

**STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
BOARD OF COMMISSIONERS
REGULAR SESSION – DECEMBER 1, 2008**

ASSEMBLY

The McDowell County Board of Commissioners met in regular session at 5:00 P.M. on Monday, December 1, 2008, in the Commissioners' Board Room, the usual place of meeting.

MEMBERS PRESENT

Andrew K. Webb, David N. Walker, Dean Buff, Michael Lavender, and Barry E. McPeters

OTHERS PRESENT

Charles R. Abernathy, County Manager; Carrie Padgett, Clerk to the Board; Ashley Wooten, Assistant to the County Manager (Video); and Mike Conley, Reporter for THE McDOWELL NEWS

CALL TO ORDER

The meeting was called to order by Commissioner Webb who gave the invocation. The pledge of allegiance followed, led by Commissioner Buff.

SELECTION OF CHAIRMAN AND VICE-CHAIRMAN

This being the first Monday in December and with Commissioners Andrew K. Webb and Barry E. McPeters having won re-election in the General Election of November, 2008, the first order of business was the selection of Chairman and Vice-Chairman for the coming year.

The Clerk called for nominations for Chairman. Commissioner Webb said he thanked the Board for the privilege of serving as Chairman for five years representing the Board and 360 employees (including part-time), but he would not seek Chairman for another year.

Commissioner Webb nominated Commissioner David Walker.

With no other nominations, the Clerk called for a vote on Commissioner Walker as Chairman. The resulting vote was 4-0 in favor of Commissioner Walker.

The Clerk then called for nominations for Vice-Chairman. Chairman Walker stated he appreciated the opportunity of serving as Chairman for the coming year and commended Commissioner Webb for his service in the past. He said he would try to follow the professionalism demonstrated by Commissioner Webb.

Commissioner Walker nominated Commissioner Barry McPeters for Vice-Chairman.

With no other nominations, the Clerk called for a vote on Commissioner McPeters as Vice-Chairman. The resulting vote was 4-0 in favor of Commissioner McPeters.

APPROVAL OF MINUTES

Minutes of the October 13, 2008 regular session were presented for approval.

Commissioner McPeters made a motion to approve the minutes as recorded. Commissioner Walker seconded the motion and the vote was unanimous.

APPROVAL OF AGENDA

Commissioner Lavender made a motion to approve the agenda as presented. Commissioner Walker seconded the motion and the vote was unanimous.

APPROVAL OF SURETY BONDS

The County Manager advised approval for surety bonds was being requested for both the Sheriff and the Register of Deeds. The amount for the Sheriff was requested at \$25,000; the amount for the Register of Deeds was \$50,000.

Commissioner Lavender made a motion to approve both surety bonds in the amount recommended. Commissioner McPeters seconded the motion and the vote was unanimous.

SEX OFFENDER ORDINANCE/SECOND READING

The County's Sex Offender Ordinance was presented on second reading. The County Manager noted a correction made on page 2 and pointed out that he had not forwarded the ordinance to the two municipalities yet. He advised the Board could approve the Ordinance now or place it on the agenda again for further consideration.

In discussion, a question was raised concerning whether the County would have jurisdiction over those appearing in court, etc. The suggestion was made to insert the word "recreation" in Section 103 ("shall apply to county owned *recreation* properties").

Commissioner Lavender made a motion to forward the ordinance to both municipalities with insertion of the two corrections for their approval. Commissioner McPeters seconded the motion.

Discussion followed as to who would be responsible for checking and identifying sex offenders and whether coaches and others involved in recreational activities are screened. In response, the County Manager advised staff would check and, if something is found, staff would turn the information over to law officials. Concerning the latter issue, Mr. Abernathy said he thought this would be left for the individual community to handle.

When put to a vote, the motion carried unanimously.

WATER PROJECTS UPDATE

The County Manager advised both projects (Watson Road and Sherwood Forest) were underway, and that it was important to make sure people living in those areas understand that if they tap on now the fee is \$300.00, but if they wait, it will be substantially higher. This information will be conveyed by letter to each property owner.

Mr. Abernathy then shared information from Fiscal Year 2007-2008 that he had collected showing the inside/outside billing differential at 6,000 gallons. With only three utility/rate structures charging 200% or more, Marion was listed at 250%. He shared other comparison data for regional water systems sorted by outside rate at 3,000 and 6,000 gallons, as well as connection fees; Marion was shown with an inside tap fee of \$600.00 and an outside fee of \$900.00.

A brief discussion followed.

PRESENTATION OF ANNUAL AUDIT REPORT

Kathy Atkinson and April Westmoreland, of Johnson, Price and Sprinkle, came before the Board to present the Annual Audit Report.

Mrs. Atkinson gave a general summary of the Audit Report, noting sections or items of particular interest. She advised the County had received an unqualified opinion which is the expected result for the Audit. She commended County staff and the Board for improvements made in the County's fund balance which was 15.14% at the end of the fiscal year.

The County Manager addressed the fund balance further, noting a total fund balance of \$9,017,823 for 2007, with \$4,881.127 fund balance available and a percentage of 13.44%. In 2008, the total fund balance was \$10,174,959; the fund balance available was \$5,683.092, with a percentage of 15.14% as previously stated.

The County Manager thanked the Finance Officer for her work as well as department heads who also have a responsibility, noting the County had a good year with a better fund balance than it had been in many years.

A motion was made by Commissioner McPeters to accept the Annual Audit Report as presented. Commissioner Lavender seconded the motion and the vote was unanimous.

FINANCING FOR AMBULANCE AND VEHICLE/BUDGET AMENDMENTS

The County Manager noted bids for replacement of the wrecked ambulance were as follows:

Northwestern Emergency Vehicles, Jefferson, NC:

2009 Ford F-450 4x4 Diesel	\$143,223.00
2009 Chevrolet 4500 Diesel 4x4	\$166,847.00
2009 Dodge RAM 4500 4x4	\$146,934.00

Taylor Made Ambulance, Newport, Arkansas:

2009 Ford F-450 4x4 Diesel	\$144,346.00
2009 Chevrolet 4500 Diesel 4x4	\$154,816.00
2009 Dodge RAM 4500 4x4	\$150,310.00

Southwestern Emergency Vehicles: No response

Wheeled Coach: No response

Mr. Abernathy advised staff's recommendation was the low bid of \$147,574.69 which included NC Sales Tax and a Tag.

Bids for the other vehicle (Truck for Building Inspections) were:

Vic Bailey Ford	\$19,695.00	2008 Ford F-150 4x4
Bobby Murray Chevrolet	\$19,787.10	2008 Silverado 1500 4x4
Ken Wilson Ford	\$18,500.00	2008 Ford F-150 4x4
Legendary Ford	Did not have requested vehicle available but offered to search for one	
Stamey Chrysler	No 1500 plain trucks on lot	
Jim Cook Chevrolet	Sold out on 2008 but can get from another	

Dealership for \$22,790.00

Mr. Abernathy advised staff recommended the bid of \$18,500 from Ken Wilson Ford for the truck and that the Finance Officer had recommended holding the first payment until FY 2009.

A question was raised concerning the past problem with a Ford ambulance. The EMS Director addressed this, noting that they have had one failure since then which they are working to resolve. He said he felt comfortable with the quality, etc.

Mr. Abernathy advised the Finance Department had received two quotes regarding financing of one Ford Ambulance and one Ford F-150 Truck. RBC Bank responded with the lowest rate of 3.19% for a period of four years-8 semiannual payments in arrears beginning July 2008. The other response on financing was BB&T at 3.29%. Mr. Abernathy also introduced the *RESOLUTION APPROVING FINANCING TERMS* for the Board's approval.

Further discussion followed on various ambulance models, their performance, etc.

Commissioner Lavender made a motion to approve the recommended low bid of \$147,574.69 with Northwestern Emergency Vehicles for the ambulance, to approve the bid of \$18,500.00 with Ken Wilson Ford for the truck, and to approve the *RESOLUTION APPROVING FINANCING TERMS* as recommended by staff. Commissioner Webb seconded the motion and the vote was unanimous.

Budget Amendments were presented as follows:

#16 – Miscellaneous – Addresses the loan proceeds for the vehicle purchased for McDowell Technical Community College

#17 – Miscellaneous – Recognizes the additional funds received for the Criminal Justice Partnership Program

#18 – Recognizes a grant award for the Partnership for Children Program

#19 – Register of Deeds – Relates to the \$10.00 fee the State imposed for deeds of trust for their flood plain management services. The fees are remitted to the State for their regulatory program.

#20 – Miscellaneous – Amends the budget to reflect the Juvenile Justice Crime Prevention Control Award

#21 – Miscellaneous – Recognizes the additional transportation funds received from the State

#22 – Emergency Services – Reflects certain 911 fees and telephone charges that

are no longer permitted from the 911 fund and the purchase of a used Suburban

#23 – Library – Recognizes a grant award in the Library and roll over funds

#24 – Sheriff’s Department – Approves purchases from the Sheriff’s reserve fund and transfers funds internally for 911 related expenses that are no longer allowed from the 911 fund

#25 – Social Services – Relates to additional federal funds received for DSS and additional transportations funds from the State. This amendment reflects these increases

#26 – Audit Services – Reflects various audit allocations. These amounts are received back in the form of additional revenue

27 – Miscellaneous – Reflects action being taken to enforce the Mobile Home Ordinance.

Mr. Abernathy advised he would have had one additional amendment in reference to the Forest Service grading but was waiting on a final cost to remove the lead from the site; therefore, this amendment was incomplete.

In a brief discussion, Commissioner Webb noted the additional fee imposed by the State (Amendment #19).

Commissioner Lavender made a motion to approve Budget Amendments #16-27 as presented. Commissioner McPeters seconded the motion and the vote was unanimous.

DAY CARE DISCUSSION

Social Services Director Phillip Hardin addressed a proposal for the Child Care Center which operates under Social Services. He pointed out the Center was established in the late 60’s or early 70’s and had served the County well; however, times had changed and with the economy as it currently is, there were few children left at the Center. Therefore, he was recommending a closure of that facility. Other reasons noted for this recommendation were the Partnership for Children Program that is underway and receiving money, the lack of child care use, the fact that there were 24 slots left unfilled, the cost of \$200,000 to operate, and that there had been a deficit.

Mr. Hardin pointed out he had extra TANF dollars but could not use that money; however, he had been able to offset some costs. He noted a reduction in force which would eliminate some positions and some would retire, while others would have slots found for them. He said this is truly a financial situation and that in order to “break even” he would need to have all 24 slots filled.

A question was raised concerning child care costs there as opposed to elsewhere. Mr. Hardin said the rates would be the same wherever because of the subsidized amounts. He did note the difference in the State's requirements for child care as opposed to a toddler situation.

Discussion followed on a proposed February 1st closing date of the facility, how parents would be notified, etc. The County Manager said this situation had been evaluated for 3-4 months and that he was looking at other areas for efficiency, etc. He pointed out he had looked at individuals who might have been interested, noting that he might have had someone who could have been interested maybe two or three years ago. Discussion followed of what will happen if parents move their children sooner than anticipated or projected and employees are left. Mr. Hardin said he might be able to use them at DSS for a short period of time.

A motion was made by Commissioner Buff to authorize closing the facility with staff trying to work with employees to keep them employed through Christmas and perhaps until the proposed closing date. Commissioner Webb seconded the motion.

When put to a vote, results were three to two as follows:

In favor of the motion: Commissioners Buff, Walker and Webb

Opposed to the motion: Commissioner Lavender and Vice-Chairman McPeters

Commissioner Lavender then made a motion to bring back figures for looking at a separate facility. Commissioner McPeters seconded the motion and the vote was unanimous.

DISCUSSION OF RAIN GARDEN

The County Manager advised the Jury Parking Lot Water Management Project would involve construction of a "rain garden" to collect and treat stormwater runoff from the parking lot. The grant and the in-kind services provided by the City of Marion would cover the cost of the project except for the remainder of the parking lot which would have to be completed by the County. A cost estimate had been determined on paving of the asphalt section which would not complete the section adjacent to the Red Cross and Soil Conservation Building.

Cooperative Extension Director Dan Smith gave a general overview of the project as it relates to the watershed, rainwater runoff, etc., noting a similar project at Nebo Elementary School. He addressed the cost share aspect of the project that would involve the City of Marion and some volunteer work.

Jon Calabria gave a general description of a rain garden, its benefit to schools for purposes of education, demonstrations, etc., what the County could expect for future maintenance and the number of years for keeping it up. He advised the pavement in the

parking lot is eroding and should be replaced, noting that the design was being reconfigured for some additional spaces and that they would maintain the handicapped spaces.

A motion was made by Commissioner Lavender to approve acceptance of the grant and to authorize staff to begin work on the project, with assistance from the City of Marion for the in-kind match, etc. Commissioner Buff seconded the motion and the vote was unanimous.

SCATTERED SITE HOUSING GRANT

In review, the County Manager noted the Board had previously held a series of public hearings and had authorized the application for the Scattered Site Housing CDBG for which another county did not wish to participate. He advised the grant was awarded in the amount of \$400,000 and, as a result, the following documents were needed with the Board's approval:

- 1) CDBG Grant Agreement
- 2) Funding Approval
- 3) Resolution Designating Requisition Signatories
- 4) Contract with IPDC for Administration
- 5) Project Budget Ordinance

A brief discussion followed.

Commissioner Lavender made a motion to approve the five items as presented. Commissioner Webb seconded the motion and the vote was unanimous.

ENERGY CONSERVATION PLAN

The County Manager presented a draft *Energy Conservation Plan*, noting the County would come up short if some action were not taken now due to the economic situation. He briefly reviewed the policy, written with both level one and level two activities. Level 1 was defined as the current and routine operation of McDowell County government, with business conducted on a regular basis. Level 2 was defined as a severe situation where the cessation of all non-emergency activities is required.

Facility Maintenance Director Terry DePoyster addressed steps his department has taken to reduce energy, noting that he had talked with Duke Energy to discuss necessary changes for saving energy consumption, areas to be monitored, etc.

The Board accepted the draft *Energy Conservation Plan* as a general first step in this effort.

SAFETY COMMITTEE POLICY REVISION

Due to some recent changes in County personnel, etc., the County Manager presented a County Safety Committee Policy Revision, noting changes made to the policy.

OPEN MEETING

With reference to Open Meeting Policy recommendations, the County Manager addressed the links staff and the Board is using to comply with regulations and for being more open to the public. He advised there are areas where County Administration exceeds the law and is going over and beyond the law in accommodating citizens who might wish to participate. He requested that the Board provide feedback regarding these recommendations.

REGULAR MEETING TIME DISCUSSION

The County Manager had requested discussion concerning a time change for starting the Board's Regular Meeting. In an email which he had sent out earlier, Mr. Abernathy had suggested beginning the meeting at 4:00 p.m. instead of 5:00 p.m. in order to handle issues from department heads. In particular, he pointed out the need to start doing budget updates and amendments at each meeting.

Following some discussion, Chairman Walker advised he would look into this and get back with him about it.

TAX MATTERS

The usual listing of tax releases and refunds were presented for the Board's approval. In summary, they were:

Releases/Under \$100.00	Released amount of \$773.17
Releases/Over \$100.00	Released amount of \$3,222.87
Release Refunds	Refund amount \$1,391.51
Motor Vehicle Releases/Over \$100.00	Released amount of \$220.91
Motor Vehicle Releases/Under \$100.00	Released amount of \$841.40

Commissioner Lavender made a motion to approve tax releases and refunds as presented. Commissioner McPeters seconded the motion and the vote was unanimous.

BOARD APPOINTMENTS

Commissioner Webb requested to be replaced on the Social Services Board. Commissioner Buff recommended Chairman Walker as Commissioner Webb's replacement.

In discussion, Commissioner Lavender said he was willing to trade his position on Smart Start and TDA and would pick up the Social Services Board. Commissioner Webb said he was willing to pick up Transportation Planning if Chairman Walker accepted DSS. Chairman Walker agreed to accept the Social Services Board for a year.

Commissioner Buff made a motion to appoint Chairman Walker to the Social Services Board to replace Commissioner Webb. Commissioner McPeters seconded the motion and the vote was unanimous.

The following list for membership to the McDowell Economic Development Association, Inc. was presented:

<u>Name</u>	<u>Term Expires</u>	
<u>County Commissioners – 3*</u>		
Andrew K. Webb	07/01/08	2 nd term
Jeffrey Judd	07/01/08	2 nd term
Harold Walker	07/01/08	2 nd term
<u>City of Marion – 1 *</u>		
Lloyd Cuthbertson	07/01/08	2 nd term
<u>Town of Old Fort – 1 *</u>		
Garland Norton	07/01/08	3rd term
<u>McDowell Chamber of Commerce *</u>		
Jim Kilbourne	07/01/08	3rd term
<u>McDowell Technical Community College – 1 *</u>		
Dr. Bryan Wilson (replaced Dr. Mitchell-Jan. 2004)	07/01/08	2 nd term
<u>Board of Education – 1 *</u>		
Butch Justice	07/01/08	3rd term
<u>Contributing Membership – 5</u>		
Tommy Allison	07/01/08	1 st term
Steve Brush	07/01/08	1 st term
Mark Earley	07/01/08	1 st term
Mark Miller	07/01/08	1 st term
Joy Shuford	07/01/08	1 st term

Affiliate Membership – 2

Susan Elliott	07/01/08	1 st term
Nancy Spencer	07/01/08	1 st term

Ex-Officio Board Members - 7

Rod Birdsong – Executive Director, McDowell Chamber of Commerce
 Bob Boyette – Marion City Manager
 Mitch Gillespie – House of Representatives
 Jim Edwards – Executive Director, Isothermal Council of Governments
 Dean Kanipe – Manager, Small Business, MTCC
 Freddie Killough – Marion Downtown Business Association, Inc.
 Charles Abernathy – Executive Director, MEDA and County Manager

- Appointments made by external agencies can serve more than two consecutive terms.

A motion was made by Commissioner Lavender to suspend the rules and appoint, and to make appointments retroactive. Commissioner McPeters seconded the motion and the vote was unanimous.

Vacancies for the Planning Board were reviewed. These will be advertised and applicants will be presented at the January meeting.

SCHOOL PROPERTY MATTER

The County Manager advised state law requires the Board of Commissioners to have the first opportunity to purchase property owned by the School Board prior to their disposition. He noted the property is located adjacent to the AME Zion Church near the county line on Highway 70. He recommended that the County's response be that it has no interest in this property.

Discussion followed on what some of its uses could be, one of which was a pump station. The Board agreed that more clarification is needed on this.

A motion was made by Commissioner Webb to table this matter until the January meeting. Commissioner McPeters seconded the motion and the vote was unanimous.

DISCUSSION MEDIUM SECURITY PRISON

The County Manager said the State would negotiate two more facilities, one in the east and one in the west. The facility would employ 250 people or perhaps 300. Some other counties are looking at pursuing this. He advised the County would want to identify 3 or 4 sites, noting that a plus on this is that the County is doing a good job with the college in training, etc., and that the Firing Range will help as well. He said in order to be competitive the County would need to endorse the activity, noting the MEDA Board is supportive and has encouraged the Board to engage in pursuing.

Commissioner Lavender made a motion to endorse the project and to ask County staff to proceed with recruitment of this facility. Commissioner McPeters seconded the motion.

In discussion, the County Manager noted that our state delegation needs our endorsement in order for them to be supportive.

When put to a vote, the motion carried unanimously.

CITIZEN COMMENT

No one had signed up; therefore, there were no comments from citizens to be heard.

REPORTS AND COMMUNICATIONS

Commissioner Buff mentioned the fact that the planets of Venus and Juniper could be viewed very close to the Moon tonight.

Concerning the School property matter discussed earlier, Commissioner Lavender noted the grantee and grantor. The Board agreed to have the County Manager bring back information as needed.

In other matters, Commissioner Buff commented on the situation of elderly citizens in these tough times. All agreed on the need to watch out more closely for our neighbors.

This being the Christmas season, Chairman Walker read from Luke, Chapter 2, known as the Christmas Story in the Bible.

Further, Chairman Walker commented on the dignity and professionalism of the Board and what it represents. Commissioner McPeters commented on the privilege it is to him to serve as the Board's Vice-Chairman. He wished all a Merry Christmas.

ADJOURNMENT

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

DAVID N. WALKER, CHAIRMAN

CARRIE PADGETT
CLERK TO THE BOARD