

**STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL COUNTY
BOARD OF COMMISSIONERS
REGULAR SESSION – MARCH 11, 2019**

Assembly

The McDowell County Board of Commissioners met in Regular Session on Monday, March 11, 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, and 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 at 5:00pm. The invocation was given by Ivan Baker, followed by the pledge of allegiance led by the Nebo Crossing Boys Basketball team.

Approval of Minutes

Vice Chair Brown made a motion, second by Commissioner Greene, to approve the February 11, 2019 Regular Session, February 18, 2019 Recess Session, and March 4 Special Session minutes as presented. By unanimous vote, the motion carried.

Approval of Agenda

Mr. Wooten requested to add a closed session to discuss a personnel matter.

Commissioner Greene made a motion, second by Commissioner Vaughn to approve the agenda with the addition. By unanimous vote 5-0, the motion passed.

Recognition of Nebo Crossing Team

Chair Walker presented a resolution for approval in honor of the Nebo Crossing Basketball team winning the state championship.

**RESOLUTION IN HONOR OF THE NEBO CROSSING CHRISTIAN ACADEMY
BOY'S BULLDOGS BASKETBALL TEAM**

WHEREAS, the McDowell County Board of Commissioners wishes to recognize the outstanding performance by the student athletes and the coaches of the Nebo Crossing Christian Academy Boys Basketball team during the 2018-2019 basketball season; and,

WHEREAS, the Nebo Crossing Christian Academy Boys Basketball team advanced through the Carolina State Athletic Association winning the state championship with a 57-55 hard fought victory over Oak Level, and,

WHEREAS, this is the first state championship for the six-year-old school; and

WHEREAS, it is appropriate and fitting for the McDowell County Board of Commissioners to recognize and congratulate Head Basketball Coach James Manthe; Assistant Coaches Daniel Garner, Kolten Hildebrand, and Anthony Swepson; Team Managers Cayden Dellinger, and Jaxon Winchenbach; and Team Members Ian Baker, Adam Condrey, Jacob Walker, Luke Condrey, Bryson Swepson, Jalen Winchenbach, Daniel Garner, Alec Condrey, Orion Hess, and David Bassett; now, therefore,

BE IT RESOLVED by the members of the McDowell County Board of Commissioners that the student athletes and coaching staff of Nebo Crossing Christian Academy Boys Basketball team are to be congratulated on winning the Carolina State Athletic Association State Championship.

ADOPTED this 11th day of March, 2019

Attest:

David Walker, Chair
McDowell County Board of Commissioners

Cheryl L. Mitchell, Clerk to the Board

Vice Chair Brown made a motion to approve *RESOLUTION IN HONOR OF THE NEBO CROSSING CHRISTIAN ACADEMY BOYS BULLDOGS BASKETBALL TEAM*, second by Commissioner McPeters. By a vote of 5-0 the motion passed.

Recognition of Dr. William Maddox

Mr. William Kehler, EM Director, recognized Dr. William Maddox, recently retired cardiologist from Mission Hospital. Dr. Maddox worked for many years as the local representative to the RACE Program (Reperfusion of Acute MI in Carolina Emergency Departments). Dr. Maddox was instrumental in developing world-class cardiac care for citizens known as the CODE STEMI Program. Dr. Maddox also advocated for EMS paramedics and the continued advancement of emergency care.

Dr. Maddox recognized the excellent service of the EMS paramedics in McDowell County.

Chair Walker gave thanks on behalf on the board for the paramedics, Mission Hospital, and Dr. Maddox. He then presented a *Resolution of Appreciation for Dr. William Maddox* for approval.

RESOLUTION OF APPRECIATION FOR DR. WILLIAM MADDOX

WHEREAS, Dr. William Maddox was born in Rome, Georgia, and attended the Medical College of Georgia; and

WHEREAS, Dr. Maddox began his medical career at Parkland Hospital in Dallas, Texas with a focus on internal medicine; and

WHEREAS, Dr. Maddox began his study of cardiology in 1982 with a fellowship at the University of Alabama – Birmingham; and

WHEREAS, Dr. Maddox began his career at Mission Health in 1982, where he worked to pioneer chemical treatment of heart attacks; and

WHEREAS, he served as the representative of the RACE (Reperfusion of Acute Myocardial Infarction in Carolina Emergency Departments) for nearly fifteen years; and

WHEREAS, while the number of lives he has directly saved in the lab and indirectly saved through his support of McDowell EMS is unknown, the support of Dr. Maddox over his 36 years of employment with Mission Hospital has undoubtedly been felt by thousands of patients throughout Western North Carolina.

NOW, THEREFORE, BE IT RESOLVED that the McDowell County Board of Commissioners do hereby express their appreciation for the hard work and dedication of Dr. William Maddox and for his years of support for McDowell EMS.

Adopted this day, the 11th of March, 2019

ATTEST:

David N. Walker
Chairman

Cheryl L. Mitchell
Clerk to the Board

Commissioner McPeters made a motion to approve the *Resolution of Appreciation for Dr. William Maddox*, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

Economic Development Public Hearing

Chair Walker declared the board in public hearing at 5:33pm.

Mr. Chuck Abernathy, MEDA Director, requested an incentive of \$7,500 to participate in the NC Building Reuse Program for an existing company. The company will hire 12 new employees, and will invest \$850,000 in their current location.

Public comments:

Wendy Oetjen asked what the salaries and skill levels would be for the jobs.

Mr. Abernathy noted the jobs would be better than \$35,000 with benefits. Ms. Oetjen also asked if the low unemployment rate in the county is an issue for the company.

Commissioner McPeters made a motion to close the public hearing at 5:42pm, second by Commissioner Greene. By a vote of 5-0, the motion passed.

**Resolution for the County of McDowell Application for
NC Department of Commerce Building Reuse Project Rockhound**

WHEREAS, the McDowell County Board of Commissioners have previously indicated its desire to assist in economic development efforts within the County and,

WHEREAS, the Board wishes to pursue a formal application for NC Department of Commerce funding to benefit a manufacturing company in the renovation of their building project which would create new permanent jobs in a building located in McDowell County and,

WHEREAS, the Board certifies it will meet all requirements of the Building Reuse Program including the required five percent local match of \$7,500.

NOW, THEREFORE BE IT RESOLVED, that the County Manager is authorized to submit a formal application to the NC Department of Commerce for the Building Reuse Grant Program for said project.

ADOPTED this the 11th day of March, 2019.

ATTEST:

Cheryl L. Mitchell, Clerk to the Board

David N. Walker, Chair

Commissioner Greene made a motion to approve the *Resolution for the County of McDowell Application for NC Department of Commerce Building Reuse Project Rockhound*, and move ahead with the project, second by Commissioner McPeters. By a vote of 5-0 the motion passed.

Universal Property Updates

Lease Approval

Mr. Abernathy requested approval for a lease agreement for Project Patio. The Board held a public hearing for the project a last month's meeting. The company will hire 30 employees, and invest \$750,000. MEDA is applying for a NC Building Reuse Grant for \$60,000, with a match from the county and tenant providing part of the match. There would be electrical and plumbing upgrades; enlarging the dock door; converting heat to natural gas; and painting and cleaning.

Commissioner McPeters made a motion to move forward with the project, second by Commissioner Vaughn. By a vote of 5-0

Commissioner Greene made a motion to approve the lease, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

Access Road Grant

Mr. Abernathy noted the Appalachian Regional Commission (ARC) grant is currently \$600,000 to go toward the construction of two roads on the Universal property. The request was for \$10,000 now to begin surveying and \$40,000 in the 2020 fiscal year.

Mike Lavoy, A.C.E. Environmental, gave a presentation on the potential construction on the first road tentatively called Pond Road. Pond Road would have a 5-14% grade and a gravel bed road to overlook the pond. There would also be a cul-de-sac at the end of Pond Rd. The funding would also construct about 800 ft of Shell Road. The company has been working with NCDOT to have the environmental study done.
shovel ready site 100,000 sf bldg- \$550,000

The second request was to use Mike Lavoy with ACE Environmental for the design work. Mr. Lavoy gave a presentation on the scope of the work.

Discussion was held on the timeframe of the project.

Commissioner Greene made a motion to go ahead with the project, second by Commissioner McPeters. By a vote of 5-0 the motion passed.

Wayfinding Signage Agreement

Ms. Carol Price, TDA Director, presented a Wayfinding Signage Agreement for board approval. The TDA would be financially responsible for one hundred percent of the costs for materials and labor for the installation of new or replacement signage. A copy of the handout is with the agenda materials. There would be approximately 45 signs.

Vice Chair Brown made a motion to approve *Interlocal Agreement Between McDowell County and McDowell Tourism Development Authority (TDA) Regarding Wayfinding Signage*, second by Commissioner Greene. By a vote of 5-0 the motion passed.

Ms. Price gave handouts to the Board on the upcoming Gold Festival.

Muddy Creek Watershed Update

Bob Yutzy gave a presentation on a couple of the watershed dams, the first being the Louder Dam. The Louders sold their property and the new owners do not want people coming by and checking the dam. After researching it doesn't appear the county has a right of way to the dam. REMC has a right of way into the dam, and they requested the county get a right of way beside of theirs.

The second issue was the Cooke dam. The dam is undrainable at this time due to the drain being stopped up. An estimate for the project is \$41,000 not including the slide gate. Estimated cost of the slide gate was just under \$1,000.

Steven Banner recommended pumping the water out, evaluate, repair and close the gate. The second option would be to hire an underwater construction team to repair the damage.

Chair Walker left at 6:39 and returned at 6:41pm.

Commissioner Greene asked if there was a plan in place for preventative maintenance. Mr. Banner noted members of the Soil and Water Board do an annual visual inspection which was conducted last week. Commissioner Greene and Vice Chair Brown, as well as Mr. Wooten toured all of the nine dams in the Muddy Creek Watershed.

Vice Chair Brown asked staff to contact legislative officials asking for the surrounding counties to help with financial responsibility of the upkeep of the dams.

County Attorney Fred Coats suggested reaching out to the Catawba Valley Coalition. He also noted he is researching the Louder Dam right of way.

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

Property Revaluation Update

Tim Cain noted there had been 814 appeals the first week since revaluation notices had been mailed. He also noted field inspections had begun by the staff. Each inspector will wear an orange safety vest with TAX OFFICE on the back of the vest. Each vehicle will also have a REVAL OFFICER sign on the vehicle.

Mr. Cain noted there are 32,000 parcels under the tax revaluation.

Trail Agreement

Mr. Wooten presented as a second reading the *Interlocal Agreement between the City of Marion, McDowell County, and the McDowell Trails Association Concerning Trail Maintenance and Development*.

The agreement notes the three entities will meet quarterly with at least two representatives of each party. The city and county would cost share for repairs to affected areas. A copy of the signed agreement is located with the Purchasing Officer in the Finance Department.

Commissioner Greene made a motion to approve the *Interlocal Agreement between the City of Marion, McDowell County, and the McDowell Trails Association Concerning Trail Maintenance and Development*, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

Courthouse Project Update

Mr. Wooten gave an update on the basement of the new courthouse construction. A blueprint was presented of potential offices for the Public Defenders offices.

Vice Chair Brown made a motion to submit a resolution to Rep. Josh Dobson requesting funds to help with the construction of the offices, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

Commissioner Greene made a motion to get architectural drawings and estimates for the offices, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

MATCH Program Discussion

Mr. Wooten noted the Board had heard a presentation from the McDowell Access to Care and Health (MATCH) program at their previous meeting. The program requested the county to be a backup fiscal agent in the event the current entity had to back out of the program

in the next two years due to the Medicare reform. Funds could be added to cover the cost of administrating the grant.

Commissioner Greene made a motion to move forward with overseeing the grant, second by Commissioner McPeters. By a vote of 5-0 the motion passed.

Vice Chair Brown left at 7:14pm.

Administrative Items

Request was presented for a \$55 shutoff fee waiver against the US Forest Service that occurred during the federal government shutdown.

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

The next item was a list of EMS accounts that were presented at the February meeting for write-off. There was a page omitted from the accounts, staff requested the board to reapprove the write-offs totaling \$401,291.03.

Vice Chair Brown returned at 7:17pm.

Commissioner Vaughn made a motion to approve the EMS write-off of \$401,291.03, second by Commissioner Greene. By a vote of 5-0, the motion passed.

Request was presented for a waiver on late fees and penalties from May 2018 to the present due to a VRBO owner unaware that none of his occupancy taxes or NC sales taxes had been paid. The owner has now paid all current and past due occupancy taxes.

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

Staff noted the Finance Department had an open tipping/solid waste account that had accumulated a large amount of late fees. The business was sold about 10 years ago, and the former owner had paid a large portion of the original amount that was owed, and requested the balance of \$11,742.97 be waived. The person who bought the business kept accruing fees under the former owner's name.

Vice Chair Brown made a motion to approve the waiver, second by Commissioner McPeters. Discussion was held regarding finding the person who was using the former business name. By a vote of 5-0 the motion passed.

Budget Amendments

GF 31 – Transfers between line items under \$3,000

GF 32 – Allocated reserved funds for Keep McDowell Beautiful

GF 33 – Transfer between line items and appropriates revenue in Emergency Services

GF 34 – Allocates EMS revenue for collection costs

- GF 35 – Appropriates reserved funds for the Cable TV project
- GF 36 - Transfers between line items in Facility Maintenance
- GF 37- Appropriates reserved funds for the Library
- GF 38 – Transfers fund between line items in Waste Collections
- GF 39 – Appropriates reserved funds and allocates additional revenue in Register of Deeds
- GF 40 – Appropriates reserved funds and allocates additional revenue in the Sheriff's budget.
- GF 41 – Allocates additional revenue at DSS
- GF 42 – Transfers between line items in Tax Assessing
- GF 43 – Appropriates revenue in the ABC bottle tax
- GF 44 – Appropriates additional sales tax reimbursement
- GF 45 – Appropriates Recreation program revenue
- REVF1 – Appropriates revaluation fund balance for contract amendment
- ENT2 – Appropriates revenue in the Enterprise Fund (Waste)
- NWENT2 – Allocates revenue in the Enterprise Water Fund
- 911F2 – Appropriates fund balance and transfers between line items in the 911 Fund
- SI1 – Allocates revenue for the Self Insurance Fund

Commissioner Greene made a motion to approve budget amendments GF 31-GF 45; REVF1; ENT2; NWENT2; 911F2; and SI1; second by Commissioner McPeters. By a vote of 5-0 the motion passed.

Litter Discussion

Mr. Wooten noted several of the Commissioners had been receiving calls about roadside litter. Discussion was held on litter education and fines being assessed by the Sheriff's Department. NC DOT now hires private contractors to replace inmate labor on the major highways due to being more cost effective. It was also noted the Sheriff's Dept. could use Community Service Workers to pick up trash, and possibility of reward from Crime Stoppers for turning in those throwing trash on the roadways. Suggestion was made of the Planning Board look at fines for those who are caught littering.

Vice Chair Brown made a motion to send the litter issue to the Planning Board, second by Commissioner McPeters. By a vote of 5-0 the motion passed.

Commissioner McPeters made a motion to have staff write a resolution to petition the state for legislature to increase fines for littering, second by Vice Chair Brown. By a vote of 5-0 the motion passed.

Tax Matters

Releases, Refunds, & Write-offs

| | |
|----------------------|-----------|
| Refunds | \$ 937.45 |
| MV tax refunds | \$ 349.40 |
| Releases over \$100 | \$ 179.69 |
| Releases under \$100 | \$ 62.89 |
| Discoveries | \$ 476.27 |

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

Board Appointments

The Isothermal Planning and Development Commission Board (IPDC) presented as a second reading the expiration of Dean Buff and Ashley Wooten's terms.

Vice Chair Brown made a motion to appoint Dean Buff and Ashley Wooten to the IPDC Board, second by Commissioner McPeters. By a vote of 5-0 the motion passed.

The IPDC/Region C Workforce Development requested reappointment of Mark Weber and Nikki Pittman. Both members fill a specific requirement for the Region C. This was a first reading.

The Planning Board and Transportation Advisory Board both had vacancies, and were presented as a first reading.

Records Retention Schedule

The General Schedule for Local Government Agencies from the Natural and Cultural Resources office was presented for approval.

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

Resolution of Support for Passenger Rail Connection

The City of Marion requested approval of a *Resolution in Support of a Statewide Initiative for Legislative Funding to Re-Establish a Passenger Rail Connection for WNC*. A proposed bus shuttle service would connect Asheville to Salisbury and points in between to the Amtrak network. Mr. Wooten noted there was a possibility the General Assembly would approve the funding as part of this year's budget.

Vice Chair Brown made a motion to approve *Resolution in Support of a Statewide Initiative for Legislative Funding to Re-Establish a Passenger Rail Connection for WNC*, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

Citizen Comment

Chair Walker opened the floor for public comments at 7:37 pm.

Judy Long spoke on the amount of litter along the roadsides in the county.

Jack Racker with Lake James Environmental Assoc. noted the budget for Keep McDowell Beautiful (KMB) had been cut by \$500. Recommended giving more money to KMB, also would like to see the county provide a truck and trailer when there are clean ups at the greenway. He would also like to see the names of the litterbugs published.

Public comment ended at 7:48 pm.

Reports and Communications

Commissioner McPeters made a motion to go into closed session at 7:50pm, second by Commissioner Greene. By a vote of 5-0 the motion passed.

Commissioner Greene made a motion to go out of closed session at 8:13pm, second by Vice Chair Brown. By a vote of 5-0 the motion passed.

Adjourn

There being no further business to transact at this time, upon motion by Commissioner Greene recess to Monday, March 18th at 11:30am at DSS Conference Room, second by Commissioner Vaughn, the meeting was recessed at 8:15pm.

DAVID N. WALKER
CHAIRMAN

CHERYL L. MITCHELL
CLERK TO THE BOARD