

**STATE OF NORTH CAROLINA  
COUNTY OF MCDOWELL COUNTY  
BOARD OF COMMISSIONERS  
REGULAR SESSION –AUGUST 8, 2022**

**Assembly**

The McDowell County Board of Commissioners met in Regular Session on Monday, August 8, 2022, at 5:00 p.m., in the Commissioner’s Board Room, 69 N Main St., Marion, NC.

**Members Present**

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

**Members Absent**

Tony Brown, Chairman

**Others Present**

Ashley Wooten, County Manager; Cheryl Mitchell, Clerk to the Board; Victoria Craig, Deputy Clerk to the Board; Lake Silver, Management Asst.

**Call to Order**

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

**Approval of Minutes**

Commissioner Vaughn made a motion to approve the July 11, 2022 Regular Session minutes; July 11, 2022 Closed Session minutes; July 18, 2022 Regular Session minutes, second by Commissioner Allison. By a vote of 4-0 the motion passed.

**Approval of Agenda**

Commissioner Ellis made a motion to approve the agenda, second by Commissioner Allison. By a vote of 4-0 the motion passed.

**Recognition of Transit Staff/Transit Hearing**

Transit Director, Jason Hollifield introduced staff that participated in the recent Roadeo representing McDowell Transit. Transit drivers Frank Wilkerson took first place, and Steve Brosky took second place in the Roadeo. Mr. Hollifield expressed his appreciation that out of 80 drivers that competed, McDowell County took first and second.

The Commissioners expressed their appreciation to the drivers, and Transit staff before having pictures made with the drivers.

**Transit Public Hearing**

Vice-Chairman Walker declared the Board in public hearing setting at 5:09pm.

Mr. Wooten presented the Public Transportation Program Resolution FY 2024 for approval.

**PUBLIC TRANSPORTATION PROGRAM RESOLUTION**

**FY 2024 RESOLUTION**

**Section 5311 (including ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof.**

Applicant seeking permission to apply for Public Transportation Program funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match.

**WHEREAS**, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

**WHEREAS**, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

**WHEREAS**, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural, small urban, and urban public transportation services consistent with the policy requirements of each funding source for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

**WHEREAS**, the funds applied for may be Administrative, Operating, Planning, or Capital funds and will have different percentages of federal, state, and local funds.

**WHEREAS**, non-Community Transportation applicants may apply for funding for “purchase-of-service” projects under the Capital budget Section 5310 program.

**WHEREAS**, McDowell County hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project(s), prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

**WHEREAS**, the applicant has or will provide all annual certifications and assurances to the State of North Carolina required for the project;

**NOW, THEREFORE**, be it resolved that the County Manager, Ashley Wooten of McDowell County is hereby authorized to submit grant application(s) for federal and state funding in

response to NCDOT's calls for projects, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural, small urban, and urban public transportation services.

Commissioner Ellis made a motion to go out of the public hearing setting at 5:10 p.m., second by Commissioner Vaughn. By a vote of 4-0 the motion passed.

Commissioner Ellis made a motion to approve the funding request and resolution, second by Commissioner Allison. By a vote of 4-0 the motion passed.

### **Columbia Forest Products 40<sup>th</sup> Anniversary**

Columbia Forest Products is celebrating its 40<sup>th</sup> anniversary this year. Randy Marsh, Plant Manager, and Danielle Stilwell, HR Director, were present on behalf of the company. Columbia Forest Products started in 1982 at the Old Fort location. Columbia Forest Products is the largest decorative hardwood, plywood manufacturer in North America. There are 350 employees at the Old Fort location.

Commissioner Allison read the following proclamation:

#### **PROCLAMATION in HONOR of the 40<sup>th</sup> ANNIVERSARY of COLUMBIA FOREST PRODUCTS**

**WHEREAS**, Columbia Forest Products was founded in 1957, and is North America's leading manufacturer of hardwood plywood, and hardwood veneer products, which are used to create high-quality cabinetry, fine furniture, architectural millwork and commercial fixtures; and

**WHEREAS**, Columbia Forest Products built the hardwood plywood manufacturing plant in Old Fort, North Carolina 40 years ago; and

**WHEREAS**, Columbia Forest Products Purpose Statement is "*to significantly serve our customers, employee owners and their families, our communities and natural resources*"; and

**WHEREAS**, Columbia Forest Products is an employee owned company with a strong commitment to their employees.

**NOW, THEREFORE, BE IT PROCLAIMED** that the McDowell County Board of Commissioners express their congratulations, and strongest appreciation to Columbia Forest Products, and their employees for celebrating 40 years as America's Leading Decorative Plywood Manufacturer. The McDowell County Board of Commissioners further proclaim September 1, 2022 as Columbia Forest Products Day!

Signed this 8<sup>th</sup> day of August, 2022.

Attest:

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Cheryl L. Mitchell  
Clerk to the Board

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David N. Walker  
Vice Chairman

Commissioner Ellis made a motion to approve the proclamation, second by Commissioner Allison. By a vote of 4-0 the motion passed.

Commissioners expressed their gratitude and appreciation to the company for providing jobs within our community as well as taking care of their families and what they do to support McDowell County through donations and partnership.

The Board then made pictures with the company representatives.

### **Introduction of New Public Services Director**

Mr. Wooten introduced the new Public Services Director, Dewayne Riddle. Mr. Riddle was most recently the City of Marion's Assistant Public Works Director. He has 15 years of local government experience and is looking forward to serving all of McDowell County.

### **Tax Settlement & Order of Collection**

Ms. Linda Onufrey presented the Settlement for Property Taxes and District Taxes for FY 2021-2022 and the Order of Collection. She also submitted a copy of the unpaid 2021 taxes on real property and personal property at the close of the 2021-2022 fiscal year. The overall collection rate for 2021 county ad valorem taxes for the 2021-2022 fiscal year was 99.52% an increase from the previous year's rate of 99.46%. The rate represents the collection rate for real and personal property. A copy of the Order of Collection and the Settlement is with the agenda materials.

Commissioner Ellis made a motion to approve the Order of Collection and the Tax Settlement, second by Commissioner Allison. By a vote of 4-0 the motion passed.

### **Animal Services Update**

Mr. Wooten noted at the June meeting the Board asked the Planning Board to review the Animal Control Ordinance regarding pet licensing, spay and neuter, and the roaming of animals. The Planning Board has met with the Sheriff's Office, staff at the Animal Shelter and Board members getting input, and would like to take a few more months to review the entire ordinance.

Commissioner Ellis made a motion to review the entire Animal Control Ordinance and recommend changes, second by Commissioner Vaughn. By a vote of 4-0 the motion passed.

Regarding the process of updating the 42-year-old animal shelter, the County Manager has spoken with an architect about expanding the shelter. The state requested the County Manager and Ms. Wright, Animal Services Director, to visit the latest update at a shelter in Stokes County to get an idea of building/expansion standards that McDowell County will need to meet as well. Draft expansion drawings of the facility should be ready for next month's meeting.

### **Building Projects**

### DSS Buildings

The County needs to commission a Space Needs Analysis. The Analysis would use NC Administrative Code requirements, Building Code requirements, growth models, etc. to determine how much space is needed over the long term.

Vice-Chairman Walker asked if there were state funds available to fund the Space Needs Analysis. Mr. Wooten will look into it and get back to the Board.

### Services Building

An architectural firm, CBSA, was highly recommended and selected for the work at the Services Building. The firm will look at the space and will develop a scope for the work.

### Old EMS Station

Staff is working on putting together the demolition bid for the old EMS Station 1. The flagpole and generator will be saved, but the entire building will be taken down and the space will transition into a parking lot.

### Paving

Staff will meet with the paving engineer this week to discuss the study of the County's parking lots. The engineer will help with the bidding of the work on the new Garden Street parking lot.

## **Water System Projects**

Mr. Wooten reported the County's engineer continues to work on the engineering and design for both Phase 1 and Phase 2 of the Nebo Water System expansion. Phase 1 is now entering the permitting phase.

An ARC grant for constructing several short extensions around Exit 90 has been submitted by staff.

Staff is working with WithersRavenel to initiate the PER for the West Marion Elementary Area water study. Mr. Wooten also announces the Hoppy Tom Hollow grant was approved by the State.

## **Trail Projects Updates**

During their last appearance, the Friends of Fonta Flora State Trail mentioned that they would appreciate the County funding their operations at the same \$20,000 that the Board previously approved. Upon approval, staff will draft a contract similar to those that are in place with other nonprofits.

There are several ongoing trail projects.

### EB-5916/River Greenway

The greenway extension project centering on Greenlee Park has begun. The first step of the project is a survey of the properties neighboring the park. Design and permitting will take several months.

### Old Fort Trailhead

The trailhead park in Old Fort will go to bid in the fall. Construction will likely take 6-9 months. The Town and the Friends of Fonta Flora State Trail are now working to improve the access to the park property. There have been discussions about local partners such as the Town, County, and others partnering on road and trail improvements on the old Davidson's Fort property.

### Black Bear Area

There have been discussions about using the new Black Bear park as a focus of the trail development on the north side of Lake James. The latest discussion has been on combining trail segments for the Overmountain Victory State Trail and the Fonta Flora State Trail. That effort will pick up steam in September.

### Wilderness Gateway State Trail

County staff will participate in a meeting in October with various stakeholders on this trail that will be built in the southern portion of the County.

### Old Fort Gateway Trails

The new trailhead and phase 1 of the Gateway Trails opened recently. The Division of Water Resources grant the Board approved last month for additional trailhead enhancements was submitted. The Catawba Vale Collective is now seeking funding to complete the rest of the trail segments north of town.

Commissioner Allison made a motion to fund the Fonta Flora State Trail operations, second by Commissioner Ellis. By a vote of 4-0 the motion passed.

### **Administrative Items**

EMS write-offs totaled \$76,633.37. Commissioner Vaughn made a motion to approve write-offs, second by Commissioner Allison. By a vote of 4-0 the motion passed.

### **Cell Tower Easement Request**

Verizon is proposing to construct a cell tower south of Marion on private property that borders County-owned property. Verizon is requesting an easement of the fall zone which is on County property. The County Manager made mentioned to the Board that they are losing the use of County land and that it may be beneficial to request compensation from Verizon. Commissioner Allison stated that he would like there to be an agreement that the County be compensated prior to the building of the tower. The Board and the County Manager asked for the input of Ronald Harmon, Deputy County Manager for Community Development. Mr. Harmon agreed with Commissioner Allison and advised negotiation with Verizon to be compensated for the easement prior to the construction of the tower.

Commissioner Ellis made a motion to give Mr. Wooten and staff authority to negotiate with Verizon for compensation for the easement, second by Commissioner Allison. By a vote of 4-0 the motion passed.

### **Ordinance Updates**

Staff has been reviewing the existing ordinances to determine any needed updates. There were two ordinances that were identified as needing updates:

- State of Emergency Declaration Ordinance
- Hazardous Fee Ordinance

The state law for State of Emergencies has changed, which requires an update to the Ordinance. The Hazardous Fee Ordinance needs to be changed to set the hazardous fees in the County's fee schedule instead of in an ordinance.

The following ordinance was determined to be needed:

- Water Distribution Ordinance

The water ordinance is based on the City of Marion's document. The County version reflects current practices but needs to be codified in an ordinance.

Vice-Chairman Walker requested staff to also look at the Noise Ordinance.

Commissioner Ellis made a motion to have staff look into the Noise Ordinance, second by Commissioner Vaughn. By a vote of 4-0 the motion passed.

### **Tax Matters**

Commissioner Ellis made a motion to accept the tax reports as presented, second by Commissioner Vaughn. By a vote of 4-0 the motion passed.

### **Board Appointments**

This is the second reading for the Library Board of Trustees which has two vacancies. Only one application has been received, staff will continue to seek applicants for the Library.

Commissioner Ellis made a motion to accept RoAnn Bishop's application, second by Commissioner Allison. By a vote of 4-0 the motion passed.

### **NCACC Legislative Goals Process**

The NC Association of County Commissioners will hold its annual Legislative Goal Conference before the long session starts in January. The Association has asked that the Board submit any goals before September 12.

### **Citizen Comment**

Kim Franz spoke on the need for leash laws. Her dog had been attacked, and the neighbor's dog runs loose and charges her dogs as she is walking them.

**Commissioners/Staff Reports**

Commissioner Ellis wants clarification and a clear understanding of working with vendors inside the county and asked the County Manager to discuss this matter with staff.

Commissioner Ellis wants staff to bring sales tax figures before the Board so they can see how much funds are going into the General Fund.

**Adjourn**

Commissioner Ellis made a motion to adjourn at 6:16 pm, second by Commissioner Allison. By a vote of 4-0 the motion passed.

Attest:

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Cheryl L. Mitchell  
Clerk to the Board

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David N. Walker  
Vice Chairman