

**STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL COUNTY
BOARD OF COMMISSIONERS
REGULAR SESSION – NOVEMBER 9, 2015**

ASSEMBLY

The McDowell County Board of Commissioners met in regular session on Monday, November 9, 2015, at 5:00 p.m., at the County Administration Building, 60 E Court Street, Marion, North Carolina.

MEMBERS PRESENT

David N. Walker, Chairman; Barry McPeters, Vice-Chairman; Van "Randy" Hollifield; and Matthew Crawford.

OTHERS PRESENT

Ashley Wooten, County Manager, Cheryl Mitchell, Clerk to the Board; Theresa Strickland, Public Information Technician (Filming)

CALL TO ORDER

Chairman Walker called the meeting to order. The invocation was given by Commissioner Crawford, followed by the pledge of allegiance, led by Vice-Chairman McPeters.

APPROVAL OF MINUTES

Vice-Chairman McPeters made a motion, second by Commissioner Hollifield, to approve the October 12, 2015 Regular Session minutes as presented. By unanimous vote, the motion carried.

APPROVAL OF AGENDA

Mr. Wooten stated he would like to add to the agenda two items. One in regards to Animal Control, and a resolution need for an ARC Grant. Vice-Chairman McPeters made a motion, seconded by Commissioner Hollifield to approve the agenda with the added items. By unanimous vote, the motion carried.

ADMINISTRATIVE ITEMS AND BUDGET UPDATE

Mr. Wooten presented a report on the sales tax revenue, stating the tax revenue has been in a downward spiral since June. He encouraged everyone to shop local.

Mr. Wooten and Finance Officer, Alison Morgan, presented a list of budget amendments for approval:

GF 6 — Allocates inmate housing and asset forfeiture funding for uniforms and supplies at the Sheriff's Office.

GF 7 — Allocates reserved fund balance and additional federal revenue for DSS expenditures.

GF 8 — Appropriates designated reserve funds and donations for the Senior Center.

GF 9 — Allocates grant revenue and reimbursement for the fish kill response.

GF 10 — The Board had directed in October 2014 to budget \$20,000 for the Carson House but only \$15,000 was budgeted. This amendment increases their allocation.

GF 11 — Allocates grant revenue for equipment for the Soil and Water Department.

Vice-Chair McPeters made a motion, seconded by Commissioner Crawford to approve GF 6-11. By unanimous vote, the motion carried.

Mr. Wooten reported Emergency Management had filed an insurance claim due to a response of a fuel spill call due to a motor vehicle crash. The initial invoice was for \$438.90. Due to the large amount of claims, the policy limits had been met. He requested the proposed settlement for \$261.94 be approved.

Commissioner Crawford made a motion, seconded by Commissioner McPeters to approve the insurance settlement for \$261.94. By unanimous vote, the motion carried.

The County Manager presented a *Resolution Authorizing Signatories for Appalachian Regional Commission Grant*. The resolution authorizes named individuals to sign requisition forms.

Vice-Chairman McPeters made a motion, seconded by Commissioner Hollifield to approve the Resolution for Appalachian Regional Commission. By unanimous vote, the motion carried.

Mr. Wooten presented a fee waiver request from an individual concerning boarding fees for an animal that had been surrendered at the shelter. The owners had made required improvements at their home, in addition to having the animal neutered and vaccinated.

Commissioner Crawford made a motion, second by Commissioner Hollifield to approve the fee waiver. By unanimous vote, the motion carried.

MEET NEW LIBRARY DIRECTOR

Mr. Wooten introduced the new McDowell County Library Director, Marlan Brinkley. Mr. Brinkley gave a brief statement about himself, and his appreciation for his staff. Mr. Wooten, and the Commissioners welcomed him to McDowell County.

JAIL/COURTHOUSE PROJECT UPDATE

The County Manager reported construction continues at both facilities.

Courthouse:

- **Work on the elevator pit is proceeding.
- **The secure corridor and holding cells have most of the major infrastructure in place.
- **The holding cells have toilet facilities, and there is a need to provide fire sprinklers for the new areas. Therefore, new water lines will need to be run from the city main.
- **Architect is receiving quotes on performing the lower courtroom flip.

Jail:

- **expanding the female section is well underway
- **construction is a little delayed, due to the sewer line issues

Mr. Wooten stated he would continue to keep the Board up to date on these renovations. Chairman Walker stated the Board was aware of the need for these renovations, and still believes the renovation is a better deal for the taxpayers than new construction.

Mr. Wooten stated there would be an increase of approximately \$100,000 or more for the flip, and \$100,000 for the water lines. More information would be presented in December.

Commissioner Crawford made a motion to authorize water lines subject to bids under \$115,000, second by Vice-Chairman McPeters. Discussion was held. By unanimous vote, motion carried.

TAX COLLECTION LAW CHANGES

Mr. Wooten stated legislature had recently passed a new motor vehicle tax interest law. Prior to July, 2013 tax and tags were separate, and it was harder to collect taxes on the vehicles. Now we have the tag and tax together program, the collection rate is much better. Discussion was held in regards to the new law, and collection of interest on taxes prior to the 2013 program.

The Board's consensus was for the tax department to continue to collect taxes and interest.

Chairman Walker declared a brief recess.

EMS SAFETY AWARD & COMMUNITY CARE UPDATE

Mr. William Kehler, Emergency Services Director, gave an update on the Community Care Paramedic Program. He reported that McDowell County was the first rural Community Care program in the state. The program is in its 3rd year due to funding from the Healthy Places Grant through Kate B. Reynolds Charitable Trust. The program continues to show excellent results for the patients and in savings for the county.

Mr. Kehler also gave a presentation on "Culture of Safety Change". Due to the high number of injuries in the paramedic profession, the EMS staff decided to address safety issues within the department. The staff adopted a zero tolerance for not following safety policies for patient care, driving, and within the bases. As a result of making safety a top priority, the agency has achieved 5 years without a lost time incident.

Chairman Walker asked Mr. Kehler to share with the EMS staff the Board's appreciation for the great job they do every day.

WOODLAWN-SEVIER FIRE DEPARTMENT PUBLIC HEARING

Chairman Walker declared Board into a public hearing regarding request from Woodlawn-Sevier Fire Department.

Mr. Tony Cook, Treasurer of the Woodlawn-Sevier Fire Department, appeared before the Board asking for a public hearing to receive comment on the refinancing of two truck loans.

Ms. Carol Ferbee expressed her appreciation to the fire department.

Vice-Chairman McPeters made a motion to go out of public hearing, seconded by Commissioner Crawford. By unanimous vote, motion carried.

US FOREST PLAN UPDATE

Mr. Nicholas Larson, District Ranger with the US Forest Service, presented an update on the Forest Plan Revision that the Pisgah and Nantahala are currently undergoing. He announced there would be a public meeting in Asheville on November 16, to receive input.

MTCC RENOVATION PROJECT/TIPPING WAIVER

Mr. Wooten reported McDowell Technical Community College plans to renovate a 22,000 square foot space that will be used for the McDowell Early College as well as for other purposes. The county will contribute \$128,572 (with \$125,000 from Golden Leaf) towards the renovation cost.

MTCC requested the demolition debris be hauled to the transfer station and disposed at no cost to the college.

Commissioner Crawford made a motion to waive tipping fee for MTCC, seconded by Vice-Chairman McPeters. By unanimous vote, motion carried.

INDUSTRIAL SITE IMPROVEMENT GRANT

Mr. Wooten reported the State of North Carolina recently announced a new Community Development Block Grant program to assist communities in removing deteriorating industrial buildings. The state will provide a maximum of \$500,000, which must be matched. The City of Marion has requested that the county participate in a 50/50 partnership to pursue the grant funding with the goal of improving the former Drexel furniture site. He stated the property owner had initiated a clearing of the site but will not be able to complete the job. Mr. Wooten stated the owner has indicated that he will donate the property to the city and county. The process would be to receive the grant award, secure ownership of the property, complete the clearing, pursue funding for any necessary remediation, and then market the site for development for industrial use.

Mr. Wooten stated the City would initiate the application process with the state and then move forward with negotiations with the property owner.

Vice-Chairman McPeters made a motion, second by Commissioner Crawford to approve request for Industrial Site Improvement Grant. By unanimous vote, motion carried.

CSX RAILROAD UPDATE

Mr. Wooten stated that CSX Railroad announced last month they will shut down their operations in Erwin, Tennessee and reroute most train traffic off of the Clinchfield line that runs north-south through the county. The company has made it clear that this is not a complete abandonment. If the rumored impact of 60% loss in tax revenue takes effect, the county would stand to lose approximately \$125,000 a year in property tax revenue. Mr. Wooten stated he would update the status of the situation as more information becomes available.

Chairman Walker thanked the County Manager for bringing this information to the Board's attention.

TAX MATTERS:

- **Exemption Requests**

Mr. Wooten stated that GS 105-277.1D(e) provides that an application for property tax relief provided by this section should be filed during the regular listing period but may be filed after the regular listing period upon a showing of good cause by the applicant as determined and approved by the Board of County Commissioners.

The list of applicants who qualify for Elderly Exemption who are asking for exemptions with reason:

Mrs. Wilhemina Buckner
 Larry Roberts Disabled Veteran Exclusion

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

Write-offs/Deceased	\$6,581.64
Refunds	\$4,998.91
MV tax refunds	\$1,108.43

Vice-Chairman McPeters made a motion, second by Commissioner Hollifield to grant exemption for filing deadline for Elderly Exemption and Disabled Veteran Exclusion, Releases, Refunds, and Write-offs. By unanimous vote, the motion carried.

BOARD APPOINTMENTS

Ms. Mitchell, Clerk to the Board, presented an application for Nursing Homes/Adult Care Homes Advisory Committees. It was the first reading; therefore no action was required or taken.

REPORTS AND COMMUNICATIONS

Commissioner Hollifield presented information about an upcoming Veteran's Day event, and the importance of the recognition of veterans. He spoke about a program called *Operation North State*, which sends a package of 28 Christmas gifts from the state of North Carolina to men and women currently serving in our armed forces. He stated there were 1500 packages available and currently only 90 names have been submitted. He encouraged everyone to go to www.OperationNorthState.com website, click on recipient, and type in the information.

Commissioner Hollifield also told about the *We Honor Veterans* partnership between Hospice of McDowell County and Veterans Administration. *Volunteer with Vets* is the name of a program for veterans who are under Hospice care, where Veterans volunteer to sit with the patient.

He also spoke on a program where veterans are transported to appointments, by volunteers. The program has two vans, one is handicap accessible. He encouraged all veterans to utilize this free program.

Commissioner Hollifield announced there would be a McDowell Salute to Veterans program held on Wednesday, November 11, at 10am at the Veteran's Memorial at the McDowell Senior Center.

PUBLIC COMMENT

Mr. Ken Buckner requested the need for gravel at the landfill. He also spoke on fracking, and the effects of exhaust from airplanes on trees.

Ms. Carol Ferbee, with Paws and Claws, petitioned the board for spay and neuter, no-kill shelter, and no tethering laws.

ADJOURNMENT

There being no further business to transact at this time, upon motion by Vice-Chairman McPeters, and a second by Commissioner Hollifield, the meeting was adjourned.

DAVID N. WALKER
 CHAIRMAN

CHERYL L. MITCHELL
 CLERK TO THE BOARD

Article 16.

County Listing, Appraisal, and Assessing Officials.

§ 105-294. County assessor.

(a) Appointment. – Persons occupying the position of county assessor on July 1, 1983, shall continue in office until the first Monday in July, 1983. At its first regular meeting in July, 1983, and every two years or four years thereafter, as appropriate, the board of county commissioners of each county shall appoint a county assessor to serve a term of not less than two nor more than four years; provided, however, that no person shall be eligible for initial appointment to a term of more than two years unless such person is deemed to be qualified as provided in subsection (b) of this section or has been certified by the Department of Revenue as provided in subsection (c) of this section. The board of commissioners may remove the assessor from office during his term for good cause after giving him notice in writing and an opportunity to appear and be heard at a public session of the board. Whenever a vacancy occurs in this office, the board of county commissioners shall appoint a qualified person to serve as county assessor for the period of the unexpired term.

(b) Persons who held the position of assessor on July 1, 1971, and continue to hold the position, and persons who have been certified for appointment as assessor by the Department of Revenue between July 1, 1971, and July 1, 1983, are deemed to be qualified to serve as county assessor. Any other person selected to serve as county assessor must meet the following requirements:

- (1) Be at least 21 years of age as of the date of appointment;
- (2) Hold a high school diploma or certificate of equivalency, or in the alternative, have five years employment experience in a vocation which is reasonably related to the duties of a county assessor;
- (3) Within two years of the date of appointment, achieve a passing score in courses of instruction approved by the Department of Revenue covering the following topics:
 - a. The laws of North Carolina governing the listing, appraisal, and assessment of property for taxation;
 - b. The theory and practice of estimating the fair market value of real property for ad valorem tax purposes;
 - c. The theory and practice of estimating the fair market value of personal property for ad valorem tax purposes; and
 - d. Property assessment administration.
- (4) Upon completion of the required four courses, achieve a passing grade in a comprehensive examination in property tax administration conducted by the Department of Revenue.

(c) Certification. – Persons meeting all of the requirements of this section shall be certified by the Department of Revenue. From the date of appointment until the date of certification, persons appointed to serve as county assessor are deemed to be serving in an acting capacity. Any person who fails to qualify within two years after the date of initial appointment shall not be eligible for reappointment until all of the requirements have been met.

(d) In order to retain the position of county assessor, every person serving as county assessor, including those persons deemed to be qualified under the provisions of this act, shall, in each period of 24 months, attend at least 30 hours of instruction in the appraisal or assessment of property as provided in regulations of the Department of Revenue.

(e) The compensation and expenses of the county assessor shall be determined by the board of county commissioners.

(f) Alternative to separate office of county assessor. – Pursuant to Act [Article] VI, Section 9 of the North Carolina Constitution, the office of county assessor is hereby declared to be an office that may be held concurrently with any other appointive or elective office except that of member of the board of county commissioners. (1939, c. 310, ss. 400, 401; 1953, c. 970, ss. 1, 2; 1971, c. 806, s. 1; 1973, c. 476, s. 193; 1983, c. 813, s. 2; 1987, c. 45, ss. 1, 2; 1997-23, s. 5.)