

**STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL COUNTY
BOARD OF COMMISSIONERS
REGULAR SESSION – AUGUST 10, 2015**

ASSEMBLY

The McDowell County Board of Commissioners met in regular session on Monday, August 10, 2015, at 5:00 p.m., in the Commissioner's Board Room of the County Administration Building, 60 East Court Street, Marion, North Carolina.

MEMBERS PRESENT

David N. Walker, Chairman; Barry McPeters, Vice-Chairman; Tony Brown; Van "Randy" Hollifield; and Matthew Crawford.

OTHERS PRESENT

Charles R. Abernathy, County Manager; Cheryl Mitchell, Clerk to the Board; and Ashley Wooten, Assistant to the County Manager.

CALL TO ORDER

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

APPROVAL OF MINUTES

Vice-Chairman McPeters made a motion, second by Commissioner Crawford, to approve the June 8, 2015 Regular Session, and the June 29, 2015 Adjourned Session minutes as presented. By unanimous vote, the motion carried.

APPROVAL OF AGENDA

Mr. Abernathy stated he needed to add to the agenda contracts with the US Forest Service. Commissioner Crawford made a motion, seconded by Commissioner Hollifield to approve the agenda with the additions. By unanimous vote, the motion carried.

BUDGET UPDATE AND FINANCE MATTERS

William Kehler, McDowell County Emergency Services Director, stated he is working very closely with the US Forest Service in coordinating local resources for management of the two active fires in the county at this time. The USFS is requesting four special operation paramedics to be embedded with fire crews at both sites. Contracts are for paramedic standby along with resource coordination activities from Emergency Management.

USFS is also asking for a land use rental agreement for the use of the Universal Warehouse space to house supply trailers and to conduct morning briefings with approximately 150 personnel. Also submitting a pending contract as the USFS has requested to rent McDowell County EM's "Mobile Command Unit" to serve as their communications unit.

Current revenue per day to McDowell County is \$2650. The incident is expected to continue for at least 14 more days per the incident commander with the USFS.

Commissioner Crawford made a motion to approve all four contracts, Commissioner Hollifield seconded the motion. By unanimous vote, the motion carried.

Mr. Abernathy presented several administrative items for the Board to consider.

- Water Releases – Powell - \$25 – Posting Error
Johnson - \$30--Draft Error
Buchanan --\$66.35—Leak
- Tipping Fee Waiver – volunteers who disposed of a burnt residence, also, Chairman Walker said Billy Martin had approached him about a small church asking for a fee waiver from removal of an old house.

Vice-Chairman McPeters made a motion to approve water releases and tipping fee waivers, Commissioner Crawford second the motion. County Manager added for clarification motion to include item the Chairman mentioned and the Board copied on the written document. By unanimous vote, the motion carried.

Mr. Abernathy presented the following items:

- Soil and Water Equipment Lease Agreement for 12 foot Weed-Wiper that will be made available to the public.

A summary of the tax matters:

MV Releases Under \$100.00	Released amount of \$58.60
Releases Under \$100.00	Released amount of \$275.67
Releases Over \$100.00	Released amount of \$121.96
Refunds	Refund amount of \$2,041.88

The NCVTS Pending Refund report showed a refund total of \$2,693.87.

Commissioner Crawford made a motion to approve the lease agreement and tax releases, Commissioner Brown second the motion. By unanimous vote, the motion carried.

Mr. Abernathy presented several financial and budget updates. He stated sales tax receipts are in the red. There has been discussion by the Legislature to change the sales tax distribution method which could be beneficial to the county. A said one possible option for additional county revenue would be ¼ cent sales tax increase, moving from 6.75 to 7 percent. Commissioners have the legal authority to raise the sales tax rate, upon approval of the voters. He stated that the earliest a vote could be held would be in conjunction with the primary in 2016. The additional quarter cent would generate slightly over \$700,000.

McDowell County has been appropriating fund balance for the last 4 years. The County Manager explained that for the previous year McDowell County was in the red, this year will likely be worse. An increase in projects has brought this on, and he suggested slowing down on services and projects in order to meet budget. Commissioner Brown said sales tax increase being a consumption tax would affect tourists paying also, so that would help meet budget. This would decrease need for an increase in property tax. Imposing a quarter cent sales tax would not be as bad as a property tax, according to Mr. Brown. Chairman Walker agreed with Commissioner Brown. Commissioner McPeters spoke about traveling on vacation and all the nice services and facilities that he had

visited, all cost money which had benefited from sales tax. After more discussion, Mr. Abernathy told the Board they had options and voters could make decision if put on ballot. The Board agreed to continue to discuss the sales tax item at a future meeting.

TAX MATTERS

Linda Onufrey, Tax Collector, presented the 2014-2015 fiscal year tax settlement for 2014 McDowell County property taxes and district taxes as required by Statute 105-373. Ms. Onufrey reported the collection rate for property taxes (combined) was 98.70%. Vehicle tax was 100%. Mr. Abernathy praised the Tax Department on their work; stating this is probably the highest that has ever been achieved and speaks well to the staff and the technology changes that have been implemented. The State average last year was 98% and the collection rate for similar counties in our population range was 97.2%.

Vice-Chairman McPeters made a motion to approve the Settlement and Insolvents List, second by Commissioner Hollifield. By unanimous vote, the motion carried.

Ms. Onufrey presented the list of Charge Off of Old Bills, which under the North Carolina General Statute 105-378(a) establishes a continuing 10-year statute of limitations against enforcement remedies provided by law for the collection of taxes or the enforcement of any tax liens unless the action or procedure is instituted within 10 years from the date the taxes became due. Ms. Onufrey stated the back taxes are still on the county records, and must be removed before publishing reports, making it very time consuming during audits. Ms. Onufrey requested approval to charge off uncollected taxes for the tax years of 1993 to 2004 in the amount of \$2,098,450.17 as of fiscal year ending June 30, 2015. This amount is not included in the accounts receivable annual audit report because by statute the funds are not collectible.

Commissioner Crawford made a motion to approve the list of Charge Off of Old Bills, second by Commissioner Hollifield. By unanimous vote, the motion carried.

Ms. Onufrey presented an Order of Collection for authorization. The order will authorize the department to collect all taxes for 2015-2016 using the legal means available to the department.

Vice-Chairman McPeters made a motion to authorize an Order of Collection, second by Commissioner Crawford. By unanimous vote, the motion carried.

Chairman Walker voiced his appreciation on behalf of the Board to Ms. Onufrey and her staff for a great job, and their friendly and helpful service to the public.

Library Matters

Ms. Elizabeth House, Library Director, thanked the board for the increase in wages for her staff this past year. She stated the increase in pay helps in staff retention, and shows the value of their work.

Ms. House stated in order to comply with a policy recently approved by the member libraries of the NC Cardinal Consortium, the library increase the number of movies a patron can check out at one time from the current limit of 4 DVDs at a time to 7 DVDs. DVDs go out for one week, and if returned late, the current charge is \$1 per day, capping at \$10 per DVD. This could result in a patron owing \$70 for movies that are two weeks or more late. Ms. House asked for board approval to lower the cap on DVD fines to \$5 per item rather than \$10.

Motion was made by Commissioner Hollifield to approve the requested fee charge, second by Vice-Chairman McPeters. By unanimous vote, motion carried.

Ms. House also presented an update on the carpet installation at the Old Fort Library. Work is to begin August 24th, with projection of one week closure. The restoration of the flagpole at the Marion Library, which has been there since the 1930's, will begin soon. Also, new signage has been added to assist patrons of the different areas of the library. A new plaque has been added to provide information about a unique piece of artwork, called "Unity" which was created when the facility was a Post Office.

Ms. House announced she is retiring with 32 years of service to the county. She expressed her gratitude for working for the county and the Board. Mr. Abernathy expressed thankfulness to Ms. House for such a great job, and being a wonderful asset to McDowell County. Chairman Walker expressed appreciation for her years of service, and best wishes in her retirement.

EASEMENT ON COUNTY PROPERTY

Paul Bartlett and Frank Routh are co-owners of property adjacent to county property located off of Corpening Drive, which has been identified as the location for a restaurant. Mr. Bartlett said he and Routh have a signed contract with the restaurant, and the sale of the property could close within the month. They ask for an easement so cars can get access to the planned restaurant, and also a maintenance easement for Sugar Hill Road frontage for plants and beautification in front of the restaurant. Mr. Abernathy suggested that the county provide the easement in exchange spoken for \$2,000.

Commissioner Crawford made a motion to allow easement across the county property for \$2,000, second by Commissioner Hollifield. By unanimous vote, the motion carried.

PUBLIC HEARING/ECONOMIC DEVELOPMENT

Mr. Abernathy presented an economic development project involving an existing company that will create 15 new jobs. The business has been in McDowell County for over ten years, and wants to relocate to the Universal Building. The project would provide square footage in the Universal Building free for one year. The value of this incentive is around \$26,000 in the first year. Discussion was held on need to enhance restrooms, lighting, and electrical expenses in excess of \$50,000. Lease would be for \$1.00 a square foot for years two and three. Chairman Walker stated the pleasure of the Board in seeing an existing company doing so well, and added the company will make the Universal building now fully occupied.

Chairman Walker declared a public hearing about the economic development project. There were no comments from the public or by board members. Vice-Chairman McPeters made a motion to go out of public hearing, second by Commissioner Crawford. By unanimous vote, the motion carried.

Commissioner Hollifield made a motion to approve the incentive package at Universal, second by Vice-Chairman McPeters. By unanimous vote, motion carried.

TELE-HEALTH PRESENTATION

Geraldine Plato, Project Manager, for Mitchell, Yancey, and McDowell counties, presented information on Tele-Health. The focus of the program is on remote home monitoring for the chronically ill, and those who have trouble getting to the doctor's office. Ms. Plato stated patients would receive medical care without leaving home, due to the technology set up in the patient's home. Nurses would be able to monitor the patient's vitals and advise treatments. Commissioner

Brown spoke on how important it is to help seniors, and stated McDowell County could be the leader in Tele-Health.

This project is funded by a grant from Health Resources and Services Administration (HRSA) through August 2015. Ms. Plato stated she had recently received word there would be no implementation money for one year, therefore they are looking at other grants. She hopes to have more news by January.

Chairman Walker stated he was excited to hear about the program, and the Board is looking forward to hearing updates in the future.

CITIZEN COMMENT

No one from the public requested to speak.

WATER LINE UPDATE

Mr. Abernathy stated the county has authorization to proceed on both the waterline extension to the Nebo Interstate 40 exit, and to the Universal Building. Authorization for the design and engineering work as well as the bidding of both projects has been done. Several grants have been secured to offset the grants He is anticipating the bid opening to be on the November agenda, but the project could go into next fiscal year.

CROOKED CREEK CONVENIENCE CENTER

Mr. Abernathy reported there has been very smooth construction at the Crooked Creek Convenience Center. The grading is finished, fencing is up, and signage is ordered. Some seeding still needs to be done. Mr. Abernathy reported prices have been obtained to pave the site, although there has been some informal discussion on waiting until the spring/summer to pave, in order to allow the site time to compact. Commissioner Brown said he has spoken with area residents and they are very pleased with progress of the site. There was discussion concerning staff should get prices now for Dysartsville Convenience Center site paving, and present for next year's budget, then all convenience sites would be paved.

JAIL/COURTHOUSE CONSTRUCTION

Mr. Abernathy presented the following update of both the jail and courthouse project.

1. Renovation of the lower courtroom current design and the new design that has been previously discussed that would "flip" the courtroom from its current use. The plan has been reviewed by staff and the Clerk's Office. This was not budgeted and will be bid. Mr. Abernathy stated he has very rough estimates that this will be in the \$90,000 range. The architectural work for this is an additional \$15,000.
2. The \$250,000 county match for the project will need to be amended from this year's budget. The Board agreed to do \$250,000 and the jail reserve fund will provide \$250,000.
3. Structural engineers are looking at the parking deck again. Discussion of moving on this part of the project in the spring of next year and making sure we handle this correctly. The county has funds budgeted to cover the engineering, but not enough within this fiscal year to completely redo the structure.
4. There are issues with water lines in the courthouse that are leaking when exposed. The lines are very old and will require a change order for this item.

5. There are two fairly large change orders at the courthouse that include the removal of a tank and the shoring up of concrete and foundation sections near the sally-port (a coal chute).
6. Easements have been secured for an electrical unit that will be installed for the courthouse from three adjoining property owners.
7. A drain line at the jail will have to be moved due to its location, this will be a change order as well.

The elevator area is under construction. There have been very few if any problems coordinating the project with court officials and construction has not interrupted court.

Commissioners discussed the difficulties of remodeling a building over 90 years old. Chairman Walker stated this remodeling is still a better decision than building a new courthouse, and everyone knew there would be issues uncovered. Commissioner Brown agreed.

Mr. Abernathy stated the contractor has filed for time extension requests including 19 days on the courthouse and 30 days at the jail.

Commissioner Hollifield made motion to approve time extension as stated in request, second by Vice-Chairman McPeters. By unanimous vote, the motion carried.

DOT MATTERS AND RPO REQUEST

Mr. Abernathy reported the Regional Planning Organization requires a member from McDowell County Board of Commissioners to serve on the Technical Advisory Committee. Mr. Abernathy pointed out the importance of a commissioner representing McDowell County, because the TAC member has a vote in which regional projects go before NCDOT to be funded for the next 5 years. Currently McDowell County has 5 projects submitted to the RPO. The total number of projects submitted this round is 17 projects, and only 11 can be submitted to NCDOT.

Commissioner Crawford volunteered to serve on the TAC.

Vice-Chairman McPeters made a motion for Commissioner Crawford to serve on the Regional Planning Organization, second by Commissioner Brown. By unanimous vote, motion carried.

Mr. Abernathy gave the following DOT updates:

- Recommendations have been made for inclusion in the region's transportation plan. They are the continued widening of US 221 South into a four-lane road that starts at the ending of US 221 Bypass and extends to the McDowell/Rutherford County line.
- Catawba River Greenway Bridge, Trail, Parking Lot & Driveway--This project is to connect Phase III of the Catawba River Greenway to Phase I (completed), to create a greenway that extends from Buncombe County to Burke County through McDowell County. The project will include the building of a recreational bridge over the Catawba River in the floodway that will accommodate small recreational crafts to pass under. It will also include a paved pathway from the bridge to the parking lot, and a parking lot that will accommodate roughly 40 cars. The parking lot will then have a driveway connecting it to Old Greenlee Rd.
- Also, the construction of the greenway (including bridge) west of Marion, and bike lanes that would connect to lanes being planned in Burke County near Lake James.

By consensus, the Board endorsed all projects.

APPROVE BADGE/SERVICE REVOLVER RETIREMENT

Mr. Abernathy presented a resolution from Jerry Berryhill, who has retired from the McDowell Sheriff's Office, to authorize the sale of his sidearm.

Vice-Chairman McPeters made a motion to authorize the RESOLUTION AUTHORIZING SALE OF COUNTY OWNED PROPERTY, second by Commissioner Hollifield. By unanimous approval, the motion carried.

TQA LEASE

Mr. Abernathy reported Total Quality Assurance wishes to lease additional space from McDowell County in the Universal Building. The additional square footage would total 12,500 feet. TQA currently occupies the western section of the building, and they have added 15 employees. The county charges \$2.00 a foot which would generate \$25,000 additional dollars annually.

Chairman Walker asked how much revenue is coming in on leases. Mr. Abernathy stated that the total was in the \$600,000 range. General discussion was held concerning the purchase of Universal Complex. Commissioner McPeters stated this was the best project under his tenure to date.

Commissioner Crawford made a motion to approve the lease agreement, second by Vice-Chairman McPeters. By unanimous vote, the motion carried.

BOARD APPOINTMENTS

The Adult Care Home Advisory Committee-Nursing Home Advisory Board have a vacancy. Application has been received from Benny Stamey as a reappointment.

Also, the Library Board has a vacancy in the Glenwood community, and Anne Allen has applied as a reappointment.

No action was taken due to first reading.

REPORTS AND COMMUNICATIONS

Mr. Abernathy reported the Retirement Housing project is underway, and sites are being reviewed. A meeting for public-input is scheduled for tomorrow, August 11th at the Senior Center. The input session starts at 4:00pm.

Chairman Walker acknowledged it was Mr. Abernathy's last Board meeting. Mr. Abernathy stated in his 28 years as County Manager, he feels he is where he was meant to be. He thanked the Board, staff, and public for their support. He added Ashley Wooten will do well as the new County Manager, and our new Clerk has been a big help already. He stated that now is a good time for him to retire, although it is not easy to leave, he feels it is the correct thing to do.

Commissioner McPeters stated he had tried to take any pressure off of Mr. Abernathy by not calling unnecessarily. He has sat under Mr. Abernathy's leadership for 26 years as a county employee, and considers him a friend. Commissioner McPeters said it was hard to see Mr. Abernathy retire, and he has a great deal of appreciation for his tenure. He also expressed his appreciation to Mr. Abernathy for helping him to know his role as County Commissioner.

Commissioner Hollifield spoke about approaching Mr. Abernathy concerning bringing Vietnam Veteran's Wall to the area. Because of Mr. Abernathy's encouragement and direction it made him successful in bringing the project to the county. Also, when Commissioner Hollifield announced his candidacy for Commissioner, Mr. Abernathy showed him several areas of the county, introduced him to the employees, and took time to answer his questions. Commissioner Hollifield added he enjoyed working with Mr. Abernathy and wished him the best.

Commissioner Brown stated Mr. Abernathy has shown him friendship, and impressed him with his ability to read people. Adding, Mr. Abernathy knows the direction of where the Board wants to go. Commissioner Brown said nobody realizes the amount of work Mr. Abernathy has done for this county, it had to have been done through love for the county for the commitment he has shown. He added Mr. Abernathy has put in a lot of personal time into the betterment of this county. Commissioner Brown thanked Mr. Abernathy for the job he has done and for his friendship.

Commissioner Crawford thanked Mr. Abernathy for everything he has done for this Board and our county.

Chairman Walker expressed his appreciation to Mr. Abernathy for his dedication, professionalism, and ability to hold his staff accountable. He also stated the Board would miss him, and looks forward to working with him in other capacities.

Mr. Abernathy was then given a standing ovation.

ADJOURNMENT

There being no further business to transact at this time, upon motion by Vice-Chairman McPeters, and a second by Commissioner Crawford, the meeting was adjourned.

DAVID N. WALKER
CHAIRMAN

CHERYL L. MITCHELL
CLERK TO THE BOARD
