

**STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL COUNTY
BOARD OF COMMISSIONERS
REGULAR SESSION – SEPTEMBER 9, 2019**

Assembly

The McDowell County Board of Commissioners met in regular session on Monday, September 9, 2019, at 5:00 p.m., in the Commissioner's Board Room of the County Administration Building, 60 East 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 Commissioner McPeters.

Approval of Minutes

Commissioner McPeters made a motion to approve the August 12, 2019 Regular Session, August 19, 2019 Recessed Session, and August 19, 2019 DSS Regular Session minutes, second by Vice Chairman Brown. By a vote of 5-0, the motion carried.

Approval of Agenda

Chair Walker called for any additions or deletions to the agenda.

Vice Chairman Brown made a motion to approve the agenda as presented, second by Commissioner McPeters. After discussion, Vice Chairman Brown amended his motion to add In God We Trust on county vehicles for discussion, second by Commissioner McPeters. By a vote of 5-0 the motion passed.

Introduction of Animal Services Staff

Mr. Terry DePoyster, Public Services Director, introduced the new staff at the Animal Services, Ashley Benge, Shelter Attendant; Taylor Settlemyre, Registered Vet Technician; and Brittany Wright, Shelter Manager. He also recognized the many volunteers who stepped up to foster and help at the department while they were hiring the new staff.

Vice Chairman Brown asked about youth volunteers volunteering at the animal shelter, and Mr. DePoyster noted the new staff was addressing the volunteer age requirement and providing training for all volunteers.

Ms. Wright noted she would like to have electronic records for the shelter in order to be more efficient in looking up records; and change the operating hours for drop off and intake to be different than the adoption hours. She also announced there would be an open house event at the shelter on September 26th from 1:00-5:00pm and invited everyone to come see the shelter.

Administrative Items

Mr. Wooten presented for approval a Project Budget Ordinance for Buechel Stone/Project Rockhound.

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

Mr. Wooten presented for approval Resolution of Close-Out of Project Fund 48, for the Ethan Allen/Project Steam.

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

Mr. Wooten reported at last month's meeting the Board had asked for more details on the short term rental late fee waiver request. He presented a memo with the details of the property owner's management company failing to file taxes so the owners fired the company, and then hired another management company who again failed to file taxes. One of the owners had also had two surgeries during the past year. The amount of late fees waiver the owners were requesting was \$13,462.49.

Commissioner McPeters made a motion to approve late fees waiver, second by Commissioner Greene. Discussion followed. By a vote of 4-1 the motion passed.
Vice Chairman Brown, Commissioner Greene, Commissioner McPeters, Commissioner Vaughn – Yes
Chairman Walker - No

Mr. Wooten presented a reimbursement resolution for EMS vehicles for approval. The vehicles will be financed at a future date.

County of McDowell, North Carolina Declaration of Official Intent to Reimburse

This declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of County of McDowell, NC (the "Issuer") with respect to the matters contained herein.

1. **Expenditures to be Incurred.** The Issuer anticipates incurring expenditures (the "Expenditures") for the purchase of vehicles (the "Project").

2. **Plan of Finance.** The Issuer intends to finance the costs of the Project with the proceeds of debt to be issued by the Issuer (the Borrowing”), the interest on which is to be excluded from gross income for Federal income tax purposes.
3. **Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$50,000.00.
4. **Declaration of Official Intent to Reimburse.** The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Adopted this 9th day of September, 2019.

By: _____
Cheryl L. Mitchell, Clerk

David Walker, Chair Board of Commissioners

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

Mr. Wooten presented EMS non-collectible write-offs totaling \$69,250.07.

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

The following budget amendments were presented:

GF 3 – Appropriates reserved funds for the Clerk of Court

GF 4 – Appropriates reserves, reimbursements, and grant revenue in Emergency Services

GF 5 – transfers funds between line items in Public Services

GF 6 – Allocates inmate housing revenue

GF 7 – Allocates reserves in Social Services

Commissioner McPeters made a motion to approve GF3 - GF7 as presented, second by Commissioner Greene. By a vote of 5-0 the motion passed.

Veterans Program Overview

Ms. Tonia Hampton, Register of Deeds, gave a presentation on the new veterans program her office has implemented. Ms. Holly Davis, a part time employee in the office had been working on the program to provide all veterans with a picture ID card, and had also secured local businesses to give discounts to the veterans. There will be a big event on Monday, November 11th, from 10am-1pm for the veterans. Ms. Hampton will also pay for a shred event on that day. She also thanked Doug Gouge for his assistance in helping to get military discharge papers.

Ms. Hampton noted McDowell is the 12th county in the state to implement the program for veterans.

Backcountry Trail Program

Jason McDougald, Camp Grier Director, gave a presentation on a new US Forest Service (USFS) affiliated trail maintenance program his camp would like to start. He proposed a public/private resource between the USFS, Town of Old Fort and McDowell County to provide

maintenance on existing trails. The Fonta Flora, Over Mountain Victory Trail, and Gateway Mountain are all state trails coming through the county. The camp is looking for financial support from the county to maintain the existing trails and look for private funds to expand the trails. Of the 300 miles of trails within the Grandfather District, 65-70 miles are in McDowell County. The plan is to utilize the trail users such as mountain bikers, hunters, fishermen to maintain the trails, and funding would go toward a trail specialist to coordinate the volunteer groups and identify the trails.

Mr. McDougald noted between Camp Grier and USFS they have secured half of the \$75,000 base needed to fund the program.

Carol Price, Director of the Tourism Development Authority noted the TDA Board was very supportive of the proposed trail maintenance program. The TDA Board had not committed to a dollar amount at the time of the meeting.

Consensus from the Board was to review and discuss at a later date.

US Forest Service Updates

Greg Philipp, Operations Section Chief with the US Forest Service was schedule to present but had been deployed to eastern NC due to Hurricane Dorian. Lisa Jennings, Recreation Program Manager, with USFS gave an update on Pisgah National Forest. She noted there are 66,500 acres of forest lands in McDowell County.

Ms. Jennings also noted the USFS has added 25 parking spaces to the Catawba Falls parking lot. For the next phase of the project there are secured funds of \$200,000 of RTP state funds, and working on securing state and federal funds for the additional \$300,000 to reach the \$500,000 projected project cost to get trail users to the upper falls.

The forest plan revision that was begun in 2013 will be finishing up around the end of October, and then the USFS will hold public meetings. As soon as information is available they will present the findings to the Board.

Also the Forest Service is currently doing wildfire action planning from Lake James to Bald Knob.

Planning Department Updates

Mr. Ronald Harmon, Planning Director, gave an update on a request from the Board at last month's meeting regarding Family Subdivision exemptions. The Planning Board recommendation was for the County to seek an exemption from the General Assembly so that the subdividing and transfer of property to certain family members be exempt from the Subdivision Ordinance. The exemption would not cover rules such as minimum lot size per environmental health regulation, road width for NC fire code regulation, and the Watershed Ordinance.

Mr. Harmon presented an example from Macon County of a Family Subdivision exemption. A copy is included in the agenda packet.

Vice Chairman Brown made a motion to let Mr. Wooten put together the wishes of the Board as simple as possible, making sure there is a restriction the ordinance didn't have loopholes, second by Commissioner McPeters. By a vote of 5-0 the motion passed.

Water System Updates

Mr. Wooten advised staff will soon meet with the engineer to resume the process of working on the Lake James water intake.

Also, staff will meet with an engineer to prepare a recommendation on the next water line project.

Personnel Policy Revision

Mr. Wooten presented a change in the Personnel Policy regarding overtime during a disaster as a first reading. The UNC School of Government had indicated that the county can't have language that grants paid overtime for exempt employees only if a federal declaration is involved. Recommendation was for the wording to be changed to reflect exempt employees would be paid overtime in the event of a local State of Emergency declaration.

The proposed change in policy reads:

*Section 2. Emergency Preparedness:
If McDowell County deploys emergency teams outside of the county to support an external disaster, exempt employees will be compensated at time and a half for time worked over (40) hours during the disaster and recovery phase. Non-exempt employees will be compensated at the regular FLSA compensation policy. This procedure will also apply to disasters within McDowell County where a State of Emergency has been declared by the Chair of the Board of Commissioners.*

Discussion was held regarding the rains in the foothills and mountain sections of the county due to quick rising waters during storms. Several homes lost bridges during the rain events, and consensus from the Board was for there to be funds set aside for public assistance. Mr. Wooten noted the county qualified for public assistance, but there was not enough homes damaged for individual assistance. He noted there needed to be stream debris removal funds like there were in 2004, due to so many of the bridges being blocked by downed trees and debris.

Due to this being the first reading there was no action taken.

Involuntary Commitment Transportation Agreement

General Assembly passed a law stating local government is to adopt a plan governing the transport of individuals who have been involuntary committed to an appropriate facility. With assistance from VAYA Health, Sheriff Buchanan, and healthcare providers a plan was presented for approval. The plan did not alter the existing process; it only put in writing what is currently being done to comply with the law. A copy of the Memorandum of Transportation Agreement will be filed in the Finance Office.

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

Tax Matters

Mr. Wooten presented a request from Ms. Linda Onufrey, Tax Collector, to charge off uncollected taxes for the 2008 tax year in the amount of \$104,083.47 as of August 31, 2019. The amount was not included in the accounts receivable annual audit report because by statute the funds were not collectible.

Releases, Refunds, & Write-offs

MV tax refunds	\$ 604.72
Releases under \$100	\$ 1,217.49
Releases over \$100	\$ 6,425.72
Refunds	\$ 900.38
Discoveries	\$ 3,920.42

Vice Chairman Brown made a motion to approve the tax matters and tax write-offs, second by Commissioner Greene. By a vote of 5-0, the motion carried.

Vaya Health Update

Mr. Wooten presented a request from Vaya Health for approval of a resolution supporting continued state funding for mental health, substance abuse, and developmental disabled individuals who are not Medicaid recipients.

RESOLUTION IN SUPPORT OF FUNDING TO MEET THE MENTAL HEALTH, INTELLECTUAL/ DEVELOPMENTAL DISABILITIES, AND SUBSTANCE USE DISORDER SERVICE NEEDS OF THE CITIZENS OF MCDOWELL COUNTY

WHEREAS, McDowell County recognizes that, with appropriate services and supports, individuals with mental health and substance use disorders can achieve recovery; and

WHEREAS, McDowell County further recognizes that individuals with intellectual/ developmental disabilities (“IDD”) can live productive lives in the homes and communities of their choice; and

WHEREAS, the amount of resources needed for mental health, substance use disorder and IDD services and supports is increasing due to North Carolina’s increasing population; and

WHEREAS, McDowell County is a member of Vaya Health, a public Local Management Entity/ Managed Care Organization (“LME/MCO”) responsible for management and oversight of publicly-funded mental health, substance use disorder and IDD services for over 270,000 Medicaid-covered and uninsured individuals across twenty-two (22) western North Carolina counties (the “Catchment Area”); and

WHEREAS, consistent with the goals of the 1915(b)/(c) Medicaid Waiver expansion, the Vaya Health Board of Directors developed a comprehensive reinvestment plan beginning in SFY 2015-16 as part of a focused effort to reduce unnecessary emergency department admissions, divert people from incarceration and institutionalization, combat the Opioid epidemic, and support county Departments of Social Services; and

WHEREAS, Vaya has already reinvested \$18.5 million of its Medicaid savings in a broad array of initiatives designed to directly address the needs of the citizens of McDowell County,

including but not limited to expanding Facility Based Crisis and Behavioral Health Urgent Care services, implementing an innovative evidenced-based service to support children aging out of the foster care system, distributing Opioid overdose reversal kits, increasing provider rates and expanding Medication Assisted Treatment; and

WHEREAS, State funding for North Carolina's behavioral healthcare system has been inconsistent and inadequate for more than 17 years since mental health reform legislation was passed by the North Carolina General Assembly in 2001; and

WHEREAS, the North Carolina General Assembly has reduced State funding for behavioral health services (known as single-stream funding) by more than \$458 million statewide over the past four years, including more than \$48 million in cuts to single-stream funding to Vaya alone, while requiring Vaya and other LME/MCOs to continue offering the same level of State-funded services as before such reductions; and

WHEREAS, if the proposed \$9 million single-stream reduction in the pending State budget is passed into law, the General Assembly will have cut \$57 million in single-stream funding from Vaya; and

WHEREAS, despite these significant single-stream funding reductions, Vaya has continued serving the uninsured and underinsured using remaining State funds and Medicaid savings that were intended to be used for implementing its reinvestment plan; and

WHEREAS, such continued reductions have forced Vaya to eliminate, or halt work on, items from its reinvestment plan; and

WHEREAS, McDowell County has continued to fund Vaya with County dollars to supplement services to our residents, but we are concerned that additional reductions in behavioral health funding by the State may increase the need for the local allocation and place additional strain on local hospitals, Emergency Medical Services, jails, housing, and other social service resources.

NOW, THEREFORE, BE IT RESOLVED, that we, the McDowell County Board of Commissioners, do hereby request that the North Carolina General Assembly:

- Stop cutting Vaya Health's State single-stream funding so that such funds can be utilized to strengthen access to healthcare services for the mental health, intellectual/developmental disabilities, and substance use disorder needs of uninsured and underinsured McDowell County citizens; and
- Allow Vaya Health to build up its Medicaid savings so that Vaya can reinvest in services and supports for our communities rather than mandating that such funds be used to replace reduced State funding.

This 9th day of September 2019.

Attest:

Cheryl L Mitchell
Clerk to the Board

David Walker
Chairman, Board of Commissioners

Vice Chairman Brown made a motion to approve *Resolution in Support of Funding to Meet the Mental Health, Intellectual/Developmental Disabilities, and Substance Use Disorder*

Service Needs of the Citizens of McDowell County, second by Commissioner McPeters. By a vote of 5-0, the motion passed.

Census 2020 Resolution

Mr. Wooten presented a resolution stating the county would endorse the 2020 Census for approval:

Resolution Supporting 2020 Census Partnership

WHEREAS, the U.S. Census Bureau is required by the U.S. Constitution to conduct a count of the population and provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy; and

WHEREAS, McDowell County is committed to ensuring every resident is counted; and

WHEREAS, federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based, in part, on Census data and housing; and

WHEREAS, Census data helps determine how many seats each state will have in the U.S. House of Representatives and is necessary for an accurate and fair redistricting of state legislative seats, county and city councils and voting districts; and

WHEREAS, information from the 2020 Census and American Community Survey are vital tools for economic development and increased employment; and

WHEREAS, the information collected by the Census is confidential and protected by law; and

WHEREAS, a united voice from business, government, community-based and faith-based organizations, educators, media and others will enable the 2020 Census message to reach more citizens.

NOW, THEREFORE, BE IT RESOLVED by the McDowell County Board of Commissioners that McDowell County is committed to partnering with the U.S. Census Bureau and the State of North Carolina and will:

1. Support the goals and ideals for the 2020 Census and will disseminate 2020 Census information.
2. Encourage all County residents to participate in events and initiatives that will raise the overall awareness of the 2020 Census and increase participation.
3. Provide Census advocates to speak to County and Community Organizations.
4. Support Census takers as they help the County complete an accurate count.
5. Strive to achieve a complete and accurate count of all persons within our borders.

Adopted this 9th day of September 2019.

Attest:

Cheryl L. Mitchell, Clerk to the Board

David Walker, Chairman, Board of Commissioners

Vice Chairman Brown made a motion to approve the resolution, second by Commissioner Greene. By a vote of 5-0 the motion carried.

In God We Trust on Vehicles

Vice Chairman Brown noted he had seen “In God We Trust” on the county Sheriff’s vehicles, and thought the motto should be added to all county vehicles. Discussion followed on other locations the motto had already been placed.

Vice Chairman Brown made a motion to put In God We Trust on all county vehicles, second by Commissioner Greene. By a vote of 5-0 the motion approved.

Citizen Comment

Bobby Price asked for an update on the proposed Shooting Range since he had not seen it on the agenda in several months.

Mr. Wooten noted the last update the county had received was about 3 weeks ago, and state and federal funding was still pending. Commissioner Greene requested a representative from the Wildlife come to the next meeting and give an update.

Curt Wilder- Director, McDowell County RHA Health Services – reviewed some of the concerns of Health Services, including: single source funding for Vaya Health; possibility of more budget cuts; the agency also serves as a walk in crisis clinic, had 179 walk-ins last month.

Reports and Communications

Mr. Wooten announced the Board had been invited to hold their October 14th board meeting at the Historic Carson House at 4:00pm.

He also announced that on September 16th at 1:30pm there would be a ribbon cutting for the Catawba River Park.

Adjournment

There being no further business to transact at this time, upon motion by Vice Chairman Brown, second by Commissioner Greene, the meeting was adjourned at 6:40pm to October 14th at 4:00pm at the Historic Carson House.

CHERYL MITCHELL
Clerk to the Board

DAVID WALKER
Chairman