

**STATE OF NORTH CAROLINA  
COUNTY OF MCDOWELL COUNTY  
BOARD OF COMMISSIONERS  
REGULAR SESSION – September 12, 2022**

**Assembly**

The McDowell County Board of Commissioners met in Regular Session on Monday, September 12, 2022, at 5:00 p.m., in the Commissioner’s Board Room, 69 N Main St., 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

**Call to Order**

Chairman Brown called the meeting to order at 5:00 p.m. The invocation was given by Commissioner Allison. The pledge of allegiance was given by Commissioner Vaughn.

**Approval of Minutes**

Vice-Chairman Walker made a motion to approve the August 8, 2022 Regular Session minutes; August 15, 2022 Regular Session minutes, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

**Approval of Agenda**

Ashley Wooten, County Manager, requested to amend the agenda and add two items: Cell Phone Tower Easement; Broadband Update.

Vice-Chairman Walker made a motion to approve the amendments to the agenda by adding the two items Mr. Wooten requested, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

**Parks and Recreation Program Update**

Chad Marsh, Parks and Recreation Director, recognized the staff assisting him and the county’s programs by expressing sincere gratitude for their continuous hard work.

Mr. Marsh provided the Board with a packet that shows all of the accomplishments that he has had in the past 15 months of his time as Director. It is the goal of Chad Marsh and his staff to provide sustainable and equitable programs. It is also Mr. Marsh's goal to ensure necessary oversight of all the programs to make sure that they are operating in accordance with state, county, and any recreational guidelines that are required.

Mr. Marsh presented his plan for youth basketball in McDowell County for this upcoming season. His presentation began by explaining his research findings on game scores from last year, which indicated that some teams scored much more than other teams throughout the season. His plan to make the sport a more equitable opportunity is by instilling a drafting process where coaches are able to watch children play in an open gym demonstrating 4 skill areas of dribbling, shooting, passing, and rebounding all while keeping a scorecard that only coaches are able to see.

Chad Marsh also mentioned the importance of having relationships with the area directors and the success of uncovering \$25,000 that they were able to put back into the Parks and Recreation Department programs. Mr. Marsh also spoke about the importance of community feedback so that he can make the most out of the County's Parks and Recreation programs.

Each Commissioner expressed sincere gratitude and appreciation to Mr. Marsh and his staff for their tremendous work to improve McDowell County's Park and Recreation programs.

### **HOME Consortium Public Hearing**

McDowell County is a participant in a HUD HOME Consortium. This consortium will provide funding every year to the Consortium local governments (which includes the counties of McDowell, Rutherford, Polk, and Cleveland and several municipal governments within those counties). This funding must be spent on housing projects and must be matched. The matching requirement only kicks in if a member government chooses to do a project that year.

Chairman Brown declared the Board into a public hearing at 5:21 p.m. pursuant to general statute 143-318.10.

James Ayers presented to the Board regarding the matter. The Foothills Regional Commission (FRC) is providing administrative support for the Foothills NC HOME Consortium. FRC has taken the lead on the development of this Consolidated Plan, which is required by the US Department of Housing and Urban Development (HUD) to inform the allocation of HOME funds, both annually and over a five-year period. This Plan describes both the housing needs and market supply for low-to-moderate income households, as well as special needs populations. Additionally, this Plan includes a five-year strategic plan and an annual action plan for the Consortium.

The goal of the Foothills NC HOME Consortium is to provide safe and affordable housing for low-to-moderate income persons and special needs populations across the four-county region. This Consortium will work to strengthen and expand partnerships between all levels of government in the region, and for-profit and non-profit organizations in the region, with the goal of producing, operating, and preserving affordable housing in the Foothills region.

To achieve the goal of increasing the available stock of safe and affordable housing, the following objectives have been identified:

1. Increase the supply of new rental and home ownership housing;
2. Preserve and rehabilitate existing housing stock;
3. Provide homeownership and rental assistance;
4. Provide special needs and homeless housing.

No public comment.

Commissioner Ellis inquired about the section of the Plan discussing McDowell County's contribution to match funds. Mr. Ayers informed Commissioner Ellis that the FRC has reached out to a non-profit organization to help alleviate financial burdensome on the Counties involved, however, there is no official contract drawn up at this time.

Vice-Chairman Walker made a motion to go out of the public hearing at 5:28 p.m., second by Commissioner Ellis. By a vote of 5-0, the motion passed.

### **SkillsUSA Recognition**

Barry McPeters educated the Board on a recent North Carolina State SkillsUSA competition that was held in the Spring of 2022 in Greensboro, NC. At this competition, the team of EMT Class Captain Autumn Slone and Lieutenant Chyenne Kelley, of McDowell High School, placed 1<sup>st</sup> place in the SkillsUSA North Carolina Championships Emergency Medical Technician (EMT) competition. These ladies then traveled to Atlanta, GA for the National SkillsUSA competition to represent McDowell High School and the state of North Carolina, where they finished in the top 5%.

Will Kehler expressed to the Board his full support of this program and explained that the collaboration Emergency Services has with the School System is why he is in his position as Director. McDowell EMS is currently training Cpt. Slone and Lt. Kelley the same way as all new hires as well as cross-training them to work 911 dispatch. These students have the ability to have a job as soon as they graduate.

### **Mission Health McDowell CEO Introduction**

Marsha Myers, Mission Health McDowell's CEO, has been in her position since July 2022. In addition to her responsibilities at the hospital, Marsha is a fellow of the American College of Healthcare Executives and a member of the American Society of Radiologic Technology and American Board of Medical Dosimetrists. She is active with community organizations including the Chamber of Commerce and Rotary.

Mrs. Myers provided the Board with a presentation of an overview of Mission Health. In the presentation, a section entitled "Investing in our Colleagues" went into detail on how Mission Health intends to take care of its employees. An example of Mission's investment was adding an additional \$22 million to their employee's compensation by giving market-based raises.

### **CDBG Public Hearing**

Chairman Brown declared the Board into a public hearing at 5:57 p.m. pursuant to general statute 143-318.10.

Ashley Wooten, County Manager, noted that the public hearing had been properly advertised in *The McDowell News*. He added that the NC Department of Commerce has announced funding availability for the Community Development Block Grant (CDBG) Neighborhood Revitalization category. This funding can be spent on numerous public projects, but the primary focus is on housing.

CDBG-NR funds can be used for a variety of different activities in support of the North Carolina Department of Commerce's Rural Economic Development Division's three livability principles:

- (1) to promote equitable, affordable housing;
- (2) support existing communities; and
- (3) value communities and neighborhoods.

Eligible activities must meet at least one of the three CDBG national objectives to be eligible:

- (1) benefit low-and-moderate income (LMI) persons;
- (2) prevent or eliminate slums or blight; or
- (3) meeting other community development needs that are deemed to be urgent because of existing conditions that pose a serious and immediate threat to the health and welfare of the community, and other financial resources are not available to meet the need.

Eligible activities include Community Revitalization, Housing Rehabilitation, Scattered-Site Housing, Public Facilities, Housing Development, and Water and Sewer Connections to Existing Housing. A total of \$10 million has been made available for this year's grant program, according to the County Manager.

Mr. Wooten informed the Board that in two weeks, on September 26<sup>th</sup> at 11:30 a.m., County staff will be requesting authorization to apply for the CDBG. He noted that the final grant amount and proposed plan of action would be presented at that hearing. Staff has proposed a partnership with Gateway Wellness Foundation on developing a housing rehabilitation program that focuses on housing rehabilitation as well as emergency repairs.

Public comment was given by Kitty Wilson. She asked, "Can any of the funding go toward a county-wide minimum housing ordinance or requirement?" She also stated that individuals ask to get something done, but in order to bring that housing situation up to a specific standard, they may need more than what was thought about. Ms. Wilson said that in the County, she didn't believe there was a minimum housing standard like there is in the city. She asked if there was any consideration, particularly for the remediation, given to that type of approach. Mr. Wooten informed her that the CDBG would not address implementing a minimum housing code. There will be an income scale to see who would qualify for this grant and there will be a limit to how much can be spent in one home. Ms. Wilson thanked Mr. Wooten for his explanation and then stated that she is more concerned that if the County doesn't have a minimum standard, then how can the determination objectively be made when rehabilitating houses? She again stated that as Commissioners and citizens, the Board needs to look at a minimum housing code.

Vice-Chairman Walker wanted clarification regarding whether or not there should be an application for a permit during a remodeling project. Commissioner Ellis informed him that it depended on what type of job was being completed. Vice-Chairman Walker asked if a permit would help with what Ms. Wilson brought up about a minimum housing code. Mr. Wooten agreed with Commissioner Ellis that it depended on the type of job being completed. There is a

standard of what would be accomplished with the grant funding. For example, if it's an emergency repair, they may not go in and repair everything that's wrong with the house but will fix what is emergent. Chairman Brown added that he would like to revisit setting up policies and standards for housing codes in the near future.

Vice-Chairman Walker made a motion to go out of the Public Hearing at 6:08 p.m., second by Commissioner Ellis. By a vote of 5-0, the motion passed.

### **Regional CTP Presentation**

The Comprehensive Transportation Plan (CTP) is a long-range (25-30 years) multi-model plan. The plan was presented by Andy Bailey with the company of two of his teammates, Hannah Cook and Nathan Moneyham. The CTP follows N.C. General Statute 136-66.2 with the cooperation of the Department of Transportation. It is needs-based based on quantitative and qualitative analysis, land use plans, community and statewide goals, and steering committee/public input. The CTP represents a community's consensus on their future transportation system to support anticipated growth and development over a 25-30-year timeframe and is mutually adopted by the State of North Carolina. This is developed cooperatively through local stakeholders, Metropolitan or Rural Planning Organizations, and NCDOT. It evaluates multi-modal transportation as part of that includes highway, public transportation and rail, bicycle and pedestrian. This plan also considers other modes of travel, such as airports and ferries that play significant roles in moving people and freight in North Carolina. There were numerous major county highway recommendations, modernization and intersection improvements, public transportation and rail recommendations, as well as bicycle and pedestrian recommendations presented to the Board.

#### **McDowell County**

69 N. Main Street, Marion, NC 28752  
Phone: (828) 652-2976

After further discussion and review, upon a motion of Vice-Chairman Walker, seconded by Commissioner Allison and, upon being put to a vote, was carried 5-0 the Commissioners approved the following resolution:

#### ***Resolution***

#### ***Adopting the Foothills Regional Comprehensive Transportation Plan For McDowell County, North Carolina***

**WHEREAS**, McDowell County, the Foothills Rural Planning Organization, and the Transportation Planning Division, North Carolina Department of Transportation actively worked to develop a comprehensive transportation plan for McDowell County and the Foothills Rural Planning Organization region; and

**WHEREAS**, the County and the Department of Transportation are directed by North Carolina General Statutes 136-66.2 to reach agreement for a transportation system that will serve present and anticipated volumes of traffic in the County; and

**WHEREAS**, it is recognized that the proper movement of traffic within and through McDowell County is a highly desirable element of the comprehensive plan for the orderly growth and development of the County; and

**WHEREAS**, after full study of the plan, and following a public hearing, the McDowell County Board of Commissioners feel it to be in the best interest of McDowell County to adopt a plan pursuant to General Statutes 136-66.2;

**NOW THEREFORE, BE IT RESOLVED:** that the McDowell County Comprehensive Transportation Plan, as a part of the Foothills Regional Comprehensive Transportation Plan, be approved and adopted as a guide in the development of the transportation system in McDowell County and the same is hereby recommended to the North Carolina Department of Transportation for its subsequent adoption.

**ADOPTED**, this the 12<sup>th</sup> day of September, 2022.

I, Victoria Craig, Clerk to the McDowell County Board of Commissioners, North Carolina, hereby certify that the foregoing is a true and correct copy of a resolution adopted in an adjourned meeting of said municipality held on September 12, 2022. WITNESS my hand and the official seal of McDowell County this the 12th day of September, 2022.

(Seal)

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Victoria Craig, Clerk to the Board

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

### **Building Projects**

#### **DSS**

The Board has previously authorized an evaluation of the long-range needs of the DSS buildings. A preliminary evaluation of the space needs is being undertaken by staff. The existing main building on East Court Street is 16,500 square feet, Adult Services is using approximately 3,000 square feet in the Mental Health Building, and Child Support is using approximately 4,500 square feet in the Services building for the total current usage of approximately 24,000 square feet. All three spaces are utilized to capacity; however, the main building is exceeding capacity with multiple shared offices.

Vice-Chairman Walker made a motion to move forward with the evaluation and search for an architect, second by Commissioner Ellis. By a vote of 5-0, the motion passed.

#### **Services Building**

An architectural firm named CBSA was selected as the most qualified firm that would design improvements to the building. The firm has submitted a proposal that would cover the costs of their preliminary planning.

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

#### 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 rest of the building will be taken down. The Amateur Radio Club has asked for the old antennae to be donated to their organization. The equipment no longer has any use for the County and can be donated via the resolution.

Vice-Chairman Walker made a motion to approve by resolution to donate the equipment as directed by staff, second by Commissioner Allison. By a vote of 5-0, the motion passed.

#### Paving

Staff will meet with the paving engineer on September 13<sup>th</sup>, 2022 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 within the next few months.

### **Parks and Recreation Projects**

#### Recreation Center Project

Holland & Hamrick has been working on the master plan for the Recreation Center facility. They will present a plan that comports the available State funding as well as items that can be accomplished over time with additional funding such as PARTF grants.

Vice-Chairman Walker made a motion to approve Phase I as presented and allow staff to move forward, second by Commissioner Vaughn. By a vote of 5-0, the motion passed.

#### Maple Leaf Enhancement Project

The Board has previously allocated \$100,000 in ARPA funding for an enhancement project for Maple Leaf. The goal has been to develop a picnic shelter and playground area. The project has been slowed while several grants were sought. The grants were not successful, so staff has moved forward with the first step of the project which involves site preparation and grading. Staff suggests applying for a grant through the NC Parks and Recreation Trust Fund Authority. This grant would pay for the shelters and some playground equipment if awarded. The application will be due in November.

Commissioner Ellis made a motion to move forward with the grant, second by Commissioner Allison. By a vote of 5-0, the motion passed.

### **Water System Projects**

- 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 this process 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 is being put together by staff. Formal approval of that application will be sought at the September 26 meeting.

### **Policy Updates**

Staff has continued to work on the policy review the Board directed several months ago. Several members have asked for staff to look at an appearance stand for staff. Staff is seeking approval to proceed in finding recommendations.

Commissioner Ellis made a motion to pursue recommendations, second by Commissioner Allison. By a vote of 5-0, the motion passed.

### **Cell Phone Tower Easement**

Staff was instructed to seek a negotiation on the proposed Easement from Verizon Wireless. Staff proposed an advised \$500 a month paid to the County by Verizon. Verizon in turn rejected the offer and offered a one-time payment of \$5,000.

Vice-Chairman Walker rejected Verizon's counteroffer of a one-time payment of \$5,000, second by Commissioner Allison second. By a vote of 5-0, the motion passed.

### **Broadband Update**

The N.C. Department of Information Technology's Division of Broadband and Digital Equity announced that Spectrum Southeast, LLC (Charter Communications dba Spectrum) has been selected for funding under the GREAT Grand program in the amount of \$4,000,000.00, which will be matched by Spectrum. Spectrum has only asked that McDowell County pay \$100,000 of their allotted \$1 million ARPA Broadband funds.

### **Mitchell County Boundary Line**

Eight years ago, the Board of Commissioners for both McDowell and Mitchell Counties requested that the boundary line between the two counties be mapped by the State of North Carolina. This mapping process was recently completed. Assessors and Managers from both counties recently met to review the maps with the State. The State representative noted that the process formally maps the line. It is possible that what has been understood to be the line previously may be incorrect.

The next step in the process is for each County to accept the boundary as presented by a resolution. Once the line is accepted, the Assessors will meet to understand how the actual line impacts how properties along it are assessed. A cursory review of the line's location appears to indicate a minimal impact on property owners.



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

### **Administrative Items**

- McGill Associates has submitted a contract for the Lowder Dam work. This contract will be paid for with the State StRAP funds.
- EMS write-offs totaling \$35,407.14.
- Nebo Water System leak adjustment for \$192.61.
- There are project budget ordinances for Universal Industrial Park Water and Sewer and the Shooting Range projects.

### **Budget Amendments**

- GF 1 – Appropriates anticipated sales tax reimbursement. These are funds that are received back from the NC Department of Revenue for sales taxes paid during the course of the year.
- GF 2 – Allocates inmate housing and asset forfeiture revenue for Sheriff's Office expenditures.

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

### **Marion Fire Request**

The General Assembly recently allocated \$500,000 to the City of Marion for the purpose of purchasing a fire truck. Unfortunately, the cost of the needed truck exceeds the allocated funding. In addition, the Marion Fire Department also needs a second truck in order to maintain its fleet status.

City staff has proposed financing which is essentially the balance of the first truck plus the cost of the second truck. The estimated total amount to be financed is approximately \$900,000. The debt payment would be covered by the City and the Marion Area taxpayers on a 50/50 basis like other expenditures for the Marion Fire Department.

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

### **Tax Matters**

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

### **Constitution Week Proclamation**

#### **CONSTITUTION WEEK 2022 PROCLAMATION**

**WHEREAS:** The Constitution of the United State of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and,

**WHEREAS:** September 17, 2022 marks the two hundred and thirty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and,

**WHEREAS:** It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and,

**WHEREAS:** It is the privilege and duty of the American people to commemorate the two hundred and thirty-fifth anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities; and,

**WHEREAS:** Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

**NOW, THEREFORE,** the McDowell County Board of County Commissioners, does hereby proclaim the week of September 17 through 23 as

**CONSTITUTION WEEK**

and urge all citizens of McDowell County to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

**This the 12<sup>th</sup> day of September, 2022.**

*Attest:*

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Victoria Craig, Clerk to the Board

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Tony G. Brown, Chair

Vice-Chairman Walker made a motion to approve the Constitution Week 2022 Proclamation, second by Commissioner Allison. By a vote of 5-0, the motion passed.

**Board Appointments/Youth Commission**

The Library Board of Trustees still has a vacancy. Staff will continue to seek applicants for the Library Board.

Staff attended the annual NCACC Conference in Cabarrus County the week of August 11<sup>th</sup>. At the conference, some attendees participated in a class with Cabarrus County staff discussing their partnership with the local school district to construct a local Youth Commission. Keeping McDowell County in mind during the duration of this presentation, staff later discussed the possibility of getting a Youth Commission started back home.

Staff members later met with Cooperative Extension's Youth Development Coordinator, Chad Ray, to discuss onboarding the Youth Commission program. Utilizing materials given to us from Cabarrus County, the staff started constructing the McDowell County Youth Commission to tailor it to our County's needs. This program will have high school student participation from McDowell High School, McDowell Virtual Academy, McDowell Early College, McDowell Academy for Innovation, New Manna Christian School, Nebo Crossing Academy, and local

Home-Schooling programs. The intention of this program is to get youth involvement with local government for further understanding of how our County functions on a day-to-day basis and inspire young people to pursue careers in local government all while learning various skills such as leadership, communication, governmental proceedings, and more.

In cooperation with Chad Ray, the staff's next steps will be to contact the local schools listed above to pursue partnership and to get a point of contact for the Youth Commission program. Once staff has the point of contact, there will be a meeting with the schools and McDowell County Government to discuss expectations of the Youth Commission program.

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

### **Citizen Comment**

Heather Edwards, a representative of the Community Engagement Project from West Marion Inc., spoke to the Board about addressing issues of racial equity in the community.

### **Commissioners/Staff Reports**

Ashley Wooten informed the Board of a meeting that will be held at the McDowell County Recreation Department in the gym area at 5:30 p.m. regarding a playground grant that staff is working on for the Maple Leaf ballfield area.

Commissioner Ellis requested an updated list of the ARPA funding and sales tax information. He also reiterated his interest in prioritizing funding to go toward children in the County.

Commissioner Allison mentioned Operation Green Light to honor veterans in the community.

### **Closed Session**

Vice-Chairman Walker made a motion to go into Closed Session at 7:27 p.m. pursuant to NC G.S. 143-318.11 (a)(3) and (6), second by Commissioner Allison. By a vote of 5-0 the motion passed.

Vice-Chairman Walker made a motion to go out of Closed Session at 7:40 p.m., second by Chairman Allison. By a vote of, 5-0 the motion passed.

No action was taken.

### **Adjournment**

Vice-Chairman Walker made a motion to adjourn at 7:41 p.m., second by Commissioner Ellis. By a vote of 5-0, the motion passed.

Attest:

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Victoria Craig  
Clerk to the Board

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Tony G. Brown  
Chairman