

**STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL COUNTY
BOARD OF COMMISSIONERS
REGULAR SESSION – NOVEMBER 18, 2019**

Assembly

The McDowell County Board of Commissioners met in Regular Session on Monday, November 18, 2019, at 5:00 p.m., in the Commissioners Board Room, 60 E. Court Street, Marion, North Carolina.

Members Present

David Walker, Chair; Vice-Chairman Tony Brown; 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. The invocation was given by Commissioner Greene, followed by the pledge of allegiance, led by Vice Chair Brown.

Approval of Minutes

Vice Chair Brown made a motion to approve the October 14, 2019 Regular Session, minutes; October 21, 2019 DSS Regular Session minutes and October 28, 2019 School Board minutes, second by Commissioner Greene. By unanimous vote, the motion carried. Chairman Walker requested two items be placed on next month's agenda: a resolution to the State Board of Education in support of multiyear testing for accountability; and organizing a meeting between the county Recreation Dept. staff and the McDowell High Athletic Director to discuss youth sports.

Approval of Agenda

Chair Walker called for any additions or deletions to the agenda. He then added a Closed Session for a personnel matter under new business. Mr. Wooten added Economic Development item under closed session also. Request also for a range update to be added as Item E under old business.

Commissioner Greene made a motion to approve the agenda with the additions, second by Commissioner Vaughn. By a vote of 5-0, the motion carried.

Recognition of New Citizen

The Board recognized and congratulated Maria Ramos Oriola Ray on obtaining her US Citizenship. She came to the US from the Philippines in 2011 and married Dwayne Ray. Ms. Ray worked hard to pass all her tests and was able to pay for the process from raising and selling greenhouse plants and vegetables. Mrs. Ray said she had been praying for a long time to become a permanent US citizen.

Public Shooting Range Update

Mr. Gary Gardner gave a PowerPoint presentation on the proposed Wildlife Resources Commission (WRC) Shooting Range for McDowell County. A copy of the slides is with the agenda materials. The proposed site has a static archery range; 3D archery; 25 yard pistol range; and 100-yard range. Vice Chairman Brown asked if the range could be extended. Mr. Gardner noted 100 yards is standard, and the average shooter shoots from 50 yards. If the range was extended 150-200 yards the county would have to fund the additional yardage.

Due to the passing of the Target Range Access Bill the federal funding is 90 percent with a 10 percent match. The estimated cost of the project is \$2,475,272 and estimated completion date of summer 2021.

The board requested the WRC engineer look at adding on yardage versus adding a different 150-200 yard range site on location.

Mr. Gardner added WRC would look at fishing access also.

Recreation Department Update

Susan Huskins, Recreation Director, gave a PowerPoint presentation on each of the county owned facilities. The facilities discussed were: Sandy Andrews Park; Woodlawn Roadside Park; Old Fort Park; Glenwood Park; Maple Leaf Sports Complex; Hawkins/Waters Recreation Park; Skate Park; Recreation Center; and Greenlee Greenway. A copy of the PowerPoint presentation is with the agenda materials. The priority issues in need were the erosion at the Maple Leaf bank at the ball fields; and a need for covered storage for the Recreation Department machinery and equipment.

Chairman Walker noted if there were any improvements or enhancements the public would like to see addressed to get in touch with the county recreation department and let them know.

Development Ordinances Public Hearing

The Board of Adjustment language had been added to five specific ordinances since the Board of Commissioners amended the composition of the Board of Adjustment. The following proposed changes are:

Zoning Ordinance Changes

1702.01 Membership. A Board of Adjustment consisting of seven members shall be appointed by the Board of Commissioners, with appointments as follows:

1. The five (5) members of the Board of Commissioners shall serve on the Board of Adjustment.
2. The chairperson of the Planning Board shall serve on the Board of Adjustment as long as he/she serves in that position.
3. The Board of Commissioners shall appoint one (1) other sitting member of the Planning Board to serve as a member of the Board of Adjustment.

1702.02-8 Rules for Procedure.

8. A quorum shall be at least four (4) members.

Lake James Protection Ordinance (1996) Changes

Section 503 Establishment of the Board of Adjustment

- A. There shall be and hereby is created the Board of Adjustment, consisting of seven (7) members appointed by the McDowell County Board of Commissioners.
- B. Five (5) members shall be comprised of the Board of Commissioners.
- C. One (1) member shall be the sitting chairperson of the Planning Board.
- D. One (1) member shall be a sitting member of the Planning Board.

Lake James Protection Ordinance (2003) Changes

Section 503 Establishment of the Board of Adjustment

- A. There shall be and hereby is created the Board of Adjustment, consisting of seven (7) members appointed by the McDowell County Board of Commissioners.
- B. Five (5) members shall be comprised of the Board of Commissioners.
- C. One (1) member shall be the sitting chairperson of the Planning Board.
- D. One (1) member shall be a sitting member of the Planning Board.

Lake James Protection Ordinance (2016) Changes

Section 503 Establishment of the Board of Adjustment

- A. There shall be and hereby is created the Board of Adjustment, consisting of seven (7) members appointed by the McDowell County Board of Commissioners.
- B. Five (5) members shall be comprised of the Board of Commissioners.
- C. One (1) member shall be the sitting chairperson of the Planning Board.
- D. One (1) member shall be a sitting member of the Planning Board.

Ordinance Establishing McDowell County Planning Board Changes

Section 1. Establishment – Deleted in its entirety.

Chair Walker declared the Board in public hearing at 6:06pm to receive comments from the public on the amendments. There were none.

Commissioner McPeters made a motion to go out of public hearing at 6:07pm, second by Commissioner Greene. By a vote of 5-0 the motion passed.

Chairman Walker recommended the Planning Board choose which member would serve in addition to the chairperson on the Board of Adjustment.

Vice Chairman Brown made a motion to approve Board of Adjustment with changes noted, second by Commissioner Vaughn. By a vote of 5-0 the motion was approved.

Mr. Wooten noted Mr. Ronald Harmon would serve as secretary to the Board of Adjustment and would be contacting the Board of Adjustment to set up a meeting.

Emergency Services Update

Mr. William Kehler, Emergency Services Director, gave a PowerPoint presentation on the department.

The NC Department of Insurance 2019 inspection in 911 Communications was 9.53 out of possible 10. The state average is 7-8. Only one county in the state has received a 10.

Emergency Management has updated their Lake Tahoma Evacuation Plan; Toe River Hazard Mitigation Plan; Mass Casualty Plan; Earthquake Drill; 2019 Hurricane Exercise; Winter Weather Operations/NG Hot Spot Package; LEPC; and Emergency Operations Plan.

A copy of the presentation is with the agenda materials.

Universal Water/Sewer Update

Mr. Wooten noted the grant to supply water and sewer to the undeveloped Universal property had been approved. NC Department of Commerce required the adoption of *Resolution Authorizing Signatories for Industrial Development Fund Grant* and approval of Rural Economic development Grant Agreement-Industrial Development fund Utility Account. A copy of the agreement is with the agenda materials. The grant award was \$352,500 and the county match was \$117,500.

Resolution Authorizing Signatories for Industrial Development Fund Grant

WHEREAS, the North Carolina Department of Commerce requires authorized signatures for the requisition of funds; and

WHEREAS, McDowell County staff have determined that the Chairman of the Board of Commissioners, the County Manager, and the Finance Officer are best suited for this function; and

WHEREAS, NC Commerce requires that the McDowell County Board of Commissioners adopt a resolution authorizing the above-named individuals to sign requisition forms.

THEREFORE, BE IT RESOLVED that the McDowell County Board of Commissioners do hereby grant the authority to David N. Walker, Chairman; Ashley R. Wooten, County Manager; and Alison Bell, Finance Director to sign requisition forms for the Industrial Development Fund Grant.

ADOPTED THIS DAY, the 18th of November, 2019.

David N. Walker
Chairman

Attest:

Cheryl L. Mitchell
Clerk to the Board

Vice Chairman Brown made a motion to approve both the Resolution and Agreement, second by Commissioner Greene. By a vote of 5-0 the motion was approved.

Fonta Flora Trail Agreement

Mr. Wooten presented an agreement for approval between the NC Department of Transportation (NCDOT) Project Agreement for the Fonta Flora Trail and McDowell County. A copy of the agreement is with the agenda materials. The NCDOT will provide \$2.2 million dollars. The county will need to match with \$550,000 in local funds over the next five years. There will be \$40,000 of that spent in this fiscal year for engineering.

Commissioner McPeters made a motion to approve the agreement, second by Commissioner Vaughn. By a vote of 5-0 the motion was approved.

Old Fort Recreation Lease

Mr. Wooten presented the Town of Old Fort and McDowell County Recreation Properties Lease Agreement for approval. The agreement is for a five (5) year lease of the property. A copy of the agreement is with the agenda materials.

Commissioner Greene made a motion to approve the lease, second by Commissioner McPeters. By a vote of 5-0 the motion was approved.

Board Appointments

One vacancy was presented as a second reading for the Library Board of Trustees. There was one application from Alecia Morgan. There were also vacancies on the Transportation Board presented as a first reading.

Commissioner McPeters made a motion to approve Alecia Morgan to the Library Board of Trustees, second by Commissioner Greene. By a vote of 5-0 the motion passed.

Range Update

Consensus from the Board was for there to be a meeting arranged between the gun range owner, Mr. Frank Seaman, to see if there could be an agreement reached with him and the neighbors concerning the noise from the range at all hours of the day. The Board would like to see a resolution of the situation without establishing an ordinance to control the noise.

Mr. Arvin Hicks, Planning Board member had visited Mr. Seaman's range and saw several opportunities if Mr. Seaman was agreeable to increase noise reduction at the range.

Consensus from the Board was to set up a meeting with the owner, Vice Chairman Brown, Commissioner Greene, two Planning Board members, two neighbors and the County Manager.

Policy Updates

Staff noticed inconsistency with vacation policy regarding the employee giving a two week notice. It had been the policy the employee needed to work 70% of those two weeks

including the last day. The proposed change would ensure the language was consistent throughout the policy manual. The proposed changes were presented as a first reading.

Section 2. Vacation Leave Changes

(c) Payment of Leave upon Resignation

Employees who resign their employment with McDowell County by submitting a minimum two (2) weeks written notice to their supervisor and work at least seventy (70) percent of their scheduled workdays, one of which being their final day, shall be paid for vacation leave accumulated to the date of separation, not to exceed 240.00 hours, provided that they have completed 90 days or more continuous service. Failure to give two-weeks' notice and work at least seventy (70) percent of the scheduled workdays, one of which being the final day, shall result in forfeiture of accrued vacation leave pay.

Administrative Items

Transfer Station Fee Waiver

Request was presented for a waiver due to an employee error. A customer took a mixed load of construction and demolition to the transfer station unaware of the material they were hauling. Per the ordinance, a verbal warning must be given for a first time offense and a \$200 fine is incurred thereafter. The employee charged the customer \$200 for the first offense. Request was to adjust the \$200 penalty.

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

Close-Out Project Fund Resolution

WHEREAS, the County of McDowell began a project fund (54), for the Kate B. Reynolds community Paramedic Grant for the operations of the Community Paramedic Program, and

WHEREAS, the County received a Kate B. Reynolds Grant in the amount of \$226,477, and

WHEREAS, the County completed the project in fiscal year 2019, and

WHEREAS, final payments have been made, and

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY OF McDOWELL BOARD OF COMMISSIONERS THAT the County of McDowell Kate B. Reynolds Grant is complete and all documentation will be preserved in County files to comply with recordkeeping requirements.

ADOPTED this 18th day of November, 2019.

Attest:

David Walker, Chairman

Cheryl L. Mitchell, Clerk to the Board

Close-Out of Project Fund Resolution

WHEREAS, the County of McDowell began a project fund (46), and

WHEREAS, the County received lottery funds in the amount of \$448,920 and restricted sales tax in the amount of \$968,247 from other governmental agencies to finance the school project fund, and

WHEREAS, the County desires to close certain school projects within the school project fund, and

WHEREAS, final payments have been made, and the projects the County will close are as follows:

Field House HVAC \$70,059
Glenwood Roof \$448,920
Systems Controls \$332,827
MHS Security \$95,761
EMMS Roofing \$469,600

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY OF McDOWELL BOARD OF COMMISSIONERS THAT the County of McDowell School Projects Funds listed above are complete and all documentation will be preserved in County files to comply with recordkeeping requirements.

ADOPTED this 18th day of November, 2019.

Attest:

David Walker, Chairman

Cheryl L. Mitchell, Clerk to the Board

Commissioner Greene made a motion to approve both Project Fund 54 and 46, second by Commissioner McPeters. By a vote of 5-0, the motion carried.

Budget Amendments

GF 16—Appropriates revenue to cover estimated tax discounts in the Tax Collections Dept

GF 17—Appropriates revenue to cover annual software in the Building Inspections Dept.

GF18—Appropriates revenue to cover FEMA and 911 functions in the Emergency Services Dept.

GF19—Transfers between line items in the Information Technology Dept.

GF 20—Allocated reserved funds in the Library Dept.

GF 21—Allocates reserved funds in the Sheriff's Dept.

GF 22—Allocates revenue and transfers between line items in the DSS Dept.

GF 23—Allocates program revenues in the Senior Center Dept.

GF 24—Transfers between line items in the Public Services Dept.

Amendment SP1—Amends the School Project Fund for Old Fort Elementary

Amendment 911F1—Appropriates fund balance and to transfer the budget between line items in the 911 Fund

Amendment Transit 1—Transfers between funds in the Enterprise Transit

Commissioner McPeters made a motion to approve GF16-GF24, also Amendment SP1; 911F1; and Transit 1, second by Vice Chairman Brown. By a vote of 5-0, the motion carried.

Tax Matters

Releases, Refunds, & Write-offs

MV tax refunds	\$ 734.22
Releases under \$100	\$ 6.41
Releases over \$100	\$ 3,339.55
Discoveries	\$ 540.93

Commissioner McPeters made a motion to approve tax matters as presented, second by Commissioner Vaughn. By vote of 5-0, the motion carried.

Bridge Naming Discussion

Per Vice Chairman Brown's request Mr. Wooten provided information on the naming process for state-owned bridges specifically as it relates to the new Sugar Hill Road Bridge. The City of Marion would also need to approve the name due to being in the city limits.

Vice Chairman Brown suggested the bridge be named the Ford Miller Bridge for all Mr. Miller had done in the community and the county.

Chairman Walker asked other Board members to bring any other suggestions to the next Board meeting. Names will then be submitted to the Utility Committee.

Citizen Comment

There were no comments from the public.

Commissioner Greene made a motion to go into closed session at 6:52pm regarding Economic Development and a Personnel Matter according to NCGS 143-318.11 (A) (4) and (6), second by Commissioner McPeters. By a vote of 5-0 the motion passed.

Vice Chairman Brown made a motion to go out of closed session at 7:40pm, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

No action was taken.

Commissioners/Staff Reports and Communications

There were no reports.

Adjournment

There being no further business to transact at this time, upon a motion by Vice Chairman Brown to adjourn at 7:41pm, second by Commissioner Greene, the meeting was adjourned.

Attest:

Cheryl Mitchell
Clerk to the Board

David Walker
Chairman