

**STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL COUNTY
BOARD OF COMMISSIONERS
REGULAR SESSION – JANUARY 14, 2019**

Assembly

The McDowell County Board of Commissioners met in Regular Session on Monday, January 14, 2019, 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

Members Absent

Brenda Vaughn

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

Approval of Minutes

Commissioner McPeters made a motion, second by Vice Chair Brown, to approve the November 29, 2018 Adjourned Session; December 3, 2018 Regular Session, and December 13, 2018 Adjourned Session minutes as presented. By unanimous vote, the motion carried.

Approval of Agenda

Mr. Wooten advised the Transit Department public hearing was advertised for 5:15pm and would need to be moved to that time.

Vice Chair Brown made a motion, second by Commissioner Greene to approve the agenda with the change. By unanimous vote 4-0, the motion carried.

Old Fort Elementary Project Update

Staff reported the Local Government Commission (LGC) had approved the financing request at their January 8th meeting. County Attorney Fred Coats is working with the school board attorney over details, and the closing should be before the end of the month.

Mr. Wooten reported he had spoken with Supt. Garrett and there would be a ground breaking in a couple of weeks and would advise when the date had been set.

Stacy Hill Road Water Project Update

The project is nearing completion, and then the master meter will be relocated.

Administration is in the process of notifying the nine to ten water customers who will be switched over from the city to the county. Communication is in progress with the city on the switch over.

Phase III Greenway Update

Mr. Wooten reported the construction contracts had been awarded to Baker Grading, and the preconstruction meeting will be this week. Target date for the ground breaking and start of construction is the last of January or first of February.

Chair Walker added there was discussion of forming a new committee with representation from the City, County and McDowell Trails Association (MTA). The committee will plan for long term and current projects. Mr. Wooten added after the federal government shutdown is over; staff will look to re-activate the committee comprised of the NC Forest Service, MTA, and county staff addressing issues at the Point Lookout Trail at Catawba Falls.

Transit Department Approvals

Chair Walker declared the Board in public hearing at 5:15pm pursuant to NCGS 153A-52.

Randall Conley, Transit Director, requested authority to submit a Community Transportation Program Application to the NC Department of Transportation. The request was for the period July 1, 2019 through June 30, 2020. The request was as follows:

Project:	Total Amount	Local Share
Administrative	\$184,373.00	\$27,657.00
Van Capitol	\$277,915.00	\$27,792.00
Operations	\$ 17,738.00	\$ 8,869.00
Total Funding Request	\$480,026.00	\$64,318.00

Chair Walker asked for comments from the public.

One person, Brandon Baker asked if the transit would only serve the city. Mr. Conley advised the McDowell Transit serves the entire county.

There were no other comments.

Commissioner McPeters made a motion to go out of public hearing at 5:20pm, second by Commissioner Greene. By a unanimous vote of 4-0, the motion carried.

Vice Chair Brown made a motion to approve the *Public Transportation Program Resolution*, second by Commissioner McPeters. By unanimous vote of 4-0, the motion carried.

Presentation of FY 2017-2018 Audit

April Westmoreland, Senior Manager, Assurance Services with JPS presented the 2017-2018 independent audit as required by the State of NC.

Ms. Westmoreland 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 just under 18%. Ms. Westmoreland credited Ms. Alison Bell on the good work her staff is doing. Ms. Westmoreland noted it takes 600+ man-hours to conduct the audit. The LGC had approved the audit.

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

Chair Walker spoke on the excellent job Ms. Bell and her staff does each and every year. He also expressed his appreciation to JPS.

No Wake Zone Public Hearing

Chair Walker declared the board in public hearing at 5:34pm pursuant to NCGS 75A-15.

Mr. Wooten noted this was the same No Wake Zone the Board held a public hearing on in November. The proposed No Wake Zone was 50 yards off the peninsula at Olde Wildlife Club. At last month's meeting the Board voted to hold another public hearing this month to receive input.

Chair Walker asked for public comments.

1. Lynn Watson spoke on the need for the no wake zone, and was the person who had initiated the process to make it a no-wake zone.
2. Helen Coitner spoke on a boat coming within 15 feet of her dock and knocking her granddaughter off the dock.
3. David Edwards spoke against open waters no wake zones, and spoke on behalf of the sportsmen who fish the lake. He had no problem as long as the buoy was within 25 feet of the shore at the point as the Wildlife officer noted on his report.

Commissioner McPeters made a motion to go out of public hearing at 5:54pm, second by Commissioner Greene. By a unanimous vote of 4-0, the motion carried.

Commissioner Greene noted the buoy would not block the main channel, and was only to protect the point and dock. Vice Chair Brown noted he wanted to protect the rights of the sportsmen, and ensure the lake is public property.

Commissioner Greene made a motion to approve the *No Wake Zone Resolution*, second by Commissioner McPeters. By a unanimous vote of 4-0, the motion carried.

Administrative Items

Jerry Ritchie presented a \$20 fee waiver request for disposing of a TV that he found on the side of the road.

Vice Chair Brown made a motion to approve the request, second by Commissioner Greene. By unanimous vote of 4-0, the motion carried.

Three request for fee waivers on the Nebo Water System due to water leaks:

Wanda Billings	\$63.63	
Suttles Enterprise	\$1,167.70	undetected leak was behind the building draining into I-40 drain pipe
Nora Reynolds	\$102.41	

Vice Chair Brown made a motion to approve the waivers, second by Commissioner Brown. By unanimous vote of 4-0, the motion carried.

Request was presented of EMS accounts totaling \$71,824.54 deemed non-collectible, and asked for write-offs. The reason was due to patient being deceased, illegal, or unable to locate.

Vice Chair Brown noted he would like to look into a better way to collect the fees due. He noted several of the write offs were from illegal immigrants. Mr. Wooten noted staff utilizes a collection agency.

Vice Chair Brown made a motion to approve the write-offs, second by Commissioner Greene. By unanimous vote of 4-0, the motion carried.

Budget Amendments

GF 14 Transfers between line items

GF15 Emergency Service- allocates funds for Florence Deployments

GF16 General Fund-transfer funds between departments

GF17 Library-adjust accounts due to reduction in State Aid revenue

GF18 Animal Shelter-appropriates donations

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

Courthouse Project Update

Previously the District Attorney's office requested the vacated Register of Deeds office space, as well as the former law library. Chuck Hamrick, Engineer had met with the contractor on the proposed changes. The contractor submitted their estimate of the change proposal of \$183,568 for the work on the first floor and the third floor.

Vice Chair Brown made a motion to proceed with the renovation of first and third floor, second by Commissioner McPeters. By unanimous vote of 4-0, the motion carried.

Mr. Wooten advised the weather has put a hold on installing the Charters of Freedom settings. The settings have been received, and as soon as the weather cooperates the contractor will finish the installation.

Tax Matters

Releases, Refunds, & Write-offs

Write-offs	\$ 570.93
Refunds	\$ 5,803.79
MV tax refunds	\$ 334.20
Releases over \$100	\$ 1,376.79
Discoveries	\$ 3,879.37

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

Pilot Plant Discussion

The Foothills Pilot Plant was a small animal processing facility that was very successful in its peak. Unfortunately the plant closed in October, 2017. The county owns the building and real property. Staff asked for direction from the Board on how to move forward with the building.

Mr. Wooten noted there were two small offices and a kitchenette, the rest of the building is for animal processing. The county attorney is researching what to do with the equipment in the building.

Consensus from the Board was for staff to get estimates for cleaning up the inside of the building, and catalog the equipment. The NC Forest Service has requested the awning, if the county decides to sell or dispose of items.

Offer for County Owned Property

Staff had received several offers for county-owned property over the last few weeks. Offers for three Wild Ridges lots had been advertised with no upset bids being presented. The county obtained the lots through tax foreclosures several years ago.

The lots are:

Lot 192	Pin 0696-59-5833	Offer \$500
Lot 186	Pin 0697-60-2600	Offer \$500
Lot 137	Pin 0697-51-2027	Offer \$500

Commissioner Greene made a motion to sell the property, second by Commissioner McPeters. By unanimous vote of 4-0, the motion carried.

Resolution for Establishing Review Officers

Due to staff changes, Tammy Wylie, Tax Assessor submitted a request for a *Resolution Establishing a Review Officer for Map Law Changes*. The individuals listed have the ability to sign off on plats to be recorded in the register of Deeds office.

Vice Chair Brown made a motion to approve the *Resolution Establishing a Review Officer for Map Law Changes*, second by Commissioner Greene. By unanimous vote of 4-0, the motion carried.

Request to Purchase Garbage Truck

Randall Thomas, Public Works Director, requested the Board to authorize the purchase of a garbage truck due to the age and condition of one of the two the county owns. The oldest truck is a 2008 model, and when the 2014 model is down the older model is being used more. Mr. Thomas had looked at the purchasing program under State Contract and the Sheriff's Procurement program and there were no vehicles available.

Mr. Wooten also presented a reimbursement resolution in the event the staff found an on-lot truck.

Commissioner Greene made a motion to approve the purchase of a garbage truck, and *County of McDowell, North Carolina Declaration of Official Intent to Reimburse*, second by Vice Chair Brown. By unanimous vote of 4-0, the motion carried.

PUBLIC COMMENT

Chair Walker opened the floor for public comments at 6:32pm.

1. Brandon Baker- noted the Banks Trailer Park was a huge eyesore and needed to be cleaned up; requested books in the law library if the county was going to dispose of them.

Public comment ended at 6:38pm.

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 21st. He also noted county facilities would be closed on Monday, January 21st for Martin Luther King holiday. The Board was also invited to the McDowell County Rescue Squad 60th Anniversary on Saturday January 19th at 1:00pm at the station located 186 State Street, Marion.

ADJOURNMENT

There being no further business to transact at this time, upon motion by Commissioner Greene, second by Vice Chair Brown, the meeting was adjourned at 6:39pm.

DAVID N. WALKER
CHAIRMAN

CHERYL L. MITCHELL
CLERK TO THE BOARD