

**STATE OF NORTH CAROLINA  
COUNTY OF MCDOWELL COUNTY  
BOARD OF COMMISSIONERS  
REGULAR SESSION – DECEMBER 5, 2016**

**ASSEMBLY**

The McDowell County Board of Commissioners met in regular session on Monday, December 5, 2016, 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; Lynn Greene; Matthew Crawford, and Tony Brown.

**OTHERS PRESENT**

Ashley Wooten, County Manager, Cheryl Mitchell, Clerk to the Board; Theresa Strickland, Public Information Technician (Filming)

**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

Commissioner Crawford made a motion, second by Vice Chair McPeters, to approve the November 10, 2016 and November 14, 2016 Regular Session minutes as presented. By unanimous vote, the motion carried.

**APPROVAL OF AGENDA**

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

**SELECTION OF CHAIR AND VICE-CHAIR**

Commissioner Walker noted the first item of business required by North Carolina State law at the December Board meeting is the selection of a Chair and Vice-Chair. He then turned the meeting over to the Clerk for this purpose.

Mrs. Mitchell called for nominations for the position of Chair of the Board. Commissioner Brown nominated Commissioner Walker. With no further nominations made, the Clerk asked all in favor for Commissioner Walker as Chair. By unanimous approval, Commissioner Walker was chosen as Chair. (Commissioner Walker did not vote).

The Clerk then called for nominations for Vice-Chair. Commissioner Crawford nominated Commissioner McPeters for Vice-Chair. With no further nominations made, the Clerk asked all in favor for Commissioner McPeters as Vice-Chair. By unanimous approval, Commissioner McPeters was chosen as Vice Chair. (Commissioner McPeters did not vote)

Chair Walker welcomed new board member, Commissioner Lynn Greene to the Board.

## **PRESENTATION OF AWARD**

Chair Walker recognized Terry Frank, School Board President for a presentation. Mr. Frank announced the McDowell County Board of Education nominated the McDowell County Commissioners for the North Carolina School Board Association's prestigious County Commissioners of the Year Award. The Commissioners received the award at the NCSBA annual meeting. Mr. Frank noted the state vote was unanimous for McDowell County, due to their commitment to boost local supplements and invest in technology for the students.

After the presentation, Chair Walker called for a brief recess for photos.

Chair Walker called the meeting back in session at 5:11pm.

## **NEW BASEBALL CAMP**

Chair Walker recognized Mr. Donnie Suttles to present plans on a new camp on Yancey Road. The new facility is called Big League Camp, and is owned by Mr. Suttles and his business partners, Dennis Whitson, Stacy Crisp and Jeff Bryant. The camp will feature artificial turf fields, and a state of the art indoor training facility, as well as log cabins to house campers. It will be a five day camp, on 124 acres, with outdoor activities in addition to baseball and softball camp. The camp will be available to college baseball and softball teams in the future. The indoor facility will also be available for special events. The facility will be available for local children year round.

Chair Walker noted he had heard a lot of positive comments about the camp, and thanked Mr. Suttles and Mr. Whitson for the presentation and the impact they are making for the youth in the county.

## **MOUNTAIN VALLEYS RC&D UPDATE**

Mr. Wooten introduced Ms. Jessica Hocz of the Mountain Valleys Resource Conservation and Development Council to present an update on the non-profit organization. Ms. Hocz reported on the stream restoration at the Old Fort ball fields that will begin in February, 2017. The project will repair stream bank erosion and create a handicap accessible angler trail on a trout stocked section of the Catawba River.

## **TEEN COURT PROGRAM**

Ms. Mary Finley, CTE Director; Natalie Gouge, Director of Student Services; and Mr. Chris Marsh, Law and Justice Instructor at McDowell High, gave a presentation on Teen Court. The program is for first time offenders, between the ages of 9-17. The defendant must admit guilt, voluntarily enter the program with parental consent, and successfully complete the program. No felony convictions would be heard. Teen volunteers act as Defense Attorney, Prosecuting Attorney, Bailiff, Court Clerk, and Jurors.

Adult volunteers help supervise the jurors during deliberation and conduct exit interviews with the offenders and their families. Judges volunteer to preside in the courtroom and attorneys volunteer their time as attorney mentors and occasional judges.

There are 56 other counties in the state which have a Teen Court program, with funding coming from different funding sources including grants. The presenters will apply for grants from JCPC and the Governor's Crime Prevention Council.

Commissioner Brown made a motion to send an endorsement letter for the program from the Board of Commissioners, second by Commissioner Greene. By unanimous vote, the motion carried.

## **KEEP MCDOWELL BEAUTIFUL (KMB)**

Ms. Molly Sandfoss, County Extension Director, expressed her appreciation to the Board for the opportunity to house KMB with Extension. She introduced the new Ag & Natural Resources Agent overseeing KMB, Matthew Burneisen. Mr. Burneisen expressed his appreciation for the opportunity to serve as KMB Director. He currently has programs in three elementary schools. He also volunteers as a Cub Scout leader, and enjoys living in the county.

The Commissioners welcomed Mr. Burneisen.

## **CONVENIENCE CENTER UPDATE**

Mr. Wooten noted the Crooked Creek and Dysartsville Convenience Centers had both been paved and are fully operational.

## **WATER PROJECTS UPDATE**

Mr. Wooten advised the Universal Water Line, and Nebo project are nearing completion. He noted staff will meet with the engineer about future plans. Also, the public hearing for reclassification of Lake James as a water source will be January 5, 2017, at 6pm, at MTCC.

## **FACILITIES UPDATE**

Mr. Wooten noted the staff is receiving quotes from contractors on renovation estimates on HVAC for the courthouse. Also, this month the core sampling of the parking deck will take place when staff and operations are at a minimum. Mr. Wooten suggested a meeting in January to review the findings and all the estimates in order to map out the facility strategy.

## **DISPOSAL OF PROPERTY**

Mr. Wooten presented a request for salvage materials (timber beams) for disposal that were part demolition during the renovation process of the McDowell House in a private sale as authorized by GS 160A-267 for the amount of \$750. Mr. Wooten requested permission to post the item for sale for upset bids and approval of *Resolution Authorizing Sale of County Owned Property*.

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

Mr. Wooten presented a resolution for Lynn Greene, who had retired from the McDowell Sheriff's Office, to authorize the Sheriff to donate the badge and authorize the sale of service sidearm to Deputy Greene.

Vice Chair McPeters made a motion to approve *Resolution Authorizing Donation of County Owned Property*, second by Commissioner Crawford. By unanimous vote, the motion carried. (Commissioner Greene did not vote)

## **POLICY DISCUSSION**

Mr. Wooten noted the staff had been revising the **County Personnel Policy**. The following changes were noted:

### **Article 1. Section 3: Employment**

No applicant for employment or employee shall be deprived of employment opportunities or otherwise affected as an employee because of the individual's race, color, religion, sex, national origin, political affiliation, non-disqualifying disability, or age.

**Article IV. Section 8: Probationary Period**

All appointments to full time positions in the service of McDowell County shall be for a probationary period of one 12 month period.

**Article IV. Section 10: Reinstatement**

An employee who has been separated because of reduction in force or who has resigned may be eligible for reinstatement and credited with their previously accrued sick leave.

**Article V. Section 6: Post-Accident Testing**

Any employee involved in any accident and deemed responsible by the police report shall be required to take a test for illegal drugs and/or alcohol test, immediately following the accident, not to exceed four hours.

**Article VI. Section 1: Work Week/Period**

c) All other employees: The standard work week will be Saturday through Friday and shall consist of 40 hours with overtime provisions set forth in Article V, Section II. The non-overtime work week will consist of 37.50 hours. Therefore, an employee is provided 2.5 hours time as a benefit.

**Article VI. Section 1.02: Attendance, Absenteeism, Tardiness**

The quality of service provided to the public is a reflection of the consistent and dependable performance of County employees. Unscheduled absence or tardiness places a burden on co-workers and hinders effective County operations. In situations where an employee must be tardy or absent, they must notify his/her immediate supervisor within the 30-minute period following the normal reporting time. Supervisors may use discretion when there is sufficient documentation. Excessive tardiness and absenteeism may result in disciplinary actions up to and including dismissal. Any absence of three consecutive workdays without notification to the department or prior approval from the department shall be deemed to be a voluntary resignation.

**Article VI. Section 4: Outside Employment**

Employees are prohibited from participating in dual full time employment with the County.

**Article VII. Section 3: Sick Leave**

Removed section e, was not in line with workers comp

**Article VII. Section 5: Maternity Leave**

a) Employee Responsibility- An employee desiring to take a maternity related leave of absence shall follow the same procedures for regular FMLA leave.

**Article VII. Section 8.01: Educational Leave with Pay**

A leave of absence with pay during regular working hours will be granted to an employee to take courses required by the County as a condition of employment. The County shall reimburse the employee for tuition, fees, and books as well as the travel costs, the employee will be required to submit a receipt for such expenses. However, if such occurs results in a certification that would possibly benefit the employee in employment elsewhere and the employee ends employment within 12 months of such certification, the employee will reimburse the County for all costs associated with the certification.

An employee on educational leave with full pay shall continue to earn leave credits and any other benefits to which the County employees are entitled.

**Article VII. Section 9: Funeral Leave**

Employees are entitled to a period of bereavement up to three consecutive days at regular pay (not including overtime) with no deduction from other leave balances due to the death of any of these relatives (including step, foster, in-law): parent, child, spouse, brother, sister, grandparent, grandchild, or other person who resides in the same household.

In addition, subject to the approval of the employee's supervisor, employees may use up to three additional consecutive work days of sick leave, totaling six days of leave. If no sick leave remains, employees must use compensatory time or take vacation leave. If no vacation leave remains, employees must take unpaid leave for these additional days.

Any bereavement period that is expected to go over the sick work day limit requires approval from your supervisor and you must use your vacation leave.

The employee's supervisor will make the final decision on the number of approved days for bereavement leave based on factors such as required travel and level of involvement in funeral arrangements. Other factors may also be considered.

Death of any other person: Employees may use up to three consecutive days of accrued sick leave for the bereavement of other persons not listed above. If no sick leave remains, employees must use compensatory time or take vacation leave. If no vacation leave remains, employees must take unpaid leave. As stated above, the supervisor will make the final decision on the number of days approved for this leave.

**Article VII. Section 10: Leave Without Pay** (section # changed)

**Article VIII. Section 4: Longevity** (section # changed)

**Article VIII. Section 7: Wellness Program and Health Insurance Related Items**

Waiting Period	Health Insurance
90 days	to begin on the 91 <sup>st</sup> day
All other benefits begin after 90 days	
90	Retirement
90	Sick/Vacation Accruals
90	401K, Prudential 457 & NACO (Volunteer Contributions Only)
90	Life Insurance
12 months	Christmas Bonus

**Article IX. Section 1: Disciplinary Action**

All steps will have the Human Resource Director as witness present.

**Article IX. Section 3: Grievance and Sexual Harassment Procedure-Adverse Action**

5) When an employee is dissatisfied with an adverse action of the condition of their employment with McDowell County, the following successive steps are to be taken. Each step will include notifying the County Manager and the McDowell County Human Resource Department.

Mr. Wooten presented the following changes to the **Standard Operating Procedures**:

**Longevity Pay**

Amount of Longevity Pay

(Salary increases effective on the longevity payment date shall be incorporated in the base pay before computing longevity.)

25 or more years      4.50 Percent

Eligibility Requirements

3. (Removed last sentence)

### **McDowell County Inclement Weather and Adverse Conditions Policy**

In the event that county offices are closed, the employee will not be required to utilize a vacation day, a sick day, forfeit a day's pay, utilize compensatory time, or work on a make-up schedule.

### **McDowell County Condolence Policy**

b) Members of the immediate family are considered to be spouse, children, father, mother, step parents, brother, sister, grandfather, grandmother.

### **McDowell County Employee Shared Leave Policy**

The following policy is hereby recognized by the McDowell County Board of Commissioners as the standard procedure, which allows employees to share sick leave with another employee affected by a serious or prolonged medical condition. In order to request shared leave the employee must be a regular full time or part time benefited employee with one year of consecutive service with McDowell County.

- A) An employee affected by a serious prolonged medical condition, and that has expired their vacation and sick leave, may apply in writing to their department head to accept donated sick leave from other McDowell County employees. The written request shall include a brief description of the circumstances prompting their request.
- B) The department head shall review the request and then shall forward to the County Manager for approval. If denied, the employee can appeal to the Board of Commissioners.

### **McDowell County Policy Governing the Placement of Election Campaign Signs on County Property**

Campaign signs may be placed on county property 24 hours prior to polls being opened by the McDowell County Board of Elections, if the property is used for a designated polling place (including one-stop voting locations). All applicable federal and state laws will be followed. Campaign signs are not to be attached to county structures, signage, fences, etc. all signs must be removed from county property within 72 hours after polls are closed.

Commissioner Brown made a motion to accept the policy changes as presented, second by Commissioner Crawford. By unanimous vote, the motion carried.

### **ADMINISTRATIVE ITEMS/AUDIT UPDATE**

Mr. Wooten presented two tipping fee waivers. The first request was from the fire response crew based at Universal to fight the Clear Creek fire. The agreement stated the county would provide a container and haul the trash at no cost.

The second request Chairman Walker noted he had been approached by Councilman Martin requesting tipping fee waiver for removal of an old house.

Commissioner Crawford made a motion to approve both waivers, second by Vice Chair McPeters. By unanimous vote, the motion carried.

Mr. Wooten presented a list of budget amendments for approval:

- Close-Out of Project Fund (46) - Nebo Roofing, North Cove Roofing, PG Roofing
- SP1- Amends the School Project fund to reflect current debt payments
- GF14- Transfers funds from the Water and Sewer Line Item and Fund Balance to the Harmony Grove Road Project Fund.
- GF15- Appropriates reimbursements for services, grants and prior year reimbursements in Emergency Services

GF16- Appropriates reserved and received revenue for the school system and Foothills Transportation.

GF17- Separates funds from the Volunteer and Keep McDowell Beautiful Coordinator to reflect the new positions in separate departments

GF18- Transfer between line items due to truck rental (two garbage trucks were being repaired)

GF19- Transfer between line items and appropriates additional revenue at DSS

GF20-Appropriates additional revenue at the Senior Center

GF 21- Transfers in various departments in amounts under \$3,000

Vice Chair McPeters made a motion to approve SP1, GF14-GF21, and also *Resolution Close-out of Project Fund*, second by Commissioner Greene. By unanimous vote, the motion carried.

Mr. Wooten noted he and Chair Walker had met with the audit firm, and the audit looks very positive.

### **BOARD APPOINTMENTS:**

Chair Walker noted since there had been a change in the Board it was a good time to review committees the Board members serve on, and fill the positions Commissioner Hollifield held.

The Commissioners by consensus agreed on the following appointments:

Joint Utility Committee- Chair Walker and Commissioner Crawford

Joint Education Committee- Chair Walker and Commissioner Brown

Keep McDowell Beautiful- Commissioner Greene

MEDA-Commissioner Brown

VAYA Health Commission Advisory Committee- Vice Chair McPeters

RPM District Health Board- Commissioner Crawford

Isothermal Planning and Dev Commission- Commissioner Crawford

### **VOTING DELEGATE FOR LEGISLATIVE GOALS CONFERENCE**

Chair Walker noted there would be a Legislative Goals conference on January 12-13, 2017 in Raleigh. Discussion followed on who could attend.

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

### **PICTOMETRY CONTRACT/TAX MATTERS**

Mr. Wooten noted the Board had asked at last month's meeting to have the County Attorney review the contract agreement between Pictometry and McDowell County. Mr. Coats noted he was satisfied with the contract as presented. The staff and attorney recommended approval for the contract.

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

### **Resolution for Review Officers**

Mr. Wooten presented a request for a resolution to update the current Review Officers for Plat Review in McDowell County.

Commissioner Crawford made a motion to approve the *Resolution Establishing a Review Officer for Map Law Changes*, second by Vice Chair McPeters. By unanimous vote, the motion carried.

- **Exemption Requests**

Mr. Wooten presented a request from Albert Hicks for Elderly Exemption due to him being unaware of the deadline.

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

- **Releases, Refunds**

Refunds	\$2,408.10
MV tax refunds	\$ 83.06
Releases over \$100	\$ 27.53
Releases under \$100	\$1,651.84

Vice Chair McPeters made a motion to approve releases and refunds, second by Commissioner Crawford. By unanimous vote, motion carried.

### **PUBLIC COMMENT**

No one from the public requested to speak.

### **REPORTS AND COMMUNICATIONS**

Mr. Wooten noted he had met with the Wildlife Dept and they are looking for sites for the shooting range. Interest is still there, and sites are being identified.

Mr. Wooten advised the observed Christmas schedule was December 23<sup>rd</sup> and 26<sup>th</sup>-27<sup>th</sup>. He also noted the Christmas party would be held on December 8<sup>th</sup> at 6:00 for social, and 6:30 for dinner.

Each Commissioner gave Christmas greetings, followed by greetings from Mr. Wooten, Mr. Harmon, and Ms. Mitchell.

Vice-Chairman McPeters read the Christmas story from the Gospel of Luke, Chapter 2:1-21.

### **ADJOURNMENT**

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

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DAVID N. WALKER  
CHAIRMAN

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CHERYL L. MITCHELL  
CLERK TO THE BOARD