

**STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
BOARD OF COMMISSIONERS
REGULAR SESSION – MARCH 14, 2011**

ASSEMBLY

The McDowell County Board of Commissioners met in regular session at 5:00 p.m. on Monday, March 14, 2011, in the Commissioners' Board Room, the usual place for meeting.

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 Lavender, followed by the pledge of allegiance, led by Commissioner Dobson.

APPROVAL OF MINUTES

Minutes of five meetings were presented for approval: December 6, 2010 and January 17, 2011 regular sessions, February 9, 2011 adjourned session, February 14, 2011 regular session, and the February 28, 2011 adjourned session.

Commissioner Webb made a motion to approve the minutes as presented. Commissioner McPeters seconded the motion.

In discussion, the County Manager pointed out he had shown Carrie Padgett as being present for the February 9, 2011 adjourned session but she was not present and that correction needed to be made.

Commissioner Webb amended his motion to reflect the correction noted and Commissioner McPeters amended his second as well. The motion passed by unanimous approval.

APPROVAL OF AGENDA

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

RECOGNITION OF FOOD SERVICE DIVISION

Chairman Walker welcomed employees of the Food Service Division of DSS and Director Phillip Hardin to the meeting. The group had won an award and Commissioner Webb wanted to acknowledge them for their efforts.

Mr. Hardin pointed out this was a United States Department of Agriculture award as a "Hunger Champion" and there were 16 given across the country, with McDowell's DSS being the only one in North Carolina. They were nominated by MANNA Food Bank for their efforts to increase the numbers. Four years ago, 40% of the eligible population was receiving food and nutrition benefits; today 108% of the eligible population is being served. They have increased their caseload 120%, from 1,800 cases to almost 4,000 in two and a half years.

Chairman Walker called the employees forward and presented the Champion Award to them as a group. In comments from the Board, they recognized the employees for their hard work and demonstrating grace, dignity and respect to those they serve. Commissioner Webb, who was a part of this unit at DSS at one time through a partnership with MANNA Food Bank, pointed out this is a federal USDA Program which dictates very strict guidelines for its operation. He commended the employees for working to comply with those rules and Mr. Hardin for his good leadership. He noted he was figuring 80 plus years of service, not counting Mr. Hardin's, with this group.

RESOLUTION REGARDING FLEXIBILBITY TO ORGANIZE HUMAN SERVICES LEGISLATION

Chairman Walker called on the County Manager to present this item. Mr. Abernathy advised that he and the DSS Director were respectfully asking the Board to formally endorse the legislative goal already approved by the NCACC Legislative Goals Process for removing the population threshold and give counties greater flexibility for organizing human services. The goal seeks legislation to do the following:

Seek legislation to allow counties to organize human services based on community need, including the population threshold in GS 153-77.

Oppose legislation that would mandate consolidation of social service functions.

Mr. Abernathy pointed out that GS 153-77 allows counties with populations greater than 425,000 to restructure their human services and assume more direct control if desired. The current bill focuses on Health Boards, Mental Health Boards and DSS Boards. The bill currently only applies to Mecklenburg and Wake Counties. The

legislation would give the Board of Commissioners the authority to organize human services if they chose to do so. The legislation would not mandate action.

Mr. Hardin spoke in favor of the legislation and a brief discussion followed.

Chairman Walker introduced a resolution entitled *RESOLUTION IN SUPPORT OF LEGISLATIVE GOAL FOR INCREASED COUNTY FLEXIBILITY TO ORGANIZE LOCAL HUMAN SERVICES ADOPTED BY THE MEMBERSHIP OF THE NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS* for the Board's consideration.

Commissioner Webb made a motion, seconded by Commissioner Lavender, to approve the Resolution as presented. By a unanimous vote, the Resolution was approved as follows:

**RESOLUTION
IN SUPPORT OF LEGISLATIVE GOAL FOR INCREASED COUNTY
FLEXIBILITY TO ORGANIZE LOCAL HUMAN SERVICES ADOPTED BY
THE MEMBERSHIP OF THE NORTH CAROLINA ASSOCIATION OF
COUNTY COMMISSIONERS**

WHEREAS, county governments across North Carolina are facing severe financial pressures during these difficult budget times;

WHEREAS, county governments are looking for ways to consolidate programs and services to offer a more streamlined and efficient government to minimize administrative costs and maximize services for its citizens;

WHEREAS, McDowell County is an active member in good standing of the North Carolina Association of County Commissioners;

WHEREAS, every two years, the membership of the NCACC develops and approves a package of legislative proposals designed to protect and enhance the interests of county governments and the citizens who live in our 100 counties;

Whereas, more than 200 county officials representing 83 counties gathered in Durham County on Jan. 20-21, 2011, and debated and ultimately approved 54 proposals submitted by counties to be included in the legislative goals package;

WHEREAS, one of these goals is to "allow county flexibility to organize local human services";

WHEREAS, this proposal provides all counties with the option to determine locally how they can best provide human services to their citizens;

NOW, THEREFORE, BE IT RESOLVED that the McDowell County Board of Commissioners adopts this resolution in support of the proposal to “**allow county flexibility to organize local human services**”;

FURTHER BE IT RESOLVED that copies of this resolution be transmitted to the members of the General Assembly representing McDowell County to let them know of our support for this issue.

Adopted this the 14th day of March, 2011.

INTRODUCTION OF NEW EXTENSION AGENT

County Extension Director Molly Sandfoss came before the Board to introduce the new Agricultural and Natural Resources Agent for Cooperative Extension. She thanked the Board for their commitment in getting this position filled. The new Agent, Greg Anderson, is a life-long resident of McDowell County and grew up in the 4-H Program under the direction of former Extension Agent Mario DeLuca and the former Director Robert Love. He graduated from NC State University with a bachelor's degree in Agricultural Extension Education. During his first month on the job, Mr. Anderson had already met with the Board of Directors of the Cattlemen's Association in developing programming goals, had initiated a livestock judging team and a livestock club. He has been active in the planning of the Tailgate Market as well as working with the McDowell County Chapter of the Honeybees.

Mr. Anderson said he was pleased to be with Cooperative Extension Service and appreciated the Board's support in getting the position filled as it had been vacant for some time. He said while he was in Raleigh for training, the folks there recognized McDowell County's commitment to the Extension Service and the agriculture program. He plans to continue with the programs started by former Agent Mario DeLuca and he wants to re-energize a few things such as the youth development program with more emphasis on the livestock aspect. Mr. Anderson commended Chad Ray for his work in 4-H although livestock is not his specialty.

A general discussion followed concerning the beef and livestock production in the County. In reference to his work with the Cattlemen's Association, Mr. Anderson said he hoped to train them on the selection of animals for basic improvements in quality and to increase production, etc. He pointed out that by going as a group, they will increase their market share as opposed to going as an individual.

The County Manager stated the County is fortunate to have this position filled considering the status of the State's budget cuts, etc. The opportunity to fill the position came about as a result of the Commissioners willingness to increase the local salary percentage.

BUDGET UPDATE AND AMENDMENTS

The County Manager presented the following budget amendments for the Board's approval:

GF 23 Addresses the medical insurance issue and the raise previously approved by the Board. The amendment transfers \$223,327 from anticipated revenues to cover both items. The cable revenue is earmarked and was used for the County's technical advisor.

GF 24 Covers issues related to the EMS fuel and maintenance line items. Major problems with the Ford ambulance engines over the past year were cited and the fact that the EMS Director is working through trying to have reimbursements for these engine issues. Also, the price of diesel has increased over 22% since January and continues to head higher.

GF 25 Transfers \$69,361 primarily from the Worker's Compensation rebate that was received and cover the final items related to the pool repair (water line replacement and asphalt repair), plus drain line repair at Maple Leaf. Also, cover the roof replacement, floor repair, and drainage issues at the Library, and replaces the HVAC system in the kitchen area at the Senior Center.

GF 26 Transfers \$24,590 from the jail reserve into expenditure accounts for the Sheriff's Department. Includes 20 portable radios (\$5,855), a metal Building for storage (\$7,111), computer notebooks (\$2,997), Project Lifesaver Equipment (\$4,797), and equipment related items in the jail.

A Project Budget Ordinance for Energy Efficiency Block Group was presented for approval as well. This Project Ordinance is established for the Energy Efficiency Grant that was previously approved by the Board.

Commissioner Lavender made a motion to approve budget amendments GF 23 through GF 26 and the Project Budget Ordinance for Energy Efficiency Block Grant as presented. Commissioner Dobson seconded the motion and it passed by unanimous approval.

In his budget update, Mr. Abernathy presented the latest figures (January remittance, actual for December) for One Cent Sales Tax, Article 40 ½ Cent Sales Tax, Article 42 ½, and Article 44 1/2.

A general discussion followed on the Article 40 and 42 ½ Cent Sales Tax remittance, how funds are used, etc.

Further, Mr. Abernathy addressed the idea proposed by Governor Perdue of shifting the cost to purchase school buses and to cover worker's compensation for state

employees to counties. This was discussed along with information received from the North Carolina Association of County Commissioners a few weeks ago regarding the State's budget.

SHERIFF VEHICLES AND FINANCING

The Sheriff was not asked to attend the meeting; therefore the County Manager presented information on the purchase of four vehicles for the Sheriff's Department as approved by the Board during the budget process, and the related financing bids. The vehicles include a 2011 4X4 Dodge, and three Dodge Chargers. The purchase includes the police package (lights, etc.), with vehicles purchased off the State Contract so they are not bid.

The Finance Office had received four RFPs in regard to the financing of four Sheriff's vehicles and equipment for same. BB&T responded with a rate of 2.11% and for a period of four (4) years-semi annual payments in arrears beginning September, 2011.

Other responses were:	Bank of America: unable to bid at this time
	SunTrust: 2.385%
	Mountain 1 st Bank: 4.95%

A *RESOLUTION APPROVING FINANCING TERMS* was introduced for the Board's approval.

A brief discussion followed.

Commissioner Dobson made a motion, seconded by Commissioner McPeters, to approve the purchase of four (4) Sheriff's vehicles from State Contract at a cost not to exceed \$111,849.00, and to approve the *RESOLUTION APPROVING FINANCING TERMS* with BB&T at a rate of 2.11% on financing of said vehicles. The motion carried by unanimous approval.

CENTRALIZED DISPATCHING UPDATE

Chairman Walker asked the County Manager to lead the discussion on this item. Mr. Abernathy advised the Utility Committee had discussed the merging of the dispatching functions with the City of Marion on at least two occasions. The County and City staff had also met several times to begin work on the numerous details involved in such a move. We have 65 fewer employees and this is one area that could well use more employees.

Mr. Abernathy explained the 911 Consolidated Proposal, 911 fees and costs. The agreement constructed with the City of Marion would be for the County to assume their dispatching. The City would pay for two positions and the County would hire two new positions. The County could upgrade the two twenty-hour part-time positions to fill one

of the positions that the County would be obligated to provide per the agreement. The cost to the City for the two dispatchers plus benefits would be approximately \$80,000 in salaries and benefits. The cost to the County to add a full-time position and to upgrade the two part-time positions would be \$44,924.

The location, management of the operation, call volume, benefits of the recommendation, etc. were discussed, as well as why the Sheriff's Department is not being included at this time. Numbers on the additional benefits this would provide will be received later. All members of the Board indicated an interest in having the Sheriff's Department included, but were certainly willing to work with the Sheriff to make this happen at the appropriate time. One Commissioner made mention of the good spirit of cooperation existing at the Utility Committee meeting.

FACADE GRANT UPDATE AND APPOINTMENT

The County Manager briefly updated the Board on the Façade Grant. Ten business owners had picked up applications. The applications are due on March 31st and approval will occur by April 30th. A committee will be appointed with the responsibility of making recommendations to the MEDA and MBA Boards. This committee will be comprised of appointments from the City of Marion, the MBA, MEDA, and the County, with one additional person to be named as an at-large appointment. MEDA has appointed Susan Elliott, the City has appointed Juanita Doggett, and the City has suggested Kathy Rabb as the at-large appointment. Mr. Abernathy stated the Commissioners needed to make an appointment.

A brief discussion followed with Commissioner Dobson agreeing to volunteer to serve if the Board agreed.

Commissioner Lavender made a motion, seconded by Commissioner McPeters, to allow Commissioner Dobson to serve on the "Façade" Committee. By unanimous approval, the motion carried.

UPDATE ON NEBO GOVERNMENT CHANNEL

In a general update, the County Manager informed the Board of improvements made to upgrade the Nebo channel (Morris Cable). He said after working for two years to get the two cable systems interconnected to allow the government channel to be shown on the Nebo Channel, he now felt there was good news with some progress finally being made. He pointed out the issue is that the government channel is accessed only on Charter Communications—not on the Nebo channel. He noted the frustration of knowing there was an ability to make this happen but the willingness to do it was not there.

Mr. Abernathy advised the technical situation is that the fiber meets but is not connected. In order to connect the systems, a transmitter would have to be purchased for Charter and a receiver for Morris. The cost for each item is \$6,000 for a total of \$12,000. If the County would purchase the two pieces of equipment, the cable company would

consider doing the interconnection. He pointed out the County does receive earmarked revenue from the State for the operation of our PEG channel and this would be an approved expenditure. He recommended making the purchase out of this fund in order to make the interconnection possible.

A motion was made by Commissioner Dobson to approve the expenditure of \$12,000 from the PEG fund to purchase the two pieces of equipment (transmitter and receiver) to expand the operation. Commissioner Lavender seconded the motion.

In discussion, Commissioner Webb said, for the record, that he felt Charter was using this situation to get something they need and said "shame on them".

When put to a vote, the motion carried by unanimous approval.

WATER LINE UPDATE AND RFP

In his update, the County Manager mentioned the fact that people would finally have safe water, fees were being waived, the letter being sent out to property owners, etc. Concerning the extra money from the two grants received, Mr. Abernathy pointed out the County will be going to the grant agencies to get permission to use these funds to expand water into South Creek (maybe \$60-70,000 will be available). He stated the RFP has not been sent out because of the "hoops" that we will have to go through to get this done, but hopefully this happen on April 5th.

BUILDING INSPECTIONS MOVE UPDATE

The County Manager advised the move of the Building Inspections Department to the Health Department facility on Spaulding Road had taken place on Monday and the transition process appeared to be going well. He said they are happy and this arrangement is going to be better for all concerned. He pointed out there might be more meshing that could be done.

CENSUS INFORMATION UPDATE

The County Manager provided information from the 2010 Census as follows:

<u>Year</u>	<u>Population</u>	<u>% Increase</u>
2010	44,996	6.32%
2000	42,151	15.35%
1990	35,681	1.53%
1980	35,135	12.77%
1970	30,648	

Mr. Abernathy stated he was getting the first pieces of information from the Census itself consisting of the geographic area population, housing units, and race, which

he distributed to the Board. The population for the City of Marion shows quite a substantial increase over the past decade while the Town of Old Fort has dropped a little. More information will be shared as it is made available.

RECORDS DISPOSITION SCHEDULE

The County Manager addressed the Records Disposition Schedule for the Sheriff's Department, which had not been copied due to its length. He pointed out the State dictates what can be disposed of, what needs to be kept, how it is handled, etc., and their directions have to be followed. Mr. Abernathy asked that the Board approve the Disposition Schedule for the Sheriff's Department.

Commissioner Lavender made a motion, seconded by Commissioner McPeters, to accept the Records Retention and Disposition Schedule as presented and recommended. The motion passed by unanimous approval.

CRIMINAL JUSTICE PARTNERSHIP GRANT APPROVAL

The Criminal Justice Partnership Program Grant request for FY 2011-2012 was considered next by the Board. The County Manager gave a brief summary of the application, including composition of the committee, etc.

Commissioner McPeters made a motion, seconded by Commissioner Lavender, to approve the CJPP Grant for FY 2011-2012 as presented. The motion passed by unanimous approval.

TAX AND WATER RELEASES/REFUNDS

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

Releases Under \$100.00	Released amount of \$3,217.58
Releases Over \$100.00	Released amount of \$5,012.97
Motor Vehicle Releases Under \$100.00	Released amount of \$1,042.73
Motor Vehicle Releases Over \$100.00	Released amount of \$1,563.51
Release Refunds	Refunded amount of \$22,466.42

A water bill adjustment was requested for Rick Hebard in the amount of \$35.00 for late charges assessed due to a mix-up in billing and electronic payment through his bank. The Finance Department recommended the refund for Mr. Hebard.

Commissioner Lavender made a motion, seconded by Commissioner Dobson, to approve tax releases and refunds as presented and to approve the water bill adjustment as requested. The motion passed by a unanimous vote.

BOARD APPOINTMENTS

Chairman Walker noted a vacancy on the McDowell County Planning Board since Vice Chairman Bob Blankenship's term will expire in April. The vacancy was presented on first reading. Also, the term of two additional members of the Planning Board will expire in May (Arvin Hicks, Jr. and Dennis Whitson).

CITIZEN COMMENT

Chairman Walker checked the roster and, with no one yet signed up, asked if any one present would like to speak. Old Fort resident Janice Poteat Hensley came forward to sign up. Her subject was funerals, more specifically military funerals. First, she commented in a personal way concerning her nephew Joey Whitener who was killed early on during the War in Iraq, of his infant son who is now seven year old son, and of two other nephews who are now serving in Afghanistan. Mrs. Hensley then spoke of the disrespect that is often shown by people who march and riot near places where military funerals are being held, at cemeteries, etc.

Continuing, Mrs. Hensley asked the Board of Commissioners to be proactive and approve a resolution to the effect that people who cause rioting and disruption are not welcome and cannot come within one mile of the service location and to the burial grounds. She gave the Board a copy of a letter she had prepared that she said would be sent to all 100 counties, making the same request to them.

Marion resident Frank Denniston spoke of the difficulty he had experienced in getting a pin number of his property as part of an application he had to fill out to get a septic line run. He said County offices should be able to communicate more readily to assist people in getting things done in a timely manner.

The Board then took a brief recess.

CLOSED SESSION ECONOMIC DEVELOPMENT MATTER

Chairman Walker noted Mr. Abernathy's request, as Economic Development Director, for a closed session to be held on an economic development project that is considering McDowell County as a location. He cited GF 143-318.11 Section 4 and declared the Board in closed session.

Mr. Abernathy provided pertinent details regarding the economic development project. Discussion followed.

Commissioner Lavender made a motion, seconded by Commissioner Webb, to go out of closed session. The motion carried by a unanimous vote.

REGULAR SESSION RESUMED

When back in regular session, Chairman Walker explained there was no action taken as a result of the closed session just ended.

REPORTS AND COMMUNICATIONS

Commissioner Lavender mentioned the Fire and Rescue College the following weekend, being co-sponsored by McDowell Technical Community College and the McDowell Fire and Rescue Association, with assistance from other agencies in the County.

ADJOURNMENT

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

David N. Walker, Chairman

Carrie Padgett, Clerk to the Board