

**STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL  
BOARD OF COMMISSIONERS  
REGULAR SESSION – MAY 9, 2011**

**ASSEMBLY**

The McDowell County Board of Commissioners met in regular session at 5:00 p.m. on Monday, May 9, 2011, in the Commissioners' Board Room, the usual place of 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. Randy Hollifield, Chairman of the Salute to Veterans Committee, led in the pledge of allegiance. The invocation was given by EMS Director William Kehler.

**APPROVAL OF MINUTES**

Minutes of the April 11, 2011 regular session were presented for approval. With no corrections being made, upon motion by Commissioner Lavender and a second by Commissioner McPeters, the minutes were approved by a unanimous vote.

**APPROVAL OF AGENDA**

With no deletions, additions or corrections made to the agenda, upon motion by Commissioner McPeters and a second by Commissioner Dobson, the agenda was unanimously approved as prepared.

**INVITATION TO SALUTE TO VETERANS CEREMONY**

Randy Hollifield, Co-Chairman of the Salute to Veterans Committee, expressed his thanks for the support of the Board for this event. He presented a Program to the Board and staff, thereby inviting them to participate in the activities planned.

The County Manager gave directions to the Board concerning the Program and their participation, including the signed Proclamation being prepared for presentation.

In an update, Mr. Hollifield advised 325-350 bricks had been sold already and that he anticipated another 150 being sold by next week.

### **BUDGET AMENDMENTS/UPDATE**

The Finance Officer presented budget amendments #36-39 and REVF 1 and 911F 1 for the Board's approval as follows:

GF 36 – Transfers funds from the economic development line item to the Greenway Extension Project at the Senior Center/YMCA

GF 37 – The JCPC State funding is reduced by \$7,000. This does not affect County revenues.

GF 38 – Transfers \$7,200 within the EMS Budget to cover additional funds needed for utilities, phone, dues and the grant.

GF 39 – Appropriates \$6,000 in the recreation fund balance needed for concession stand roof repairs and the lights at Maple Leaf.

REVF 1 – Transfers funds within the revaluation budget.

911F 1 – Allocates the 911 fund balance as well as to purchase two vehicles. In the past, these funds were not permitted to be used for vehicles.

The Recreation Department's request for roof repair and lights was discussed. Concerning the 911 funds, the County Manager pointed out these funds had been freed up for use at this time, noting the fact of how very timely they have become available. The EMS Director explained the use for the Quick Response vehicle.

Upon motion by Commissioner Lavender and a second by Commissioner McPeters, the budget amendments were unanimously approved as presented.

The Finance Officer then addressed the EMS fee write-offs. A motion was made by Commissioner Dobson and seconded by Commissioner Lavender to approve budget amendments #36-39, REVF 1 and 911F 1 as presented. The motion carried by unanimous approval.

### **VARIOUS UPDATES/EMERGENCY MANAGEMENT/DISPATCHING**

Emergency Management Director Terry Young updated the Board on various matters related to Emergency Management and Dispatching. Mr. Young presented a

drawing of the proposed space at the Police Department for the relocation of the new 911 Center. Bid packages, which included this drawing, were sent out to contractors for bidding on the previous Friday. This will be an informal process with bids received to be opened on May 26<sup>th</sup>. The goal is to have the relocation of the 911 Center completed by July.

Mr. Young advised the Rutherford-Polk-McDowell Health District is using H1N1 funds to create a Continuity of Operations Plan for McDowell County, which is part of the National Security Presidential Directive -51. He explained that if paying for this from County funds it would be \$2,000 per agency. The County's Emergency Operations Plan is being updated to an e-plan which would cost \$4,500. Also, an Emergency Notification System will be purchased for the County which would cost approximately \$17,000. These three items have been done with H1N1 money through the District Health Department.

A general discussion followed on what the cost for these items will be after the initial one-year period, whether there will be other entities that could help with expenses after the initial period, etc.

Last, Mr. Young advised McDowell County will be receiving a "prime mover", an F-550 truck to move the various emergency trailers in their possession. It will be purchased through DHS funds. Also, the County will be FEMA resource typing all of the emergency equipment. This will also be done using DHS funds.

### **EMS SAFETY CAMP**

Emergency Medical Services Director William Kehler first recognized Jeremiah Gaddy who is leaving EMS to pursue a career as an Emergency Medicine Physician. Mr. Gaddy attended UNC-Chapel Hill earning a bachelor's degree in psychology, worked at Duke Medical Center for two years prior to moving to Buncombe County where he worked for Buncombe County Rescue. He enrolled in the paramedic program at McDowell Tech in the spring of 2010 and shortly thereafter joined McDowell County EMS as an EMT Intermediate and became full time in January 2011 at which time he had said his ultimate goal was to be an Emergency Medicine Physician. Mr. Gaddy has been accepted at East Tennessee State University Quillen College School of Medicine and will begin his studies there on August 1<sup>st</sup>. He will leave McDowell EMS at the end of May and has been awarded a US Air Force scholarship to attend med school and will be commissioned later this week as a 2<sup>nd</sup> Lieutenant in the US Air Force. Mr. Kehler said Mr. Gaddy had been an outstanding employee, noting his dedication and service, and be greatly missed.

Chairman Walker, on behalf of the Board, publicly thanked Mr. Gaddy for his service to McDowell County and congratulated him on his accomplishments, particularly in being accepted into medical school.

Mr. Kehler then presented information concerning the upcoming Safety Camp to be held June 21-23, 2011 for children ages 8-14. During this camp the kids rotate through a number of safety sessions which include CPR, water safety, first aid, hunter safety, ATV safety, boating safety, fire safety, training on the proper use of fire extinguishers, etc. He mentioned the grant received through the NC Division of the American Trauma Society. In a letter to Mr. Kehler, the agency Secretary stated “your project stood out among the rest in its creativity and scope of impact on injury prevention. We support the Safety Camp idea, and hope that it will serve as a model that can be replicated elsewhere”.

Commissioner Lavender made a motion, seconded by Commissioner Dobson, to authorize the upfront expenditure to receive the grant. By unanimous approval, the motion carried.

### **WATER LINE UPDATE**

In his monthly update, the County Manager advised the water line extension on Harmony Grove Road was very close to being finished. The creek crossing has occurred and there is a small additional extension off Harmony Grove Road (out Calvin Drive), taking the line slightly further than what the design had planned. He advised the contingency that was previously indicated will not be there in any measureable form which is disappointing because he had hoped there would be excess funds that would allow for proceeding on; however, the good news is the line is going in.

Mr. Abernathy addressed the South Creek Road loop, one of the “shovel ready” projects designated for the stimulus money. The design work was authorized by the Board and approved and the engineer’s drawings have been received. Mr. Abernathy passed out information for running the line to Oak Hill Road, noting that although he was not recommending doing it, this did not mean it couldn’t be done. He expressed regret of not being able to make some progress on South Creek but pointed out he anticipated having only about \$7-8,000 left over whereas he had thought there might to be \$60-70,000. The price for Oak Hill Road was \$150,000 which he said was a very competitive price and, if times were good, he would probably be trying to figure out a way to fund this. He stated a need is there as well as an engineering issue in tying the line over to Watson Road.

A general discussion followed on results of well testing, the absence of grant funding in relationship to critical needs and environmental issues, and the likelihood that this extension would be funded through County funds. Mr. Abernathy pointed out there had been some letters written and that he had talked with the fire departments about going door to door to poll the citizens about a connection. He said some information is missing such as first, what is the extent of the problem and two, what is the level of interest from the citizens regarding connecting to the system. He pointed out if there are sufficient numbers, perhaps an application could be made to the Rural Center for funding. Or, they might consider financing as an option, which would be more expensive.

Consensus of the Board was to receive more information within a couple of weeks on the number of participants, the cost, the extent of need, etc.

### **PART F TRAIL UPDATE**

In reference to the PARTF Grant which the County had received last year, Mr. Abernathy advised these funds would be used toward construction of two trails, one around the YMCA and the hospital and the other one around the Health Department and the Medical Park (a third trail was originally planned further from the hospital but this will not happen). He noted the agreement entered into with the YMCA whereby they would pay half of the local match and the County would pay half (roughly \$182,000 with half the County portion being in this year's budget and the remaining half the next year).

As far as an update, Mr. Abernathy said there was already discussion with the Corpening Foundation Board of naming the trail, but this did not have to be done tonight (something like "McDowell County-YMCA Corpening Greenway"). He said they (Corpening Board) wanted to loop the trail around the YMCA and name it for one of the individuals who was instrumental for the YMCA and the Corpening Foundation happening. He pointed out this brought up the question of the second loop and whether the County would want to do the same thing.

Secondly, Mr. Abernathy addressed the bidding which he had resisted because he had wanted to do altogether, but pointed out the second loop is so far off. The plan is to bid the first loop, starting the process perhaps on the 15<sup>th</sup> of June and begin construction in early August and go to bid on the second loop while the first one is being constructed. He pointed out there are some permitting issues and a right of way issue regarding the second loop, so he was looking at 3-4 months before anything would happen. He said hopefully they would not lose any efficiency in money by not bidding the two loops together. He pointed out that maybe the same contractor, being already mobilized, would come back with a suitable price on the second loop. He noted the construction documents were ready and the advertising could occur by the middle of June.

A brief discussion followed on being conservative with signage, etc. Consensus was to proceed with formal bidding on the first loop.

### **MUDDY CREEK PARTNERSHIP UPDATE**

The Chairman recognized Andy Brown at this time, and expressed his appreciation for the partnership the Board has with his group.

Mr. Brown stated he was before the Board about a year ago to talk about the transition that was underway with the Muddy Creek restoration partners. Today he briefly updated the Board on some of their past accomplishments, where they are with that leadership transition process and what they have planned for the future. The Partnership has about 40 different projects in the ground in southern McDowell County, with a value of approximately \$18 million, and they have about 25-27 miles of stream

restoration for which payment has been made. Also they currently have three storm water B&P projects that they are implementing in the City of Marion. Mr. Brown pointed out they are very proud of these accomplishments, all of which have been done through volunteer collaborative means with willing land owners, and they plan to do more.

Mr. Brown explained that Duke Energy, who had been a partner with them for about ten years, had decided to start devoting some of their time in other places of interest. The NC Wildlife Resources Commission and Trout Unlimited are both still involved but are wanting to back away somewhat. The Partnership has now undertaken a process of working with the County, including the Cooperative Extension Service, and with the City of Marion, and he said this has been a very successful transition. Carolina Land and Lake RC & D, located in Newton, serves as their fiscal agent. He pointed out this may change because of some federal budget situations, but he said they have a strong core of interested people. Businesses and citizens are more emphasized now in this partnership and they are ready to move forward. He said they have a plan in process that should be complete by the end of September that outlines a number of different projects that they want to implement.

Continuing, Mr. Brown advised their purpose is to restore the watershed and, while doing that, they think the money they generate can be used to help stimulate the local economy. They would like to put local contractors to work and to buy plants from local nurseries. He pointed out of the \$18 million projects they had done, most of that was satisfied by firms from outside the area, but with some of the more recent projects they had been hiring local contractors. The Partnership has been successful in getting a grant from the Conservation Fund to establish an educational curriculum at McDowell Tech in their continuing education program and they want to showcase the projects on site and use them as a learning laboratory and teach basic skills to have a qualified base of local contractors. Also they want to use their efforts to beautify the community. Mr. Brown said one of their grants ends in September and there is another grant for which they have applied and if successful, they will use that money to hire a local coordinator (half-time person). Once this happens, his own involvement in the Partnership will probably be less although the company that he works for will probably continue to provide technical assistance. Mr. Brown said they have a couple of projects, a stream enhancement project behind the Police Department and a rain garden for the Jury Parking Lot, for which they would ask the Board of Commissioners help with \$5-10,000 for the next 2-3 years.

Discussion followed on funding for the paid coordinator position whose job would be to raise money for his position. Mr. Brown advised he would like to talk with the Board again in about two months to update them on one of the projects. He said he appreciates the valuable support they receive through Mr. Abernathy's Assistant, Ashley Wooten. He invited the Board to join them for a tour of some of their projects on Monday, May 16<sup>th</sup>.

## **PILOT PLANT UPDATE/ARCHITECT AMENDMENT**

The County Manager asked his assistant, Ashley Wooten, to handle this item. Mr. Wooten stated the facility itself is essentially complete but they were waiting for completion of the water and sewer lines. The water line will be constructed by a local plumber and the facility general contractor will construct the sewer line. However, in order to proceed with the sewer line, the Board must vote to amend the project architect's contract to include the proposal from McGill Associates who will essentially be the subcontractor for the architect.

In questions from Board, Commissioner Webb asked if a pump station would be involved. Mr. Wooten responded saying the project would involve a pump station because the facility site is higher and it would be more expensive to do gravity.

Commissioner Lavender made a motion, seconded by Commissioner McPeters, to amend the project architect's contract to include McGill Associates proposal for the sewer line. The motion was approved by a unanimous vote.

## **DMV UPDATE**

The County Manager brought the Board up to date concerning the DMV Office, noting that he and some of the DMV staff were interviewed several weeks ago by Raleigh officials regarding the application. He had continued to question and assess exactly what the benefit was to the County and to the citizens to continue this service and he felt there was enough to recommend that we continue. Moving forward, he said there could very likely, at some future point, be an advantageous situation for DMV and Collections being side by side. He pointed out it is a tough service that causes people to become irritated because of the bureaucracy involved but the staff does a good job and a lot of people understand that and do appreciate it. Therefore, he wanted to continue providing the license contract.

A general discussion followed on the fees that will be charged in relationship to the tag office function, the percentage of fees that is uncollected now and how the new legislation will affect this. Mr. Abernathy pointed out he had spoken with Representative Falwell, relating some of the questions he had asked and what their conversation had been. He said staff is anticipating a very difficult time implementation period when this new law goes into effect.

Commissioner Lavender made a motion, seconded by Commissioner Webb, to continue pursuing this item. The motion carried by unanimous approval.

## **BOARD APPOINTMENTS**

With two vacancies on the Planning Board, presented on second reading, the Board voted on the two applicants (Dennis Whitson and Arvin Hicks, Jr.)

By a unanimous vote, both Dennis Whitson and Arvin Hicks, Jr. were reappointed to the Planning Board.

The Chairman asked the Clerk to address the Jury Commission vacancy. The Clerk stated she had received a letter from the Clerk of Superior Court Melissa Adams today advising of a vacancy on the Jury Commission for the biennium July 1, 2011 and ending June 30, 2013. This vacancy was presented on first reading.

In other matters related to board appointments, Commissioner Dobson advised he has a conflict with two of the boards on which he serves (Isothermal and Health). He stated he wanted to continue on the Health and wondered if another Commissioner would agree to serve on the Isothermal Board of Directors. Commissioner Walker volunteered to serve on the Isothermal Board.

Commissioner Lavender made a motion, seconded by Commissioner McPeters, to appoint Commission Chairman David Walker to the Isothermal Board of Directors. The motion passed by unanimous approval.

### **TAX MATTERS**

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

Releases/Over \$100.00	Released amount of \$2,629.27
Releases/Under \$100.00	Released amount of \$552.94
Release Refunds	Refunded amount of \$2,397.44
Motor Vehicle Releases/Over \$100.00	Released amount of \$708.11
Motor Vehicle Releases/Under \$110.00	Released amount of \$549.59

Upon motion by Commissioner Lavender and a second by Commissioner Webb, the tax releases and refunds were unanimous approved as presented.

### **CITIZEN COMMENT**

Ken Buckner was signed up to speak during this portion of the meeting. Chairman Walker gave others the opportunity to sign up as well.

Mr. Buckner, who moved here from Buncombe County and now resides on Old #10, mentioned the Landfill and the matter of roofing contractors dumping there. He suggested the use of a huge magnet sweeper for removing nails that are dropped in the process as contractors unload.



Concerning the Animal Shelter Policies, Mr. Buckner suggested that more be done to identify the dogs that are taken into the Shelter or picked up, noting this would alleviate so many having to be put to sleep. The County Manager agreed to check on this. Commissioner Lavender suggested the purchase of a cheap camera to use in processing the animals at the Shelter to record the date and time when the dog comes in.

Daisy O’Nan of the newly formed ladies group of the Democratic Party in McDowell County, passed out a letter addressed to the McDowell County Commissioners requesting that they “send a letter of reprimand from McDowell County to the US Forest Service (USFS) demanding that the USFS cease and desist their chronic illegal trespassing over private property in order to access Forest Service lands”. The County Manager suggested that the letter be forwarded to the USFS. By consensus, the Board agreed to do this.

Elizabeth O’Nan presented copies of two resolutions (the first one entitled *RESOLUTION ON POSTING PRIVATE PROPERTY*; the second *RESOLUTION TO RECLAIM PRIVATE PROPERTY RIGHTS*), and asked that they be adopted locally. She proceeded to address a situation of people coming on property and tearing down signs where property is posted for no trespassing. The area she referenced was Sugar Cove Road and O’Nan Estate Road, pointing out that it is basically bear hunters who are doing this.

Commissioner Webb mentioned two bills that are currently in committee concerning this issue.

Karen Edwards had signed up but did not speak because everything was covered.

## **REPORTS AND COMMUNICATIONS**

The County Manager stressed the need for the Commissioners’ involvement on Wednesday and Saturday during the Salute to Veterans event. Also, he noted the Annual meeting of the Fire Commission for either the 19<sup>th</sup> or 26<sup>th</sup> of May, the date to be confirmed by the Emergency Management Director. In a brief discussion, the Board agreed on the 19<sup>th</sup>.

Concerning the budget meeting scheduled for the May 18<sup>th</sup>, Mr. Abernathy advised there was a conflict due to the meeting with Golden Leaf. He asked if the budget meeting could be rescheduled. In a brief discussion, the Board agreed to reschedule the budget meeting for the 23<sup>rd</sup>.

**ADJOURNMENT**

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

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DAVID N. WALKER, CHAIRMAN

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CARRIE PADGETT  
CLERK TO THE BOARD