

**STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL COUNTY
BOARD OF COMMISSIONERS
REGULAR SESSION – February 13, 2023**

Assembly

The McDowell County Board of Commissioners met in Regular Session on Monday, February 13, 2023, at 5:00 p.m., in the Commissioner's Board Room, 69 N Main St., Marion, NC.

Members Present

Tony G. Brown, Chairman; David N. Walker, Vice-Chairman; Chris Allison; Patrick Ellis; Lynn Greene

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 Vice-Chairman Walker. The pledge of allegiance was given by Commissioner Ellis.

Approval of Minutes

Vice-Chairman Walker made a motion to approve the January 9, 2023 Regular Session minutes, January 23, 2023 Regular Session minutes, January 23, 2023 Closed Session minutes, and January 30, 2023 Special Session minutes, seconded by Commissioner Allison. By a vote of 5-0, the motion passed.

Approval of Agenda

Vice-Chairman Walker made a motion to approve the February 13, 2023 agenda, seconded by Commissioner Ellis. By a vote of 5-0, the motion passed.

NJROTC Recognition

The McDowell High School NJROTC Marksmanship Team recently won the North Carolina/South Carolina championship. They were going to go to the national championship in Utah in early February, but the weather didn't permit them to go. The team is comprised of Summer Wyatt (the team's high scorer), Anthony Escalera, Cole Cook, and Daniel Bell. Mr. Steven Ross and members appeared before the Board to discuss what their team does and what the competitions look like. Chairman Brown and the Commissioners presented each student with a certificate of accomplishment for their recent winnings.

Tax Collector Items

Tax Collector Linda Onufrey provided the property tax delinquent list to the Board of Commissioners for review. The total amount of 2022 real property tax liens was \$1,620,518.84 as of Tuesday, January 31, 2023. Delinquent letters were sent out on the first of February as required by state statute. The recipients of the delinquent letters had one month to pay the outstanding balance with the last day to pay to be March 8, 2023. Ms. Onufrey requested the advertisement of unpaid tax liens be posted in the paper on March 15, 2023.

Vice-Chairman Walker approved the receipt of the property tax delinquent list and the placement of the list in McDowell News, seconded by Commissioner Allison. By a vote of 5-0, the motion passed.

CDBG Public Hearing/Agreements

Chairman Brown declared the Board into a Public Hearing at 5:12 p.m.

Mr. Wooten gave context to what the Public Hearing was for. McDowell County received two Community Development Block Grant (CDBG) awards recently. The first grant in the amount of \$950,000 is for the housing rehabilitation partnership with Gateway Wellness. The second grant is for \$5 million and is for the long-term transitional housing program in partnership with Freedom Life. The second grant requires a public hearing to be held. The grant funds cover 100% of the project costs.

Danny Hampton addressed the Board about the CDBG grant funding and how that funding is intended to be spent. The funds will be used for long-term transitional housing for individuals who were previously incarcerated.

Vice-Chairman Walker asked how many units there would be and whether or not someone would be staying on-site with the transitional individuals. Mr. Hampton informed him that the goal is to have 44 units and yes, there would be a staff member on-site with the tenants.

Dave Bodette, an individual in the audience, asked where this transitional housing would be located. Mr. Hampton informed him that it would be located at 3224 Hwy 70 East going towards Nebo.

Vice-Chairman made a motion to go out of the public hearing, seconded by Commissioner Allison. By a vote of 5-0, the motion passed.

Vice-Chairman Walker made a motion to approve the grant agreements and approve the grant administration with Foothills Regional Commission, seconded by Commissioner Allison. By a vote of 5-0, the motion passed.

Ordinance Update

Emergency Services Director Will Kehler brought a requested update to the False Alarm Ordinance that has been on the books for several years. There continue to be numerous false alarms at our larger healthcare facilities that cause extensive time and effort in response from the fire departments. The proposed change would increase the maximum fines after several false alarms. The request also is to share the fines with the responding departments.

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

The Board directed the Planning Board to evaluate the discharge of firearms around residences. The Planning Board and staff have completed their evaluation. Ronald Harmon presented the proposed ordinance. The ordinance is similar to what is found in other counties. The Sheriff has been consulted on this ordinance. He noted that enforcement needs to be considered for any ordinance. One of the main issues would be the measurement of the firearm discharge from a structure.

Staff understood that the issue was the discharge of firearms after dark in close proximity to homes. The Noise Ordinance does not address that scenario. Per the Noise Ordinance, if a person discharges a firearm for target practice, they are exempt from the regulation and could do so until 11 pm Sunday through Thursday and until midnight Friday and Saturday.

The Planning Board and staff discussed the issue. The main tenet of the document is to address shooting within close proximity of occupied dwellings. The Planning Board agreed 300 feet was an adequate distance from occupied dwellings. The Board also addressed careless discharge, as well as bodily or property damage from careless discharge.

The Board also added a provision that addresses the consumption of alcohol or other impairing substances while using a firearm. The Board did not place a prohibition on discharge after daylight hours. General Statute sets forth rules that allow for hunting activities after dark, the Planning Board felt no need to further state those rules in the document. The Planning Board recommended that the Board of Commissioners consider extending the hours the McDowell County Shooting Range is open. Currently, the range is open 9 am — 5 pm four days a week, and many people work those same hours.

Chairman Brown stated that he was in agreeance about extending the hours of the Shooting Range. After considerable deliberation, the board rejected the proposed ordinance.

Commissioner Greene made a motion for the planning board to have a meeting with the county attorney to discuss current North Carolina General Statutes regarding ordinance updates, seconded by Vice-Chairman Walker.

Commissioner Allison brought a discussion forward to be careful with the wording of the ordinance. Vice-Chairman Walker said he wanted to see more restrictions for shooting at night. By a vote of 5-0, the motion passed.

Community Walkability Study

The Corpening YMCA and several community partners recently completed a walkability study of several locations in the county. Most of the focus on walkability tends to focus on urban areas (sidewalks), however, there are individuals who walk along state-maintained roads. Sidewalks are limited to municipal jurisdictions and NCDOT does not typically allow side paths on secondary roads outside of a municipality, but they will consider them in certain situations (such as a recreational trail).

Brad Bradley spoke on the Walkability audits that the YMCA has conducted. Walkable Communities promote health, foster a sense of connection and community among residents,

and provide an overall sense of place and belonging that helps make a neighborhood livable for people of all ages and life stages. Walk audits assess an area's walkability by observing how pedestrians and drivers use a particular street or intersection, recording information about that use, and then, if needed, making a case to the community and local leaders for change.

Commissioner Ellis made a motion to endorse the findings of the study which could help with grant funding or state/federal funding for sidewalks in the municipalities, seconded by Vice-Chairman Walker. By a vote of 5-0, the motion passed.

Community Action Opportunities

An organization named Community Action Opportunities (CAO), which is based in Buncombe County, appeared before the Board to discuss a Community Services Block Grant they received on behalf of McDowell County. Kate Singogo was present as a representative for CAO. She explained to the Board that their program focuses on helping individuals who are in poverty, get out of poverty through one-on-one mentoring.

Vice-Chairman Walker asked how their organization dictates how much money goes to each county in the state. Ms. Singogo informed him that the funding amount is decided upon by the state based on poverty percentages in each county population.

Commissioner Greene made a motion to endorse the annual spending plan, seconded by Vice-Chairman Walker. By a vote of 5-0, the motion passed.

2023 Property Revaluation Update

The new value letters are scheduled to be mailed the week of February 27th. Staff will be set up in the Services Building to hear inquiries regarding potential appeals. In addition, email and phone numbers are available for taxpayer questions.

Spay and Neuter Policy Update

Staff has met to discuss the recent spay/neuter program the Board approved several months ago. The suggestion is to set the following parameters:

- Income limit: Between 100% and 200% of the federal poverty level
- Household limit: No more than 3 vouchers

The idea is to allow those under 100% federal poverty level to apply at DSS under the current state program. The household limit is to ensure that more households are served than just a limited few. Both clinics have agreed to participate.

Vice-Chairman Walker made a motion to approve the income and household limits, seconded by Commissioner Allison. By a vote of 5-0, the motion passed.

Building Projects

Recreation Center Project

Staff has met with the architect team in the past week to hear an update on the bidding schedule. The plan is still to go out to bid within the next month.

Services Building

The project architect CBSA has completed the baseline drawings and has not begun the drawings for the proposed renovation work. Staff and the architect have met with the Probation/Parole staff to determine what code requirements they have for the space. The architect has the requirements and is working on floorplans. The Guardian ad Litem staff and the Project Challenge staff would need to relocate off the second floor to accommodate this move. Staff is looking at available space including the current W. Court Street Probation office.

Old EMS Station

The abatement of the building has been completed. The last cleanup is occurring and the building will be listed for removal.

DSS Building

The Board selected Little as the architect for the DSS facility evaluation. Staff has met with NCDHHS officials to discuss the cost reimbursement which occurs over the life of the building (typically 40 years) in the way of a depreciation offset. Staff has also met with USDA to discuss their financing options.

Processing Plant

An appraisal of the small processing plant is underway and should be completed the week of February 20.

Vice-Chairman Walker made a motion to approve the architect's contract with the change of Chad Marsh being the contact person listed instead of Dewayne Riddle, seconded by Commissioner Greene. By a vote of 5-0, the motion passed.

Carson House Project Agreement

The last state budget provided \$750,000 to the County with \$375,000 of that earmarked for the Historic Carson House. The state has directed that the County develop a contract and process for the expenditure of the funding. The Carson House will need to expend the funding and then be reimbursed by the County, which is covered in a signed agreement. The County also has a Capital Project Ordinance that covers this grant.

Commissioner Allison made a motion to approve the contract as well as the Capital Project Ordinance, seconded by Commissioner Greene. 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 has been approved for bid. Those bids should be advertised in the next few weeks. Phase 2 (which involves extensions of lines westward towards the City's system) is partially completed with the design. The County has a Capital Project Ordinance for the \$11 million of state water project funds. The Ordinance shows the breakdown between engineering and construction.

- McGill Associates has begun the design work for the Hoppy Tom Hollow Water Project. The anticipated bid date is scheduled for July 2024.
- An Appalachian Regional Commission grant to extend water around Exit 90 has been submitted and is pending a decision from Federal officials.
- The study of water service to the West Marion Elementary Area is underway. An ARC pre-application was accepted and the County has applied. Staff is exploring an additional grant opportunity for this spring. Commissioner Ellis has asked that the School Board be present in that process.
- A grant for service along NC 126 is pending an award announcement sometime later this month.

Commissioner Greene made a motion to approve the capital project ordinance as presented, seconded by Commissioner Allison. By a vote of 5-0, the motion passed.

Broadband Update

The NC Department of Information Technology (NCDIT) has sent a draft contract for the County and Spectrum to review. Spectrum staff is currently reviewing the contract and will be ready to move forward with contracting as soon as the state gives them the go-ahead. NCDIT is also still in the process of developing the Completing Access to Broadband grant.

County staff will be meeting with Connect McDowell in mid-March to review the grants and to ask for feedback on recommended areas of focus.

2023 Legislative Proposal

There are several local projects that are significant in cost that would benefit from financial assistance from state and federal sources. In addition to County-directed projects, McDowell Tech has requested support for its Allied Health Building.

The following serves as a summary of various major projects and estimated capital development costs:

New Department of Social Services Building	\$15 million
Universal Property Resiliency Projects (stream and lake work)	\$12 million
Recreation Center Phase 2	\$5 million
Transfer Station and Complex Improvements	\$7 million
Standalone 911 Center	\$4.5 million
West Marion Elementary Water Service	\$4 million
McDowell Tech Health Sciences and Public Safety Building	\$22 million

Vice-Chairman Walker made a motion to remove McDowell Tech Health Sciences and Public Safety Building from the legislative proposal list and write an endorsement for the building, seconded by Commissioner Greene. By a vote of 5-0, the motion passed.

After considerable discussion, the Board decided to rank projects in the following order:

1. New Department of Social Services Building	\$15 million
2. West Marion Elementary Water Service	\$4 million
3. Transfer Station Complex Improvements	\$7 million
4. Recreation Center Improvements Phase 2	\$5 million
5. Watershed Dam Rehabilitation and Modernization	\$16 million
6. Universal Property Resiliency Projects (stream and lake work)	\$12 million
7. Standalone 911 Center	\$4.5 million
8. Marion Fire Department Equipment	\$350,000

New Opioid Settlements

The Opioid Multi-Jurisdiction Litigation process continues. The national council has negotiated an additional settlement offer from the following entities:

- Teva
- Allergan
- CVS
- Walgreens
- Walmart

Vice-Chairman Walker made a motion to approve the settlements from Teva, Allergan, CVS, Walgreens, and Walmart, seconded by Commissioner Greene. By a vote of 5-0, the motion passed.

Transfer Station Grant

Staff has identified an Environmental Project Agency grant that appears to be a suitable funding source for various improvements that are needed at the Transfer Station site. The proposal would ensure repairs and improvements to the actual transfer station floor and facility itself as well as the scale house, access road, and other components of the site.

The grant is for \$4 million. Staff recommends matching the grant with \$550,000 in funds that have been provided to the County through two sources - \$375,000 from the state and the balance from the federal government.

Commissioner Ellis made a motion to endorse the grant application as presented, seconded by Commissioner Allison. By a vote of 5-0, the motion passed.

Property Disposal

Approximately 20 years ago, the County received a donation of property that fronts Crescent Avenue and Fern Avenue in Marion. The donation was made as part of the fundraising for the Senior Center project. The portion of the property on Crescent Avenue is very steep. The Fern Avenue side is likely more suitable for construction, but would still need site work. An offer of \$8,000 has been made for the property.

The Board declined the \$8,000 offer at this time.

Fonta Flora Trail Extension Grant

The Friends of Fonta Flora State Trail (FFST) is applying for a Recreational Trails Program grant for the purpose of extending FFST outward from the trailhead park that is planned in the Town.

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

Administrative Items

- The City has asked that their employee Vance McNees be approved as a Plat Review Officer. Mr. McNees would only be reviewing plats for properties inside the City limits.

- The contract is back from NCDEQ on the Division of Water Resources grant that is for trails near Old Fort. The matching funds are coming from the G5 and the US Forest Service.

- There is financing for a Bobcat Skid Steer. The financing period is four years at a rate of 4.26%.

- EMS write-offs totaling \$50,493.18.

- Nebo Water System leak adjustment for \$136.88.

- Sheriff Buchanan has asked for the Board to approve the purchase of eight vehicles this year instead of the typical four. He notes that the Board has been very supportive in adding staff over the last several years, but the vehicle purchases have not kept up.

- The County is on schedule to purchase a garbage truck every four years (which is this year). Staff has identified a truck via NC Sheriff's Association cooperative purchase program that would meet our needs. Staff's recommendation is the authorized purchase of the truck now by means of a reimbursement resolution and approval of the financing once the truck is delivered.

- The County has Close-Out Resolutions for the Courthouse Project, Toolcraft Building Reuse Phase II Grant.

- Project Budget Ordinance Amendment 6 for Shooting Range, Amendment 3 for the North Main Street Project, Amendment 7 for the American Rescue Plan Ordinance, and Project Budget Ordinance for the HUD HOME project.

- The following budget amendments:

GF 12 — Appropriate 4-H reserved funds.

GF 13 — Appropriates current year taxes for additional work for the County Attorney.

GF 14 — Transfers between line items for Internet costs at the Board of Elections.

GF 15 — Appropriates reserved funds and insurance proceeds for a new vehicle for Planning.

GF 16 — Appropriates grant funding, EMS revenues, and transfers between line items in EMS.

GF 17 - Appropriates sales tax refund to pay for an increased bond cost for the Finance Director.

GF 18 — Appropriate interest income for garbage truck repairs and transfers between

line items in the Public Services budget.

GF 19 — Appropriates grant revenue for the Sheriff's Office.

GF 20 — Transfers between line items at DSS for Internet costs.

GF 21 — Appropriates grant funding for the Teen Court program operated by McDowell County Public Schools

GF 22 — Appropriates additional occupancy tax revenue for the Tourism Development Authority

GF 23 — Transfers between line items to cover the Fonta Flora Friends budget support.

GF 24 — Appropriates grant revenue for an economic development grant agreement.

GF 25 — Appropriates sales tax refunds to pay the rent for the probation office on W. Court Street

GF 26 — Appropriates prior year reserved funds for Senior Center activities.

GF 27 — Appropriates program revenue for Parks and Recreation

GF 28 — Appropriates sales tax refund to close the Shooting Range project fund.

GF 29 — Transfers funds from ARPA to the General Fund for the Pavement Assessment.

GF 30 — Transfers funds from ARPA to the General Fund for the new spay/neuter program.

CP1 — Appropriate fund balance allocation for the tower property rent on Grants Mountain.

Vice-Chairman Walker made a motion to approve the administrative items, seconded by Commissioner Greene. By a vote of 5-0, the motion passed.

Board Appointments

Commissioner Allison made a motion to approve Amy B. Dowdle to serve on the Juvenile Crime Prevention Council as the non-profit seat, seconded by Vice-Chairman Walker. By a vote of 5-0, the motion passed.

Tax Matters

Commissioner Allison made a motion to approve tax matters, seconded by Commissioner Greene. By a vote of 5-0, the motion passed.

Citizen Comment

No comment.

Commissioners/Staff Reports

Commissioner Ellis requested insurance updates for the next Board meeting, requested that the Board and staff consider moving from a three-year budget to a five-year budget so that the County is more prepared for future needs, and requested that the Board be given a list of all non-profits supported by the County prior to the budget presentation.

Mr. Wooten informed the Board that they have been invited to award the winning teams of the Commissioner's Cup at the Recreation Center.

Adjournment

Vice-Chairman Walker made a motion to adjourn at 6:44 p.m., seconded by Commissioner Allison. By a vote of 5-0, the motion passed.

Attest:

Victoria Craig
Clerk to the Board

Tony G. Brown
Chairman