

**STATE OF NORTH CAROLINA  
COUNTY OF MCDOWELL COUNTY  
BOARD OF COMMISSIONERS  
REGULAR SESSION –JANUARY 10, 2022**

**Assembly**

The McDowell County Board of Commissioners met in Regular Session on Monday, January 10, 2022, 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 5:00pm.

**Approval of Minutes**

Vice Chairman Walker made a motion to approve the December 13, 2021 Regular Session minutes, December 20, 2021 Regular Session minutes, and December 13, 2021 Closed Session minutes; second by Commissioner Allison. By a vote of 5-0 the motion passed.

**Approval of Agenda**

Chairman Brown added a certificate of appreciation to the agenda.

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

Chairman Brown asked Deputy Jacob Crowder to lead the Pledge of Allegiance; and Sheriff Ricky Buchanan to lead in prayer.

**Recognition of Law Enforcement Officers**

In honor of Law Enforcement Officers Appreciation Day, Chairman Brown presented a Certificate of Appreciation to Sheriff Ricky Buchanan and his staff:

*The McDowell County Board of Commissioners, on behalf of the citizens of McDowell County, present this Certificate of Appreciation for the extraordinary efforts and sacrifices made by officers and their family members on a daily basis in order to protect our schools,*

*workplaces, roadways, homes, and visitors.*  
*The McDowell County Board of Commissioners recognize, honor, and congratulate Law Enforcement Officers for the safety and protection they provide for citizens across this county.*

The Board paused the meeting for pictures with all law enforcement officers present.

**Recognition of Ned Fowler**

Mr. William Kehler, ES Director, introduced Mr. Ned Fowler and his wife, Judy to the Board. Mr. Fowler is retiring as the Mission Hospital Regional EMS Liaison.

Vice Chairman Walker read the following resolution:

**RESOLUTION OF APPRECIATION FOR NED FOWLER**

**WHEREAS**, Ned Fowler began his public service career with Buncombe County Emergency Medical Services in 1975; and

**WHEREAS**, Mr. Fowler moved to Asheville-Buncombe Technical Community College in 1983 in order to provide professional education for emergency medical science students; and

**WHEREAS**, he excelled in his community college career, retiring in 2011 as Associate Vice President of Instructional Services; and

**WHEREAS**, Mr. Fowler transitioned to Mission Hospital in October 2011 to serving as the Regional EMS Liaison until his retirement from that position at the end of 2021; and

**WHEREAS**, in the role of Regional EMS Liaison, Mr. Fowler was responsible for coordinating with EMS systems across Western North Carolina, including McDowell County EMS; and

**WHEREAS**, Mr. Fowler's personal experience as a paramedic with Buncombe County EMS gave him an appreciation and understanding of the role of EMS systems and their staff; and

**WHEREAS**, he worked with McDowell County EMS and other agencies to develop staff support systems based on the Crisis Incident Stress Management model; and

**WHEREAS**, the support and advocacy Mr. Fowler provided to McDowell County EMS and other EMS agencies was vital during the last ten years, especially during the COVID-19 Pandemic.

**NOW, THEREFORE, BE IT RESOLVED**, that the McDowell County Board of Commissioners do hereby congratulate and offer gratitude to Ned Fowler for his career of public service, and especially for his role as Mission Hospital Regional EMS Liaison.

Adopted this 10<sup>th</sup> day of January, 2022

Attest:

\_\_\_\_\_  
Cheryl L. Mitchell

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Tony G. Brown, Chairman

Pictures were made with Mr. Fowler and staff.

## **COVID-19 Update**

Mr. William Kehler, Emergency Services Director, gave the following update:

- Day 665 the EOC has been activated since the beginning of the Covid pandemic
- 14-day positivity rate is 20.4%
- 169 cases since Friday
- Outbreaks at several long-term care facilities
- Long turn around times for PCR testing; rapid tests are in supply demand
- Local hospital was on a partial diversion over the weekend
- Biggest challenge for ES is maintaining adequate staffing levels
- 57% of 5 years and older are partially vaccinated; 53% fully vaccinated

Discussion was held on the current mask policy.

Vice Chairman Walker made a motion to continue the mask policy until the February 14<sup>th</sup> meeting, second by Commissioner Allison. By a vote of 5-0 the motion passed.

## **October 7 Flood Recovery Update**

Mr. Kehler announced there are state funds now available for homes and private bridges damaged by Tropical Storm Fred and the flash flood event on October 7, 2021. The Tropical Storm Fred Residential Recovery Program (RRP) may provide assistance to help repair or replacement of private roads or bridges damaged/destroyed by TS Fred and the flash flood event on October 7, 2021.

Homeowners can apply online at: [tsfred.nc.gov](https://tsfred.nc.gov) Mr. Kehler added if a homeowner needed assistance in filing a claim online, Emergency Services would assist with the application. There were more than 100 homeowners that had received damage during the event.

## **Introduction of Human Resources Director**

Mr. Wooten introduced to the Board, Anna Lee, the new Human Resources Director who began work on January 3, 2022.

Ms. Lee is a graduate of Western Carolina University, and is a native of McDowell County.

## **Plat Review Process Request**

Mr. Ronald Harmon, Planning Director, submitted a plat review process for approval. The process would allow the Planning staff time to review and sign off on the plat. For a Minor Subdivision Plat the review would be done in two business days. For a Major Subdivision Plat the plat would be required to be approved by the Planning Board. Staff would add the plat to the Planning Board's meeting agenda within thirty days.

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

## **Animal Services Update**

Mr. Terry DePoyster, Public Services Director and Brittany Wright, Animal Services Manager, gave an update on the Animal Shelter.

Ms. Wright reported in 2021 there were 1,154 animals taken in at the Shelter. There were 1,068 animals adopted, rescued, or returned to owners. The total number of animals returned to owners was 194. A total of 702 of the intakes were stray animals.

The adoption fees remain at \$65 for dogs and cats. The shelter now gives a heartworm test, vaccinates for distemper-parvo, rabies, and Bordetella. The staff also starts each dog on a flea prevention and heartworm preventative if heartworm negative. The adopting owners get a record of all test. The shelter would like to increase the adoption fees to \$100 due to the testing and vaccines given.

The shelter continues their Spay Days Promotion in conjunction with Rusty's Legacy sponsored by the Benny Fund. Currently there are 80+ dogs on the list for spay neuter from now through April. The program will likely continue through the rest of the year.

There continues the need for more space for housing the cats and dogs.

Commissioner Ellis made a motion to table for 30 days a decision on increasing fees to give more time on reviewing adoption fees, second by Vice Chairman Walker. By a vote of 5-0 the motion passed.

Ms. Susan Menard, with Mercy Fund Animal Rescue, gave an update on their trap, neuter, return (TNR) program. This is the 14<sup>th</sup> year of the feral cat overpopulation program. In 2021 the program had a total of 268 feral cats spay and neutered. They were able to rehome 58 cats through TNR. The program funded solely by donations, spent \$14,723.94 in 2021.

Vice Chairman Walker made a motion to send a letter to Sen. Hise and Rep. Green to raise the income level for the voucher system for the DSS spay and neuter program, to help reduce the problem, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

Ms. Joy Harklerode encouraged the public to "pay it forward" on the spay and neuter program at the Animal Hospital.

## **American Rescue Plan Updates (ARPA)**

Mr. Wooten noted the U.S. Senate had passed a bill that would grant ARPA expenditure flexibility. The bill is pending in the U.S. House. The second payment of money will be arriving in April.

## **Broadband Expansion Update**

Mr. Wooten gave an update on the possibility of broadband expansion in the county:

- NTIA grant awards will be announced in January or February
- CAB (Completing Access to Broadband) program – provides matching dollars to counties for grants that can be made to private providers. There is a restriction on the expenditure of federal funding, so there will have to be clarification on the NTIA grant before moving forward.
- GREAT Grant – an update has been requested from Altice/Optimum

- RDOF – Rural Digital Opportunity Fund – Charter received funds to extend service to unserved or underserved areas of the county. A written update from Charter has been requested.

Vice Chairman Walker made a motion to get an Altice and Spectrum update, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

**Building Projects Update**

- N Main Administrative Offices building is close to having carpet and tiled installed, and a final coat of paint in the upper level
- Register of Deeds building has been partially painted
- Emergency Services Headquarters is nearing completion.
- Future of Station #1-parking needed; staff suggested an engineer go through the building and bring back suggestion at next month’s meeting

Chairman Brown suggested having the February Board meeting in the old boardroom as it will be the last meeting of the Commissioners in that building. Vice Chairman Walker suggested having former Commissioners attend the meeting also.

Vice Chairman Walker made a motion for staff to coordinate plans and have acknowledgement for the official last meeting of the Commissioners in that building, and communicate back to the Board via email their recommendations, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

**Nebo Water System Project Update**

The McGill Associates will begin preliminary work on engineering specifications, etc. for the Nebo Water System Expansion Project. Stacy Hill Road should be completed in a couple of weeks. Staff will meet with engineers regarding a water filtration plant on Thursday.

**Shooting Range Operations**

Mr. Wooten noted staff had prepared Standard Operating Procedures for the McDowell County Shooting Range. The SOP was presented as a first reading.

Commissioner Ellis made a motion to receive the SOP as a first reading, second by Vice Chairman Walker. Suggested having Range staff be required to have a conceal carry permit. By a vote of 5-0 the motion passed.

**Administrative Items**

Staff presented two Nebo Water System fee waivers:

Minnie Rutherford	\$18.13
Lori and Joey Ledford	\$21.24

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

Staff presented a Little League Memorandum of Agreement for consideration.

Vice Chairman Walker noted No. 1 “...it shall continue in effect until terminated by the consent of all parties, as discussed in more detail.” He suggested removing consent of all parties, due to other memorandums the county has either party can terminate the agreement with proper notice.

Mr. Wooten noted the changes could be made, and No. 6 was the exit clause by any of the parties.

Vice Chairman Walker made a motion to approve with the deletion of No. 1 “consent of all parties” because it is covered in No. 6, second by Commissioner Allison. By a vote of 5-0 the motion passed.

**Tax Matters**

MV tax refunds	\$ 869.98
Discoveries	\$ 3,492.06
Releases over \$100	\$ 237.46

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.

**Citizen Comment**

Chairman Brown opened the floor for citizen comments at 6:38pm.

Jeff Direbus had questions regarding land use planning.

Joy Harklerode spoke on a situation where there were 51 abandoned cats, all were sick. Having issue with DA to take the claims serious. Would like to see the Animal Ordinance have more strength.

Vice Chairman Walker made a motion to have a letter drafted to the District Attorney’s office encouraging him to review the cases and take appropriate action, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Chairman Brown made a motion for the Board of Commissioners to have a workshop with representatives of the animal rescue groups on updating the Animal Ordinance, second by Commissioner Vaughn. Vice Chairman Walker noted the Board would receive comments from the various animal advocacy groups, and then send suggestions to the Planning Board for review. By a vote of 5-0 the motion passed.

Citizen comment ended at 6:47pm.

**Commissioners/Staff Reports**

Commissioner Ellis asked for an update on the construction on the Sugar Hill bridge roadwork. Mr. Wooten had sent a letter to NCDOT that there are significant issues with the current contractor; discussions with Attorney General’s Office, the DOT, and the bonding company. The current contractor might not be able to finish the product. The estimated completion date is 2023. Due to the pending litigation DOT were unable to come to the meeting.

Commissioner Ellis stated he would like to look at the potential of a Senior Day Care in the Annex space when the space is vacated.

**Adjourn**

Commissioner Ellis made a motion to adjourn at 6:52pm to Wednesday, January 19, 2022 at 8:30am at 60 E Court Street, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

Attest:

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Cheryl L. Mitchell  
Clerk to the Board

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Tony G. Brown  
Chairman