

**STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL COUNTY
BOARD OF COMMISSIONERS
REGULAR SESSION – FEBRUARY 12, 2018**

ASSEMBLY

The McDowell County Board of Commissioners met in Regular Session on Monday, February 12, 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; Matthew Crawford, and Lynn Greene

MEMBERS ABSENT

Tony Brown

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 Crawford, followed by the pledge of allegiance, led by Vice Chair McPeters.

APPROVAL OF MINUTES

Commissioner Greene made a motion, second by Vice Chair McPeters, to approve the January 8, 2018 Regular Session and January 29, 2018 Called Session minutes as presented. By unanimous vote, the motion carried.

APPROVAL OF AGENDA

Chair Walker asked for additions or deletions to the agenda. Mr. Wooten asked to add an item to discuss an Opioid lawsuit.

Vice Chair McPeters made a motion to approve the agenda with the addition of item E under Old Business: Opioid Lawsuit, second by Commissioner Crawford. By unanimous vote, the motion carried.

RECOGNITION-- 4-H LIVESTOCK JUDGING TEAM

Adam Lawing, Extension Agent, introduced the 4-H Livestock Judging Team who recently competed in the NC Jr. Hereford Association Judging in January. He reviewed the judging results, and discussed future competitions and trips. Those in attendance were: Jay English; Logan Crisp; Alyson Biddix; Kylie Biddix, and Hannah Ellis.

TAX COLLECTION ITEMS

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. She

stated the listing would publish Wednesday, March 28th. She advised she would send an advertising notice to the delinquents. The quote for the advertisement was \$4,649.40.

Commissioner Crawford made a motion, second by Commissioner Greene to approve the advertising of the unpaid tax liens, set the close date of March 28th and authorize advertisement in the paper for quote presented. By unanimous vote, motion carried.

TRANSIT DEPARTMENT UPDATE

Mr. Wooten reported staff is continuing to work on establishing a standalone Transportation Department. The department is in the process of transferring vehicle titles from Foothills Industries to McDowell County, in order to have the vehicles replaced by the State. He also reported the Transportation Advisory Board (TAB) had met in January and elected Dawna Goode as the Chair, and Joy Shuford as Vice Chair.

SHOOTING RANGE UPDATE

Mr. Wooten noted staff as well as Chairman Walker and Commissioner Brown had attended the NC Wildlife Public Hearing on February 6th at MTCC Auditorium. The majority of public comments were very supportive of the shooting range. The sound test was also positive as local road traffic was louder in the vicinity than the shooting test. There was also an environmental test done with good results. The proposed range was for a 100 yard range, although several in attendance asked for a 1,000 yard range. The anticipated construction date would be in two years.

The Wildlife Resources Commission Board will review the project and vote on proceeding with formal design and permitting later this month. Staff will attend the meeting in Raleigh.

COURTHOUSE PROJECT UPDATE

The project has been bid and a pre-bid meeting was held on February 1st with good attendance from bidders. The bids will be opened on February 21st, with a public hearing to follow on February 27th, at 5:00 pm to receive comments on the project, and to take action on the bids.

Consensus of the Board gave approval to construct the courtroom first, and then move operations of the Clerk of Court and Register of Deeds into the finished courtroom so renovation on their departments could take place.

FOSTER PARENT REQUEST

The Board previously approved a policy to restrict foster homes to residents in our county, with exceptions per board approval.

DSS Director, Lisa Sprouse submitted requests from two families in surrounding counties to be foster families and also to assist the agency with trainings. The Stout family offered therapeutic training, and the Edwards family offered to video on-going training classes to share at a later time to families who could not attend.

Discussion followed on the need for more foster homes in the county.

Commissioner Crawford motioned to approve both families for foster care, second by Commissioner Greene. By unanimous vote, the motion carried.

STACY HILL ROAD WATER LINE UPDATE

Mr. Wooten noted the bid openings for the water line project would be March 1st. Therefore, construction bids will be considered at next month's board meeting, as well as property easements necessary for the project.

OPIOID LAW SUIT

Mr. Wooten advised he had been contacted by attorney Harold Seagle regarding joining with other counties to sue distributors of Opioid drugs. Any funds awarded from the suit would go toward existing programs fighting the social and public health cost of the effects of Opioid use.

There would be no cost to the county to join with other counties in the lawsuit.

Consensus from the Board was to have more information about the Opioid lawsuit presented at the next meeting.

EMERGENCY SERVICES ITEMS

Firefighter Relief Fund Appointment

Craig Walker, Deputy Director and Fire Marshall, presented the Commissioner's appointees on the Local Relief Fund Board for approval.

Glenwood:	Fran Hemphill, Hugh Proctor
PG:	Wayne Silvers, Brad Ledbetter
Old Fort:	Frank Gibbs, Wayne Stafford
Crooked Creek:	Randy Vess, Fred Lytle
Sugar Hill:	Paul Baker, David Parker
Nebo:	Robert Kirkpatrick, Shane Harris
Woodlawn:	Lucas Davis, Dusty Boone
North Cove:	Michael Wyatt, Dennis J. Barrier
Hankins:	John Fox, Ronnie Holmes
Dysartsville:	Trey Lewis, James Washburn

Commissioner Greene made a motion to approve the Local Relief Fund Board members as presented, second by Commissioner Crawford. By unanimous vote, the motion carried.

Ambulance Bidding

Mr. William Kehler, Emergency Management Director, presented an authorization request for a new ambulance with a 2018 or newer type I Ford F-450 4WD chassis. Delivery would take place in next budget year.

Commissioner Crawford made a motion to approve going out for bid for the ambulance, second by Commissioner Greene. By unanimous vote, the motion carried.

Puerto Rico Assistance Report

Mr. William Kehler and Captain Donnie Tipton gave a presentation on their deployment to Puerto Rico to assist with Hurricane Maria relief efforts.

The Commissioners expressed their appreciation to each of them and other EMS members who had assisted with the recovery work.

ECONOMIC DEVELOPMENT PUBLIC HEARING

Chair Walker declared the Board in Public Hearing according to NCGS158-7.1 for comments on an economic development project.

Chuck Abernathy, MEDA Director, presented proposed incentives for a data company considering locating in the Universal building. The incentive total was \$333,825 (incentive payment \$226,875 over five years plus \$106,950 in free/reduced rent for year one, and \$1 a foot for year two). The incentive payment would be paid after taxes are paid for the year by the company. The company proposed to invest \$15 million in machinery and equipment and hire 20 people in the first 2 years. The proposed wages by the company would exceed the county average, with entry level pay starting at \$50,000. There would be two phases to the operation, and only the first phase was being considered at this hearing.

Comments from the public were received:

Jack Ryker - would noise from other operations interfere with this operation
Louie Parrow – offered his services for helping to start up the business

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, lease agreement and any easement from Duke Energy, second by Vice Chair McPeters. By unanimous vote, the motion carried.

Discussion followed concerning the construction of a shell building on the Universal property. Mr. Abernathy reviewed the *McDowell County Universal Business and Industrial Park Declaration of Protective Covenants*. The Board considered the document as a first reading, and will review again at the next regular session meeting. The document will also be sent to the County Attorney, Mr. Fred Coats for his review.

PROPERTY REVALUATION CONTRACT APPROVAL

The Board previously approved Assessment Solutions of NC, which is owned by Tim Cain for the 2019 property revaluation. Only ten companies are qualified to do revaluations in the state. Mr. Cain submitted his contract for review and approval. Mr. Wooten noted the contract had been reviewed by the county attorney. The total contract amount was \$166,000 with \$84,600 to be billed in this fiscal year.

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

OFFER TO PURCHASE COUNTY PROPERTY

Staff had received an offer of \$100,000 for a 65 acre tract located on Forest Lake Heights, which the county had purchased in 2002 to be used for a water treatment plant. The county paid \$170,000 in 2002, and the property is restricted by Crescent Resources to single family residential or a water plant.

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

Mr. Wooten asked if the Board would like to state a minimum amount that would be considered. Consensus was to let the bidder come with a counter offer.

REQUEST TO AMEND WATERSHED ORDINANCE

Mr. Wooten advised one of the final steps in the reclassification of Lake James is the update of the Watershed Ordinance and Watershed Map. The Planning Board had revised the current ordinance and presented their changes to the Board for adoption.

(D) WS-IV Watershed Areas – Critical Area (WS-IV-CA). Only new development activities that require an erosion/sedimentation control plan under State law or approved local program are required to meet the provisions of this ordinance when located in a WS-IV watershed. In order to address a moderate to high land use intensity pattern, single family residential uses are allowed at a maximum of two (2) dwelling units per acre. All other residential and non-residential development shall be allowed at a maximum of twenty-four percent (24%) built-upon area. New residual application sites and landfills are specifically prohibited.

(1) Allowed Uses:

- (a) Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 and the rules and regulations of the Soil and Water Conservation Commission.
- (b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15NCAC 11.0101-0209).
- (c) Residential.
- (d) Non-residential development, excluding: 1) landfills and 2) sites for land application of residuals or petroleum contaminated soils.

(2) Density and Built-upon Limits:

- (a) Single Family residential—development shall not exceed two dwelling units per acre on a project by project basis. No residential lot shall be less than one-half (1/2) acre (or 20,000 sf excluding roadway right-of-way), except within an approved cluster development.
- (b) All Other Residential and Non-Residential—development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis. For the purpose of calculating the built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

(E) WS-IV Watershed Areas (Catawba River)- Protected Area (WS-IV-PA) Only new development activities that require an erosion/sedimentation control plan under state law or approved local government program are required to meet the provisions of this ordinance when located in a WS-IV watershed. In order to accommodate a moderate to high land use intensity, single family residential uses shall develop at a maximum of two (2) dwelling units per acre (2du/ac). All other residential and non-residential development shall be allowed at a maximum of 24% built-upon area. A maximum of three (3) dwelling units per acre (3du/ac) or thirty six percent (36%) built-upon area is allowed for projects without a curb and gutter street system.

(1) Uses Allowed:

- (a) Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990.
- (b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15NCAC11.6101-0209)
- (c) Residential development
- (d) Non-residential development

Density and Built-upon limits

- (a) Single Family residential—development shall not exceed two (2) dwelling units per acre, as defined on a project by project basis. No residential lot shall be less than one-half (1/2) acre (or 20,000 sf excluding roadway right-of-way), or one-third (1/3) acre for projects without a curb and gutter street system, except within an approved cluster development.

(b) *All other residential and non-residential- development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis. For projects without a curb and gutter street system, development shall not exceed thirty-six percent (36%) built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed.*

(c) *In addition to the development allowed under paragraphs (a) and (b) above, new development and expansions shall occupy up to ten percent (10%) of the protected area with up to seventy percent (70%) built-upon area on a project by project basis, when approved as a special intensity allocation (SIA). The Watershed Administrator is authorized to approve SIAs consistent with the provisions of this ordinance. Projects must, to the maximum extent practicable, minimize built-upon surface area. Direct storm water away from surface waters and incorporate Best Management Practices to minimize water quality impacts. For the purpose of calculating built-upon area, total project area shall be included total acreage in the tract on which the project is to be developed.*

Consensus of the Board was to hold a public hearing at next month's regular session meeting to vote on the Watershed Ordinance.

ADMINISTRATIVE ITEMS

Mr. Wooten presented a listed of non-collectable EMS accounts for approval to be written off.

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

Mr. Wooten presented the lowest bank financing bid from Carolina Alliance on the previously approved purchase of four DSS vehicles. The rate was 2.70% for a period of four years (8) semi-annual payments in arrears beginning September 2018.

Commissioner Crawford made a motion to approve *Resolution Approving Financing Terms*, second by Vice Chair McPeters. By unanimous vote the motion carried.

Dysartsville Fire Department requested a 400 gallon water tank on a single axle trailer the county no longer had use of and was considered as surplus by the county.

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

The following budget amendments were presented:

GF 32	Transfer between line items and appropriated revenue in Emergency Services
GF 33	Transfers between line items and appropriates revenue in Senior Center
GF 34	Transfer prior year disallowed expenditures in the 911 Fund
NWSENT1	Allocates revenue in the Water Enterprise fund
911F2	Transfers funds from the General Fund to the 911 Fund to cover disallowed amounts

Commissioner Greene motioned to approve budget amendments as presented, second by Vice Chair McPeters. By unanimous vote, the motion carried.

BOARD APPOINTMENTS

Chair Walker presented two applicants for the two vacancies on the Transportation Advisory Board.

By written ballot the Board voted unanimously for Pat Faulkner and Francesca Hagarty.

TAX MATTERS

Releases, Refunds, & Write-offs

Write-offs/Deceased	\$ 249.76
MV tax refunds	\$ 392.80
Releases under \$100	\$ 109.39
Releases over \$100	\$ 1,707.67
Discoveries	\$ 340.65

Commissioner Crawford made a motion to approve all releases and refunds, second by Commissioner Greene. By unanimous vote, motion carried.

PUBLIC COMMENT

Ginger Webb/Dawna Ledbetter- invited the Board to the East and West Marion Community Forums, and requested their participation in a Joint Statement of Unity

Dwayne Robinson- from the Trapping Association spoke on fox trapping local laws. Mr. Robinson requested the Board to consider making a local law so they could trap foxes, with no bag limit and the law be effective October 1, 2018.

The Board referred the issue to the Planning Board for review.

REPORTS AND COMMUNICATIONS

There were no reports.

ADJOURNMENT

There being no further business to transact at this time, Commissioner Greene made a motion to adjourn to February 27th, second by Vice Chair McPeters, and the meeting was adjourned.

DAVID N. WALKER
CHAIRMAN

CHERYL L. MITCHELL
CLERK TO THE BOARD