

**STATE OF NORTH CAROLINA  
COUNTY OF MCDOWELL COUNTY  
BOARD OF COMMISSIONERS  
REGULAR SESSION – OCTOBER 10, 2016**

**ASSEMBLY**

The McDowell County Board of Commissioners met in regular session on Monday, October 10, 2016, at 4:00 p.m., at the Historic Carson House, 1805 Highway 70 West, Marion, North Carolina.

**MEMBERS PRESENT**

David N. Walker, Chair; Barry McPeters, Vice-Chair; and Matthew Crawford

**MEMBERS ABSENT**

Tony Brown and Van "Randy" Hollifield

**OTHERS PRESENT**

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

**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

Vice Chair McPeters made a motion, second by Commissioner Crawford, to approve the September 12, 2016 Regular Session minutes as presented. By unanimous vote, the motion carried.

**APPROVAL OF AGENDA**

Chair Walker asked for corrections or additions to the agenda. Mr. Wooten added an item D-DSS Committee under old business, and Chair Walker added item E- Shooting Range update.

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

Commissioner Brown joined the meeting at 4:07pm.

**ADMINISTRATIVE ITEMS**

Mr. Wooten presented a request from Natalie Gouge, McDowell County Schools, to use restricted ABC Funds for training and supplies. The training would be for 18 school counselors to attend a conference in Greensboro. The supplies were for materials to create banners promoting awareness/prevention of being alcohol and drug free in all elementary and middle schools. Total request was for \$3,227.56.

Commissioner Crawford made a motion to approve school request for ABC transfer, second by Vice Chair McPeters. By unanimous vote, the motion carried.

Mr. Wooten reported the auditors were in the process of auditing the county files, and anticipates a presentation of their findings by the December or January meeting.

Discussion was then held on the sales tax report. The July report showed figures had increased over the previous month.

### **ILLEGAL BURNING ORDINANCE REQUEST**

Mr. Wooten reported Mr. William Kehler and other staff members from the Emergency Management Department had been deployed to the eastern part of the state due to Hurricane Matthew. He presented a request from the Fire Commission asking the Board for an ordinance covering the burning of tires, trash, building supplies, etc. Several fire departments had responded to the same locations numerous times due to illegal burning. Discussion was held concerning burn permits and illegal burning.

Commissioner Brown made a motion to forward the request to the Planning Board, second by Vice Chair McPeters. By unanimous vote, the motion carried.

### **WATER PROJECTS UPDATE**

Mr. Wooten reported the Nebo and Universal water projects were both underway, with possible completion dates after the first of the year.

He noted the Universal water line construction would not begin until next month due to coordinating schedules with CSX Railroad. The water line must be installed under the railroad.

Mr. Wooten reported staff had been to Raleigh to meet with the NC Environmental Management Commission for the reclassification of Lake James as a water source. He advised a public hearing could be expected after the first of the year by the EMC. Chair Walker asked for a timeline of events to see the progress on the county water filtration system, since it has been ongoing for several years. Mr. Wooten added once the EMC had approved the reclassification, it would not be possible to go back to the previous classification.

### **BOARD APPOINTMENTS**

The Library Board of Trustees had three vacancies, and three applications from Vicki Burton, Scot Robinson, and Tara Williams-Cox. It was the second reading for the vacancies.

The Nursing Home/Adult Care Committees was a third reading and had one applicant, Laura MCurry.

The Commissioners voted by written ballot. By unanimous approval, all applicants were approved.

### **COURTHOUSE/JAIL PROJECT UPDATE**

Mr. Wooten reported the Courthouse Project was complete. He added the furnishings were on order and would be installed in the next several months. Also, court would be held this week in the courtroom.

Mr. Wooten reported the Jail Project was essentially complete with a few mechanical items remaining to be completed. He added the Administration Building/Courthouse property survey had been completed.

Mr. Wooten noted there are still several items to be completed in the Courthouse Project, including moving the D.A. office, moving Register of Deeds office, and constructing a new courtroom on the parking deck.

Chair Walker asked for a timeline for the courthouse project, in order to see progress being made and the anticipated completion date.

### **DSS COMMITTEE**

Mr. Wooten stated DSS is the largest single department in the county, and there were 4-5 different departments within the umbrella of DSS. He added there was an employee relations committee several years ago, and there had been discussion on reestablishing the committee. The committee would be comprised of the DSS Director, County Manager, two Commissioners, and initially meet monthly. Mr. Wooten will ask the DSS Director about other DSS staff members serving.

Chair Walker nominated Commissioner Brown to serve, and Commissioner Crawford nominated Vice Chair McPeters. Commissioner Brown asked for a vote on the nominations to see if there was full Board support.

Chair Walker called for votes for Commissioner Brown, vote was unanimous. Chair Walker then called for votes for Vice Chair McPeters, vote was unanimous.

Mr. Wooten stated he would contact Ms. Sprouse and attempt to set up a meeting as quickly as possible.

### **SHOOTING RANGE UPDATE**

Mr. Wooten noted there had been a meeting with the US Forest Service with discussion of the location of a shooting range. He stated the county would like to put a range on public land and the Forest Service was open to the idea, but realistically it would be easier to put a range on private land. Different private land sites were being identified, and hopefully a site would be named in the next few months. Congressman Mark Meadows was instrumental in setting up the meeting with the US Forest Service, and the Governor's office had offered their support in setting up a meeting with the Wildlife also.

### **OLD LANDFILL USE REQUEST**

Mr. Wooten noted there had been varied interest in locating solar panels on the old landfill on NC 226 South. He added companies had discussed an annual lease payment for the privilege of using the approximately 25-30 acres. The value of the panels would be taxable.

Mr. Wooten asked for approval to advertise the availability and allow solar panel companies to submit proposals for the utilization of the property. The lease would be for 25-30 years.

Chair Walker asked County Attorney, Fred Coats if he saw any issues with the lease. He stated there might be an issue if there was a leak and the liner needing replacing, the company would have to understand they would have to remove the panels until the leak was repaired. He did not see any other issues.

Commissioner Brown made a motion to pursue the operation of solar panel by advertising for proposals, second by Vice Chair McPeters. By unanimous vote, the motion carried.

### **TAX MATTERS**

Releases, Refunds, & Write-offs

MV tax refunds	\$ 629.52
Releases under \$100	\$ 165.87
Releases over \$100	\$ 5,443.74
Refunds	\$ 1,574.11
Discoveries	\$10,790.06

Commissioner McPeters made a motion, second by Commissioner Brown to approve the releases and refunds. By unanimous vote, the motion carried.

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.

\*Gateway Property Owners Association thought the proper paperwork had previously been submitted for exemption.

\*Linville Falls Property Owners Association thought they were already exempted.

\*Kathleen Robinson unaware of the elderly exemption

\*Francis Hier unaware of the elderly exemption

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

**Record Retention Schedule Amendments**

Mr. Wooten presented amendments to the Record Retention Schedule for the County Management—Standard 6. Emergency Services Records, Item 1 and Item 13; and also County Sheriff's Office—Standard 8. Program Operational Records: Sheriff Records-Item 10. He noted Mr. William Kehler and Sheriff Greene had reviewed the changes.

Commissioner Crawford made a motion to approve County Management and Sheriff Records Retention Schedule Amendments, second by Vice Chair McPeters. By unanimous vote, the motion carried.

**NO WAKE BUOY REQUEST**

Mr. Wooten presented a request from residents of the Waterylyn subdivision for a No Wake Buoy. He added the request had been sent to NC Wildlife for their review. Enforcement recommended a no-wake zone within 50 yards of the requested point of land. Mr. Wooten asked for the Board to set a public hearing for the November meeting for the purpose of receiving public comment on the proposed buoys. He reminded the Board they could ask the residents to be responsible for the expense of the buoys.

Commissioner Crawford made a motion to set the public hearing for next month, second by Vice Chair McPeters. By unanimous vote, the motion carried.

**ECONOMIC DEVELOPMENT PUBLIC HEARING**

Chair Walker declared the Board in public hearing for the purpose of receiving public comment concerning economic development incentives for an existing industry expansion as authorized under NCGS 158-7.1.

Mr. Wooten reported the approved incentive for the woodworking company that was proposed at the September meeting was for 14 jobs. The company now stated they would be creating 20 jobs over a three year period. The county incentive would be \$60,000.

Chair Walker asked for public input. Suzanne Johnson stated 20 jobs were better than 14.

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

Vice Chair McPeters made a motion to approve incentive for \$60,000 over a three year period, second by Commissioner Brown. By unanimous vote, the motion carried.

## **REPORTS AND COMMUNICATIONS**

Mr. Wooten gave the following report:

- Some of the Emergency Management staff had been deployed to assist with the flooding issues in eastern NC.
- Commissioner Hollifield's mother passed away last week.
- Previous DSS Director, Mike Gibson passed away last week.
- October 11-City Hall at 11:30am- Isothermal Planning & Development would be present to meet with public officials regarding suggestions about how to best meet the needs of the city and county.
- October 11- Universal at 3:00pm- appreciation reception for donors of the MTCC capitol campaign

## **CITIZEN COMMENT**

Suzy Johnson-- read an email from Sam Perkins-Catawba Riverkeeper, regarding his concerns of sediment and erosion issues because of a lack of regulation in the Peninsula development. He suggested lake-area storm water requirements such as Mecklenburg County had adopted.

George Johnson-asked for a status report of what is going on in regards to the Peninsula issue from the Planning Board and the Commissioners. Mr. Wooten reported the Planning Board is looking at the information that had been received from the public, and the Burke ordinance, and will meet again this month. Commissioner Brown and Chair Walker acknowledged the Board's concern in making sure the lake was taken care of. Chair Walker noted the Planning Board had been commissioned to look at lot size, shore line length, setbacks, and slopes.

Martha Whitfield –would like further study done on HB 483. She also, presented a request from the Foothills Conservancy wanting the Board to strengthen the lake ordinance to make it similar to the Burke County ordinance. Mr. Paul Braun sent a statement asking for clean water over everything else.

Alice Stecker—attended the second Planning Board meeting and got the impression that the quality of water at the lake did not seem to be a concern of the board members. She asked for the Commissioners to consider water quality if the Planning Board does not make any recommendations. Also for the Commissioners to ask the Planning Board to act quicker, and make sure the request does not die, and the Board never get back with the Commissioners.

Chair Walker requested Mr. Wooten to contact Ron Harmon and let him know the Commissioners want a good document in a timely manner.

Also, Ms. Stecker asked for an update on senior housing for residents making over \$20,000. Mr. Wooten stated someone from the private sector would have to build housing for those over 65 years

old, and income more than \$20,000. Mr. Wooten added he would have a survey distributed with input from Ms. Stecker, and users of the Senior Center on the type of senior housing desired. He also added staff could look at the senior housing in Forest City and give an update at the next meeting.

Suzanne Elinger- expressed the need for timely information to be received from the Planning Board in regards to the Lake Ordinance, and also the possibility of placing a moratorium until new regulations could be in place.

Ken Brownell—expressed his disappointment of the approval of the development of The Peninsula by the Planning Board without the Board of Commissioner’s approval or public hearing for public input. He asked for a review of HB483, and also asked the BOC to establish an independent committee to verify the developers follow all the rules.

Ron Shuping—attended the first Planning Board meeting and did not feel welcomed, and was made to feel they were wasting the Board member’s time. He also added the stewardship was now in the Commissioner’s hands, and would like to see action taken before another developer submits plans.

Suzy Johnson stated 50 of the 55 available lots had been sold in the Peninsula development.

A general discussion was held on lot size and placement of septic systems.

### **UPDATE ON CARSON HOUSE ACTIVITIES**

Chair Walker noted the first meeting of the Commissioners was held at the Carson House in 1842. He then recognized Dr. Haney who gave an update on the Historic Carson House. He noted their new Executive Director, Amanda Elledge-Finn had been hired in June. Dr. Haney also stated his appreciation for the moral and financial support of the Board of Commissioners.

Chair Walker stated his appreciation on behalf of the Board of Commissioners, for the hospitality and graciousness of the Carson House Board.

Commissioner Brown made a motion to pick up the bill for the meal, second by Vice Chair McPeters. By unanimous approval, the motion carried.

### **ADJOURNMENT**

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

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DAVID N. WALKER  
CHAIRMAN

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CHERYL L. MITCHELL  
CLERK TO THE BOARD