

**STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
BOARD OF COMMISSIONERS
REGULAR SESSION – AUGUST 2, 2010**

ASSEMBLY

The McDowell County Board of Commissioners met in regular session at 5:00 p.m. on Monday, August 2, 2010, in the Commissioners' Board Room, the usual place of meeting. Due to a scheduling conflict, the Board had agreed at the July meeting to move this meeting up one week. The change was duly advertised.

MEMBERS PRESENT

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

OTHERS PRESENT

Charles R. Abernathy, County Manager; Carrie Padgett, Clerk to the Board; Ashley Wooten, Assistant to the County Manager (Video); and reporters Mike Conley, for THE McDOWELL NEWS, and Kaitlyn Evans for THE NEWS BULLETIN OF McDOWELL COUNTY.

CALL TO ORDER

Chairman David Walker called the meeting to order and welcomed those present, including members of the Junior LINC group at McDowell High. He called on one of their members to lead in the pledge of allegiance, after which Commissioner Buff gave the invocation.

APPROVAL OF MINUTES

Minutes of the June 14, 2010 regular session were presented for approval. Upon motion by Commissioner Lavender and a second by Commissioner Buff, the minutes were unanimously approved as recorded.

APPROVAL OF AGENDA

Chairman Walker asked if there were any additions to the agenda. Commissioner Buff stated he would like to discuss a small salary increase for County employees. By consensus, this item was added under New Business.

PRESENTATION OF JUNIOR LINC GROUP

The County Manager explained the Leadership Involvement Networking and Community (LINC) development program is a Chamber of Commerce initiative to develop leadership in the community. The Commissioners are a sponsor of this initiative, along with the City of Marion, McDowell Tech, and perhaps the School System. The program has graduated two groups, one being a “junior” LINC which focuses on High School students. Mr. Abernathy advised the students have some great ideas and wanted to meet with their elected officials to share some of them.

The Board heard comments from Jacob Reel, Taylor Patterson, McKenzie McCoy, Nneka Robinson, and Melanie Rodriguez. Among the things they liked best about the program was getting to see first-hand some of the history of the County, visiting industry and seeing people at work and who pays taxes, having the opportunity to be involved in the program and to share their ideas. They expressed their interest in starting a youth council in the County.

Juanita Doggett, Director of Industry Training at McDowell Tech and Marion City Councilman, stated the students had met last week at the Senior Center to share ideas on how to get people involved in volunteer work. This event was a youth forum sponsored by the Senior Center. She explained the students are interested in having a youth advisory council, and would like to see a continuation of the junior LINC program in order to have the next senior class involved after the current one graduates. Ms. Doggett said she and Mr. Ben Talbert, Principal at the High School, and Rod Birdsong of the Chamber of Commerce are interested in assisting with this program.

Mr. Talbert spoke briefly of the junior LINC program, noting they had started out with 10 students, with 9 staying in the program. He said the High School is very supportive of the program.

The County Manager noted the level of enthusiasm in this group, the importance of not dropping the ball, keeping the enthusiasm going, and continuing the initiative. He said there is a lot of merit in it and he hoped they could reach out to the other policy-making groups and figure out a way to take this initial recommendation and put it into effect.

Commissioner Webb said he was very impressed with all the positive comments he had heard about the County’s history, its workforce and economic development and how they want to move the County forward. Therefore, if appropriate, he would like to make a motion for endorsement of an advisory group and that he would be willing to serve on it for perhaps a year. The motion was seconded by Commissioner McPeters and it passed by a unanimous vote.

A brief discussion followed during which the students were asked to provide a list of topics that they would like to discuss.

INTRODUCTION OF NEW COOPERATIVE EXTENSION DIRECTOR

Dr. Dan Smith, former County Extension Director in McDowell County and now Director of the Western District of Cooperative Extension, came before the Board to introduce the new County Extension Director in McDowell County, Mollie Sandfoss. She will be taking over this position on August 16th after having worked for McDowell's Cooperative Extension Service as an area agent for eleven years. Ms. Sandfoss has a bachelor's degree from Berea College and a master's from Auburn University. Dr. Smith stated it had been a privilege working with Ms. Sandfoss those eleven years.

Ms. Sandfoss expressed her appreciation for the opportunity to serve as Director in McDowell County and to the staff for their commitment to their jobs and their desire to succeed, noting that she looked forward to working with them in developing the programs for the citizens of the County. She thanked Chad Ray for his leadership as Interim Director during the transition period, noting this had not been an easy task since they were short staffed. She mentioned several goals that she wants to see happen in the future. She addressed the different mechanisms they use in providing information to the citizens, including having an up-to-date website.

In offering congratulations to Ms. Sandfoss on her new position and to Dr. Smith for his past work in McDowell and his involvement with McDowell County in the future, the Commissioners commended the Cooperative Extension staff for their dedication and the assistance they provide to citizens in their various areas of expertise.

PRESENTATION OF 4-H SCHOLARSHIP CHECK

First, Chad Ray presented a "Certificate of Appreciation" to Chairman Walker in recognition of the Board's work in setting up the funds for the 4-H Scholarship Program. He then introduced Amber Burnette, County Council 4-H President, to receive the check officially establishing the Scholarship Program.

Mr. Ray advised they had pledged to raise \$5,000 to be added to the initial \$10,000 for the scholarship funds in order to be fully endowed and that a \$500.00 college scholarship would be given each spring to a qualifying recipient who will be recognized at the annual 4-H Achievement Night Banquet.

A brief discussion followed.

PUBLIC HEARING TRANSPORTATION FUNDING

At 5:45 as duly advertised, Chairman Walker declared the Board in public hearing on the proposed Rural Operating Assistance Program (ROAP) application to be submitted to the North Carolina Department of Transportation.

County Manager Chuck Abernathy recognized Steve Early, Chairman of the Transportation Planning Board, to give an overview of the FY2011 ROAP individual program funding.

Mr. Early advised that each year they apply for grant funds through the Department of Transportation to support the transportation opportunities for the Department of Social Services, the Senior Center, and Foothills Industries. He said this year the grant request will be in the amount of \$99,526 with a breakdown of \$21,807 for the Department of Social Services, \$38,859 for the Senior Center, and \$38,859 for Foothills Industries. He asked if there were any questions.

Commissioner Lavender mentioned that a few years ago in a public hearing setting, Mrs. Joy Shuford had reviewed with the Board the situation at that time regarding the possibility of McDowell County having a full-blown transportation system like some counties have and what the cost and benefit might be. He asked if the status had changed and how cost effective would this be for McDowell County.

Mr. Early said while he was not an expert regarding this issue, he could speak for Foothills Industries. He said even with their portion of \$38,859 grant funding, their “out of pocket” expense for their program alone is an additional \$100,000 per year, and if this were considered countywide, there would probably be similar issues in terms of expenses, etc. He pointed out this is particularly difficult in a rural setting, noting that the Department of Transportation is always interested in full capacity in relationship to funding for vehicle use.

In discussion, Chairman Walker and others concurred that the current operation of the transportation program is the most cost effective manner of doing business in McDowell County due to the strict requirements of the State.

Commissioner Webb asked if there was not a study underway to look at some potential extended needs and what possibilities could happen. In response, Mr. Early advised there was a study done ten years ago at a cost of approximately \$40,000, which the County did not have to fully fund. He said the study provided a recommendation that basically reaffirmed what was already known concerning the cost effectiveness, etc. He pointed out that in 2011 they will be required to do another study.

Chairman Walker asked if any one from the public would like to speak regarding the proposed ROAP application. No one responded.

Commissioner McPeters made a motion, seconded by Commissioner Buff, to close the public hearing. The motion carried by a unanimous vote.

Commissioner Lavender made a motion to approve the ROAP application for transportation funding as presented. Commissioner McPeters seconded the motion and the vote was unanimous.

AMBULANCE BIDS

Emergency Medical Services Director William Kehler advised requests for proposals on ambulance bids were sent out on July 8, 2010 for the ambulance budgeted in Fiscal Year 2010-2011. Requests were sent to four ambulance manufacturers on the Ford F-450 4x4 Diesel (Northwestern Emergency Vehicles, Taylor Made Ambulance, Southeastern Emergency Vehicles—McCoy Miller Division and Wheeled Coach) and bids were opened on July 26th. The low bid was from Taylor Made Ambulance in the amount of \$144,642, a total amount of \$148,982 including NC sales tax and tag. This is the recommendation of staff for the new ambulance.

Other bids were:

| | |
|--|--------------------|
| <u>Northwestern Emergency Vehicles</u> | Jefferson, NC |
| Ford F-450 4x4 Diesel | \$159,845.98 |
| Dodge RAM 4500 4x4 | \$161,046.00 |
| <u>Taylor Made Ambulance</u> | Newport, Arkansas |
| Dodge RAM 4500 4x4 | \$147,891.00 |
| <u>Southeastern Emergency Vehicles</u> | |
| <u>McCoy Miller Division</u> | West Jefferson, NC |
| Ford F-450 4x4 Diesel | \$169,037.00 |
| <u>Southeastern Emergency Vehicles</u> | |
| <u>Wheeled Coach</u> | West Jefferson, NC |
| Ford F-450 4x4 Diesel | \$168,334.00 |

Addressing the bids further, Mr. Kehler pointed out that while the EMS fleet has encountered significant problems with the Ford 6.0 and 6.4 engines, he is encouraged by current reviews on the new 6.7L diesel engine constructed by Ford. He advised this engine has undergone significant design changes which are aimed at improving engine performance, fuel economy, and longer engine durability.

The County Manager advised that in addition to having the bids entered into the minutes, the Board would need to act on the recommendation of the low bid from Taylor Made Ambulance, as well as the recommendation on financing. The Finance Officer had four proposals regarding financing of the new ambulance. RBC Bank had responded with the lowest rate of 2.44% with bank fees of \$750 and for a period of four years-four annual payments in arrears beginning August, 2011.

Other proposals on financing were:

BB&T 2.38% (fee \$0)

Sun Trust 2.525% (fee \$500)

Fifth Third 3.71% (fee \$800)

Discussion followed on the performance of the 6.0 and 6.4 engines, the problems they have presented in the past and why the 6.7L is considered more desirable and would perform better. The warranty was also addressed. The EMS Director advised the old unit would continue as a “first-out” unit for three or four years and then will be a reserve unit.

A motion was made by Commissioner Lavender to approve acceptance of the low bid with Taylor Made Ambulance in the amount of \$148,982 for the new ambulance, and to approve the *Resolution Approving Financing Terms* with RBC Bank at 2.44%. Commissioner Webb seconded the motion. Discussion followed on the reimbursement of sales tax, etc. and if in fact this would happen.

The motion carried by a unanimous vote.

In other EMS matters, the County Manager advised bids had formally been received on July 26th for new heart Monitor equipment for EMS. However, after researching the submitted bids, staff was recommending that the bids be accepted into the record but then reject them and readvertise due to problems with the clarity of what was originally submitted.

A motion was made by Commissioner Lavender to accept the bids, reject them and readvertise. Commissioner Webb seconded the motion. In discussion, the EMS Director explained that several of the bids were actually incomplete. When put to a vote, the motion carried unanimously.

DRUG COURT PRESENTATION

Pam Murray, representing Drug Treatment Court in the Judicial District 29A, came before the Board to give a report and overview of the activities of the Drug Court. First, Ms. Murray thanked the Board for use of the Board Room for Drug Court during times when there is a conflict in the Main Courthouse Facility. She pointed out they had been able to get some ABC funds for additional drug testing, and noted that one thing they are finding is that drugs change. When she started with the program 2½ years ago it was meth, then it was prescription drugs, and now it is back to meth. She attributes the success of the program to good community support through law enforcement, treatment, probation, a defense attorney, and a district attorney.

Ms. Murray explained that McDowell County’s Drug Court had started with a Crime Prevention grant in 2007 and in 2008 they had received a federal grant. A strong value that is found in our Drug Court is that when some one starts the Drug Court without a GED, they do not graduate until they have one. Also, they do not accept anyone with a violent nature or who has committed a violent crime. They try to introduce structure and keeping busy, and teach their participants to make better choices in life. Sixty-three participants have been admitted into the program. Ten have graduated and one will

graduate this year. Of the 10 graduates, one has enrolled in college, five obtained better jobs, three are mothers working part-time and raising children and only one was re-arrested and sentenced to prison.

A general discussion followed. Ms. Murray thanked the Board for their support.

WATER LINE UPDATE

The County Manager advised, as reported last month, the County was awarded a Rural Center grant in the amount of \$152,220 to extend water from East Side Baptist Church in Nebo along Harmony Grove Road to the Red Caboose. The estimated cost for this extension is \$304,440. There is \$143,659.56 remaining from the original EPA STAG grant for Watson Road. Mr. Abernathy stated the County would need to reapply for these funds; therefore, he would ask the Board to approve the resubmission of an application in the amount of \$143,659.56 to EPA.

Mr. Abernathy asked his Assistant, Ashley Wooten, about the timetable for going to bid. Mr. Wooten advised it was hard to tell but that it could be some time. Mr. Abernathy advised the project could not proceed without the funds.

Commissioner Webb made a motion, seconded by Commissioner Lavender, to accept staff's recommendation by approving the resubmission of the application and necessary documentation for funding for the Harmony Grove Road water line. The motion carried by a unanimous vote.

A general discussion followed on the amount of STAG grant funds that have been awarded to McDowell County and the importance of having legislative members being involved for this to happen.

BOARD APPOINTMENTS

Chairman Walker noted vacancies for various committees, presented on second reading. They included the Social Services Board with one vacancy and one applicant (Alice H. Little), the Library Board with one vacancy and two applicants (Anne Allen and Deborah R. Davis), the Adult Care Committee with outstanding vacancies and two applicants (Jewell McNeal and Janice Daves), the Focal Point Advisory Committee with one vacancy and one applicant (Tim Blenco), and the Transportation Planning Board with one vacancy and two applicants (Tim Blenco and Melissa Ledbetter).

The Board proceeded to vote, by written ballot, to fill the various vacancies. Results of the votes were:

Social Services: *A unanimous vote for Alice H. Little*

Library: *A unanimous vote for Deborah R. Davis*

*Adult Care Advisory Committee: A unanimous vote for Jewell McNeal
And Janice Daves*

Focal Point Advisory Committee: A unanimous vote for Tim Blenco

*Transportation Planning Board: A unanimous vote for Melissa
Ledbetter*

WATER SHORTAGE RESPONSE PLAN

The County Manager advised the State of North Carolina requires the County to have a Water Shortage Response Plan. The plan requires that the County take certain water reduction measures in the event of a draught and the response is dictated by the level or seriousness of this possibility. Staff had worked on this to decide what steps would be taken should this event happen. A resolution was drafted which Mr. Abernathy said was pretty straight forward.

Commissioner Lavender made a motion, seconded by Commissioner Buff, to approve the Resolution as presented. The motion passed by a unanimous vote and the Resolution was approved as follows:

RESOLUTION APPROVING WATER SHORTAGE RESPONSE PLAN

WHEREAS, North Carolina General Statute 143-355(1) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Water Shortage Response Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for McDowell County, has been developed and submitted to the Board of Commissioners for approval; and

WHEREAS, the Board of Commissioners finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355(1) and that it will provide appropriate guidance for the future management of water supplies for McDowell County, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of McDowell County that the Water Shortage Response Plan dated April 27, 2010 is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Board of Commissioners intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 2nd day of August, 2010.

WATER SYSTEM MUTUAL AID AGREEMENT

The County Manager presented a recommended Mutual Aid Agreement that would govern regional response and mutual aid for water system operators in the event a disaster or emergency would occur in one jurisdiction that would necessitate the need to request assistance from other units or jurisdictions. He pointed out the Agreement is not State mandated but that it does establish a set of guidelines that would allow the County to provide assistance. Our resources are limited and the Agreement will be very useful. The City will also be involved in this Agreement.

In discussion, Mr. Abernathy stated the Agreement did not have to be enacted today but could be approved with the provision that it be brought back if there is anything in question. The suggestion was made to also have the Utility Committee review it.

A motion was made by Commissioner Lavender, seconded by Commissioner Webb, to approve the Mutual Aid Agreement as presented and to refer it further to the Utility Committee. The motion carried by a unanimous vote.

ORDER OF COLLECTION/TAX MATTERS

The County Manager explained that Phyllis Ryan, Tax Collector, was scheduled to be present but she had a conflict. He explained the Order of Collection and the Settlement are usually presented together but while the Settlement was not yet complete, he had decided to put the Order of Collection on the agenda for approval, thus allowing staff to proceed and be in compliance. Mr. Abernathy advised the Settlement will be quite good and said it is rather unexpected.

The usual listing of tax releases and refunds were presented for approval, including those for July since they were not approved last month. In summary, they were:

For July:

| | |
|---------------------------------------|-------------------------------|
| Releases Over \$100.00 | Released amount of \$5,541.23 |
| Motor Vehicle Releases/Under \$100.00 | Released amount of \$560.65 |
| Motor Vehicle Releases/Over \$100.00 | Released amount of \$372.00 |
| Release Refunds | Refunded amount of \$44.11 |

For August:

| | |
|---------------------------------------|-----------------------------|
| Motor Vehicle Releases/Under \$100.00 | Released amount of \$108.68 |
| Motor Vehicle Releases/Over \$100.00 | Released amount of \$606.23 |

A motion was made by Commissioner Lavender to approve the Order of Collection and the tax releases and refunds as presented. Commissioner McPeters seconded the motion and the vote was unanimous.

CODE OF ETHICS MODEL DOCUMENT

The County Manager noted that each member of the Board of Commissioners had attended the required ethics training, thereby complying with state law, and that the School of Government was charged to draft a suggested model document or Code of Conduct for each unit of local government to adopt. Mr. Abernathy advised the suggested document does satisfy the legal requirements contained in the legislation. He gently suggested using both documents to draft the final document.

Commissioner Lavender said his preference would be to use both documents and maybe merge the two into one for consideration. Consensus of the Board was to have staff take the two documents and draft one to be brought back later for consideration.

CABLE INTERCONNECTION

Chairman Walker advised the Board had been given a demonstration of some of the upgrades and additions to the County Government Channel and the quality of work they were shown is first class and he wanted to commend the staff for what they are doing.

Mr. Abernathy and his Assistant, Ashley Wooten, updated the Board on cable interconnections and efforts made toward placing the Government Channel on the internet. Mr. Abernathy advised a request had been made to Charter to allow the Nebo Channel to begin broadcasting the County Channel. It is his understanding that the technical ability to do this now exists. He had hoped to have confirmation about this by tonight but as yet it had not been received. Mr. Abernathy pointed out the County had made a huge investment in this project and that it is unfair to leave Nebo out of the picture. He suggested inviting that agency to the next meeting to have them explain their status.

Commissioner Webb noted the franchise agreement and the fact that this is a violation. This aspect was discussed. Mr. Wooten advised he had received an email from Morris Cable and they are willing to work out the details.

Also, Mr. Wooten addressed the connection, noting that it was delayed due to moving equipment, etc., but this had finally been accomplished with assistance of the summer intern. He noted other accomplishments, such as the message board which is maintained by Theresa Strickland, of which he is proud. He said a lot had been done by staff in recent months to improve and update the County Channel.

Mr. Abernathy mentioned the various programs that have been added to provide access to the public, noting that staff had gone beyond expectations in this effort.

At the suggestion of Commissioner Webb, Chairman Walker said he would like to have Jonathan Shuman and Theresa Strickland attend the next meeting. The County Manager was in agreement on doing this.

REQUEST FROM CITY OF MARION REF. BUILDING INSPECTION FEES FOR WAL-MART

The County Manager addressed the request from the City of Marion that the permit fees for the Wal Mart Super Center building and the retail shops be split 50-50 between the County and City and the building and fire inspections responsibility be split as well between County and City personnel.

Mr. Abernathy explained what his initial thoughts were about the request and referenced the letter from Jerry Silvers, McDowell County Building Inspections. Mr. Silver's letter states that unless something unforeseen happens, he and his staff would be able to provide all the required inspections for this project. However, he said if for any reason he was unable to perform Level III inspections, outside assistance will be required since he is the only one in the department qualified to perform this type of inspections. Therefore, Mr. Abernathy thought it would be best to hold off until more progress is made on the project since grading currently taking place.

Chairman Walker asked what would be the pleasure of the Board. Commissioner Lavender said he had an issue with this request, noting the code is what it is and there should be one person responsible for saying this is what it should be. He advised he was not as concerned about the fee as much as what the code should be.

By consensus the Board agreed to wait and to refer the request to the Utility Committee for further discussion.

TRAIL GRANT AWARD

The County Manager advised it now appears the County will be able to do both trails including the one around the YMCA and Senior Center and the second one that will go by the McDowell Hospital, the Medical Park and the County facilities. He referenced a letter received from Governor Perdue regarding construction of the two trails and her announcement that the Parks and Recreation Authority had approved a grant in the amount of \$365,285 from the Parks and Recreation Trust Fund for the McDowell County Greenway Extension project. The PARTF grant has to be matched.

Mr. Abernathy noted previous discussions of sharing the match with the Corpening Foundation and the fact that the County had budgeted a small amount

(\$23,000). He stated there should be more thought put to this project, perhaps to look at bordering the project over two years.

A general discussion followed with a suggestion made on revisiting the master plan, etc. A question was raised as to whether the City should be asked to assist since the trails will be in the city limits. Mr. Abernathy advised that Bill Hendley, of the Trails Association, will be on the September agenda regarding the Catawba River Greenway, etc. He mentioned the Town of Old Fort working on their Mill Creek Greenway and the progress the City has made on the Pea Vine Trail. Mr. Abernathy suggested that perhaps a dinner meeting is in order to maybe talk about trails since it is the County turn to host.

OCTOBER MEETING

Chairman Walker stated the Board of Directors at Historic Carson House was again inviting the Board to hold its October meeting there. He asked what the Board's pleasure would be concerning this meeting.

Commissioner Buff made a motion, seconded by Commissioner Webb, to hold the October meeting at 4:00 p.m. on October 11, 2010 at Historic Carson House, 1805 U.S. Highway 70 West. The motion passed by a unanimous vote.

PAY RAISE FOR COUNTY EMPLOYEES

As a brief introduction for this item, the County Manager advised the County's Salary Plan has "steps" of one and a quarter percent.

Commissioner Buff said County employees did not get a raise last year, they are understaffed, and positions had been cut (14½ were eliminated). He stated he wanted to do this in July before the budget was adopted and now he wanted to put the matter before the Board for consideration.

Commissioner Lavender said he was in support and Chairman Walker did as well. Commissioner McPeters said he appreciated the idea and it would help in hard times. Commissioner Webb said he had some mixed feelings, although he thanked Commissioner Buff for reminding the Board of the idea. Commissioner Webb stated the Board should set some priorities, and that there are some financial things that they needed to tackle.

Mr. Abernathy stated there are some things to consider and that he had a real concern. He acknowledged the fact that staff is understaffed, a lot of people are out of work, and that he would want to reward the employees. But he said what Commissioner Webb had stated is true--the "pie" gets divided and you must set priorities and he appreciated it.

A motion was made by Commissioner Lavender to approve a 1.25% increase for County employees, to be effective by September 1, 2010. Commissioner Webb seconded the motion and the vote was unanimous.

CITIZEN COMMENT

No one had signed up to speak; therefore there was no "Citizen Comment" at this meeting.

REPORTS AND COMMUNICATIONS

There were no "Reports and Communications" given.

ADJOURNMENT

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

DAVID N. WALKER, CHAIRMAN

CARRIE PADGETT
CLERK TO THE BOARD