

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

ASSEMBLY

The McDowell County Board of Commissioners met in Regular Session on Monday, March 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; Tony Brown; Matthew Crawford, and Lynn Greene.

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 Brown, followed by the pledge of allegiance, led by Commissioner Greene.

APPROVAL OF MINUTES

Commissioner Crawford made a motion, second by Vice Chair McPeters, to approve the February 12, 2018 Regular Session; and February 27, 2018 Adjourned Session minutes as presented. By unanimous vote, the motion carried.

APPROVAL OF AGENDA

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

SENIOR GAMES PRESENTATION

Brenda Monosso, organizer of the Senior Games at the Senior Center extended a challenge to the Commissioners over the age of 50 to participate in the games. For those under the age requirement she challenged them to volunteer at the games. The challenge also included Ashley Wooten and Cheryl Mitchell.

OPIOID LITIGATION DISCUSSION

Mr. Wooten noted Chairman Walker, Commissioner Greene, and County Attorney Fred Coats had met with legal firms offering to represent the county in a lawsuit for a percentage of any damages awarded. The fee would be 25% plus expenses. There would be no county funds spent in the event of a favorable or unfavorable ruling. The county has seen an increase in EMS calls, children in foster care, drug abuse cases and other drug related cases that have caused an increase in funding for county agencies.

Attorney Coats noted the purpose is to address the additional cost the county has incurred due to the Opioid abuse. He noted the contract was a no win/no cost; plus no cost unless the case is successful.

Mr. Kehler spoke on the drug abuse his department has seen since the crackdown on meth.

Attorney Coats noted the prescription drug distributors were to report abuse to the DEA. The distributors were telling the physicians the drugs were not addicting, and were not reporting the excessive prescriptions to the DEA.

Commissioner Crawford made a motion to approve the *Resolution*, and approve *Authority to Represent*, second by Commissioner Greene. By unanimous vote, the motion carried.

SHOOTING RANGE UPDATE

Staff and Commissioner Brown attended the Wildlife Resources Commission Lands Committee meeting in Raleigh. All of the committee's comments were very positive. The committee requested WRC staff and the county seek additional funding from non-WRC sources to assist with the project costs, specifically the entrance road.

Mr. Wooten noted Senator Hise's office is working on funding for the entrance road.

COURTHOUSE PROJECT UPDATE

Mr. Wooten noted the financing package for the courthouse project had been sent to the Local Government Commission. The LGC will meet in early April to consider the request, which if approved the construction contract could be executed the next day.

STACY HILL ROAD WATER LINE UPDATE

Mr. Wooten advised the construction bids were opened on March 1st, and the lowest bid was approximately \$1.3M. The anticipated estimate was \$1M; therefore the engineer is currently reviewing the bids and will make suggestions on reducing the cost to bring it in line with available funding. One possible solution would be to use an 8" line instead of a 12" line.

TRANSIT DEPARTMENT UPDATE/LEASE

Mr. Randall Conley, Transit Dept. Director, presented a lease for office space and parking lot from Foothills Industries for the Transit Department. The lease was for \$9,535 per year, and a portion of the amount would be paid with NCDOT funds. The move would free up space at the DSS building in addition to freeing up parking space at the Fort Street lot. NC Tracks would be conducting a site visit later this month at the location the department would be operating from. If the lease is approved the Transit Dept could immediately begin the move for the inspection.

Commissioner Brown made a motion to approve the lease agreement, second by Commissioner Greene. By unanimous vote, the motion carried.

CATAWBA RIVER GREENWAY UPDATE

Mr. Wooten advised the state funding for the trail length is now planned to run for about a mile from Old Greenlee Road to Roby Conley Road. Due to the additional design, permitting, and supervision, the engineer had sent a contract for approval for the additional work. The additional work totals \$113,640, which a large portion is for flood modeling/permitting that is required due to the construction of a bridge over Nix Creek.

Chair Walker acknowledged the work of the McDowell Trails Association and the partnership of the City of Marion.

Commissioner Crawford made a motion to approve the McGill Engineering proposal, second by Vice Chair McPeters. By unanimous vote, the motion carried.

UNIVERSAL PROPERTY COVENANTS

The Universal Property Covenants were presented as a second reading. The document gives the Board control over parcels that may be carved out of the large county-owned tract. Attorney Coats had reviewed the Covenants.

Vice Chair McPeters made a motion to approve the Universal Property Covenants as well as the grant application, second by Commissioner Brown. By unanimous approval, the motion carried.

Mr. Wooten presented an application for grant funds to supply the undeveloped property with water and sewer. The grant did not require any matching funds.

Commissioner Brown made a motion to approve filing the grant application, second by Vice Chair McPeters. By unanimous approval, the motion carried.

EMERGENCY SERVICES UPDATE

Mr. William Kehler, EM Director gave an annual report on Emergency Services. He noted due to the department's Community Care Paramedic Program there had been a decline of 4.1% in call volume; transport volume down 4.4%; total miles down 6.6%; staging comparison down 12.7%; and helicopter usage down 40%. The Community Care program began in 2013 and is grant funded until June 2018.

The EM department is currently working toward 8 years without a lost time accident. The department received 9.13 out of 10.0 after their last inspection from the Department of Insurance.

Mr. Kehler stated his department is currently accepting applications for the intern program.

The Commissioners expressed their appreciation to Mr. Kehler and the department for the great work they are doing.

WATERSHED ORDINANCE PUBLIC HEARING

Mr. Ronald Harman presented as a second reading the Watershed Ordinance and Watershed Map revision. The revision includes the section of the county that is now considered part of the Lake James watershed.

Chair Walker declared the Board in Public Hearing pursuant to NCGS 153A-323, and asked for comments from the public.

Jack Raker asked where a copy of the ordinance could be found. Mr. Wooten responded a copy was available in the Clerk's office.

Commissioner Crawford made a motion to go out of public hearing, second by Vice Chair McPeters. By unanimous vote, the motion carried.

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

SPAULDING ROAD GREENWAY UPDATE

Recent storms caused massive erosion around one of the greenway bridges. The bridge had to be moved. Staff asked for authorization to proceed with design from the original engineer Withers and Ravenel to plan a replacement.

Commissioner Brown made a motion to allow staff to proceed with getting work and repair cost estimates, second by Commissioner Greene. By unanimous vote, the motion carried.

ADMINISTRATIVE ITEMS

Budget Amendments

Mr. Wooten presented a leak adjustment for \$160.27 for the Sherrill household.

Commissioner Crawford made a motion to approve the adjustment, second by Vice Chair McPeters. By unanimous vote, the motion passed.

Mr. Wooten presented a *Resolution Approving Financing Terms* for one Model DS200 Digital Elections System for the Board of Elections. He added there is only one approved vendor (ES&S) for the State of NC. The low financing bid for \$135,014 was from First Citizens at 3.9% for four years (8) semi-annual payments in arrears beginning September, 2018.

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

Mr. Wooten presented a request for a cardboard baler for Public Works. The current 20 year old baler needs replacement immediately. The department is currently hauling loose cardboard to Conover. He asked for approval of *County of McDowell, NC Declaration of Official Intent to Reimburse Resolution*.

Commissioner Crawford made a motion to approve up to \$75,000 for reimbursement and *County of McDowell, NC Declaration of Official Intent to Reimburse Resolution*, second by Commissioner Brown. By unanimous vote, the motion was approved.

Mr. Wooten presented a request from the Sheriff's Office to trade 16 county purchased firearms and 83 seized firearms to Lawmen's Law Enforcement Equipment. The trade-in value received will be used towards purchasing new law enforcement equipment as needed for the Sheriff's Office.

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

GF 36 – Appropriates cable revenue for the cable TV fund.

GF 37 – Appropriates cable revenue for the cable TV fund.

GF 38 – Transfers between line items to cover January COLA and self-insurance costs.

GF 39 – To record the loan for the Chevrolet Equinox vehicles at DSS

GF 40 – Appropriates additional revenue at DSS.

911F3 – Transfers funds between line items and appropriate fund balance in the 911 fund.

Commissioner Crawford made a motion to approve GF36-40 and 911F3 budget amendments as presented, second by Commissioner Brown. By unanimous vote, the motion carried.

WATERSHED DAM OVERVIEW

Chair Walker declared the Board in Public Hearing.

Evan Crawley, Technician formerly with the Soil and Water District gave a presentation on the flood control dams in the Muddy Creek Watershed.

McDowell has nine (9) water controlled structures the county has fiscal responsibility for. After building the structures in 1950's and 1960's the Federal government gave property rights and easements to the county. The oversight of the dams and responsibility for being in compliance is given to the Muddy Creek Watershed Protection Board, Soil and Water staff, and Board members.

The dams are listed by name, date built, and gallons they hold:

Ashworth #2	1971	28 million	Classified as High Hazard
Lemontree #3	1985	25 million	
Anderson #4	1976	56 million	
Huntsville #6/6A	1968	10 million	
Nebo #8	1964	110 million	Classified as High Hazard
Cooke #15	1963	25 million	
Lowder #16		dry dam	
Boy Scout #19	1961	53 million	
Wilson #20	1961	10 million	

Mr. Crawley noted there are Emergency Action Plans for each dam structure. Attorney Fred Coats noted previous longtime Board member Doc Buckner was very instrumental in getting the dams built and operating. Mr. Crawley added the concrete and iron dams had been submerged for 40-50 years, and they must be maintained with yearly inspections.

Rose Pinkul- how do chicken farms effect flooding?

Stephen Banner explained the County had never had chicken farms flooded; and the Department of Water Resources specialist inspect the chicken farms for water quality regularly.

Vice Chair McPeters made a motion to go out of public hearing, second by Commissioner Crawford. By unanimous vote, the motion carried.

TAX MATTERS

- **Releases, Refunds, & Write-offs**

MV tax refunds	\$ 55.64
Releases under \$100	\$ 1,417.24
Releases over \$100	\$ 1,057.07
Write-offs	\$ 209.12

Commissioner Crawford made a motion to approve all tax matters, second by Vice Chair McPeters. By unanimous vote, motion carried.

REPORTS AND COMMUNICATIONS

Mr. Wooten reported on the following:

Monday, March 19, at 6:00pm will be the 4-H Achievement Night with dinner and program.

PUBLIC COMMENT

Marilyn Foreman- survey conducted on importance of spay and neuter- do you agree in spay and neuter 553-yes 36-no 3-no opinion

Ramona DeAngelis – propose change in by-laws of the Animal Shelter to allow volunteers. Volunteer training could be done by Brother Wolf.

ADJOURNMENT

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

DAVID N. WALKER
CHAIRMAN

CHERYL L. MITCHELL
CLERK TO THE BOARD