

**STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL COUNTY
BOARD OF COMMISSIONERS
REGULAR SESSION – JANUARY 13, 2020**

Assembly

The McDowell County Board of Commissioners met in Regular Session on Monday, January 13, 2020, at 5:00 p.m., at the County Administration Building, 60 E Court Street, Marion, North Carolina.

Members Present

David N. Walker, Chair; Tony Brown, Vice-Chair; Barry McPeters, Lynn Greene, 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 Vice Chair Brown, followed by the pledge of allegiance, led by Commissioner Vaughn.

Approval of Minutes

Commissioner McPeters made a motion, second by Commissioner Vaughn, to approve the December 9, 2019 Regular Session, and December 16, 2019 DSS Regular Session minutes as presented. By a vote of 5-0, the motion carried.

Approval of Agenda

Vice Chair Brown made a motion, second by Commissioner Greene to approve the agenda. By a vote of 5-0, the motion carried.

New High School Graduation Program

Ms. Kendall Waugh, Guidance Counselor at McDowell High gave a PowerPoint presentation (copy with agenda materials) of a new program at the high school called #FinishWhatYouStarted. The program's objective is to increase the graduation rate with help from the community. One successful program is the mentorship program. More mentors are needed for the middle and high school students. She noted there had been 20 students dropped out this school year.

Chair Walker requested information on the mentorship program be sent to the Clerk.

Transit Facility Planning Grant

Mr. Randall Conley, Transit Director, requested approval for a facility planning grant through

NCDOT. Currently the Transit Department is housed with the Foothills Industries facility. The rent is \$900 a month. A permanent home for the department was recommended.

NCDOT will provide funding for a site recommendation report as well as funding for the construction of a facility. Both the study and construction would require a local match. The report would take several months. Once the report is completed the results would be presented to the Board, at which time a decision would be made if the county wanted to move forward with the next steps in seeking funding for construction. The application is due February 1st, and the local match for the study would be \$9,500 payable in the next budget year.

Commissioner Greene made a motion to approve the application, second by Commissioner McPeters. By a vote of 5-0 the motion carried.

Second Amendment Endorsement

Chair Walker noted several citizens had asked the Board to endorse the Second Amendment to the United States Constitution. He presented the following resolution:

RESOLUTION DECLARING McDOWELL COUNTY A SECOND AMENDMENT SANCTUARY

WHEREAS, the Constitution of the United States is the Supreme Law of our nation; and

WHEREAS, the Second Amendment to the Constitution of the United States of America states: "A well-regulated Militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed;" and

WHEREAS, the North Carolina Constitution, Article I, Section 30, states: "A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they shall not be maintained, and the military shall be kept under strict subordination to, and governed by, the civil power. Nothing herein shall justify the practice of carrying concealed weapons, or prevent the General Assembly from enacting penal statutes against that practice;" and

WHEREAS, the McDowell County Board of Commissioners is concerned about the passage of any bill or legislation which could be interpreted as infringing the rights of the citizens of McDowell County to keep and bear arms; and

WHEREAS, the criminal misuse of firearms is not a reason to unconstitutionally infringe the rights of law-abiding citizens of McDowell County; and

WHEREAS, the McDowell County Board of Commissioners wishes to express its intent to stand as a Sanctuary County for Second Amendment rights and to oppose, within the limits of the Constitution of the United States, the Constitution of North Carolina, and McDowell County's authority, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the rights of the citizens to keep and bear arms.

NOW, THEREFORE, BE IT RESOLVED that the McDowell County Board of Commissioners do hereby declare its intent to uphold the Second Amendment rights of the citizens of McDowell County and that public funds, resources, employees, buildings or offices not be used to unconstitutionally restrict Second Amendment rights or to aid or assist in the unconstitutional enforcement of the rights under the Second Amendment of the citizens of McDowell County to keep and bear arms; and

FUTHERMORE, the Board of Commissioners hereby declares McDowell County, North Carolina, as a "Second Amendment Sanctuary."

Adopted this the 13th day of January, 2020

Cheryl L. Mitchell, Clerk to the Board

David N. Walker, Chairman

After comments from all Board members stating their strong support for the Second Amendment, Commissioner Greene made a motion to approve the resolution, second by Commissioner McPeters. By a vote of 5-0 the motion passed.

Tax Matters

Releases and Refunds

MV tax refunds	\$ 657.00
Releases over \$100	\$ 432.18
Discoveries	\$ 475.54

Commissioner McPeters made a motion to approve all tax matters, second by Commissioner Vaughn. By unanimous vote of 5-0, the motion carried.

Administrative Items

Mr. Wooten noted that each Board member had been given a copy of the Personnel Policy Handbook per their request. He also noted each new hire was given a book, as well as all policies were posted on the county website for employee access.

He then presented the following:

Nebo Water System fee waivers due to leaks:

Billings	\$24.98
Aldridge	\$ 8.04
Data	\$88.08

EMS non-collectible write-offs totaling \$99,194.42

Budget Amendments

GF – 32	Allocates fees and transfers between line items in Animal Services
GF – 33	Allocates revenue and fund balance from prior year reserves for Register of Deeds
GF – 34	Allocates revenue and fund balance from prior year reserves in the Sheriff's Office
GF – 35	Allocates prior year reserves for the Juvenile Crime Prevention Council.
GF – 36	Allocates additional revenue in Social Services.
GF – 37	Allocates revenue and estimated projects for the Courthouse project
GF – 38	Allocates additional revenue for salaries and health benefits
SI1	Allocates revenue sources for the Self Insurance Fund

Project Budget Ordinance Amendment 3 for the Courthouse Renovation and Addition Project

Project Budget Ordinance Amendment 3 for the Catawba River Greenway Phase III Project.

Commissioner McPeters made a motion to approve all administrative items presented, second by Vice Chair Brown. By a vote of 5-0 the motion passed.

Convenience Center Operations

Mr. Terry DePoyster, Public Services Director, presented a proposed brochure on recycling and solid waste collection. He noted the seven convenience centers were open Monday, Wednesday, Friday and Saturday from 6:30am to 6:30pm. The transfer station was open Monday thru Friday, 7:00am to 4:00pm; and on Saturday 8:00am to 2:00pm.

Beginning this month if a holiday is on a weekday the convenience sites will be open the following day. He also noted staff would look at the cost of opening the convenience sites six days a week.

Board Appointments

The Clerk presented four vacancies on the Transportation Board; three applications had been received from current members: Joyce Poplin; Linda Mystic; and Chamber representative, Dawna Ledbetter.

Commissioner McPeters made a motion to approve all three as reappointments, second by Commissioner Vaughn. By a vote of 5-0 the motion was approved.

Public Shooting Range Agreement

Mr. Wooten presented an agreement from NC Wildlife Resources Commission (WRC) for the public shooting range. A copy of the agreement is with the agenda materials. The agreement listed each party's responsibility for the development and operation of the site. The WRC would provide design development, permits, construction, and compliance with all State and Federal laws. In addition the WRC would be responsible for obtaining WSFR grant funds to cover 90% of the cost of the total project estimated at approximately \$2,500,000. The WRC would provide all major repairs, and lead remediation.

The county would provide the non-federal match of 10%, which is estimated to be \$250,000; staffing for the facility with a certified range officer; and routine maintenance such as mowing, trash and litter pickup. The agreement would be in effect for 25 years.

Commissioner Greene made a motion to approve the Memorandum of Cooperative Agreement to Design, Permit, Construct, Operate and Maintain a Public Shooting Range Facility, second by Commissioner McPeters. Discussion followed. By a vote of 5-0 the motion passed. The facility plans will be posted in Mr. Ronald Harmon's office at 60 E Court Street.

Universal Engineering Contract

Mr. Wooten noted the county had received state grant funding to construct water and sewer lines on the undeveloped Universal property. He presented an engineering contract (copy with agenda materials) from the Wooten Company for approval for doing the project administration and design work. The administration is estimated to cost \$8,000 and the design/permitting is estimated to be \$83,000, which is covered by the state and local funds the Board had previously approved.

Commissioner McPeters made a motion to approve the agreement with The Wooten Company, second by Commissioner Vaughn. By a vote of 5-0 the motion was approved.

Sugar Hill-Montford Cove FD District Update

Mr. Craig Walker, Deputy EM Director and Fire Marshall, requested the Board to make adjustments to the fire district lines to account for the new substation (Station 2) in the Sugar Hill-

Montford Cove Fire District. Station 2 would serve the citizens of Zion Hill, Nix Creek, and Lytle Mountain areas with improved response times and lower homeowners insurance premiums.

Mr. Walker noted he and all Fire Chiefs that were involved in the change had met together and determined which fire district would benefit the citizen the most and that is where the new district lines were drawn. Mr. Walker praised the Chiefs for their cooperation and concern they had shown in the public's interest.

Mr. Wooten noted NC General Statute requires the Board to hold a public hearing before service district lines are changed. The Board will advertise and hold a public hearing for this purpose at next month's meeting. A copy of the map showing the new district lines, and a report would be in the Clerk's office for review.

Airport Runway Usage Agreement

Mr. Wooten noted there had been a verbal agreement for several years with the Marion Airport Commission for the Commission to provide runway access at Shiflet Field to the county and its partners in exchange for a small payment tied to the amount of taxes paid. The current expense is approximately \$2,300.

Mr. Wooten presented a simple written agreement for the Board if they wished to continue the arrangement. A copy of the agreement is with the agenda materials.

Vice Chair Brown made a motion to approve the agreement, second by Commissioner Greene. By a vote of 5-0 the motion passed.

Old Hendrix Farm/County Property Update

Mr. Wooten noted the county had purchased approximately 40 acres in the Nebo area for a future water treatment plant approximately five to six years ago. The county paid \$191,000 for the farm land which came with an old farmhouse and farm structures.

Staff had received an offer from Alan Ledbetter, a descendent of the Hendrix family to purchase just the area around the home for \$75,000. His offer was for the structures and about 3-5 acres.

Mr. Wooten noted the County had sold an easement to Crescent across some of the same area for \$60,000.

The McGill engineers recommended not selling the property due to the uncertainty of its use for the Lake James water plant.

Vice Chair Brown added if the property ever became available, he would like for the family to have an opportunity to purchase the old farmhouse. Discussion followed on the upset bid process if the property ever became available. Consensus from the Board was to remove a tree that had fallen on the back of the house, and have the maintenance department have the home sprayed for pest control. Commissioner Greene suggested having the Sheriff's Dept also add the property to their extra patrol area.

Commissioner Greene made a motion to decline the offer, second by Commissioner McPeters. By a vote of 5-0 the motion passed.

Mr. Wooten noted the prior owners had a grazing agreement with a gentleman who utilizes the property by keeping hay in the barn and cattle in the pasture. Vice Chair Brown noted that every

taxpayer who had an interest should have an opportunity to bid on using the property for their cattle to graze.

Commissioner Greene made a motion for staff to contact the Board attorney for the best way to handle the grazing issue, second by Vice Chair Brown. By a vote of 5-0 the motion passed.

Health Department Clinic Fee Request

Ms. Karen Powell, Foothills Health Director, presented a request to increase clinic fees. A list of the fees is with the agenda materials. The last fee increase was in 2014. A majority of the patients have Medicaid or fees are adjusted according to their income using the sliding fee scale. So even though fees would increase, the patient would not usually pay 100% of the fee.

The department is working on insurance credentials; currently they are only credentialed for immunizations, which means the department can't bill private insurance.

Vice Chair Brown made a motion to approve the clinic fees, second by Commissioner McPeters. By a vote of 5-0 the motion passed.

PUBLIC COMMENT

Chair Walker opened the floor for public comments at 6:17pm.

Amber Hollifield - spoke on Congenital Heart Defects Awareness Week February 7-14, 2020.

Vice Chair Brown made a motion to approve Proclamation on Congenital Heart Defect Awareness Week, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

Julia Read - requested the Board to opt out of the Refugee Resettlement and accepting refugees

Public comment ended at 6:22pm.

REPORTS AND COMMUNICATIONS

Mr. Wooten stated the Board had been invited to the Martin Luther King, Jr. program at Addie's Chapel, at 11am on Monday, January 20th. He also noted county facilities would be closed on Monday, January 20th for Martin Luther King holiday.

The Board had received an invitation to the McDowell Middle School FFA Chartering Ceremony February 4th at 6:00pm.

ADJOURNMENT

There being no further business to transact at this time, upon motion by Commissioner McPeters, second by Vice Chair Brown, the meeting was adjourned at 6:24pm.

DAVID N. WALKER
CHAIRMAN

CHERYL L. MITCHELL
CLERK TO THE BOARD