COUNTY PLANNING BOARD

Section 1. Establishment

Pursuant to the provisions of the North Carolina General Statutes, ~~Article 18 of Chapter 153A Article 3 of Chapter 160D~~, the Board of County Commissioners hereby establishes a planning agency under the name of McDowell County Planning Board. Pursuant to the provisions of Article 21 of Chapter 143 of the General Statutes of North Carolina, the Board of County Commissioners hereby establishes the watershed review board under the name of McDowell County Planning Board. ~~Pursuant to Chapters 153A 345.1 and 160A 388, the McDowell County Planning Board serves as the McDowell County Board of Adjustment.~~

Section 4. Membership and Vacancies

McDowell County Planning Board shall be composed of ~~nine~~ eleven full members ~~and two alternates~~, each of whom shall be appointed by the McDowell County Board of Commissioners.

Membership is limited to residents of McDowell County. Appointments to the Board shall be for a term of three years. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term in the same manner of the initial appointment. Faithful attendance at the meetings of the Board is considered a prerequisite for the maintenance of membership on the Board.

Section 5. Removal from Office

An appointed member shall be removed from office by the Board of Commissioners for any of the following causes:

(1) Absence from any three meetings during a calendar year unless such absence has been excused by the Chairman of the Planning Board or the remaining members of the Planning Board with the reason therefore being entered in the minutes of the proceeding from which such member was absent.

(2) Knowing participation in the consideration of any matter brought before the Planning Board under circumstances that would violate the constitutional right of any person to an impartial decision maker.

(3) Conviction of any crime that is classified as a Class 1 or Class 2 misdemeanor or a felony under the law of North Carolina or the equivalent thereof if such conviction is under the laws of another state or the federal government.

(4) Engaging in any personal conduct that is detrimental to the reputation or integrity of the Planning Board.

(5) Any other cause for which there is a legal basis for removal from office under the statutory or common law of North Carolina.

Section 5. Organization, Rules, Meetings, and Records

The Planning Board shall meet and elect a chairman and create and fill such offices as it may determine. The term of the chairman and other officers shall be one (1) year, with eligibility for re-election. The Board shall adopt internal rules, regulations and by-laws for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings, and recommendations, which shall be of public record. The Board shall hold at least one meeting monthly, and all of its meetings shall be open to the public. There shall be a Quorum of ~~five~~ six (5 6) members for the purpose of taking any official action required by this Ordinance.

Section 6. Powers: Duties

A. The following powers and duties are hereby delegated to the McDowell County Planning Board.

1. Make studies of the county and surrounding areas;
2. Determine objectives to be sought in the development of the study area;
3. Prepare and adopt plans for achieving these objectives;
4. Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

5. Advise the Board of Commissioners concerning the use and amendment of means for carrying out plans;
6. Exercise any function in the administration and enforcement of various means for carrying out;
7. Plans that the Board of Commissioners may direct;
8. Perform any other related duties that the Board of Commissioners may direct.

Section 7. Legal Basis

The McDowell County Planning Board shall be subject to all the duties and responsibilities set forth in Part I of Article ~~18 3~~ of Chapter ~~153A-160D~~ [G.S. Section ~~153A-320-160D-200~~ et seq.] of the General Statutes of North Carolina, and shall have such other duties and responsibilities as may heretofore been delegated to the McDowell County Planning Board under ordinances adopted pursuant to Part ~~2 5~~ [G.S. Section ~~153A-330-160-801~~ et seq.] and Part ~~4 5~~ [G.S. Section ~~153A-350-160D-1101~~ et seq.] of Article ~~18 2~~ of Chapter ~~153A-160D~~ of the General Statutes of North Carolina and as may hereafter be delegated to it under ordinances adopted pursuant to Part 3 [G.S. Section ~~153A-340-160D-107~~ et seq.] and Part ~~5 8~~ [G.S. Section ~~153A-376-160D-1311~~ et seq.] of Article ~~153A-160D~~ of the General Statutes of North Carolina.

Section 8. Special Committees

Upon receiving approval of the Board of Commissioners, the Planning Board may set up special committees to assist it in the study of specific questions and problems.

Section 9. Repealer

All ordinances heretofore adopted by the Board of Commissioners of McDowell County in conflict with this Ordinance are hereby repealed.

Section 10. Effective Date

This Ordinance shall take effect immediately upon its adoption.

Section 11. Adoption Date

ATTEST:

Tony G. Brown, Chairman

Cheryl L. Mitchell, Clerk to the Board

Commissioner Ellis made a motion to table this item until next month for further review, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

Mr. Harmon noted the Board had previously directed the Planning Board to review Major and Minor Subdivisions, specifically the number of lots that should be in each category. The Planning Board recommended a Minor Subdivision be for 10 lots and less and a Major Subdivision be for 11 lots and more.

Commissioner Allison made a motion to have a public hearing on the subdivision changes, second by Vice Chairman Walker. Discussion was held on those that have started subdivisions, how

would they be categorized. Mr. Harmon will have a recommendation at next month's meeting. By a vote of 5-0 the motion passed.

Mr. Wooten noted since the Ordinance changes had changes to the membership also the Board might consider tabling the Board Appointments item since it was appointments to the Planning Board.

Commissioner Allison made a motion to table the board appointments item due to the recommended changes in the Planning Board membership, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

Gateway Housing Update

Neil Gurney, President of the Gateway Wellness Foundation gave an update on the Workforce Housing Project, and the Home Repair Partnership program.

The home repair program has \$200,000 funded by Gateway, WNC Bridge, Dogwood and &NCHFA. In collaboration with local churches and community organizations the funds have been used for urgent home repair. There have been 30 applications processed; eight projects completed; and working to relocate three residents.

The Workforce Housing Project is on College Drive and will have 168 units for rental and workforce occupants. The projected date to break ground will be April or May.

McDowell Health Coalition Housing Project

Alex Portelli, Rotary representative to the McDowell Health Coalition gave a report on a survey being conducted by the McDowell Housing Advisory Network (M-CHAN). The group recognized the housing affordability, availability and homelessness issues impacting the county. They are conducting a county-wide survey electronically and also available as a hard copy. The link to the survey is: <https://www.surveymonkey.com/r/mchansurvey> The survey is for home owners and renters.

Mr. Portelli requested the County to link the survey on the county website.

American Rescue Plan Act Updates

Mr. Wooten presented a spreadsheet of commitments and projects the American Rescue Plan funds have or will be used for. A copy is with the agenda materials.

Mr. Wooten also presented a request from Sheriff Buchanan for a total body scanner. The scanner would be used in the detention center and would allow detention officers to scan inmates coming into the detention center for potential contraband, including drugs and weapons, and also touchless temperature checks. Early detection of an elevated temperature of an incoming inmate would reduce the risk of the spread of a virus into the populated confinement area like the detention center.

Vice Chairman Walker made a motion to have the item bid out and approve purchase of up to \$150,000 for a total body scanner, with the funds coming out of the physical plant changes line item of ARPA funds, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

Vice Chairman Walker made a motion to earmark \$100,000 of the \$175,000 for community economic assistance programs to go toward a covered picnic/playground area at the Recreation Center. He also requested staff to seek grant funding for the project, and bring a design back to the Board, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Building Projects Updates

Mr. Wooten reported the new Administrative offices was on scheduled for the top floor to be finished by late January, 2022. The lower floor offices are scheduled for completion in April, 2022.

A couple of different choices were presented for exterior signage of the Administrative offices incorporating In God We Trust. Discussion followed on the choices.

Commissioner Vaughn made a motion to approve McDowell County Administrative Offices with smaller letters In God We Trust, second by Vice Chairman Walker. By a vote of 5-0 the motion passed.

Emergency Services Headquarters construction is continuing and scheduled for January, 2022 completion. The contractor has experienced some material delays.

The Public Shooting Range contractor has had several material sourcing issues. The cost of steel has gone up 300% over the last year since the bid was submitted. Chairman Brown noted he was in favor of letting the Wildlife know the County would go 10% of increase if they approved the other 90% due to the increased price.

Vice Chairman Walker made a motion for staff to contact NC Wildlife and the contractor submit the price of cost of steel now vs steel at the time of the bid; and ask NC Wildlife to fund 90% and county will fund 10% if approved by NC Wildlife, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

Marion Fire Agreement Review

The City of Marion submitted for approval the Marion Area Fire Agreement, which was last updated in 2005. Mr. Wooten noted the changes in the document:

- Item 9. The county agrees to pay for 50% of the total Fire Department budget, as approved jointly by the County Commission and the City Council, on an annual basis, utilizing the Fire District tax and/or County proceeds.
- Item 11. The County shall approve purchase of equipment when the local funding obligation exceeds \$3,000, for any equipment not included in the annual Fire Department budget that has been approved by the County Commission.
- Item 12. The Fire Department shall use its best efforts to maintain a minimum Public Protection Classification of 6 for the Marion Area. The Fire Department shall endeavor to lower the Classification and shall provide annual reports to the County in regards to its progress.
- Item 13. The Fire Department shall provide an inventory of its equipment to the City and County each year that recites the condition and anticipated life expectancy for usefulness of such equipment.
- Item 14. The County shall approve all grant applications that involve the increase of staffing, expansion of facilities or that otherwise create additional future financial obligations.
- Item 15. Before any increase in the Fire District tax is approved by the County, the City shall conduct a public hearing and advise the County of all comments made at the hearing. The public hearing shall be advertised in a newspaper of general circulation in the County and on the City website at least 10 days prior to the date of the hearing.

Vice Chairman Walker noted Item 12-where the City added “shall use its best efforts” should not be accepted and leave the original language of “shall meet minimum of Classification 6”. The Board consensus agreed to leave Item 12 without accepting the recommended changes. Commissioner Ellis noted for the Classification to go from a 6 to a 9 would be a substantial cost increase to homeowners.

Commissioner Ellis made a motion for staff to contact the City and verify the original verbiage stays for meeting minimum of Class 6 in Item 12, second by Vice Chairman Walker. By a vote of 5-0 the motion passed.

Opioid Settlement Update

The NC Association of County Commissioners strongly suggested approving the agreement. The NC Memorandum of Agreement (NC MOA) governs how North Carolina would use the proceeds of any future national settlement or bankruptcy resolution with drug distributors Cardinal, McKesson, and AmerisourceBergen and opioid manufacturers Johnson & Johnson and Purdue Pharma. These potential settlements and resolutions could bring as much as \$850 million to North Carolina over an 18-year period to support state and local efforts to address the epidemic. A copy of the MOA is with the agenda materials.

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

Stacy Hill Road Water Project Bid Approval

The project is designed to connect a dead-end line on Stacy Hill Road to the line on US 70. The bids were opened on September 30th, and the staff and engineer’s recommendations were to award the bid to TP Howard’s Plumbing Co. with their bid of \$104,000. The other two bids were Piedmont Utility Group at \$136,907.91 and Buckeye at \$141,257.50. The \$104,000 is proposed to be allocated from American Rescue Plan Act funds.

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

Administrative Items

The Town of Old Fort requested \$2,500 to replace lights on their large Christmas wreaths on Catawba Avenue and Main Street.

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

The Finance Department has received three responses in regards to the financing of the purchase of one (1) 2021 Ford F150 4X4, one (1) 2021 Explorer 4X4 and (1) 2021 Ford Escape for Building Inspections, Planning and Tax Assessing. Truist Bank (BB&T) responded with the lowest rate of 1.60%, in the amount of \$79,792.31 and for a period of four years (8) semi-annual payments in arrears beginning April, 2022.

The other responses were from Park National at 2.25%, and First Citizens at 2.51%.

Resolution Approving Financing Terms

WHEREAS: The McDowell County, NC (“Borrower”) has previously determined to undertake a

project for the financing of various vehicles (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Borrower hereby determines to finance the Project through Truist Bank ("Lender") in accordance with the proposal dated October 5, 2021. The amount financed shall not exceed \$79,792.31, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.60%, and the financing term shall not exceed four (4) years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Borrower are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Borrower officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The Borrower shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Borrower hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The Borrower intends that the adoption of this resolution will be a declaration of the Borrower's official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced, or that may be advanced, from the Borrower's general fund or any other Borrower fund related to the Project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Borrower officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 11th day of October, 2021

Cheryl L. Mitchell
Clerk to the Board

Tony G. Brown
Chairman

Vice Chairman Walker made a motion to approve the financing of three vehicles with Truist Bank (BB&T) at the lowest rate of 1.60%, in the amount of \$79,792.31 and for a period of four years (8) semi-annual payments in arrears beginning April, 2022, second by Commissioner Allison. By a vote of 5-0 the motion passed.

The McDowell County Sheriff's Office announced the death of K-9 officer "Jaz" who died on August 3rd, 2021, from medical complications. "Jaz" had been having some medical issues for some time and had been receiving treatment/medication.

Sheriff Ricky Buchanan requested approval to donate the McDowell County Sheriff's Office badge that "Jaz" wore to his partner Lt. Greg Stevenson. Lt. Stevenson, along with his family, had committed a lot of time, love and care to "Jaz".

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 (NCGS) 20-187.2 permits the County to donate the badge worn by a Law Enforcement Officer upon their retirement or death; and

WHEREAS, Lt. Greg Stevenson's partner, Jaz, a sweet and gentle yellow lab died on August 3, 2021 due to medical complications for which she had been seeking medical treatment for some time.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of McDowell County that the Board authorizes the donation of service badge of Jaz to her partner Lt. Greg Stevenson.

This resolution shall become effective upon adoption.

ADOPTED this the 11th day of October, 2021.

Attest:

Cheryl L. Mitchell, Clerk to the Board

Tony G. Brown, Chairman

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

The Finance Department presented a delinquent solid waste account from Dewight Morgan. Mr. Morgan has committed to pay the principal of \$4,618.99 if the interest of \$4,041.92 is waived.

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

Tax Matters

Refunds	\$ 97.54
Discoveries	\$ 9,004.26
Releases over \$100	\$ 1,447.35
Releases under \$100	\$ 307.94
Vehicle Refund	\$ 1,897.71

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

Mr. Wooten presented the requested information regarding tax discounts. Ten out of 24 counties in McDowell's population group offer a property tax discount ranging from 0.5% - 2% when it is paid early

(July-August). The remaining counties do not offer a property tax discount when paid early. McDowell County offers a 1% discount if paid in July or August.

Vice Chairman Walker made a motion to do away with the tax discount for early payment, second by Commissioner Allison.

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

Drexel Site Update

The City of Marion and McDowell County co-own the Drexel site. There has been an initial cleanup of the site, but there is still work to do. The City of Marion has identified a \$500,000 EPA grant that would help with additional remediation activities at the Drexel site. There is a local match of \$100,000. The City has committed to \$50,000 and is asking for a \$50,000 commitment from the County. The commitment would come from the FY 2023 budget.

Vice Chairman Walker made a motion to approve the \$50,000 match in order to get the site cleaned up and marketed, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

Golden Leaf Grant

The Golden Leaf Foundation has a new initiative called the SITE program, which is designed to pay for site development for business/industrial sites. The property on College Drive is owned by the County and City.

MEDA and county staff are working on an application in the \$750,000 range. The funding would be used to help rough grade the site adjacent to the new roads being constructed. There would be no county funds match for the grant.

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

Public Comment – NCGS 153A-52.1

Chairman Brown opened the meeting for public comment at 5:34pm.

There were no comments.

Commissioners/Staff Reports and Communications

There were no reports.

Historic Carson House Update

Mr. Chuck Abernathy, President of the Historic Carson House Board of Directors gave a brief history of the Board meetings at the Carson House. He noted the County was founded in December of 1842 and the first time the Board of Commissioners met at the Historic Carson House was in August 1991. Due to the heat of that time of year, the meeting was moved to October in 1992, and has continued in October every year since. This year marks the 30th anniversary of this annual meeting.

Ms. Martha Jordan, Executive Director, gave an update on events at the Carson House. She then recognized the Board members that were present.

Doug Swann presented plans for a visitor's center for the Historic Carson House. The Center would be a 2,200sf area to include exhibit space, offices, meeting room, kitchen and storage. The Directors are looking at a financing plan to include a new roof and repair on the caretaker's cottage.

Vice Chairman Walker made a motion for the Board of Commissioners to pick up the expense for the meal, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Dr. Haney offered the blessing for the food before the meal.

Adjournment

There being no further business to transact at this time, upon motion by Commissioner Ellis and a second by Commissioner Vaughn, the meeting was adjourned at 5:53pm.

Attest:

Cheryl L. Mitchell
Clerk to the Board

Tony G. Brown
Chairman