

**STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL COUNTY
BOARD OF COMMISSIONERS
REGULAR SESSION –APRIL 11, 2022**

Assembly

The McDowell County Board of Commissioners met in Regular Session on Monday, April 11, 2022, at 5:00p.m., in the Commissioners Board Room in the McDowell County Administrative Offices, 69 N Main Street, Marion, NC.

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, Fred Coats, Attorney

Call to Order

Chairman Brown called the meeting to order at 5:00pm. The invocation was given by Commissioner Ellis, and the pledge of allegiance was given by Vice Chairman Walker.

Approval of Minutes

Vice Chairman Walker made a motion to approve the March 7, 2022 Special Session minutes, March 14, 2022 Regular Session minutes, March 21, 2022 Regular Session minutes, and March 14 Closed Session minutes, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

Approval of Agenda

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

Opioid Settlement Update

Danny Hampton, Executive Director, and Angela Grubb, McDowell Substance Use Task Force Program Director, gave an update on the strategic plan of the McDowell Substance Use Task Force. A copy is with the agenda materials.

The mission of the Substance Use Task Force is using advocacy, education, and empowerment to ensure McDowell County is a community where substance use prevention, treatments, and sustainable recovery are possible.

There were 12 Opioid overdose emergency department visits in the County for February, 2022, compared to 15 for February, 2021.

Longtown Fire Dept District Public Hearing

William Kehler, ES Director, presented two service district adjustments for better fire coverage. Hankins-North Fork Fire Dept submitted a letter of support in changing fire district lines in the Pisgah Preserve Development to the Longtown Service District. Nebo Fire Dept. submitted a letter of support in changing fire district lines in the 1780 Development to the Longtown Service District. A Resolution Establishing District Line Changes for Longtown Service District was also presented for approval.

Chair Brown declared a public hearing at 5:25pm to receive comments on the service district changes.

There were no public comments.

Vice Chairman Walker made a motion to close the public hearing at 5:26pm, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

Resolution Establishing District Line Changes for Longtown Service District

WHEREAS, NCGS 153A-304.3 allows counties to adjust adjoining service district lines for districts that serve substantially similar purposes; and

WHEREAS, the adjusting fire district lines in eastern McDowell County in order to shift existing neighborhoods to adjoining fire service districts that can provide improved response times; and

WHEREAS, the entirety of the Pisgah Preserve development from the Hankins-North Fork Service District will shift to the Longtown Service District due to the area is closer in proximity to the Longtown Volunteer Fire Department; and

WHEREAS, the Hankins-North Fork Volunteer Department is supportive of the move and is prepared to absorb the loss of service district tax revenue; and

WHEREAS, certain parcels within the 1780 development from the Nebo Service District will shift to the Longtown Service District due to the area is closer in proximity to the Longtown Volunteer Fire Department; and

WHEREAS, the Nebo Volunteer Department is supportive of the move and is prepared to absorb the loss of service district tax revenue.

NOW, THEREFORE, BE IT RESOLVED that the McDowell County Board of Commissioners approves the district line changes for the Longtown Service District.

Adopted this 11th day of April, 2022.

Attest:

Cheryl L. Mitchell, Clerk to the Board

Tony G. Brown, Chairman

Vice Chairman Walker made a motion to approve Resolution Establishing District Line Changes for Longtown Service District, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

Gateway Wellness Housing Development

Neil Gurney, Executive Director of Gateway Wellness Foundation gave a report on a proposed development of the old Banks property.

After purchasing the Banks property, Gateway has proposed to construct 26 homes on the property. The requested assistance of \$60,000 payable in three annual payments to assist with the sewer installations was also asked of the City of Marion. The homes would be 2- & 3-bedroom houses.

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

YMCA Operations Update

Toby Bramblett, YMCA Executive Director gave an update on the YMCA activities. The YMCA mission is to put Christian principles into practice through programs that build a healthy spirit, mind and body for all. The Y has 3,800 members, and 400 kids in sports, swim, camp programs, and 60 people with cancer, diabetes, and Parkinson's are in support programs. Mr. Bramblett noted that 59% of families in the County afterschool programs receive childcare vouchers. He asked for support from the Board to ensure ongoing legislative support for childcare providers to continue to provide subsidized child care for the afterschool programs. A copy of his report is with the agenda materials.

Mr. Bramblett recognized several Board members in attendance, and especially Jed Rankin for his organizational work in bringing the Y to McDowell County.

Mr. Brad Bradley, a Y volunteer for 18 years, and a McDowell High School Coach, noted last fall the Y had 125 to sign up for soccer. This spring there have been 250 signed up for soccer, and 80% of the signups are receiving some kind of financial assistance to play. The majority of the soccer players at the high school, have gone through the Y soccer program.

Vice Chairman Walker made a motion to draft a letter to Sen. Warren Daniel and Rep. Dudley Greene in support of childcare funding, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

American Rescue Plan Updates (ARPA)

Mr. Wooten presented the Grant Project Ordinance American Rescue Plan Amendment #3 for approval.

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

There were eight ARPA-related policies presented for approval, a copy of the 88-page document is with the agenda packet.

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

Mr. Wooten noted there were several County-owned parking lots that need attention. Staff requested to begin the process to select an engineer who would prepare a RFQ to assess each county parking area.

Vice Chairman Walker made a motion for staff to proceed as requested, and provide a cost per property report, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

Vice Chairman Walker confirmed that would include all convenience site properties also, and Mr. Wooten replied yes it would.

Fonta Flora Trail Project

Staff had worked for several months to prepare the engineering contract with McAdams Engineering for the NCDOT-funded trail between Roby Conley Road and Resistoflex Road. Their proposal was presented for approval, and is subject to NCDOT review/approval. A copy of the proposal is with the agenda materials.

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

Staff also noted they had been working with McAdams to put together a planning grant application to connect between Roby Conley Road and Phase 1. The planning grant local cost would be \$4,750 in next year's budget if awarded. 80% of the cost to connect both trails is state funded.

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

Broadband Expansion

Staff had notified the two incumbent broadband providers about the Board's decision to allocate \$1 million of ARPA funds for broadband matching grants. The GREAT grant applications are due May 4, and the grant review will take several months.

Building Projects

North Main Building

- Lower level of the McDowell County Administrative Offices is scheduled to be completed in May. Staff will relocate from the Annex site to the new Admin Offices building.

ES Headquarters

- The Emergency Services Headquarters - still working on punch lists, and waiting on delivery of some items. The moving date is expected to be in May.

Services Building

- Staff is preparing a workplan for renovations to the Services Building. The Board had previously allocated \$350,000 in state funds for renovations to the building.

Station 1

- The Board previously approved demolishing Station 1 once staff vacates the building.

- The architect has reached out to the engineering firm that had previously done work on the employees parking deck for a feasibility study of a parking deck on the site.

Garden Street Parking Lot

- The lot needs to be paved, and staff recommended including the paving as part of a larger paving project discussed under the ARPA update.

Water System Projects

Mr. Wooten presented a resolution authorizing The Board to receive the \$11 million for the water system expansion.

Resolution by McDowell County Board of Commissioners

WHEREAS, the Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Fund have authorized the making of loans and/or grants, as applicable, to aid eligible, drinking-water system owners in financing the cost of construction for eligible, drinking-water infrastructure; and

WHEREAS, the North Carolina Department of Environmental Quality has offered an American Rescue Plan Act (ARPA) funding in the amount of \$11,000,000 for the construction of McDowell County Water System (“Nebo System”) Improvements, hereafter referred to as the “Project”; and

WHEREAS, McDowell County intends to construct said Project in accordance with engineering plans and specifications that have been or will have been approved by the North Carolina Public Water Supply Section.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF McDOWELL COUNTY:

That McDowell County does hereby accept the American Rescue Plan Act Funding offer in the amount of \$11,000,000; and

That McDowell County does hereby give assurance to the North Carolina Department of Environmental Quality that they will adhere to all applicable items specified in the standard “Conditions” and “Assurances” of the Department’s funding offer, awarded in the form of ARPA funds; and

That Ashley R. Wooten, County Manager, and successors so titled, is hereby authorized and directed to furnish such information, as the appropriate State agency may request, in connection with such application or the Project; to make the Assurances as contained above; and to execute such other documents as may be required in connection with the application; and

That McDowell County has complied substantially or will comply substantially with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the Project, and to Federal and State grants and loans pertaining thereto.

ADOPTED this the 11th day of April, 2022 at the McDowell County Board of Commissioners Room, Marion, North Carolina.

Attest:

Cheryl L. Mitchell

Tony G. Brown, Chairman

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

Staff noted they had looked into applying for a grant to serve the West Marion Elementary area with water. Unfortunately, the proposed project scores well below the 100-point scoring threshold for the current grant opportunity. Another area suggested that would score better was along the Hoppy Tom Hollow Road. The road is in a disadvantaged census tract and has quite a few homes with well issues. Staff recommended applying for the spring grant application and resolution for the Hoppy tom Hollow Road area.

RESOLUTION BY McDOWELL COUNTY BOARD OF COMMISSIONERS

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction and studies of a drinking water distribution system, and

WHEREAS, The County of McDowell has need for and intends to construct or conduct a study on a drinking water distribution system project described as from existing water lines along US Hwy 70 E extending along Hoppy Tom Hollow Road #1746 for .79 miles, and

WHEREAS, The County of McDowell intends to request State grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF McDOWELL:

That the County of McDowell, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the County of McDowell to make scheduled repayment of the loan, to withhold from the County of McDowell any State funds that would otherwise be distributed to the local government unity in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Ashley R. Wooten, County Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 11th day of April, 2022 at Marion, North Carolina.

Attest:

Cheryl L. Mitchell
Clerk to the Board

Tony G. Brown
Chairman

Vice Chairman Walker noted staff and students at West Marion Elementary had been told to bring their own bottled water. He also noted there were a lot of homes in that area. Commissioner Ellis requested the Education Committee discuss the issue of septic and water issues at West Marion. Consensus to

Vice Chairman Walker made a motion to move forward with the Resolution, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

Parks and Recreation Projects

Shooting Range

- Staffing is in place, and are working on getting the equipment in place
- Grand opening in early May, will advertise on social media, and other media
- Wildlife presentation on a shooting range was in 2016; and the public hearing was in 2018

Recreation Center Project

- Staff recently visited several facilities in Cleveland County that had been designed by Holland and Hamrick. The architect has started with some preliminary planning for the facility.

Maple Leaf Enhancement Project

- Staff has submitted a grant to the Kubota Hometown Proud Program. Staff is also working on a T-Mobile grant, both grants would total \$150,000 if funded.

National County Government Month

National County Government Month - April 2022 "Counties THRIVE"

WHEREAS, the nation's 3,069 counties, parishes, and boroughs serving more than 315 million Americans provide essential services to create healthy, safe, and vibrant communities; and

WHEREAS, Counties provide public health services, administer justice, keep communities safe, foster economic opportunities, and much more; and

WHEREAS, McDowell County and all counties take pride in our responsibility to protect and enhance the health, wellbeing, and safety of our residents in efficient and cost-effective ways;

and

WHEREAS, under the leadership of National Association of Counties President Larry Johnson, NACo is demonstrating how “Counties THRIVE,” especially in supporting residents and businesses during the coronavirus pandemic; and

WHEREAS, each year since 1991 the National Association of Counties has encouraged counties across the country to elevate awareness of county responsibilities, programs, and services;

NOW, THEREFORE, BE IT RESOLVED THAT the McDowell County Board of Commissioners do hereby proclaim April 2022 as National County Government Month and encourage all county officials, employees, schools, and residents to participate in county government celebration activities.

Adopted this the 11th day of April 2022.

Tony G. Brown, Chair
McDowell County Board of Commissioners

Attest:

Cheryl L. Mitchell, Clerk to the Board

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

Child and Families Specialty Plan

The State’s continued Medicaid Transformation has reorganized the way Medicaid services are provided to beneficiaries. Most Medicaid enrollees were transitioned to a private provider such as BCBSNC in July. Certain populations were left out of this transition such as for children in foster care, who are typically automatically enrolled in Medicaid when they are placed in custody.

NCDHHS has proposed creating a statewide Medicaid network primarily for children in foster care. The idea would be that one provider would bid on and receive the contract for administration of this specialty plan. There has been concerns about this transition since the concept would move beyond paying medical claims and would involve care coordination for specialized cases, which is currently provided by LME/MCOs such as VAYA Health. VAYA Health does care management for children in foster care with special needs.

VAYA Health has requested counties to contact NCDHHS and legislators to express reservations about the transition and the possible impact it would have on the children in foster care.

Vice Chairman Walker made a motion to send a letter to legislature and NCDHHS stating the Board’s preference for regional coverage rather than statewide, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

Administrative Items

Mr. Wooten presented the following for approval:

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 Mike Fox has requested to receive his service badge and purchase his service weapon upon his retirement.

Make/Model: Glock 45
SN#: BLKD862

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 Mike Fox for \$1.00:

This resolution shall become effective upon adoption.

ADOPTED this the 11th day of April, 2022

Attest:

Cheryl L Mitchell
Clerk to the Board

Tony G. Brown
Chairman

Vice Chairman Walker made a motion to approve Resolution Authorizing Sale of County Owned Property, second by Commissioner Allison. By a vote of 5-0 the motion passed.

EMS write-offs totaling \$31,373.02 were presented for approval.

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

The Child Abuse/Neglect Awareness Month Proclamation was presented for approval:

CHILD ABUSE/NEGLECT AWARENESS MONTH PROCLAMATION

WHEREAS, in McDowell County for the fiscal year 2021 there were 776 reports of abuse and neglect; and

WHEREAS, child abuse and neglect is a serious problem affecting every segment of our community, and finding solutions requires input and action from everyone in our community; and

WHEREAS, our children are our most valuable resources and will shape the future of McDowell County; and

WHEREAS, child abuse can have long-term psychological, emotional, and physical effects that can have lifelong consequences for victims of abuse; and

WHEREAS, protective factors are conditions that reduce or eliminate risk and promote the social, emotional, and developmental well-being of children;

WHEREAS, effective child abuse prevention activities succeed because of the meaningful connections and partnerships created between child welfare, education, health, community and faith-based organizations, businesses and law enforcement agencies; and

WHEREAS, communities must make every effort to promote programs and activities that benefit children and their families;

WHEREAS, we acknowledge that we must work together as a community to increase awareness about child abuse and contribute to promote the social and emotional well-being of children and families in a safe, stable, nurturing environment.

NOW, THEREFORE, BE IT PROCLAIMED that the McDowell County Board of Commissioners do hereby proclaim April, 2022 as NATIONAL CHILD ABUSE AND NEGLECT PREVENTION MONTH in McDowell County, and urge all citizens to recognize this month by dedicating ourselves to the task of improving the quality of life for all children and families.

Adopted this 11th day of April, 2022.

Attest:

Cheryl L. Mitchell, Clerk to the Board

Tony G. Brown, Chair

Vice Chairman Walker made a motion to approve the Child Abuse/Neglect Awareness Month Proclamation, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

Mr. Wooten noted the Board had previously approved the purchase of an ambulance for Emergency Services. A Resolution Approving Financing Terms for a 2023 Ford F450 ambulance for the purchase price of \$323,262, the annual interest rate of 2.71% for four years (8) semi-annual payments in arrears beginning November, 2022 with First Citizens Bank.

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

Project Budget Ordinance for the Courthouse Renovation and Addition Project Amendment 8; and Project Budget Ordinance Stacy Hill Water Line Project Amendment 6 were presented for approval.

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

Budget Amendments

GF 35 – Appropriates program revenue and transfers between line items at Parks and

Recreation

GF 36 – Appropriates reserves and revenue for Emergency Services activities

GF 37 – Appropriates revenue to reflect tax discounts

GF 38 – Transfers between line items in Finance

GF 39 – Appropriates revenue in Public Services

GF 40 – Appropriates revenue in the Register of Deeds

GF 41 – Appropriates reserves for the Library

GF 42 – Appropriate grant revenues and user fees for the Sheriff’s Office

GF 43 – Appropriates grant revenue for DSS

GF 44 – Transfers between line items in Transit

ENT3 – Transfers between line items in the Waste Enterprise Fund

SI2 – Appropriates Stop Loss revenue for the Self Insurance Fund

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

Tax Matters

MV tax refunds	\$ 1,062.31
Releases over \$100	\$ 1,003.57
Refunds	\$ 863.31
Discoveries	\$ 54,612.52

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

Board Appointments

The Clerk presented vacancies for the reactivated Agricultural Advisory Board as a first reading. Applications were still coming in for the Juvenile Crime Prevention Council and would be presented at next month’s meeting.

Citizen Comment

Chairman Brown opened the floor for citizen comment at 6:35pm.

Carl Becker spoke on the condition of the parking lot at the Sugar Hill Convenience Site.

Citizen comment ended at 6:38pm.

Commissioners/Staff Reports

Vice Chairman Walker asked staff when the budget would be presented to the Board. Mr. Wooten noted it would be near the end of May. Vice Chairman Walker noted he would like to revisit a pay scale study.

The Clerk reminded the Board they had a meeting scheduled to hear several fire department’s request on Thursday, April 14, 2022 at 5:00pm, and they would need to recess to that date.

Recess

Commissioner Ellis made a motion at 6:40pm to recess to Thursday, April 14, 2022 at 5:00pm, second by Vice Chairman Walker. By a vote of 5-0 the motion passed.

Attest:

Cheryl L. Mitchell
Clerk to the Board

Tony G. Brown
Chairman