

**STATE OF NORTH CAROLINA  
COUNTY OF MCDOWELL COUNTY  
BOARD OF COMMISSIONERS  
REGULAR SESSION – AUGUST 20, 2018**

**Assembly**

The McDowell County Board of Commissioners met in Regular Session on Monday, August 20, 2018, 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; Lynn Greene; and Brenda Vaughn

**Members Absent**

None

**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 Commissioner Greene, followed by the pledge of allegiance, led by Commissioner Brown.

**Approval of Minutes**

Vice Chair McPeters made a motion to approve the July 9, 2018 Regular Session minutes, July 27, 2018 Called Session minutes, August 10, 2018 Special Session minutes, and also approve and seal August 10 Closed Session minutes, second by Commissioner Vaughn. By unanimous vote, the motion carried.

**Approval of Agenda**

Chair Walker called for any additions or deletions to the agenda.

Chair Walker added discussion of evergreen tree, and request for Proclamation of Overdose Awareness and Proclamation for National Recovery Month.

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

Chairman Walker noted the Board had met on August 10 for an update on the ongoing projects by the county. One of the items discussed was the Charters of Freedom settings that would be placed on the courthouse lawn. Chairman Walker advised Terry DePoyster, Facility Maintenance Director, had spoken with maintenance workers for the City of Marion about the large evergreen tree on the lawn. They advised it was hard to trim the tree due to its size and

discussed removing and replacing the tree.

Chairman Walker spoke with Sharon Godfrey, VP of the Pilot Club, and was told the City had spoken with her and said they would trim the tree and put on new LED lights. The county was unaware the City had decided the tree could be trimmed.

Commissioner Brown made a motion to leave the evergreen tree, second by Commissioner Vaughn. By unanimous vote, the motion carried.

Comments were received from the Commissioners.

- Commissioner Greene—never the Board's intention of pulling something over on the citizens. He also expressed his concern over comments that had been made about the documents not having significance.
- Commissioner Brown—intent was not to chop down the tree, he also acknowledged the Board had received wrong information, and they had taken steps to remedy the situation.
- Vice Chairman McPeters—noted the current evergreen was the second one to be planted due to disease of the first tree. He appreciated the concern of the citizens, and stressed the importance of the Charters of Freedom documents.
- Commissioner Vaughn—appreciates the feedback of the community.

Ms. Sharon Godfrey, VP of the Pilot Club, noted the lighting of the tree is their largest fundraiser. She was in total agreement the tree did need trimming and understood the tree might not be able to be trimmed and saved. She asked the Board to consider replacing the tree should it need to be replaced.

Chairman Walker noted the Board would consider input from the Pilot Club in the future with any decisions to be made on the evergreen tree.

Commissioner Greene added that Operation Lifesaver was started by donations from the Pilot Club.

### **Resolution Supporting I-40 Signs**

Rep. Josh Dobson noted he had secured \$400,000 in funding for two (2) Dynamic Messaging Signs for the vicinity of Old Fort Mountain on I-40. He requested endorsement of the signs by a resolution.

Commissioner Brown made a motion to approve *Resolution in Support of Dynamic Messaging Signs*, second by Commissioner Greene. By unanimous vote, the motion carried.

### **Administrative Items**

Mr. Wooten presented the following items:

- Request for a Nebo Water leak adjustment for \$110.80 from Ralph Presnell.

Commissioner Greene made a motion to approve the adjustment, second by Commissioner Brown. By unanimous vote, the motion passed.

- Request for non-collectible transfer station accounts to be written off for a total of \$16,585.73
- Request to write-off EMS accounts per 10 year Write Off Law and Deceased for a total of \$310,386.78

Vice Chair McPeters made a motion to approve all write-offs, second by Commissioner Vaughn. By unanimous vote, the motion carried.

- Request for donation of service badge and the sale of the service side arm to Randy Slagle, retiring officer of the McDowell County Sheriff's Dept.

Commissioner Brown made a motion to approve the *Resolution Authorizing Sale of County Owned Property*, second by Commissioner Greene. By unanimous vote, the motion carried.

- Close Out of Project Fund (37) Trail Expansion
- Close Out of Project Fund (43) Community Food and Health Grants
- Close Out of Project Fund (50) Harmony Grove Road Water Lines
- Close Out of Project Fund (52) Universal Building Water Line
- Project Budget Ordinance-Baxter Healthcare-Project Sugarplum
- Budget Amendment GF1 to appropriate anticipated sales tax reimbursement

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

### **Tax Collection Settlement and Order of Collection**

Ms. Linda Onufrey, Tax Collector, presented the 2017-2018 fiscal year tax settlement for 2017 McDowell County property taxes and district taxes as required by Statute 105-373. Ms. Onufrey reported the collection rate for property taxes (combined) was 99.22%.

Mr. Wooten added the percentage spoke well to the staff and the professionalism of the department.

Ms. Onufrey presented an Order of Collection for authorization. The order authorizes the department to collect all taxes for 2018-2019 using the legal means available to the department.

Vice Chair McPeters made a motion to approve the Tax Collection Settlement and Order of Collection, second by Commissioner Vaughn. By unanimous vote, the motion carried.

### **Municipal Event Center Discussion**

A proposed simple *Agreement between McDowell County and the McDowell County Chamber of Commerce for the Funding of the Municipal Events Center (MEC)* was presented. The agreement stated the County would provide to the chamber \$20,000 per year for a ten-year period for the purposes of operating the MEC in the 15,000 square foot leased space in the Miller building. The agreement gives the operational role of the Center to the Chamber.

Mr. Steve Bush, Chamber Director, gave an update on the facility. The MEC had been

painted, and HVAC, and LED lighting added. ADA restrooms are currently being installed. He also noted there are currently 13 events booked at the MEC.

Chair Walker noted monies from the county goes toward the lease of the building for community events.

Comments from the Board were received and consensus was appreciative of having a place to have events, and the partnerships and collaboration of the Chamber, City, and MEC.

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

### **Wayfinding Signage Discussion**

Carol Price, Tourism Development Authority (TDA) Director, Anna Sexton, Project Leader, and Kenny Armstrong, of J.M. Teague Engineering and Planning (JMTE) presented a proposal on a countywide wayfinding system that would help direct people in and around the area to tourist destinations and other points of interest.

Ms. Price noted the occupancy tax continues to increase, and the TDA Board would like to put in wayfinding signs, similar to what the City had purchased. Ms. Sexton noted it was a 3-year project with Phase 1 being the design and programming, and Phase 2 consisting of placing of the signs.

Ms. Price requested the county take ownership of the signs once they are in place, and the TDA would cover any costs associated with the signs. The signs are aluminum and last about 10 years. Placement of the signs will meet DOT standards, and would be placed at three exits off of I-40, Exit 85, 83, and 73.

Consensus by the Board was to move forward with the project.

Chair Walker then recognized Karin Conley, President of the Pilot Club, who had just joined the meeting. Ms. Conley was appreciative of the Board voting to keeping the evergreen tree. She invited Chairman Walker and the Board to their September 13<sup>th</sup> Pilot Club meeting. She also spoke on the different projects the Club supported.

### **Payment in Lieu of Taxes Federal Lawsuit**

Staff had received information from several groups that a federal class action lawsuit had been filed against the federal government. The lawsuit alleges the government did not pay the statutorily-required amounts to counties that are owed payment in lieu of taxes revenue. Several counties in NC have filed suit. McDowell County would be eligible to receive \$6,000 if the lawsuit is awarded.

Commissioner Brown made a motion to allow the County Manager to proceed with participation in the PILT lawsuit, second by Commissioner Greene. Discussion followed. By unanimous vote, the motion carried.

### **NCACC Legislative Goals**

The NC Association of County Commissioners asked for legislative goals that are of

concern to the Board before September 21<sup>st</sup>. Mr. Wooten had received some suggested goals from department heads, and will add the item to next month's agenda for approval.

### **Board Appointments**

The McDowell Mission requested a Commissioner serve on their board. By consensus Chairman Walker was appointed to serve.

The vacancies on the Planning Board were presented as a first reading.

### **Tax Matters**

Releases, Refunds, & Write-offs	
MV tax refunds	\$ 1,498.29
Releases under \$100	\$ 655.95
Releases over \$100	\$ 13,443.75
Discoveries	\$ 9,358.35
Refunds	\$ 568.43

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

### **Personnel Policy Amendment**

Per the Board's request staff suggested amending the Vacation Leave Policy in order to maintain consistency and to add an incentive for seasoned employees to come from other local government employers. This is the first reading of the policy change:

*For the purposes of this Section, "years of service" is defined as the employee's creditable time as recorded by the North Carolina Local Governmental Employees Retirement System (LGER) or Teachers and State Employee Retirement System (TSER) for employees of McDowell County Cooperative Extension.*

### **Sales Tax Referendum**

Mr. Wooten presented the language the sales tax referendum will be stated on the ballot in the November Election:

“ FOR             AGAINST  
Local sales and use tax at the rate of 1-quarter % (0.25%) in addition to all  
other State and local sales and use taxes”

The NC General Statute does not allow any description for what the tax will be used for on the ballot. He added the Board could advocate for the passage and prepare information for voters, but the Board could not spend money advocating for its passage. The Board will use the tax increase for a new elementary school in Old Fort, a new EMS building, training grounds for fire departments to use and possibly a standalone health department.

### **Shooting Range Update**

Mr. Wooten noted the NC Wildlife had sent him an update regarding the shooting range.

They advised the Land Use and Access Committee chose to build the 100 yard rifle range option instead of anything longer. The estimate for the construction of a 100-yard range, 25 yard pistol range, and small 3-D archery course was \$2,107,930.50.

Commissioner Brown requested to meet with NC Wildlife representatives and discuss the range options.

### **Health Department Evaluation**

Mr. Wooten noted there had been concerns over wait times for the public in getting inspections done by the Health Department. The Health Director had told the Board it had been difficult to employ inspectors. Mr. Wooten told the Board the decision must be made by the end of the fiscal year if the Board desires to pullout of the district. Rutherford and Polk counties are also in the district and they would need time to prepare their budgets if the county leaves. Commissioner Brown noted the county is growing, and the wait times are too long for the citizens and contractors, there is a need to try something different.

Commissioner Greene noted the Community Health as well as Environmental Health positions must be met. He would like to see if there are changes with the hiring of the new administrative position; and if there are no changes, move forward with a new county operated health department.

Commissioner Brown added the former director retired two years ago, and there have been no improvements since the new director was hired.

Vice Chair McPeters noted several positions would be needed if the county pulls out of the district, and comparable pay would be needed to fund the positions. He added the district was having trouble finding inspectors to fill the positions now. The additional funding needed based on last year's study was at least \$300,000.

Commissioner Brown made a motion to move forward with a standalone health department, second by Chairman Walker. Discussion followed. Commissioner Greene noted he was not against having a standalone, but he would like to see more information including dates of when the positions would be filled, so if the county did operate the health department it would be operational when the county pulled out of the district.

By a vote of 2-3 the motion failed.

Aye-Chair Walker, Commissioner Brown

No-Commissioner Greene, Commissioner Vaughn, and Vice Chair McPeters

### **Catawba Greenway Update**

Staff had been working with McGill Associates to complete design and permitting for the Phase III project. Mr. Wooten had submitted a request to extend the PARTF grant until June 30, 2019 since the current deadline is December 31<sup>st</sup>. If approved the deadline would give more time to see if there were more bids received.

### **Opioid Lawsuit Update**

The Opioid lawsuit process is still ongoing. Staff had recently completed an informational

document to present to the court regarding financial impacts that have affected the organization and the community.

### **Proclamations**

Staff had received a request from the Community Forums for a proclamation for Overdose Awareness Day and September as National Recovery Month. The forum's workshop would be held at the First Baptist Church from 5:30-7:30pm. The candlelight vigil would start immediately afterwards at approximately 7:30pm.

Commissioner Greene made a motion to approve the *August 31, 2018 as Overdose Awareness Day Proclamation*, and *September as National Recovery Month Proclamation*, second by Vice Chair McPeters. By unanimous vote, the motion carried.

### **Citizen Comment**

Bill Bach spoke on the information he had read of the Old Fort Chamber hiring an event manager on contingency the county and TDA share her fee. He would like the TDA to fund her salary, or the Chamber and Town of Old Fort to foot the bill themselves.

Matt Suttles-expressed his appreciation to Mike Conley for his article on the tree, and felt like he needed to speak up for the media.

Kim Osbourn-spoke on minimum housing requirements, and asked the Board to look at the City's housing ordinances for consideration of implementing minimum housing standards.

Charlene Blevins- spoke about the environmental health inspector needs in the county and the long wait times.

Ben Hall, Chairman of McDowell Health Dept Board,- knows there is a backlog of work by the inspectors. He asked the Commissioners to meet with the Health Board and Ms. Powell before making a decision. He added students out of college can't inspect for one year due to State requirements. He added user fees were increased by Rutherford and Polk and not by McDowell.

Corey Morris, Interim Environmental Health Supervisor for the health district, noted a new environmental intern had been hired. Surrounding counties are paying more, and the Health department has taken the county's concerns seriously.

Patricia McNeil-request petition be entered into the minutes.

Albert Dale—praised the Emergency Management services; spoke on the forest land acreage in the county

### **Reports and Communications**

There were no reports.

**Adjournment**

There being no further business to transact at this time, upon motion by Vice Chair McPeters, second by Commissioner Greene, the meeting was adjourned.

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DAVID N. WALKER  
CHAIRMAN

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CHERYL L. MITCHELL  
CLERK TO THE BOARD