

**STATE OF NORTH CAROLINA  
COUNTY OF MCDOWELL COUNTY  
BOARD OF COMMISSIONERS  
REGULAR SESSION – APRIL 9, 2018**

**ASSEMBLY**

The McDowell County Board of Commissioners met in Regular Session on Monday, April 9, 2018, at 5:00 p.m., at the County Administration Building, 60 E Court Street, Marion, North Carolina.

**MEMBERS PRESENT**

David N. Walker, Chair; Barry McPeters, Vice-Chair; Tony Brown; Matthew Crawford, and Lynn Greene.

**OTHERS PRESENT**

Ashley Wooten, County Manager; Cheryl Mitchell, Clerk to the Board

**CALL TO ORDER**

Chair Walker called the meeting to order. The invocation was given by Vice Chair McPeters, followed by the pledge of allegiance, led by Commissioner Brown.

**APPROVAL OF MINUTES**

Commissioner Crawford made a motion, second by Vice Chair McPeters, to approve the March 12, 2018 Regular Session; March 19, 2018 Called Session; March 26, 2018 Special Session; March 29, 2018 Special Session minutes; and close and seal the March 19, 2018 Closed Session; March 26, 2018 Closed Session; and March 29, 2018 Closed Session minutes. By unanimous vote, the motion carried.

**APPROVAL OF AGENDA**

Chair Walker added item I under New Business to the agenda-Child Abuse Awareness Month Proclamation.

Commissioner Brown made a motion, second by Commissioner Greene to approve the agenda with the addition of item I. By unanimous vote, the motion carried.

**COURTHOUSE PROJECT UPDATE**

Mr. Terry Depoyster, Facility Maintenance Director, reviewed seven nearby parking lots for employee parking during the courthouse construction. The New Manna Church parking lot would be used for jury parking during the jury pool coming up for a murder trial.

Mr. Wooten advised staff will participate via conference call this week with the LGC. If approved the Beam Construction contract can be signed and construction begin later this month.

Mr. Wooten advised the McDowell Hospital had vacated office space on the lower level of the Senior Center. He noted the Elections department would hold One-Stop voting at that location April 19-May 5.

Mr. Wooten suggested keeping the vacated offices and moving HR and Finance Dept to the facility, as well as the County Manager and Clerk's office. There are 20 usable office rooms and three restrooms in the facility. Chair Walker and Commissioner Brown toured the facility and noted it would be easy to renovate to administration needs. Mr. Wooten added the possibility of moving the tax assessing down from upstairs so all the department would be together. Moving the administration and finance departments would also free up several parking spaces.

Chair Walker suggested Vice Chair McPeters and Commissioner Greene tour the potential new facility. Mr. Wooten noted other departments are requesting more space for their own departments.

Commissioner Brown made a motion to keep the office space for staff, second by Commissioner Greene. By unanimous vote, the motion carried.

### **LIBRARY FACILITY REQUEST**

Mr. Marlan Brinkley, Library Director, presented a request for a \$40,000 wheelchair lift for the inside of the Marion facility. Currently the disabled have to go outside of the library and travel down an unlevel sidewalk. He reported an anonymous contributor had offered \$8,000 towards the project, contingent upon matching funds. The Friends of the Library had raised \$2,000 toward the project also. Mr. Brinkley had \$10,000 reserved in his current budget for the project, for a total of \$20,000 of the \$40,000 cost.

Chair Walker requested three bids on an elevator, and come back with the bids. Item will be added to the next regular session agenda.

### **ECONOMIC DEVELOPMENT PUBLIC HEARING**

Chairman Walker declared the Board in public hearing pursuant to NCGS 158-7.1

Mr. Chuck Abernathy, MEDA Director, presented a request from an existing company, for an incentive of \$12,500 to participate in the NC Building Reuse Program. The company will have a capital investment of \$4-\$4 ½ million in machinery and the employment of 20-25 people within the first two years. The proposed wages paid by the company will exceed the county average.

Public comments: There were none.

Commissioner Crawford made a motion to go out of public hearing, second by Vice Chair McPeters. By unanimous vote, the motion carried.

Commissioner Crawford made a motion to approve the incentive, second by Commissioner Brown. By unanimous vote, the motion carried.

### **ECONOMIC DEVELOPMENT PUBLIC HEARING**

Chairman Walker declared the Board in public hearing pursuant to NCGS 158-7.1

Mr. Chuck Abernathy, MEDA Director, presented a request for an incentive of \$7,000 to participate in the NC Building Reuse Program. The company will provide a capital investment of \$600,000 in machinery and the employment of 25 people within the first three years. The proposed wages paid by the company will exceed the county average.

Public comments: There were none

Vice Chair McPeters made a motion to go out of public hearing, second by Commissioner Crawford. By unanimous vote, the motion carried.

Vice Chair McPeters made a motion to approve the incentive, second by Commissioner Greene. By unanimous vote, the motion carried.

### **SHOOTING RANGE UPDATE**

The NC Wildlife has scheduled additional environmental testing at the proposed range site. Both the Wildlife and county staff have requested additional state funding to help with project costs from elected representatives. There are only three ranges constructed by the NC Wildlife in the state.

### **STACY HILL ROAD WATER LINE UPDATE**

The bids received for the water project are listed below:

King General Contractors	\$1,378,946.10
Hyatt Pipeline, LLC	\$1,630,465.00
Fuller & Company Construction, LLC	\$1,751,721.70
Hickory Sand Company, Inc.	\$1,893,982.50

The lowest construction bid was above the amount of available funds for the project. The engineer had suggested revising the plans to do a base bid that would reduce the length, and have a bid alternate for the connection at US Hwy 70.

Commissioner Crawford made a motion to reject the bid, second by Vice Chair McPeters. By unanimous vote, the motion carried.

### **CATAWBA RIVER GREENWAY UPDATE**

Staff had met with officials from the Division of Water Resources on April 3<sup>rd</sup> and reviewed the greenway project. The \$80,000 grant from the NC Dept of Natural and Cultural Resources will help construct the nature/cross country trail around the greenway and towards the high school. The total project cost is approximately \$1M, with \$830,000 being grant funds. Staff requested approval of the grant contract.

Commissioner Greene made a motion to approve the grant application, second by Vice Chair McPeters. By unanimous vote, the motion carried.

### **SPAULDING ROAD GREENWAY UPDATE**

Staff met with a consulting engineer and NRCS staff member Steven Banner to review a repair plan. The recommendation from NRCS was to install a culvert in the former location of the bridge. Various contractors in the community have been emailed the bid specs. The goal is to have the work completed in the next few weeks.

### **COMMUNITY EMERGENCY TEAM**

Mr. William Kehler, EM Director, and his staff had met with several community associations to help prepare them for various emergency scenarios. He introduced the Creston Community Emergency Response Team and reviewed their program. The association is approximately one mile from the Buncombe county line, therefore they would have a longer response time from emergency crews.

Mr. Tom Bush, Chair of the Creston CERT noted there were 29 full-time residents, and 42 houses in the association. He presented the association's emergency response action plan.

Chairman Walker commended the Creston CERT for being proactive and an example to other associations in the county. Vice Chairman McPeters requested Mr. Bush make a presentation to his high school class.

### **CHARTERS OF FREEDOM PROJECT**

Vance Patterson, founder of Foundation Forward, an educational 501(c)(3) requested to build and gift a Charters of Freedom Monument to McDowell County. The educational monument would display the Declaration of Independence, the Constitution, and the Bill of Rights. The county would be responsible for finding a location in the county to construct the monument, and any desired landscaping after the construction.

Chair Walker expressed his appreciation for the generous offer to Mr. Patterson.

Commissioner Greene had been studying the Constitution of the US and Constitution of NC, and noted children need to be educated on the rights of the Constitution.

Commissioner Brown, a veteran, was overwhelmed with the offer. He thanked Mr. Patterson for his generosity. The rest of the Board voiced their appreciation as well.

Mr. Wooten advised once a site is located, the organization will gift the county the educational monument, and then the Board will vote to accept the gift. The county will be responsible for any site preparation, (remove any trees, power lines, water lines, etc) so excavation can be done safely. The monument requires 24'x8' site.

### **OPIOID LITIGATION UPDATE**

County Attorney, Fred Coats is in the process of reviewing the official complaint. He will contact Mr. Seagle with any comments, and Mr. Seagle will file the claim in Asheville.

### **INDUSTRIAL PARK PROPERTY DISCUSSION**

Several years ago Site 3 of the industrial park was subdivided in half and the front half was deeded to a private company as an incentive. Mr. Abernathy, MEDA Director, contacted the owner of the front half in regards to donating two acres to the county. The owner indicated he would. The county would be responsible for survey and deed preparation.

Commissioner Brown made a motion to proceed, second by Commissioner Greene. By unanimous vote the motion carried.

### **VOLUNTEERS AT THE ANIMAL SHELTER**

Several of the animal welfare groups have requested that volunteers be allowed to assist county staff with animal care. Concerns of liability and oversight have been discussed with the county's insurance carrier. The workers compensation insurance would have a minimal impact from the additional volunteer hours. Staff requested approval to move forward with a structured volunteer program at the Animal Shelter.

Chair Walker asked for a model of an animal shelter volunteer program to be brought back to the next regular session.

## **BOB'S CREEK GRANT APPLICATION**

The Foothills Conservancy and other partners have purchased and preserved several large tracts of land in the central portion of the county. One large purchase was the first portion of the Bob's Creek State Natural Area.

The Foothills Conservancy is planning on the second portion, and is looking for funding from various funders. One funding opportunity is Duke Energy's Water Resources Fund. Foothills requested the county act as a pass through for the grant since they are not eligible to apply this year.

Vice Chair McPeters made a motion to proceed with grant, second by Commissioner Crawford. By unanimous vote, the motion carried.

## **CATAWBA FALLS GRANT CONTRACT**

The US Forest Service and the county are partnering on a Recreational Trails Program grant of \$100,000, which would help improve access and safety to the Catawba Falls trail. The proposed funding would go toward:

- Renovation of 0.25 miles of trail, including widening to 6ft. and constructing elevated boardwalk
- Construction of observation platform at lower falls
- Installation of waterfall safety signs
- Resurfacing portions of the trailhead parking lot

The USFS would prepare the grant documents and contract out the work. There would be no county dollars involved.

Commissioner Crawford made a motion to move forward with the grant, second by Vice Chair McPeters. By unanimous vote, the motion carried.

## **ADMINISTRATIVE ITEMS**

Mr. Wooten presented a tipping fee waiver from the Relay for Life Committee for the solid waste collected the weekend of the event. The waiver would serve as sponsorship.

Commissioner Brown made a motion to approve the request, second by Vice Chair McPeters. By unanimous vote, the motion carried.

### **Budget Amendments**

GF 42 – Appropriates revenue received in the Elections Dept.

GF 43 – Appropriates revenue received and transfers between line items in Emergency Services

GF 44 – Transfers between line items in Facility Maintenance

GF 45 – Transfers between line items in the Juvenile Justice line item

CP2 – Appropriates fund balance for Planning Board expenses

NWENT1 – Allocates revenue in the Water Enterprise Fund

911F4 – Appropriates fund balance in the 911 fund.

Commissioner Greene made a motion to approve GF 42-45; CP2; NWENT1; and 911F4 budget amendments as presented, second by Commissioner Brown. By unanimous vote, the motion carried.

### **BOARD APPOINTMENTS**

Chair Walker noted there was an opening on the Library Board of Trustees and also on the McDowell Tourism Authority Board. This being the first reading, the Clerk will advertise and bring back applications at the next regular session.

### **TAX MATTERS**

- **Releases, Refunds, & Write-offs**

MV tax refunds	\$ 960.53
Releases under \$100	\$ 147.31
Releases over \$100	\$ 4,010.28
Refunds	\$ 3,062.61
Discoveries	\$ 1,957.56
Write-off	\$ 584.82

Vice Chair McPeters made a motion to approve all tax matters, second by Commissioner Greene. By unanimous vote, motion carried.

### **STATEWIDE SCHOOL BOND REFERENDUM RESOLUTION**

Mr. Wooten noted he, Commissioner Greene, and Ms. Mitchell had attended the NCACC District meeting in Yadkin County. The Association strongly advised each county to endorse the Statewide School Bond Referendum. The projected impact for McDowell County would be approximately \$9,000,000 if the bond were to pass.

Chairman Walker noted if the referendum passed, the money could go toward the new school in Old Fort.

Commissioner Greene made a motion to approve *Resolution Supporting a Statewide Referendum on a Bond Issue for School Facility Needs*, second by Vice Chair McPeters. By unanimous vote, the motion carried.

### **CHILD ABUSE AWARENESS MONTH**

Mr. Wooten gave a statistical report for 2017 on child abuse cases in the county:

- 120 children in foster care;
- 365 children in neglected court;
- 14 children came into care with positive drug screening;
- 72 parents tested positive for drugs;
- 35 adoptions;
- 26 children are in waiting for adoption;
- 29 foster parent homes

Mr. Wooten and Chair Walker encouraged anyone interested to take the foster parenting classes through DSS.

*Child Abuse Awareness Month Proclamation* was read by Vice Chair McPeters.

### **PUBLIC COMMENT**

Louie Parrow and Samantha Parrow announced April was Autism Awareness Month and asked for the Board to address the issues of special needs. Chair Walker asked Mr. Wooten for a proclamation for Autism month, and he would also address the needs with the Education Committee. The Parrows presented autism pins to everyone.

### **REPORTS AND COMMUNICATIONS**

Mr. Wooten noted the Board would adjourn to Monday, April 30<sup>th</sup>, at 5:00pm.

Chair Walker expressed his appreciation to Commissioner Crawford for his service on the Board of Commissioners, and wished him well in his new job. Commissioner Crawford has accepted the position of Fire Chief in the Town of Elkin.

### **ADJOURNMENT**

There being no further business to transact at this time, upon motion by Commissioner Greene, second by Commissioner Brown, the meeting was adjourned to April 30<sup>th</sup> at 5:00pm.

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DAVID N. WALKER  
CHAIRMAN

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CHERYL L. MITCHELL  
CLERK TO THE BOARD