

**STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
BOARD OF COMMISSIONERS
REGULAR SESSION – JANUARY 17, 2011**

ASSEMBLY

The McDowell County Board of Commissioners met in regular session at 5:00 p.m. on Monday, January 17, 2011, in the Commissioners' Board Room, the usual place for meeting. Due to weather conditions, the Board had cancelled the second Monday's meeting on January 10, 2011, and had rescheduled it for today.

MEMBERS PRESENT

David N. Walker, Chairman; Barry E. McPeters, Vice-Chairman; Andrew K. Webb; Michael K. Lavender; and Joshua R. Dobson.

OTHERS PRESENT

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

CALL TO ORDER

Chairman David Walker called the meeting to order. The invocation was given by Commissioner McPeters, followed by the pledge of allegiance, led by Commissioner Webb.

APPROVAL OF MINUTES

Minutes of the October 11, 2010 and November 8, 2010 regular sessions were presented for approval.

Upon motion by Commissioner Webb and a second by Commissioner McPeters, the minutes were unanimous approved as recorded.

APPROVAL OF AGENDA

The County Manager advised the subject of "trails" appears in two places on the agenda but there is a third trails issue that will come before you.

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

2010-11 AUDIT PRESENTATION

Kathy Atkinson and April Westmoreland, from the firm of Johnson, Price and Sprinkle, P.A., came before the Board to present results of the County's 2010-2011 Audit.

Mrs. Atkinson noted the audit requirements which dictate how the report looks, etc. and a management letter in which they make recommendation on strengthening the internal control. The Audit had been approved by the Local Government Commission and the report is not presented to the Board until that approval has been given. The desired result of the Audit is unqualified. Mrs. Atkinson reviewed a number of items that are required in the reporting process, such as management's interaction and cooperation with them, whether an opinion had been sought from another accountant, etc.

Mrs. Atkinson addressed changes in how funds for the school system were handled this year as opposed to last year. The actual fund balance percentage this year from 14% in 2006 and 13% in 2007 is up to 25%.

A general discussion followed.

The County Manager stated he receives a daily overview of newspapers across the nation on city and county governments and their financial plight, and it is chock full of instances of units of government that are raising taxes, slashing services, and almost filing bankruptcy. He said North Carolina as a general rule fairs very well because of how local government is managed and run as evidenced by the report just received. He pointed out about three and a half years ago the Board and County staff got in front of what was coming by making responsible adjustments that needed to be made. As a result, the fund balance was increased by a little over half a million dollars in a difficult year. Mr. Abernathy said he was absolutely pleased and thankful that the Board was in front of all this and the staff was serious and worked diligently with them. He said this is a real accomplishment and he appreciated everyone's efforts.

Chairman Walker echoed those sentiments, noting it was a combination of work and effort and he wanted the department heads and County employees to know that the Board is much aware of the sacrifice they have made during this difficult time. For the benefit of the public, Mr. Walker stated this information would be on the government channel for their viewing as well.

Commissioner McPeters made a motion, seconded by Commissioner Dobson, to accept the Audit report as presented. The motion carried by a unanimous vote.

Chairman Walker thanked Mrs. Atkinson and Mrs. Westmoreland for their work and the good report as well.

BUDGET REVIEW

The County Manager provided a general summary of the budget at mid-year and noted that the Board receives a monthly report of revenues and expenditure, as well as a monthly report on tax collections. The sales tax report for November was presented.

A discussion of investments followed. A question was raised as to whether the County might be able to invest somewhere else. The Finance Officer said the County is limited to some extent which is typically the same across much of the state. Mr. Abernathy provided comparative information on similar counties, etc., noting the difference that could be realized with a tax rate and an *effective* tax rate. He said he would like to look at the fire tax and solid waste fees for a comparison.

PUBLIC HEARING – AMENDMENT TO WATERSHED ORDINANCE

The County Manager recognized Planning Administrator Ron Harmon, noting that he wears many hats in overseeing the various ordinances, regulations, etc. and operating the Planning Department as one person. He pointed out that watershed regulations are one of the examples for which counties are required to adopt regulations, noting the intakes for the City of Marion and the Town of Old Fort, or other community water systems, and the federal government says the County will regulate how those properties are developed. The State Government audits what is happening with those properties to make sure the regulations are being enforced and that violations are not occurring. The County was audited and, as he understood, fared very well with the work that was done and in our compliance under the Ordinance. However, he stated there were amendments to the Ordinance that the State said we must do.

Chairman Walker declared the Board in public hearing for the purpose of making minor amendments to the McDowell County Watershed Ordinance in accordance with NCDENR guidelines.

Mr. Harmon then explained the requirements that came about as a result of an audit of the program conducted by the State last year and the amendments necessary in Section 302 and Section 304, which he explained in detail.

A general discussion followed.

Chairman Walker opened the floor for public comment regarding the proposed amendments.

Joy Winiarski, a Marion resident, asked a question to which Mr. Harmon responded.

Marion resident Frank Denniston asked did the County have to adopt the ordinance. Mr. Harmon explained the Board had to adopt the language as set forth by the State. Further, Mr. Denniston asked if the public would be made aware of these

amendments. Mr. Harmon pointed out the public would be made aware of the amendments, but these are such that they would be “triggered” more when someone comes in to get a building permit or to inquire about his property.

A general discussion followed.

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

Commissioner Lavender made a motion, seconded by Commissioner Webb, to approve the changes or amendments to the Watershed Ordinance as presented and a brief discussion followed. The motion carried by a unanimous vote.

Chairman Walker thanked Mr. Harmon for the fine job he does in all areas of his work.

PUBLIC HEARING – PART F TRAILS GRANT CATAWBA RIVER

Frank Dean, from the McDowell Trails Association, came before the Board requesting that the County be a partner in the application process for the Part F grant along with the City of Marion. Their intent is to submit the grant application for completion of the second phase of the Greenway which would include building an amphitheater and parking at back of the McDowell House.

Further, Mr. Dean made reference to a meeting he and Bill Hendley had with Tom Johnson of Tom Johnson Camping Center in which Mr. Johnson asked that they build another parking area and restrooms farther up the river (meaning toward the County-owned Park that was flooded out). Mr. Dean said restrooms will be needed at the McDowell House and that the National Park Service has done a survey in view of doing a master plan for that property. He advised they want to move on this as quickly as possible.

Chairman Walker then declared the Board in public hearing for the purpose of soliciting input on the NCDENR Parks and Recreational Trust Fund grant application, and opened the floor for public comment.

Frank Denniston and Joyce Winiarski, a retired teacher, spoke of the value of the Greenway, about the McDowell House and Round Hill and the history associated with those areas.

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

The County Manager commented briefly on what action the Board needed to take, including the adoption of a *RESOLUTION BY THE McDOWELL COUNTY BOARD OF COMMISSIONERS AUTHORIZING THE SUBMISSION OF A JOINT NORTH*

*CAROLINA PARKS AND RECREATIONAL TRUST FUND GRANT APPLICATION
WITH THE CITY OF MARION.*

Commissioner Webb made a motion to approve the Resolution to partner with the City of Marion in making application for the PARTF grant. Commissioner Lavender seconded the motion which passed by a unanimous vote and the Resolution was adopted as follows:

**RESOLUTION BY THE McDOWELL COUNTY BOARD OF
COMMISSIONERS AUTHORIZING THE SUBMISSION OF A JOINT NORTH
CAROLINA PARKS AND RECREATIONAL TRUST FUND GRANT
APPLICATION WITH THE CITY OF MARION**

WHEREAS, the North Carolina Department of Environment and Natural Resources, Division of Parks and Recreation has been authorized by the North Carolina General Assembly to award grant funds to eligible park, recreation and open space projects including recreational trails; and

WHEREAS, the City of Marion is seeking funds to develop Phase II of the Joseph McDowell Historical Catawba Greenway from the current trail location and to the back of the McDowell House property; and

WHEREAS, the City of Marion has developed a site plan and cost estimate of \$440,000 and plans to implement this project; and

WHEREAS, certain improvements on county owned property known as the Historic Joseph McDowell House property will be part of this application; and

WHEREAS, the improvements will seek to include an outdoor theater and parking for the public and these improvements will greatly enhance the future use and viability of the historic property; and

WHEREAS, the City of Marion is requesting from the Parks and Recreation Trust Fund Program a grant in the amount of \$220,000.

**NOW, THEREFORE, BE IT RESOLVED BY THE McDOWELL
COUNTY BOARD OF COMMISSIONER as FOLLOWS:**

Section 1. The Marion City Council will allocate \$145,000 in local match including the total appraised value of 3.9 acres acquired by private donation and dedicate funds from the City General Fund to match the amount awarded by the State if the grant application is approved. These funds will be available when the grant is awarded in the summer of 2011.

Section 2. The McDowell County Board of Commissioners will lease property located in the rear of the McDowell House parking for the purpose of providing

approximately 45 parking spaces and for the future construction of an outdoor theater. The lease will be for \$1.00 and will extend for the extended utilization of the facility. A draft of the specific property is attached to this Resolution.

Section 3. It is agreed that the City of Marion will provide for the efficient operation and maintenance of the project on completion of the greenway trail and associated facilities.

Section 4. This Resolution authorizes the County Manager to sign grant documents in coordination with the City of Marion.

Section 5. The County of McDowell agrees to act as a joint applicant with the Marion City Council. It is agreed that the City of Marion will submit the application and be the primary point of contact and assume responsibility for grant compliance.

Section 6. This Resolution shall be effective upon its adoption.

Adopted this the 17th day of January, 2011.

Commissioner Lavender then made a motion, seconded by Commissioner McPeters, to authorize staff to work with the Trails Association in acquiring the associated right of way for the request from Tom Johnson as presented by Mr. Dean. The motion carried by a unanimous vote.

TRANSPORTATION STUDY REQUEST

In a brief update, the County Manager said he had spoken with Ms. Miriam Perry, Director of the North Carolina Department of Transportation, and the County did require that they produce a transportation study or report. He advised what he would like to do is to expedite that process and get it underway.

Steve Early, Director at Foothills Industries, made reference to the annual public hearing that is held regarding the funds received from the Department of Transportation to support the transportation program in McDowell County. That program is a health and human services transportation arrangement whereby funds received help to offset some of the expenses for Foothills Industries, the Department of Social Services and the Senior Center. Mr. Early said as Mr. Abernathy had alluded to, in order to keep receiving those funds a transportation study has to be done every five years, but in reality one had not been conducted in about ten years. Therefore, the request for a study has to be in by July, 2011 in order to continue receiving those funds. Mr. Early made reference to a letter submitted to the County Manager's office for execution by the Board and sent to the Department of Transportation along with a resolution indicating there is significant public support for such a study in the County. Therefore, he would make recommendation for expediting the process to move forward with the study.

Mr. Abernathy pointed out the selection of a consultant would come from an approved list from the Department of Transportation. The County would issue a request for proposals and an approved list of consultants and a recommendation would be made back to the Board of Commissioners on the actual selection.

In further discussion, Mr. Abernathy pointed out there are three things for consideration regarding this process. They are 1) citizen input, 2) what demands exist among the citizens, and 3) what is significantly different from ten years ago is what has happened in the way of federal and state policy requirements and regulations and the ability of agencies to continue to perform transportation services in-house.

A general discussion followed.

Mr. Abernathy said his recommendation would be for the Board to authorize staff to make contact with the state and in perhaps sixty days, allow the ability to issue an RFP to bring a recommendation back on the selection of a consultant. He said he would get someone involved for citizen participation.

Further discussion followed.

Mr. Abernathy said the action needed was a motion to authorize the conducting of a study, that the letter be sent to the State, and the expectation that the RFP be a sixty-day process.

Again, Mr. Early suggested that a resolution be sent along with the engagement letter. He suggested that the letter include some mention of the 10% match as well.

Commissioner Lavender made a motion, seconded by Commissioner Webb, to send the letter, that a resolution be drafted by Mr. Abernathy with language as suggested by Mr. Early, and begin the sixty-day process. Following a brief discussion, the motion carried by a unanimous vote.

COMMUNITY SERVICES GRANT RECOMMENDATION

DSS Director Phillip Hardin came before the Board to make recommendation on submitting an application for a Community Services Block Grant. He provided a general background of the program which operates in both Buncombe and Madison Counties. Funds from the Block Grant would be used to provide case management for people living in poverty. Mr. Hardin advised he felt this was a needed resource that would only enhance the DSS services currently being provided and said the DSS Board had recommended the Community Services Block Grant as well. The Grant does not require a match. He introduced a *RESOLUTION of the County Commissioners of McDowell County APPROVING THE SUBMISSION OF APPLICATION FOR GRANT FUNDS FOR COMMUNITY SERVICES BLOCK GRANT TO NC OFFICE OF ECONOMIC OPPORTUNITY* for the Board's consideration.

A general discussion followed.

Commissioner McPeters made a motion, seconded by Commissioner Dobson, to approve submission of the Community Services Block Grant application and the Resolution as presented. The motion carried by a unanimous vote.

AMERICAN CANCER SOCIETY WALK

Darren and Kendall Waugh and Tonia Waycaster came before the Board to give a presentation on Relay For Life.

First, Mrs. Waugh, a volunteer with Relay For Life, advised the RFL “kick-off” would be on Thursday, January 27th, 6:00 p.m. at the McDowell High School Media Center. The Spring Consignment sale is scheduled for April 9th and 10th, and the Relay itself will be Friday, May 6th, 5:00 p.m. at Tom Johnson’s Camping Center Rally Park.

Mrs. Waycaster, Nurse Navigator at the McDowell Hospital and Co-Chairman for RFL, then presented statistics on cancer in McDowell County, cancer screening in Western North Carolina, and total cancer incidence and mortality rates compared with North Carolina ratings.

The ladies encouraged everyone to get involved with the Relay For Life program to help save lives. They addressed both individual and corporate sponsorship opportunities.

Commissioner Lavender stated he liked the idea of having a team, suggesting that perhaps the Board could challenge the Marion City Council to a “Jail and Bail” event.

Commissioner Dobson made a motion, seconded by Commissioner McPeters to authorize the County Manager to ask County employees to have a team and to donate \$1,000.00 toward RFL. The motion carried by a unanimous vote.

Commissioner Lavender then made a motion, seconded by Commissioner Dobson, to challenge the Marion City Council to a “Jail and Bail” event to raise money for the RFL. The motion carried by a unanimous vote.

A brief discussion followed.

WATER PROJECTS UPDATE

Concerning the Harmony Grove Road Extension, Mr. Abernathy advised the pre-construction conference had not been held due to the holidays, weather conditions, etc., but he would make an attempt to get the meeting scheduled this week. He advised the construction period is four months, so the area should be connected to the water system by the end of April.

Further, Mr. Abernathy stated he still did not have an answer on using funds for South Creek. Concerning the water plant property, he advised there are various issues that could risk the relicensing process with Duke Energy, so there is much more work to be done there. Also, on Friday he had received from Crescent Resources an extension on the contract which had expired in December. This item will be placed on the agenda in February with more information.

CITIZEN COMMENT

Two individuals had signed up to speak at this time. The first speaker was Ken Waters who came before the Board as President of the Blue Ridge Chapter of the Air Force Association. AFA is a support organization for the United States Air Force, but is not a part of the Air Force. This organization sponsors what is called “Cyber Patriots” NJROTC, a program aimed at youth and getting them interested in ways of combating cyber crimes, hackers, etc. After giving further background of the program, in which McDowell High School is a participant, Mr. Waters stated it would be a nice gesture if the group of students could come to a board meeting to share what they are doing. Further, he suggested that the Board consider the adoption of a resolution on their behalf.

The other speaker was Frank Denniston, who spoke in follow-up to the proposed Transportation Study. He questioned the composition of the committee in “voting” members as opposed to those doing the “groundwork” on issues, noting the latter should have input. In response, Mr. Abernathy pointed out there are “at-large” members or citizen involvement.

Further, Mr. Denniston said effort should be made to ensure that very strict guidelines are included in the application to have citizen involvement.

DOWNTOWN FACADE PROGRAMS UPDATE

The County Manager gave a brief update on additional meetings that had been held, noting recommendations were still in the process of being developed. The meeting with property owners is planned for mid-February, with a program kick-off in April. Concerning the composition of the review committee, Mr. Abernathy stated the group is recommending a person from each entity (four) with those four naming a fifth person that could be a business or property owner. The suggestion had been made for staff to serve as non-voting ex-officio members.

REVALUATION UPDATE

In a general update, the County Manager noted concerns that have been voiced and the small number of sales that have occurred. He said staff has a strong feeling that a report should be received from Tom Ebert and Keith Renfro prior to the mass mailing.

Commissioner Lavender stated he appreciated the draft document that had been done but said he did not feel enough had been done in the relief options. In view of the

information to be prepared for the upcoming mailings, he asked that staff be informed not to use all caps in mailings preparation, and that there should be an explanation of what a tax payer can do to pay his taxes in partial payments, etc.

Discussion followed on what needs to be done to educate the public and get information out to make the process as simple as possible.

Commissioner Webb expressed his concern about the lack of sales, an antiquated tax system, etc., noting that he would like to have one more workshop at least.

Commissioner McPeters noted the importance of a workshop with a more relaxed setting. He pointed out a lot of people are concerned and cannot sell even with improvements having been made. Commissioner Lavender favored getting the staff and consultant back in for another workshop when hopefully they can get as accurate numbers as possible. Commissioner Dobson said he needed to get some answers before making a decision, such as what authority does the Board have in setting a figure.

There was no motion made, but Chairman Walker said by consensus there would be a workshop soon.

In further comments, the County Manager said due to the lack of sales and economic situations that exist, they would all expect figures as close as possible to the previous ones. Commissioner Webb stressed the idea of being cautious and looking at the big picture as far as current circumstances.

The Board will meet on Monday, January 24th, in a workshop and will meet with the School Board on Thursday, January 27th.

MEETING WITH SCHOOL BOARD UPDATE

Concerning the meeting with the School Board, Mr. Abernathy advised this meeting was scheduled for January 27th at 6:00 p.m., with the location yet to be determined.

BOARD APPOINTMENTS

Three vacancies for the Agricultural Committee, presented on first reading last month, were again presented with two applicants (James R. Nations and Earl B. Sprouse, both for reappointment).

By written ballot, the Board voted on the two applicants. By a unanimous vote, both Mr. Nations and Mr. Sprouse were reappointed to the Agricultural Committee.

Staff will continue advertising for the third vacancy.

The idea of Commissioner Dobson replacing Commissioner McPeters on the Health Board was again mentioned.

Commissioner Lavender made a motion, seconded by Commissioner Webb, to allow Commissioner Dobson to replace Commissioner McPeters on the District Health Board. The motion carried by a unanimous vote.

Commissioner Dobson will serve on Isothermal Planning and Development Commission Board of Directors, replacing former Commissioner Dean Buff as the Board's representative. Mr. Buff will be retained on Isothermal's Board in another capacity.

ELECTIONS AGREEMENT WITH CITY OF MARION

Concerning the Elections Agreement with the City of Marion, Mr. Abernathy advised the State has a template of an agreement that allows the County to recover the costs of holding an election. He stated there were no issues of which he is aware with this Agreement, entitled *MUNICIPAL AGREEMENT*.

A general discussion followed.

A motion was made by Commissioner Lavender, seconded by Commissioner Webb, to approve the document as presented. The motion carried by a unanimous vote and the *MUNICIPAL AGREEMENT* with the City of Marion was approved as presented.

WAL-MART INSPECTIONS RESOLUTION

Concerning this issue, the County Manager advised that when the developer decided to develop property, he wanted the County Inspections Department to be the one doing them. He pointed out this is different in that the property is in the City limits and the issue is coordinating the annexation of the property by the City with the inspection of the property by the County. That being the case, the City had adopted *A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARION, NORTH CAROLINA REGARDING DEVELOPMENT-SPECIFIC CITY AND COUNTY COOPERATION (THE "RESOLUTION")*. The Resolution addresses the responsibilities for inspection approval for the Wal-Mart project and stipulates that the County is responsible for the inspections regardless of when the property is formally annexed into the City. The Resolution applies only to the primary structure and not the "out-parcels" that will be constructed.

Mr. Abernathy requested the Board's approval regarding the Resolution.

Commissioner Webb made a motion, seconded by Commissioner Lavender, to approve the Resolution as presented. The motion carried unanimously.

VOTING DELEGATE TO LEGISLATIVE GOALS CONFERENCE

Concerning the NCACC Legislative Goals Conference scheduled for January 20-21, 2011 in Raleigh, the Board briefly considered who was planning to attend the conference. Each member of the Board indicated a tight schedule for this time; however, the County Manager advised he planned to attend the conference.

Commissioner Lavender made a motion, seconded by Commissioner McPeters, to allow Mr. Abernathy to be the voting delegate for McDowell County. The motion carried by a unanimous vote.

CATAWBA FALLS ACCESS GRANT AUTHORIZATIONS

The County Manager explained access to the Catawba Falls had occurred and he had met with representatives from the North Carolina Forest Service and Tom Kenney with the Foothills Conservancy last week. This agency had requested that the County submit a grant to the USDA to assist with the construction of parking and signage at the Fall's entrance off Catawba River Road. He advised McDowell County was the first entity that did not receive funding and the Forest Service would use its own money for this.

A motion was made by Commissioner Dobson to allow the County to apply for a USDA grant for the purpose stated. The motion carried by a unanimous vote.

TAX AND WATER RELEASES AND REFUNDS

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

Releases Under \$100.00	Released amount of \$2,412.22
Releases Over \$100.00	Released amount of \$9,010.16
Motor Vehicle Releases Under \$100.00	Released amount of \$1,274.22
Motor Vehicle Released Over \$100.00	Released amount of \$1,088.94
Release Refunds	Refunded amount of \$1,688.70

Also for consideration was the approval of a veteran's disability application received late from Francine Sarcione. The Tax Assessor was requesting the Board's approval in accordance with G.S. 105-282.1(a)(1).

Commissioner Webb made a motion, seconded by Commissioner McPeters, to approve the tax releases and refunds and the late veteran's application as presented. The motion passed by a unanimous vote.

Further, a water bill adjustment was requested for Ms. Cindy Riddle who had received a bill that exceeded \$200.00, but no leak or other explanation could be found for her excessive usage. The total amount of the bill was \$355.80 (\$115.80 leak adjustment and \$240.00 late and reconnect fees).

Commissioner Lavender made a motion, seconded by Commissioner McPeters, to approve the water bill adjustment as requested. The motion carried by a unanimous vote.

GRANTING OF BADGE AND SIDEARM

The County Manager presented a request from the Sheriff's Department for granting the badge and authorizing the sale in the amount of \$1.00 of the sidearm (Sig Sauer P-220 – Serial # G366629) to a retiring officer (Kenneth S. Morgan). A *RESOLUTION AUTHORIZING SALE OF COUNTY OWNED PROPERTY* was introduced for granting this request.

A motion was made by Commissioner McPeters, seconded by Commissioner Lavender, to approve the Resolution and grant the request. The motion carried by a unanimous vote.

REPORTS AND COMMUNICATIONS

The County Manager advised there needed to be a workshop in early February for discussion of Health Insurance. He stated it appeared to be rather significant as to what the health reform would do to the County's self-insurance. Also, he said he thought things were ready to do 911 communications and the Board needed to meet to handle these items.

ADJOURNMENT

There being no further business to transact at this time, upon motion by Commissioner Webb and a second by Commissioner McPeters, the Board voted unanimously to adjourn until 11:30 a.m. on Monday, January 24, 2011, for a tax revaluation workshop.

DAVID N. WALKER, CHAIRMAN

CARRIE PADGETT
CLERK TO THE BOARD