

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

Assembly

The McDowell County Board of Commissioners met in Regular Session on Monday, October 10, 2022, at 4:02 p.m., at the Historic Carson House 1805 US Hwy 70 W., Marion, NC.

Members Present

Tony Brown, Chairman; David Walker, Vice-Chairman; Brenda Vaughn; Chris Allison; Patrick Ellis

Members Absent

None

Others Present

Ashley Wooten, County Manager; Victoria Craig, Clerk to the Board; Lake Silver, Management Assistant; Fred Coats, County Attorney

Call to Order

Chairman Brown called the meeting to order at 4:02 p.m. The invocation was given by Commissioner Ellis. The pledge of allegiance was given by Commissioner Vaughn.

Approval of Minutes

Commissioner Ellis made a motion to approve the September 12, 2022, Regular Session and Closed Session minutes; September 26, 2022, Regular Session and Closed Session Minutes, seconded by Commissioner Vaughn. By a vote of 5-0 the motion passed.

Approval of Agenda

Commissioner Ellis made a motion to approve the agenda, seconded by Commissioner Allison.

Ashley Wooten, County Manager, requested to amend the agenda to add item “F” under “Old Business”, which covers the Opioid Lawsuit Update.

Commissioner Ellis made a motion to approve the amendments to the agenda by adding the Opioid Lawsuit Update item Mr. Wooten requested, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Presentation of Carson House Funding

Chuck Abernathy, Historic Carson House Board of Directors Chair, gave a speech about historical milestones that the Carson House has to contribute to McDowell County. The Historic

Carson house was built in 1793. The first county meeting occurred at the Carson House in the spring of 1843.

Senator Warren Daniel presented \$370,000 to the Carson House from the recent state budget. This funding will be going towards building an interpretive center (visitors center) on the property. The design and engineering study has been completed. Now there will need to be a discussion with builders and negotiation of a contract. One exhibit in the projected interpretive center is the history of the house and the other exhibit is about enslavement in this part of the world. January is going to be the kick-off month for fundraising. With the check given by Senator Warren Daniel and \$500,000 of the Historic Carson House funds, they are still about \$200,000-\$300,000 short of the needed budget of \$1.2 million. The Board of Directors are hoping to break ground during the second quarter of next year, followed by another year or so to build and get the exhibits installed. They are hoping to have a ribbon cutting in 2024.

Senator Warren Daniel expressed his gratitude for this opportunity to present the \$370,000 check on behalf of taxpayers.

Recognition of Charlie Mae Mace

Chairman Brown presented Charlie Mae Mace with a certificate for service to McDowell County Schools (MCS) for 60 years. Each Commissioner, the City of Marion Mayor, Steve Little, and the County Attorney, Fred Coats, took the time to praise Charlie Mae for her years of dedication to McDowell County and McDowell County Schools. Current interim Superintendent Brian Oliver also sincerely thanked Charlie Mae. Mrs. Mace told attendees that it was her honor and privilege to serve MCS for so many years.

Drexel Property Grant Update

City of Marion Manager, Bob Boyette, and City of Marion Planner, Heather Cotton, updated the Board on several grants that would help clean up and redevelop the Drexel property. One grant requires that the City of Marion be the sole owner of the property. Heath Cotton requested that the Board give sole ownership of the Drexel property to the City of Marion.

The Plan will focus on the site suitability, function, and design for a mixed-use transit-oriented development site that leverages both public and private investment to build on the vision and needs identified by the community in various long-range studies that have been completed. Site suitability will be evaluated for a new passenger rail station with integrated regional bus service, visitor and transit-oriented lodging, high-density residential and commercial space, and public amenities and infrastructure that will connect to and expand downtown Marion's footprint.

The City of Marion is also submitting a Brownfield Cleanup application to the U.S. Environmental Protection Agency (EPA) as matching funds for the cleanup of the Drexel Heritage site. The EPA anticipates awarding 40 proposals a combined total of 20 million this funding cycle.

This funding will allow the City and County to eliminate blight caused by this site and make the site ready for public and private reinvestment, diversify and expand economic sectors that are more resilient to downturns in the economy, create new employment opportunities, and increase housing options for the local workforce. The estimated total project cost is \$880,000.

Both grant applications are due in November 2022. The City of Marion appreciates the Board of County Commissioners' continued support of this cleanup project and is requesting a letter of support for both grant applications.

Vice-Chairman Walker motioned to approve the grant submissions, transfer the County's deed interest to the City of Marion, and adopt an interlocal agreement that protects interest, second by Commissioner Allison. By a vote of 5-0, the motion passed.

Property Revaluation Schedule of Values

Tax Assessor, Tammy Wylie, presented the Board with the Schedule of Values for the 2023 Property Revaluation. A public hearing for the Schedule of Values has been scheduled for October 20, 2022, at 5 p.m. in the Services Building Board Room at 60 E Court St, Marion.

Recreation Center Project Overview

Architect for Holland & Hamrick, Patrick McMurry, presented the current plan for the McDowell County Recreation Center Project.

Currently, Mr. McMurry has scheduled to meet with a consultant about a turf field and the pool area in addition to the regular consultants working with structural matters and landscape. The aim is to create a multi-use field that includes the ability to play baseball, softball, and soccer. For the seating area, there will be tiered concrete seating that will hold around 300 people. Along the backstop, there will be parking. There will also be a walking track encompassing the field. Mr. McMurry is in communication with First Presbyterian Church to see if a null can be graded to create a smooth traffic plan instead of a dead end.

The current pool area at the McDowell County Recreation Department has severe leaking and will need to be completely redone. In the new pool, there will be a splash pad component added. There is a plan to get rid of the sunbathing deck area to put up a retaining wall between the recreation department and the church.

Vice-Chairman Walker mentioned eventually getting an equipment room included in the phased remodel and anything not included in Phase 1 should get pushed to Phase 2.

Commissioner Vaughn asked if the facilities would be ADA-compliant. Patrick McMurry confirmed they would be ADA-compliant.

Building Project

County Manager, Ashley Wooten, updated the Board on building projects that are ongoing throughout the County.

Services Building

Staff has executed the contract with CBSA architects for the design services for the Services Building. The project kickoff meeting will be scheduled soon now that the architect has taken the original existing drawings and converted them to something usable.

Old EMS Station

Staff is investigating the option to sell the building, not the property, instead of contracting out the demolition. The suggestion is to see if a contractor will buy the building, and remove it, first.

Vice-Chairman Walker made a motion to allow staff to attempt selling the building by November 1st, 2022, and if no one is interested then proceed with the demolition plan, second by Commissioner Allison. By a vote of 5-0, the motion passed.

Paving

The paving engineer has prepared a report on pavement quality for each of the County's parking lots. They are now working on a cost estimate for each. It may be too late in the season to initiate the work needed for the lots, except for the surfacing job at the new Garden Street lot.

Vice-Chairman Walker made a motion to proceed with the staff's recommendation to pave the Services Building parking lot and then pave the next top 3 worst lots in the County, second by Commissioner Ellis. By a vote of 5-0, the motion passed.

Burke County Cooperative Project

Chuck Abernathy, MEDA Director, gave an overview of a proposal to cooperatively develop industrial properties along the Burke County Boundary.

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

Maple Leaf Project

The Board was reminded that they previously authorized submitting a grant to make enhancements to the Maple Leaf Complex, specifically by adding an area for a playground and picnic shelters.

The grant that staff is preparing will provide a maximum of \$500,000 if the local match is maximized at \$100,000. The Board previously set aside \$50,000 for this site, so an additional \$50,000 is needed to be budgeted over the next budget year.

Vice-Chairman Walker made a motion to approve the grant match of a total of \$100,000 and the Master Plan updated for the Maple Leaf project and if the grant does not get awarded to us then staff can proceed with the project anyway, seconded by Commissioner Ellis. By a vote of 5-0, the motion passed.

Universal Technology Park Grading

County Manager, Ashley Wooten, discussed the Universal Technology Park Grading. He mentioned that bids were opened on Friday, September 30th for the Universal Technology Park Rough Grading Project. This project is funded by the Golden Leaf Foundation. The bids were very competitive. The low bidder is Site Development Corporation of Cliffside and the engineer recommended awarding that company the contract.

Commissioner Ellis made a motion to accept the bid from Site Development Corporation for \$746,586.50, seconded by Commissioner Vaughn. By a vote of 5-0, the motion passed.

Water System Projects

Staff continues to work on an unprecedented number of water-related projects. Below are several water-related updates:

- 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 very close to bidding. Phase 2, which involves extensions of lines westward towards the City's system, is only beginning design.
- Staff has received the official award for the Hoppy Tom Hollow Road Water Project. The first step for this project is the selection of an engineer, which is underway.
- An Appalachian Regional Commission grant to extend water around Exit 90 has been submitted and is pending a decision from State and Federal officials.
- The study of water service to the West Marion Elementary Area is underway.
- A grant for service along NC 126 was submitted by the September 30th deadline. The review process will probably take about two months.

Vice-Chairman Walker made a motion to approve the pre-application process for the grant, seconded by Commissioner Allison. By a vote of 5-0, the motion passed.

There was an optimistic discussion amongst Commissioners of the water service in the West Marion Elementary Area.

Broadband Update

It has been reported that the County will benefit from a GREAT broadband grant that has been awarded to Spectrum. The grant provided \$4 million to Spectrum, who will match the award with \$3.4 million of company funds and \$100,000 of County funds. This funding will provide service to approximately 1,300 homes.

The state is now preparing an application for the Completing Access to Broadband (CAB) grant. CAB requires a great contribution from counties than GREAT. Specifically, a 35% match is required to come from counties for these applications. The Board previously authorized expanding \$1 million of the County's ARPA allocation for broadband. There is now \$900,000 left after the GREAT match, which would allow for a grant of a little over \$2.5 million.

The CAB program details are still being formulated. Staff anticipates having the guidance in hand at the November meeting. Further discussion of this was discussed by the Commissioners and the County Manager.

Commissioner Ellis made a motion to continue on with the CAB Grant application, seconded by Vice-Chairman Walker. By a vote of 5-0, the motion passed.

Opioid Lawsuit Update

There was an MOU update for the Opioid Lawsuit Settlement on Monday, October 3rd. County Attorney, Fred Coats, mentioned that there were other potential opioid lawsuits to be involved in. Mr. Wooten requested authorization from the Board to be able to sign forms of similar lawsuits that meet the same criteria as the first opioid lawsuit that the County was just a part of.

Vice-Chairman Walker made a motion to approve staff to sign documents as needed as long as lawsuit conditions are the same, seconded by Commissioner Ellis. By a vote of 5-0, the motion passed.

Administrative Items

Vice-Chairman Walker made a motion to approve the EMS write-offs totaling \$38,616.94 with a note that all efforts have been made to try and collect this money, seconded by Commissioner Allison. By a vote of 5-0, the motion passed.

RHA, a tenant of the County's Mental Health Building has asked to allow a small portion of their space in the building to be sublet to a small pharmacy. The concept would be to have an in-house dispensary of medication for their clients. The County's lease requires Board approval of the sublet.

Vice-Chairman Walker told Mr. Wooten that the Board wants to approve any modifications to the current building that is leased to RHA. It was also requested that the Board, on behalf of the taxpayers, received a percentage of the revenue that RHA brings in with the pharmacy addition. Mr. Wooten will present those terms to RHA and have the County Attorney look at the documentation.

Vice-Chairman Walker made a motion to allow staff to contact RHA regarding the stipulations of the building renovations, which will be approved by the Board, requesting half of the rent that will be given to RHA from the pharmacy as well as looking into adjusting the lease agreement with RHA, seconded by Commissioner Allison. By a vote of 5-0, the motion passed.

There are three project ordinances: Streamflow Rehab Project, Hoppy Tom Hollow Water Project, and Local Assistance and Tribal Consistency Project.

Vice-Chairman Walker made a motion that half of the funds that the Local Assistance and Tribal Consistency Project receive will be used for paving projects next spring, seconded by Commissioner Allison. By a vote of 5-0, the motion passed.

Ashley Wooten verified with the Commissioners that they intended to include all three projects in the motion.

Vice-Chairman Walker made an amendment to his motion to include all three projects including the Streamflow Rehab Project, Hoppy Tom Hollow Water Project, and Local Assistance and Tribal Consistency Project, seconded by Commissioner Allison. By a vote of 5-0, the motion passed.

McDowell House Project

The McDowell TDA capital plan made several recommendations for improving tourism-related infrastructure throughout the County. One site that was on the list is the McDowell House. The structure and property are owned by the County. There have been various improvement plans over the years that were dependent on other grants or funds that did not come through.

Staff is suggesting a different approach at renovation. Specifically, there is interest in partnering with the Construction Trades Academy at MTCC to utilize the McDowell House as a renovation lab. The concept would be that students would learn skills in the classroom that they could then put into practice in the house such as light demolition, framing, etc. The work would be supervised by MTCC and County staff. In addition, Allen Roderick has volunteered to assist.

If approved, the first step would be for the various parties to meet and formalize a program. In the meantime, County staff would work to identify a workplan that would guide the work of the students and their supervisors. Ideally this workplan would have material costs associated with it.

Vice-Chairman Walker made a motion to allow staff to move forward with discussions of the next steps of project development, second by Commissioner Vaughn. By a vote of 5-0, the motion passed.

Sales Tax Overview

Sales taxes stand as one of the largest revenue sources for the County. It is important to understand how the revenue is collected and budgeted.

The current sales tax rate for McDowell County is 6.75%. Of that percentage, 2% is considered local tax and 4.75% is state tax.

Local governments received sales tax monies from the NC Department of Revenue (NCDOR). NCDOR collects sales taxes from sales that happen in the state as well as sales that happen online when the point of delivery is inside the state. The collected tax is paid to the County three months after the sale. For example, the County will receive an August payment from NCDOR in October for July sales.

The lag of payments is also represented in the data that is provided each month. There is a breakdown of each of the various sales taxes (1 percent, 0.5 percent, etc.) each month. The latest report shows the revenue just received for June 2022. That payment is attributed to the last fiscal year. This lag is the reason that staff usually will only recommending amending (up or down) the anticipated sales tax revenue in January and not any earlier.

Tax Matters

Vice-Chairman Walker made a motion to approve the rebills, releases, and refunds as presented, seconded by Commissioner Allison. By a vote of 5-0 the motion passed.

Board Appointments/Historic Preservation Commission

Staff is continuing the advertisement for the vacancy on the Library Board of Trustees.

County Manager, Ashley Wooten, informed the Board that many years ago, the Board of Commissioners created a Historic Preservation Commission. The Commission's purpose is to designate historic landmarks, approve, certain qualifying properties for local historic districts, and the like. The Commission went defunct about ten years ago with part of the reason being the lack of staff capacity to assist with the Commission's duties.

Now that there is staff capacity in the Planning Department, it is recommended that the Commission be reactivated in order to assist with historic preservation efforts in the community. After some time, the County can apply to be a Certified Local Government, which would make the County eligible for historic preservation grants. Staff requested approval to proceed with reactivating the Historic Preservation Commission.

Vice-Chairman Walker made a motion to approve the reactivation of the Historic Preservation Commission, seconded by Commissioner Allison. By a vote of 5-0, the motion passed.

Glenwood Christmas Parade Road Closure

The Glenwood Ruritan Club has held an annual Christmas parade for several years. They would like to have the event on November 26, 2022. In order to proceed, NCDOT requires a road closure ordinance to

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

Citizen Comment

Bruce Putnam, accompanied by Jim McBrinn, expressed the frustration they have with AirBnB in the development that they live in and requested the Board of Commissioners to look into regulations regarding them.

Chris Brown went before the Board for a second time trying to get the unresolved septic issue that is occurring at his neighbor's house, which is affecting properties around.

Historic Carson House Update

Chuck Abernathy emphasized his gratitude for the previously discussed matters regarding the Historic Carson House. Martha Jordan reiterated that McDowell County was founded at the Carson House and is grateful to have students coming back to learn about local history as well as Christmas tours again.

Vice-Chairman Walker made a motion that on behalf of County residents, the Board of Commissioners will purchase the meal for guests that evening, seconded by Commissioner Allison. By a vote of 5-0, the motion passed.

Adjournment

Vice-Chairman Walker made a motion to adjourn at 5:59 p.m., seconded by Commissioner Vaughn. By a vote of 5-0, the motion passed.

Attest:

Victoria Craig
Clerk to the Board

Tony G. Brown
Chairman