

**STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL COUNTY
BOARD OF COMMISSIONERS
REGULAR SESSION – MAY 13, 2019**

Assembly

The McDowell County Board of Commissioners met in Regular Session on Monday, May 13, 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

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 the SkillsUSA winners.

Approval of Minutes

Commissioner McPeters made a motion, second by Commissioner Vaughn, to approve the April 8, 2019 Regular Session; April 15, 2019 DSS Regular Session; and April 29th Recessed Session minutes. By a vote of 5-0, the motion passed.

Approval of Agenda

Commissioner Greene called for a Closed Session to be added to the agenda to discuss an employee matter, second by Commissioner McPeters. By a vote of 5-0 the motion passed. The item was added under New Business-Item G.

Recognition of SkillsUSA Students

The Career Technical Education (CTE) Director, Mary Finley spoke on the success of the program and recognized students who had placed in the NC Skills USA competition recently held in Greensboro. The contest was the largest ever with other 2,500 students competing in 120 contests. For the fifth straight year the EMT 1st place winner was from McDowell. The first place winners will now go to compete in the national level at Louisville, KY and there will be over 7,000 students at the event.

The winners and divisions were:

McKale McKinney – 1st place - Advanced Manufacturing

Andruw Randolph 1st place – Criminal Justice
Bryce Allison 2nd place – Criminal Justice
Emma Sutton 3rd place – Criminal Justice

Harlie Laws 1st place – EMT

Jared Tilson 4th place – Community Emergency response Team (CERT)

Recognition of Emergency Services Interns

Mr. Charles Autrey, CTE Instructor, recognized three interns:

Blain Williams-EMS and 9-1-1 Communications Center
 Harlie Laws – Rescue Squad
 Joseph Davidson – Rescue Squad

Mr. William Kehler, EM Director, spoke about the intern program and how the Academy has consistently supplied great students for the agency.

Mr. Ray Hollifield, Capt. of Rescue Squad added all three interns had a great work ethic and was very proud to have had them work in the organization.

Shooting Range Update

The property appraisal was recently completed by Frank Dean and was submitted to NC Wildlife Resources Commission (WRC). His appraisal of the property was \$952,500. The NC WRC will work with the federal funding partners to review the two appraisals and determine how much funding will be made available for the project.

Also, staff had spoken with the District Engineer with the NC DOT in regards to the access road and bridge that will need to be built. It is in the designing process now.

Greenway Project Update

There will be a groundbreaking ceremony May 14th at 2:30pm at Phase III of the Greenway. The project partners, McDowell Trail Association and City of Marion had been invited to participate. Phase III is on Old Greenlee Road. Due to recent rains, the completion date might be delayed.

Sales Tax Agreement

Several years ago prior Board members put in place an agreement for the distribution method for sales tax revenues with the City based on population. For the last 3-5 years the agreement guaranteed the City a payment of at least \$140,000. Current Board members asked for the agreement to phase out, and had approved a phasing out process at last month's meeting. The City asked for a delay of one year or charging the City half of the costs for dispatching services in 2019-2020.

Staff looked up the City of Marion population and discovered the population had grown by 500 citizens. Due to that increase the City would actually gain \$120,000 this year. Due to that increase there was no action by the Board to change the decision made at last month's meeting.

Health Department Resolution

The Rutherford Polk McDowell Health District will change effective July 1 due to the departure of Polk County from the Health District. Ms. Karen Powell, Health Director, requested approval of the following resolution for a new board setup of 15 members, the county's continued participation in the district, and a name change to Foothills Health District.

CONCURRING RESOLUTION OF THE MCDOWELL COUNTY BOARD OF COMMISSIONERS CONFIRMING MEMBERSHIP WITH RUTHERFORD COUNTY IN THE FOOTHILLS HEALTH DISTRICT Effective Immediately After Midnight of June 30, 2019 and Provisions Regarding The

Governance And Membership of the Foothills District Board Of Health and the Continuation of Public Health Rules, Policies and other matters

WHEREAS, Rutherford, Polk, and McDowell Counties have worked together since the 1970s as part of the Rutherford-Polk-McDowell Health District as authorized in by concurring resolutions of the Boards of Commissioners for these three counties under N.C.G.S. 130A-36; and

WHEREAS, the County Managers for Rutherford and McDowell Counties have been advised that the Board of Commissioners for Polk County voted in April of 2019 to withdraw Polk County from Rutherford-Polk-McDowell Health District pursuant to N.C.G.S. 130A-38(a) with withdrawal effective at midnight on June 30, 2019; and

WHEREAS, the Boards of Commissioners for Rutherford and McDowell Counties recognize that a unified purpose and direction of the public health systems is necessary to ensure that all citizens in their jurisdictional areas have equal access to essential health services; and

WHEREAS, after due and diligent consideration, the Boards of Commissioners for both Rutherford and McDowell Counties concur and jointly resolve pursuant to N.C.G.S. 130A-36 that it is in the best interest of their counties to continue to work together as a district health department to be comprised of Rutherford and McDowell Counties effective immediately after midnight on June 30, 2019; and

WHEREAS, the Boards of Commissioners for Rutherford and McDowell Counties concur and jointly resolve to name the district health department that will be comprised of Rutherford and McDowell Counties as the "Foothills Health District" with this name to be effective immediately after midnight on June 30, 2019; and

WHEREAS, the Boards of Commissioners for Rutherford and McDowell Counties declare that the mission of the Foothills Health District is to promote and contribute to the highest level of health possible for the people that they serve; and

WHEREAS, pursuant to N.C.G.S. 130A-36, N.C.G.S. 130A-37(a), and N.C.G.S. 130-37(b), the Boards of Commissioners for Rutherford and McDowell Counties concur and jointly resolve to name the governing body of the "Foothills Health District" as the "Foothills District Board of Health"; and

WHEREAS, pursuant to N.C.G.S. 130A-37(a) and N.C.G.S. 130A-37(b), the Boards of Commissioners for Rutherford and McDowell Counties concur and jointly resolve to set the membership of the Foothills District Board of Health at fifteen [15] board members and that nine board members shall reside in Rutherford County and six board members shall reside in McDowell County; and

WHEREAS, the Boards of Commissioners for Rutherford and McDowell Counties concur and jointly resolve that Foothills District Board of Health members shall be appointed with the qualifications and by the process and for the terms set forth in N.C.G.S. 130A-37 so that initial board appointments shall be effective immediately after midnight on June 30, 2019; and

WHEREAS, the Boards of Commissioners for Rutherford and McDowell Counties want to provide for the orderly transition from the Rutherford-Polk-McDowell [RPM] Health District to the Foothills Health District;

WHEREAS, pursuant to N.C.G.S. 130A-37 and N.C.G.S. 130A-38, the Boards of Commissioners for Rutherford and McDowell Counties concur and jointly resolve that all rules, regulations, policies, procedures, fee schedules, application forms, pay scales, vendor numbers, contracts, DUNS numbers, SAM registration, Medicare provider numbers, and Medicaid provider numbers of the RPM Health District that are in effect in McDowell and Rutherford counties prior to midnight on June 30, 2019 shall

stay in place and continue to be in effect after midnight on June 30, 2019 unless or until replaced, amended or revised by the Foothills District Board of Health or other appropriate bodies.

NOW, THEREFORE, BE IT RESOLVED in a session duly convened that the McDowell County Board of Commissioners concur and jointly resolve, pursuant to N.C.G.S. 130A-36, N.C.G.S. 130A-37 and N.C.G.S. 130A-38, that:

1. effective immediately after midnight on June 30, 2019, Rutherford and McDowell Counties shall continue to work together as a district health department comprised of Rutherford and McDowell Counties, which shall be named the "Foothills Health District" and whose mission is to promote and contribute to the highest level of health possible for the people that they serve; and
2. effective immediately after midnight on June 30, 2019, "Foothills Health District" shall be governed by a policy-making board N.C.G.S. 130A-37 to be named the "Foothills District Board of Health"; and
3. the "Foothills District Board of Health shall be comprised of fifteen [15] board members with nine [9] board members residing in Rutherford County and six [6] board members residing in McDowell County;
4. the Foothills District Board of Health members shall be appointed with the qualifications and by the process set forth in N.C.G.S. 130A-37(b) and with terms as set forth in N.C.G.S. 130A-37(c) with initial appointments effective immediately after midnight on June 30, 2019; and
5. that any and all existing local health ordinances or rules of the RPM Health District, including but not limited to any ordinance, rules, regulations, policies, procedures, fee schedules, application forms, pay scales, vendor numbers, contracts, DUNS numbers, SAM registration, Medicare provider numbers, Medicaid provider numbers, that are in effect in McDowell and Rutherford counties prior to midnight on June 30, 2019 shall stay in place and continue to be in effect after midnight on June 30, 2019 unless or until replaced, amended or revised by the Foothills District Board of Health or other appropriate bodies.
6. The Foothills District Board of Health agrees to adopt and assume responsibility for the enforcement of any and all existing local health ordinances or rules the RPM Health District that are in effect in McDowell and Rutherford counties prior to midnight on June 30, 2019 after midnight on June 30, 2019 unless or until replaced, amended or revised by the Foothills District Board of Health or other appropriate bodies.

This Resolution shall become effective once adopted by both the McDowell County Board of Commissioners and the Rutherford County Board of Commissioners and then on the date and time as provided herein.

ADOPTED at a duly called and noticed meeting of the McDowell County Board of Commissioners on this 13th day of May, 2019

Attest:

David N. Walker
Chairman

Cheryl L. Mitchell
Clerk to the Board

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

5K Road Closure Ordinance

The Glenwood Ruritan requested a Road Closure Ordinance for a 5K race for a section of Polly Spout Road on June 1st.

AN ORDINANCE DECLARING a ROAD CLOSURE for the 2019 GOLD RUSH RUN 5K

WHEREAS, the McDowell County Board of Commissioners are supportive of events held by various community groups; and

WHEREAS, the Glenwood Ruritan is planning to hold the first Gold Rush Run 5K race on Saturday, June 1, 2019; and

WHEREAS, the McDowell County Board of Commissioners recognizes that this Run requires approximately one and one quarter hours to install signing and traffic control, hold the Run and for the removing of signs, traffic control, and litter;

NOW THEREFORE BE IT ORDAINED by the McDowell County Board of Commissioners pursuant to the authority granted by G.S. 20-169 that they do hereby declare a temporary road closure during the day and time set forth below on the following described portion of a State Highway System route:

Date: Saturday, June 1, 2019
Time: 8:45 a.m. to 10 a.m.
Route Description: 1250 SR 1781 Polly Spout Rd to 3000 Polly Spout Rd.

This ordinance to become effective when signs are erected giving notice of the limits and times of the event, and implementation of adequate traffic control to protect participants and to guide vehicles around the event route.

Adopted this 13th day of May, 2019

ATTEST:

David N. Walker
Chairman

Cheryl Mitchell
Clerk to the Board

Discussion was held regarding impact to traffic flow.

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

Property Revaluation Update

Mr. Tim Cain, Revaluation Director, reported they had received less than 100 formal written appeals and the Board of Equalization & Review would meet Tuesday, May 14th at 5:00pm to start the review process.

Independent Auditor Recommendation

In response to the proposals for the county annual audit, the Finance Department received four responses:

Dixon, Hughes and Goodman, Asheville, NC	\$105,000
Martin, Starnes & Assoc, Taylorsville, NC	\$ 80,000

Mauldin & Jenkins, Atlanta, GA	\$ 66,000
Lowdermilk, Church & Co, Morganton, NC	\$ 38,600 (FYE 2019)
	\$ 39,375 (FYE 2020)
	\$ 40,175 (FYE 2021)

Finance recommended approving Lowdermilk, Church & Co. for a three year audit, and had received good references on the firm. The firm planned to spend 260 hours on the County audit.

Vice Chair Brown made a motion to approve Lowdermilk, Church & Co., L.L.P., second by Commissioner Greene. By a vote of 5-0 the motion passed.

Solid Waste Fees

Republic Services will increase their hauling rates this year for the county's solid waste. The increase will be for waste hauled after July 1st.

Staff requested an increase from \$50 a ton to \$60 a ton effective July 1st. Staff had researched neighboring counties and the \$60 fee is in line with where the other counties are currently.

Consensus from the Board was to hold a workshop on needs of the operation and present charges from surrounding Rutherford, Burke and Mitchell counties.

Administrative Items

A Nebo Water System fee waiver of \$58.91 from Randolph residence was presented.

Commissioner McPeters made a motion to approve the fee waiver of \$58.91, second by Commissioner Greene. By a vote of 5-0 the motion passed.

The Juvenile Crime Prevention Council (JCPC) presented their budget and certification for approval.

Commissioner Brown made a motion to approve the budget and certification, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

A list of EMS accounts totaling \$240,377.67 was requested to be written off due to 10 year statute of limitations law.

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

Budget Amendments

GF 55 – Transfers between line items, appropriates revenue and fund balance for health insurance and storm related salary line items.

GF 56 – Allocates program revenues for Extension

GF 57 – Allocate grant and program funds for Emergency Services

GF 58 – Appropriate loan proceeds for equipment financing

GF 59 – Appropriates fund balance and increases revenue

GF 60 – Transfers budget between line items in Public Works

GF 61 – Transfers between line items and appropriates revenues at the Sheriff's Dept.

GF 62 – Transfers budget between line items in DSS

GF 63 – Transfers budget between line items in JCPC

GF 64 – Allocates revenue for ABC Educational and Rescue Squad

GF 65 – Transfers between line items under \$3000

GF 66 – Allocates donated funds and transfers between line items in Senior Center

ENT3 – Appropriate revenue and fund balance in the Waste Enterprise Fund

NWENT3 – Allocates revenue in the Nebo Water Enterprise Fund

UENT1 – Appropriates revenue, fund balance, and transfer between line items in the Universal Enterprise Fund

SI1 – Allocates revenue sources for the Self Insurance Fund

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

TAX MATTERS

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

MV tax refunds	\$ 570.94
Releases under \$100	\$ 28.42
Releases over \$100	\$ 164.97
Write-offs	\$ 461.30

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

PUBLIC COMMENT

No one from the public wished to speak.

REPORTS AND COMMUNICATIONS

Reminder of groundbreaking ceremony at 2:30pm Tuesday, May 14th

CLOSED SESSION

Chair Walker declared the Board in Closed Session according to NCGS 143-318.11(a)(6). Commissioner McPeters made a motion to go into Closed Session at 5:45pm, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

Commissioner Greene made a motion to go out of Closed Session at 6:10pm, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

No action was taken by the Board in the Closed Session.

ADJOURNMENT

There being no further business to transact at this time, upon motion by Commissioner Greene, second by Commissioner McPeters, the meeting was adjourned at 6:13pm.

Attest:

DAVID N. WALKER
CHAIRMAN

CHERYL L. MITCHELL
CLERK TO THE BOARD