

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

ASSEMBLY

The McDowell County Board of Commissioners met in regular session at 5:00 p.m. on Monday, November 14, 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. He asked Commissioner Lavender to lead in the pledge of allegiance and Commissioner McPeters to give the invocation.

APPROVAL OF MINUTES

Minutes of the October 10, 2011 regular session were presented for approval.

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

APPROVAL OF AGENDA

With no additions or deletions made, Commissioner Dobson made a motion to approve the agenda as prepared. Commissioner Lavender seconded the motion and the agenda was unanimously approved.

FINANCE MATTERS/AMENDMENTS/BUDGET UPDATE

Chairman Walker asked the County Manager to proceed with discussion of this item. First, Mr. Abernathy pointed out that he and the Finance Officer had met with the

auditors last week in follow-up with the auditing process that has been underway since June. The auditors had noted the fact that the budget update is on the Board's agenda basically every month which is what staff needs to be doing and is positive about doing it. However, he pointed out the Board should not forget that the budget is their ultimate responsibility.

Mr. Abernathy then proceeded with the monthly budget update which included a report of revenues and expenditures through October 31st, the Tax Collector's report for property taxes, and a report of sales tax. He said last month it was noted that billing figures were matching up with his projections. Property tax collections this month are almost three percentage points over for the same period last year, from 53.79% to 56.75. He pointed out sales tax had turned around in the last five to six months, increasing \$75,000 in the black in just one month (August). He pointed out one might assume that sales over the past 30 or so days might be more enhanced. Further, Mr. Abernathy noted the listing of six major revenues aside from property tax and sales tax that included Building Inspections, Cable Franchise, General Fund interest, Emergency Services revenue, Register of Deeds, and the Sheriff's Department.

The Finance Officer noted that County investments are still very low, with earnings of only three-tenths of a percent. Other possible options were discussed and Mr. Abernathy agreed to have more information on investments later.

Mr. Abernathy then presented a water release bill (Helen Johnson), requesting the waiver of a \$5.00 late fee and \$30.00 cut-off fee. Staff was recommending the release of this bill.

A brief discussion followed on staff's efforts of making phone calls as a reminder to citizens for delinquent bills, cutoff dates, etc.

Commissioner Webb made a motion to approve the requested water release bill. Commissioner McPeters seconded the motion and by unanimous approval the motion carried.

The Finance Officer then presented the EMS write-offs which staff was recommending for approval, a total of \$66,865.71. A general discussion followed.

Commissioner Dobson made a motion, seconded by Commissioner Lavender, to approve the EMS write-offs as requested. Further brief discussion followed. The motion then carried by unanimous approval.

UPDATE ON VETERANS WALL

Bob Smith, a retired Army veteran from Old Fort, and Randy Hollifield came before the Board with an update on the Veterans Wall Project. Mr. Smith, Project manager, advised they had decided to build the Wall internally rather than hire a contractor. Their first goal is to design and construct a fitting monument for the County's

veterans, one that will last and be of low maintenance design. They want to keep the cost down as much as possible to allow maximum support for the American Legion in their efforts to provide transportation for the veterans of the County. The monument will be constructed in solid granite as opposed to concrete masonry units with veneering granite.

Mr. Smith advised funding appears to be adequate at this time and they will use some in-kind labor, noting that several individuals had stepped up to assist. They had hoped to have the monument completed by Veterans Day but those involved had decided to “do it right rather than quick”. The granite is currently being cut and will consist of about three truck loads. A total of 576 veterans bricks have been processed at this time, with more coming in. The flag pole will be relocated and there will be a retaining wall (in solid granite also) which will serve as seating space.

Chairman Walker commended Mr. Smith, Mr. Hollifield and others for their thoroughness, detail, etc. with this project. He assured the men the Commissioners are supportive, noting they should ask for help in any way that is needed.

GATED COMMUNITY ORDINANCE UPDATE

As a follow-up to the Fire Commission’s concern last year about the need for a gated community ordinance and the Board of Commissioners’ direction of having the Planning Board draft an ordinance, the Planning Board had met last month with Emergency Management Director Terry Young to draft a Gated Community Ordinance. Ron Harmon, Planning Board Administrator, advised he had checked in other areas for a document that could be used as a model or guide. The City of Asheville no longer has one and Ashe County’s philosophy is if we cannot “get in through the gate, we knock it down”. He had received an ordinance from Matthews and this document is what the Planning Board used as a model to draft McDowell’s ordinance which he presented at this time.

Mr. Harmon stated the following points were not added but needed consideration:

- 1) The Planning Board suggests a six-month compliance time from adoption of the Ordinance.
- 2) The Planning Board and Emergency Management Director discussed having gate codes changed periodically at Emergency Management’s discretion. This would allow Emergency Services input on codes and when they are to be changed.
- 3) Fines for non-compliance will need to be set. The section for fines was left in just as it appeared in the document used as a draft.
- 4) The Planning Board and Emergency Management also agreed that the sentence “McDowell County reserves the right to gain access by whatever means necessary in the event a gate cannot be opened” be added.

In discussion, the idea of having a “knox box” system for two codes was addressed, as well as the difficulty of getting feedback from the Homeowner’s Association in the County.

In discussion, the idea of having a “knox box” system for two codes was addressed, as well as the difficulty of getting feedback from the Homeowner’s Association in the County. It was noted that the Board would need to hold a public hearing in order to get the necessary feedback. Mr. Harmon mentioned upgrades and of “grandfathering” some of the communities. It was the opinion of most everyone that the County should not pay for upgrades. Consensus was to go slow, take time to do the Ordinance right, and do due diligence. The County Manager suggested January as a time to have the Ordinance received back for further review.

911 CENTER/FURTHER CONSOLIDATION

Chairman Walker called Emergency Management Director Terry Young forward for discussion at this time. First, Mr. Young explained that Sheriff Dudley Greene was supposed to be present but was delayed due to a dental appointment.

Mr. Young advised there was now interest of bringing the Sheriff’s Department communications into the new 911 Center. There had been discussion with the Sheriff and he was in agreement for this to occur.

County Manager Chuck Abernathy gave a general overview of the proposed consolidation, noting the mutual agreement of both Emergency Management and the Sheriff’s Department, the renovation that has taken place, and the transfer of four employees from the Sheriff’s Department who will become employees of Emergency Management. He further noted that the fifth employee currently at the Sheriff’s Department will be retained in a clerical/reception type position. The transfer will obviously require a budget amendment and this will follow. Further, Mr. Abernathy explained the savings that will occur are not so much from the personnel but from 911 expenses currently being incurred at the Sheriff’s Department that are not refundable through the 911 Fund, but have to be made through the General Fund. He concluded with the services enhancement aspects of the consolidation, which will be similar to those with the City of Marion.

Mr. Young advised plans are to have consolidation implemented no later than January 1, 2012, if not before, noting there are some logistics yet to be worked out to insure a smooth and orderly transfer.

Sheriff Greene advised there are still some adjustments to be made within his operation, but overall he feels the consolidation will mean better efficiency and greater enhancement for the operation of both departments. He commended the Board of Commissioners, the City Council, Emergency Management, and the City Police Department for their efforts in this endeavor.

As discussion continued, the necessary cross training for employees, the transition for handling walk-in traffic, call volume, etc. was addressed.

Commissioner Lavender made a motion to authorize staff to work with the Sheriff to consolidate communications in relationship to his budget. Commissioner Webb seconded the motion which carried with unanimous approval.

HOMELAND SECURITY GRANT/HOSPITAL GENERATOR SWITCHING EQUIPMENT

Chairman Walker asked the Emergency Management Director to address this item.

In an overview of the grant, Mr. Young advised there were Legislative Pre-Disaster Mitigation Funds made available due to the snow storms that occurred in 2009-2010. An application was made through North Carolina Emergency Management and The McDowell Hospital was awarded a grant that will be used to update their automatic transfer switch. The federal share of the grant is \$219,999.74; the non-federal share is \$73,333.26, for a total of \$293,333.00. Mr. Young pointed out The Hospital is will to pay the non-federal share.

The County will serve as the recipient and will administer the funds on behalf of The Hospital. A resolution authorizing this action was presented for the Board's approval.

Commissioner Dobson made a motion to approve the resolution for acceptance of the funds on behalf of The Hospital to be administered by the County in compliance with the required guidelines. Commissioner McPeters seconded the motion and by a unanimous vote, the motion carried.

ANIMAL SHELTER AGREEMENT

As an update, the County Manager presented some additional information, noting that he and his Assistant had met with Marsha Carroll to review the Agreement which resulted in a firmer, clearer draft of a contract that the County Attorney is reviewing. Mr. Abernathy advised their discussion had included operational costs and revenue sources.

Mrs. Carroll presented the following Adoption and Education Fee Schedule and First Year Budget (2011-2012):

- Dog/Puppy Adoption - \$55-\$250
- Kitten Adoption (6 months and under) - \$85
- Adult Cat Adoption (over 6 months - \$55
- Senior Cat Adoption (over 8 years) - \$45
- Owner relinquishments - \$50 (donation; not mandatory)
- Stray relinquishment - \$25 (donation; not mandatory)

- Board Fee for owned pet - \$20/day
- Owner – Request Euthanasia - \$25/pet (prefer low-income persons only)
- Grants - \$25,000
- MCAO's up front contribution - \$20,000
- Pet supplies retail store - \$10,000
- Kennel/Cage sponsors - \$18,000
- Adoptions - \$114,000
- Rental of outdoor spaces (flea market) - \$3,600
- Thrift Store - \$14,400
- Fundraisers - \$12,000
- Fee other than adoption - \$45,000

Total - \$372,000

Expenses:

- Rent - \$51,000
- Medical Care for Animals - \$90,000
- Payroll - \$56,000
- Heat and Electric - \$28,000
- Phone and Internet - \$1,440
- Water and Sewer - \$5,000
- Computer Equipment Lease - \$2,000
- Pet Food - \$4,000
- Euthanasia supplies - \$1,000
- Facility Renovations - \$10,000
- Fundraising - \$10,000
- Workers Comp - \$1,200
- Directors and Officers Insurance - \$2,000
- General Liability Insurance - \$2,000
- Pet supplies retail store - \$5,000 (start-up)
- Kennels and cat cages - \$30,000

Total - \$297,100

Revenue:

- County budget - \$50,000
- Donor Pledges - \$60,000

Mrs. Carroll advised they would be signing the lease for the old Ford Dealership Building on Tuesday.

The County Manager addressed the transition, noting the worst case scenario, the expectations from the volunteers involved, savings to the County, our current operation,

what could happen, our liability, our hope for a better operation, etc. He said staff is recommending the transition. Then discussion followed on what the benefits will be to open on December 9th.

A brief discussion followed.

Commissioner Lavender made a motion to enter into the Agreement with McDowell County Animal Outreach in accordance with the document presented, contingent on having the Attorney sign off on the Agreement as soon as possible, and to authorize staff to work with MCAO's Board of Directors in the transition. Commissioner Webb seconded the motion.

In further discussion, Commissioner Webb asked if there was any need to take into consideration action that City Council would take about re-zoning, pointing out that he was assuming they will do, but what if? Mrs. Carroll said she did not foresee any problem with this issue---that it was a matter of waiting until they meet on Tuesday evening. Commissioner Lavender amended his motion to accordingly and Commissioner Webb his second.

In further comments, Commissioner Lavender stated he felt the budget projections are totally optimistic, and that he had some concern with the fee schedule, particularly in the area of adoption fees. He said there should be something included with respect to children adopting. Also, he pointed out there was still not a really strong fee structure, just an annual "review", with no input from the County. He mentioned other areas of concern, but said he is supportive of this endeavor. Commissioner Webb asked for an organization chart, minutes, etc.

When put to a vote, the motion carried unanimously.

CONCEALED WEAPON ORDINANCE AMENDMENT

Concerning the amended and recommended Concealed Weapons Ordinance, the County Manager addressed the areas where concealed weapons are permitted, etc., noting that the amendment was necessary because of changes in State law that addressed the carrying of concealed weapons in open public lands. He pointed out the Ordinance also inserts a sentence recognizing the Board's ability to approve activities that might arise.

There was discussion of not being able to ban in open areas and that the law is State mandated and that counties are limited in their options.

Commission Dobson made a motion to approve the Concealed Weapons Ordinance as amended and recommended by Staff, and as mandated by the State. Commissioner Lavender seconded the motion and by unanimous approval, the motion carried.

GOLDEN LEAF UPDATE

In this agenda, the Board received minutes and an update from the last Golden Leaf Foundation meeting.

Mr. Abernathy advised the meetings are going well and that Golden Leaf is pleased with the progress being made. The process has focused on three areas including infrastructure, education and economic development. He pointed out the committee has been encouraged to not “divide” the money into categories but to simply identify projects or priorities that will shift the County into a more positive outcome. He said the next meeting will likely involve project identification.

WATER SYSTEM UPDATE

Concerning the RFP’s that were sent out, Mr. Abernathy advised only one response was received; therefore, RFP’s had to go out again. Those results will be presented in December.

Mr. Abernathy advised he wants to have the engineer come in to give a 15-20 minute presentation and he plans to start doing a monthly report that looks more closely at revenue projections. A report of revenues and expenses will be presented in December.

CONTRACT WITH VETERINARIANS FOR SPAY AND NEUTER PROGRAM

The County Manager advised that his Assistant has been working heavily on this project and the idea now is to include the two veterinarian offices, have information on the number processed, etc. He said even with the State there are still some unknowns on how this works, and the reimbursements are not running that high. He said the County is somewhat in a dilemma as to how many will be processed, reimbursed, etc.

A general discussion followed on working with the vets at their discretion, of having vouchers renewed, the transition on the state level for this program, having some type of expiration on the voucher, etc.

A motion was made by Commissioner Dobson to accept the Agreement for Reduced Cost Spay & Neuter Services and to allow staff to enter into that Agreement under the basis that we be allowed to negotiate with the vets in the area of the expiration date at the appointed time. Commissioner Webb seconded the motion and by unanimous approval the motion carried.

BOARD APPOINTMENTS

The vacancy on the Planning Board was advertised in accordance with County policy but no additional applicants were received. Therefore, based on the Planning Board’s recommendation, the Board considered the two alternate members of the Board (Dan Thornton and Samuel R. Dotson).

By written ballot, the Board voted and the results were as follows:

Four (4) votes for Dan Thornton – Commissioners Dobson, Lavender,
McPeters and Walker
One (1) vote for Samuel R. Dotson – Commissioner Webb

The vacancy for another alternate member will be advertised.

PROPERTY PURCHASE MATTER/UNIVERSAL PROPERTY

The County Manager said the Universal Building, located on I-40, is for sale and there has been a discussion for years, because of the Community College not having anywhere to grow, of this being an option to purchase. He pointed out this had gotten the discussion going and it has continued. Mr. Abernathy said the simple question before the Board is should there be a contract, maybe a 90-day one, with a \$10,000 non-refunded amount? He proceeded to explain why the County would do this, etc., noting that the building is on city sewer although not on city water, gas and rail is in proximity, there is quite a bit of interest in the property with an existing company that is interested in moving into the building, with a second company that is interested in a lease. Therefore, there would be revenue coming in.

Mr. Abernathy pointed out he thought the College Board of Trustees had unanimously voted on their interest, noting that they have one acre on which to build. He pointed out that in talking with Dr. Bryan Wilson, Dr. Wilson had commented on what could be moved to the building to free up space at the College, noting that about 50 Sq feet is what they have identified as their need. Mr. Abernathy said some planning needs to occur and that the School System would possibly figure into this as well. He said they are having some discussion as to whether early college should be relocated and the College does not have the space.

Continuing, Mr. Abernathy said much thought needs to be put into this endeavor, but in a nut shell, the County could borrow the money, process the lease, etc. and there are other options that could be utilized in the process. He noted the Golden Leaf projects, the potential of owning this building, the up-fitting of the building for the College could be paid for by Golden Leaf.

A lengthy discussion followed with each Commissioner giving his thoughts on what was being proposed, the interest of the College, the involvement of the School System, the unknowns, the importance of having a partner in this endeavor, etc. The property's potential was noted, particularly with respect to its location, although there was some concern expressed with the uncertainties.

The County Manager reviewed the action needed, and the need for an environmental study noted.

In further discussion, it was noted that, as Commissioners, they often have to be risk takers, and the public's expectations of them being good stewards was pointed out. Then the College's inability to expand was mentioned, along with the opportunity that exists with this proposal.

A motion was made by Commissioner Webb to authorize staff to pursue a contract to purchase the Universal Building property with a \$10,000 non-refundable amount, that in 90 days we do due diligence with involvement of the College, the School System, etc. Commissioner McPeters seconded the motion and by a vote of 3-2, the motion passed, the vote being as follows:

For: Commissioner McPeters
Commissioner Walker
Commissioner Webb

Against: Commissioner Dobson
Commissioner Lavender

MENTAL HEALTH PROPERTY PURCHASE RESOLUTION

The County Manager presented a resolution that would approve the purchase of a piece of property for administrative purposes by the Smoky Mountain LME in accordance with the State's General Statutes. The other Counties involved had already approved the required resolution in the approval process. The subject property is in Haywood County.

Commissioner Lavender, who serves as the Board's representative on the Mental Health Board, addressed the project briefly and recommended the purchase.

Commissioner Lavender then made a motion to approve the resolution authorizing the purchase of property by Smoky Mountain as presented. Commissioner McPeters seconded the motion and by unanimous approval, the resolution was adopted as follows:

RESOLUTION OF THE McDOWELL COUNTY BOARD OF COMMISSIONERS

WHEREAS, the Smoky Mountain Center for Mental Health, Developmental Disabilities and Substance Abuse services ("Center") is an area authority organized under North Carolina General Statute 122C, and as such serves as the Local Management Entity for the area consisting of fifteen counties; and

WHEREAS, the Center intends to purchase certain real property in Haywood County, North Carolina, to use in the normal course of its business; and

WHEREAS, pursuant to G.S. 122C – 147© each county in the fifteen county area must approve the purchase of real property by an area authority by resolution of the County Commission; and

WHEREAS, the property is described as lot #2 on a plat entitled Haywood County prepared by Owens Surveying, PLS, dated 09/26/11, Project No. 11-01-104.

NOW THEREFORE BE IT RESOLVED that this Board, upon motion and a second, and after discussion in open session, hereby approves the purchase of the property by the Center, this the 14th day of November, 2011.

ROAD NAME CHANGE/COBIA DRIVE

The County Manager presented a request from the local plant manager at Baglioni/Morganton Pressure Vessels to change the name of Cobia Drive, recommending the name change be “Alfredo Baglioni Drive”.

Mr. Abernathy advised no other property owners are affected by the name change. He recommended the change also.

A motion was made by Commissioner Webb to approve the name change of Cobia Drive to “Alfredo Baglioni Drive” as recommended. Commissioner McPeters seconded the motion and by unanimous approval, the motion carried.

MAILBOX PLACEMENT ON COUNTY PROPERTY

The County Manager advised the City and the Post Office were seeking locations to place mailboxes in an effort to reduce the traffic at the Marion Post Office. The City Manager and Police Chief have looked at placement of a mailbox in the City/County parking lot. Further, they want to slightly move the one at the County Library to accommodate the public’s use of the box. Therefore, Mr. Abernathy asked the Board’s approval on moving the Library box and for placement of a mailbox in the City/County Parking Lot.

Chairman Walker asked that the City Manager be made known of the Board’s appreciation for them to stripe the areas.

Commissioner Lavender made a motion to approve the placement of a mailbox in the City/County Parking Lot and to authorize moving the mailbox at the County Library. Commissioner Dobson seconded the motion and it passed by unanimous approval.

ADMINISTRATIVE GRANT CONTRACTS/ISOTHERMAL

The County Manager presented two contracts for grant administration with Isothermal Planning and Development Commission. The first contract is for the CDBG Application with Rock Tenn for the Building Reuse Category. The contract amount is \$10,000 with the company paying \$1,600. The second contract is for the EPA grant awarded for the Lake James Study, also in the amount of \$10,000.

Commissioner Lavender made a motion to approve both contracts with Isothermal as presented. Commissioner Webb seconded the motion and it passed with unanimous approval.

TAX MATTERS

The County Manager noted the item tabled from the last meeting, a requested release refund for S & S McDowell. He advised there was very little information regarding the item except to say there had been a state appeal.

Commissioner Webb made a motion, seconded by Commissioner McPeters, to approve the release refund for S & S McDowell as presented. By unanimous approval, the motion carried.

The monthly listing of tax releases and refunds were presented for approval and are summarized as follows:

Releases Under \$100.00	Released amount of \$2,192.87
Releases Over \$100.00	Released amount of \$58,681.17
Motor Vehicle Releases/Under \$100.00	Released amount of \$594.61
Motor Vehicle Releases/Over \$100.00	Released amount of \$1,659.11
Release Refunds	Refunded amount of \$1,117.26

Commissioner McPeters made a motion, seconded by Commissioner Dobson, to approve the releases and refunds as presented. By unanimous approval, the motion carried.

CITIZEN COMMENT

No one had signed up to speak.

REPORTS AND COMMUNICATIONS

The County Manager noted the Pilot Club's Annual Tree Lighting Ceremony at 3:00 p.m. on Sunday, December 4th on the Courthouse Lawn. Also, he advised the County will be closed on Friday and Monday (December 23rd and 26th for Christmas and reopen on December 27th. Public Works will close on December 24th (half day) and reopen on the 26th. The County will close on December 30th for New Year's Day. The Annual Employee Christmas party is December 8th at the Senior Center.

ADJOURNMENT

There being no further transactions to be made at this time, 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