

**STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL COUNTY
BOARD OF COMMISSIONERS
REGULAR SESSION – FEBRUARY 10, 2020**

Assembly

The McDowell County Board of Commissioners met in Regular Session on Monday, February 10, 2020, 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, Lynn Greene, and Brenda Vaughn

Members Absent

Tony Brown, Vice-Chair

Others Present

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

Call to Order

Chair Walker called the meeting to order at 5:00pm. The invocation was given by Commissioner McPeters, followed by the pledge of allegiance, led by Commissioner Vaughn.

Approval of Minutes

Commissioner McPeters made a motion, second by Commissioner Greene, to approve the January 13, 2020 Regular Session, and January 27, 2020 DSS Regular Session minutes as presented. By a vote of 4-0, the motion carried.

Approval of Agenda

Commissioner McPeters made a motion, second by Commissioner Vaughn to approve the agenda. By a vote 4-0, the motion passed.

New Middle School FFA Chapter

Ms. Nicole Robinson, FFA Advisor, gave an update on the new McDowell Middle School's Future Farmers of America (FFA) Chapter. McDowell High School FFA was re-chartered several years ago.

Mr. Logan Crisp, FFA President, did an excellent job reciting the FFA Creed, which brought a standing ovation from everyone.

Mr. Clark Adams, McDowell High School Agricultural teacher and FFA Advisor, announced the FFA members are currently selling raffle tickets to fund their national association trip next year.

Commissioners congratulated the leaders and students on their accomplishments.

Tax Lien Advertisement

Ms. Linda Onufrey, Tax Collector, presented the listing of taxpayers who were delinquent and requested authorization to place notice of Unpaid Real Property Tax Liens in the McDowell News per NCGS 105-369(a). The total amount of 2019 county real property taxes due as of January 31, 2020 was \$1,484,401.11.

Ms. Onufrey requested the advertising listing be published Wednesday, March 18, 2020. The quote for the advertising was \$4,649.40.

Commissioner Greene made a motion to approve the advertising of the unpaid tax liens, set the publish date of March 18th, and authorize advertisement in the paper for the quote presented, second by Commissioner Vaughn. By a vote of 4-0, the motion passed.

Recreation Department Update

Mr. Wooten shared the following updates on the Recreation Department issues that were shared at the November meeting:

- Staff had received two bid proposals so far to repair the drainage issue at the Maple Leaf Complex
- Chairman Walker led a meeting on January 15 with school and county representatives to discuss greater collaboration between the athletic programs of each entity. Future meetings will focus on specifics related to coaching clinics, events, etc.
- The City Council voted to transfer several acres of land adjacent to the Recreation Center to county ownership. County Attorney Coats is preparing the deed.
- A meeting has been set up with Toby Bramblett, YMCA Director, to learn about the programming at the YMCA

Chairman Walker invited other Commissioners who had an interest in the county recreation programs that would like to attend the next meeting to call the Clerk and let her know.

Old Hendrix Farm Grazing Update

Mr. Wooten reported County Attorney Fred Coats had researched methods of selecting bidders for the grazing rights of the old Hendrix farm. Attorney Coats advised if the Board was seeking monetary compensation the county should receive sealed bids and select the best per-acre bid. If the Board chose not to seek compensation, he advised to draw lots.

Mr. Wooten received a visit from the current person who is using the property for cattle grazing. He informed Mr. Wooten his cattle grazes on the county property as well as the adjacent Hendrix family property since there is no fencing in place to separate the properties. The gentleman also mows around the house and has been a good steward of the property. Commissioner Greene asked if there had been any interest from the public for grazing rights on the property, and Mr. Wooten replied staff had never received any inquiries about grazing on the property.

Commissioner Greene made a motion to allow the current user to continue using the property for cattle grazing, second by Commissioner McPeters. By a vote of 4-0 the motion passed.

Public Shooting Range Update

Mr. Wooten noted NC Wildlife had presented two options on how to proceed with the contracting on the site development of the public shooting range.

Option 1 would have the NC Wildlife do all of the design, bidding, paying, etc. The State Construction Office would have oversight, and therefore the development could take longer and be more expensive.

Option 2 would have the county do the bidding, payment, etc with the assistance of NC Wildlife. All funds would flow through the county, and state would reimburse. NC Wildlife would still oversee all design, construction and permits.

Either option the county would still have the 10% cost share. Discussion followed.

Commissioner Greene made a motion to let the county do the bidding process, second by Commissioner McPeters. By a vote of 4-0 the motion passed.

Sugar Hill-Montford Cove Fire Dept District Hearing

Mr. Craig Walker, Fire Marshall, reviewed the proposed district lines due to the new Sugar Hill-Montford Cove Station Two. He noted several areas would see a decrease in their homeowners insurance due to locations now being in the 5-mile response area.

Chair Walker declared the Board in public hearing at 5:33pm pursuant to NCGS 153A-304.3.

There were no public comments.

Commissioner McPeters made a motion to go out of public hearing, second by Commissioner Greene at 5:34pm. By a vote of 4-0, the motion passed.

The following resolution was presented for approval:

Resolution Establishing District Line Changes for New Sugar Hill Montford Cove Fire Department Station Two

WHEREAS, a new Sugar Hill-Montford Cove Fire Department Station Two was constructed in 2019 to improve response times and lower insurance ratings for citizens living in the Zion Hill, Nix Creek and Lytle Mountain areas, and

WHEREAS, the new district lines were agreed upon by each surrounding fire chief in the adjoining departments; and

WHEREAS, the fire district line on Nix Creek Road will extend from the intersection of Nix Creek and Cannon Farm Road to the address of 5542 Nix Creek Road; just past Crisp Drive intersection to include Crisp Drive in the Sugar Hill District; and

WHEREAS, the fire district line on Lytle Mountain Road will extend from the intersection of Wall Poole Road to the end of Lytle Mountain Road; including Henry McCall Road to the 1250 address block; and

WHEREAS, Sugar Hill, Glenwood, and Marion Fire Department lines will all meet at the intersection of Sugar Hill Road and Goose Creek Road.

NOW, THEREFORE, BE IT RESOLVED that the McDowell County Board of Commissioners approves the district line changes for the new Sugar Hill-Montford Cove Station Two.

Adopted this 10th day of February, 2020.

Attest:

Cheryl L. Mitchell, Clerk to the Board

David Walker, Chairman

Commissioner McPeters made a motion to approve the service district changes effective July 1, 2020, and the resolution presented, second by Commissioner Vaughn. By a vote of 4-0 the motion passed.

Disposal of Pilot Plant Equipment

Mr. Wooten noted when the Foothills Pilot Plant shut down there was equipment specific to that type of work that was left at the facility. Staff would like to start disposing of the equipment by either donation or sale as soon as the entity's lien expires next month.

Commissioner Greene made a motion to declare equipment surplus, second by Commissioner McPeters. Discussion followed on Foothills Food Hub looking at the equipment after county staff. By a vote of 4-0 the motion passed.

Board of Elections Software Approval

A request was presented from the Board of Elections for approval of the software upgrade of the voting equipment before usage in the upcoming primary. Both the state and local Board of Election had approved the software.

Commissioner McPeters made a motion to approve the Board of Elections software update, second by Commissioner Vaughn. By a vote of 4-0 the motion passed.

Tourism Development Update

Mr. Wooten noted the county had facilitated a meeting between representatives of the Tourism Development Authority (TDA), the City of Marion, McDowell Chamber, and MEDA. Chairman Walker and Mr. Wooten attended the meeting. The purpose was to collaborate on how to improve marketing of the City of Marion and the Town of Old Fort. City Council had endorsed marketing goals and discussion was held on how those goals could be communicated to the TDA.

Additional meetings have been planned to ensure open communication and collaboration.

Woodlawn Park/Lease Renewal

Mr. Wooten advised the ten year lease between the US Forest Service (USFS) and the county to operate the Woodlawn Park would be expiring at the end of the year. The USFS requires at least a six month notice if the county plans to renew the lease. The property is maintained by the Recreation Department.

Discussion was held on the conditions of the bathrooms which are operational, although the sink is not operational due to no potable water.

By Board consensus the issue was tabled so staff could research the cost of improvements to the park.

FY 2019 Independent Audit Report

Mr. Phil Church of Loudermilk, Church & Co. presented the 2018-2019 independent audit as required by the State of NC. It was a clean unmodified audit, which was also approved by the Local Government Commission.

Ms. Serina Hinson reviewed several specific items of interest related to the various funds. She stated that she felt it was a very good audit report. She added the fund balance percentage was healthy and stable as well, noting the State of NC monitors the percentage and like to see it at least 8%. The fund balance was 15.23%.

Mr. Church credited Ms. Alison Bell and Mr. Wooten on the good work the staff is doing. The firm also presented their contract for FY20 audit proposal for \$39,375.

Commissioner Greene made a motion, second by Commissioner McPeters to approve the audit report as presented and the contract for next year. By unanimous vote of 4-0, the motion carried.

Library Operations Update

Mr. Marlan Brinkley, Library Director, gave an update on the operations of the library including a new Core Competency program. The program addresses professional development opportunities for the staff. Also, staff at the Old Fort Library are doing a memory lab where digital copies are made from 8mm film, VHS tapes and old photographs. The service is free to the public.

Mr. Brinkley also discussed a grant request for a proposed book mobile that would serve various areas of the county with library materials and other county resources. The EMS, DSS and Health Departments staff have volunteered to travel with the library staff to address the different needs in the county. The grant would provide two-thirds of the funding, and library reserves would cover the remaining one-third of the funding.

Discussion followed on the use of the reserved funds.

Commissioner Greene made a motion to support the project and approve the grant submission, second by Commissioner Vaughn. By a vote of 4-0 the motion passed.

Board Appointments

The Transportation Board had one vacancy, and no applications had been received; the Library Board of Trustees had two vacancies, and as a first reading the vacancies would be advertised and applications presented at the next meeting.

The Friends of Fonta Flora State Trail requested representation from the Board of Commissioners and requested Chairman Walker to serve.

Commissioner McPeters made a motion to approve Chairman Walker, second by Commissioner Vaughn. By a vote of 4-0 the motion passed.

Administrative Items

A recommendation was received from the Board of Adjustments to set a Variance Request Fee of \$200 for a variance request application. A draft variance request application was presented and a copy is with the agenda materials.

Commissioner McPeters made a motion to approve the variance fee and application, second by Commissioner Greene. By a vote of 4-0, the motion passed.

A request for waiver of a transfer station late fee was received from the City of Marion for \$183.64 due to a billing error.

Commissioner Greene made a motion to approve the fee waiver request, second by Commissioner McPeters. By a vote of 4-0, the motion passed.

Mr. Wooten presented a request for late fee waiver for Occupancy Tax from a business owner due to issues when he placed his business with Airbnb, VRBO, and Home Away. The total late fees and penalties totaled \$960.00.

Commissioner McPeters made a motion to approve request, second by Commissioner Vaughn. By a vote of 4-0 the motion passed.

The next item presented was a list of EMS accounts totaling \$37,159.28 for write-offs.

Commissioner McPeters made a motion to approve the EMS write-offs of \$37,159.28, second by Commissioner Greene. By a vote of 4-0, the motion passed.

Budget Amendments

GF40-Allocates donations and service fees in Emergency Services
GF 41 – Transfers between line items in Public Services
GF 42 – Transfers between line items and allocates revenue in the Sheriff's Dept.
GF 43 – Transfers between line items and allocates revenue in DSS
GF 44 – Allocates fund balance due to property review contract
REVF1 – Transfers funds from the General Fund to the Reval Fund for GF44
CP1 – Appropriates fund balance for property rent for the Grants Mountain tower
NVENT1 – Allocates revenue in the Water Fund
UENT1 – Amends the budget to account for a new tenant and their utility costs

Commissioner Greene made a motion to approve budget amendments as presented, second by Commissioner McPeters. By a vote of 4-0 the motion passed.

Tax Matters

MV tax refunds	\$ 652.18
Releases over \$100	\$ 378.07
Releases under \$100	\$ 15,278.89
Discoveries	\$ 19,977.36

Commissioner Greene made a motion, second by Commissioner McPeters to approve all tax matters. By unanimous vote of 4-0, the motion carried.

EMS Capital Project Update

Mr. Wooten advised the EMS Station Project-(North Base) Station 4 design is complete. He presented a reimbursement resolution for approval to cover invoices in hand for payment and reimbursement once financing was secured. A copy of the resolution is with the agenda materials.

Mr. Wooten then presented an easement request so Duke Energy could move a power line on the property away from the building. A copy of the easement is with the agenda materials.

Commissioner McPeters made a motion to approve the County of McDowell, NC Declaration of Official Intent to Reimburse resolution, and easement request, second by Commissioner Greene. By a vote of 4-0 the motion passed.

Chairman Walker spoke on the Emergency Management plan for having four base buildings in the county for faster more efficient service.

Human Trafficking Overview

Commissioner Vaughn spoke on the importance of being vigilant when in the public and pay attention to your surroundings. Commissioner McPeters spoke on an incident that had recently happened at the school, where a person called the student by their name and tried to get them to get in their car. He also spoke on the importance of noticing people around you and reporting an incident when you see something inappropriate.

Mr. Wooten presented the following resolution for approval:

HUMAN TRAFFICKING AWARENESS PROCLAMATION

WHEREAS, human trafficking is the exploitative buying and selling of human beings for labor and sex acts, violating the most basic human rights and depriving victims of their dignity and freedom; and

WHEREAS, human trafficking is the second-most lucrative illicit industry in the world, and North Carolina is believed to have one of the top-ten highest rates of human trafficking in the United States; and

WHEREAS, human trafficking can happen to anyone in North Carolina including women, men, and children across all demographic lines, regardless of race, gender, age, immigration status, and socioeconomic status; and

WHEREAS, children are among the most vulnerable to human trafficking, particularly those with a history of sexual, emotional, or physical abuse; children struggling with learning disabilities, substance abuse issues, or sexual identity; children who have experienced the loss of a parent through death, divorce, abandonment, or incarceration; and children who have been, are, or will be involved in the child welfare system; and

WHEREAS, human trafficking is a public safety issue, a public health issue, and a human rights issue, requiring a collaborative, multi-disciplinary response involving the skills, expertise, and resources of every individual and agency in North Carolina; and

WHEREAS, the North Carolina Human Trafficking Commission, the North Carolina Department of Justice, and many skilled and dedicated stakeholders statewide are committed to combating human trafficking to ensure the freedom of all people and help our communities flourish; and

WHEREAS, the State of North Carolina recognizes the strength and resilience of individuals in our communities who have survived human trafficking and encourages people to raise awareness, promote education, and support initiatives to address human trafficking as a social justice issue;

NOW, THEREFORE, the McDowell County Board of Commissioners does hereby proclaim **HUMAN TRAFFICKING AWARENESS** in McDowell County, and commend its observance to all citizens.

Attest:

Cheryl L. Mitchell
Clerk to the Board

David Walker
Chairman

Commissioner Greene made a motion to approve the Human Trafficking Awareness Proclamation, second by Commissioner Vaughn. By a vote of 4-0, the motion passed.

Foothills Food Hub Resolution of Support

Mr. Wooten presented the following resolution for approval:

RESOLUTION OF SUPPORT FOR THE FOOTHILLS FOOD HUB

WHEREAS, several years ago concerned residents of McDowell County gathered together to talk about important issues around food sourcing and security; and

WHEREAS, the McDowell Local Food Advisory Committee was formed as a 501(c)3 organization with a mission to connect, coordinate, and strengthen the local food system in McDowell County; and

WHEREAS, the Foothills Food Hub is a project of the McDowell Local Food Advisory Committee; and will address food insecurity, support a local food economy, and transform the food system and public health infrastructure of McDowell County; and

WHEREAS, the Foothills Food Hub facilities will include food pantry storage and packing; farm fresh produce wash line, cold storage and distribution; a teaching kitchen for cooking and other classes; and a commercial kitchen for meal preparation, value added processing and food entrepreneur development; and

WHEREAS, the Foothills Food Hub is currently serving as a distribution point for donated food for partner agencies located throughout the county.

NOW, THEREFORE, BE IT RESOLVED that the McDowell County Board of Commissioners do hereby express their support for efforts of the McDowell Local Food Advisory Committee in establishing the Foothills Food Hub.

ADOPTED this day, the 10th of February, 2020

Attest:

Cheryl L. Mitchell
Clerk to the Board

David Walker
Chairman, Board of Commissioners

Commissioner McPeters made a motion to approve the Resolution of Support for the Foothills Food Hub, second by Commissioner Vaughn. Commissioner Greene asked for budget information from the Food Hub to be sent to the Board for consideration. By a vote of 4-0, the motion passed.

Citizen Comment

Chair Walker opened the floor for public comments at 6:29pm.

Frank Seaman—spoke about his private shooting range VOD Tactical and noted he would be glad to meet with residents of the nearby development

Dan Hampton – support and maintain ordinance that allows citizens to shoot on their own property

William Boone – a Veteran and currently in law enforcement in support of current noise ordinance

Public comment ended at 6:43 pm.

Reports and Communications

Commissioner Greene attended the NC Opportunity Now Summit and noted that Rev. Danny Hampton had done an excellent job serving on a panel addressing the inmate reentry program.

Adjourn

There being no further business to transact at this time, upon motion by Commissioner Greene, second by Commissioner Vaughn, the meeting was adjourned at 6:44pm.

DAVID N. WALKER
CHAIRMAN

CHERYL L. MITCHELL
CLERK TO THE BOARD