

**STATE OF NORTH CAROLINA
COUNTY OF McDOWELL
BOARD OF COMMISSIONERS
REGULAR SESSION – SEPTEMBER 10, 2012**

ASSEMBLY

The McDowell County Board of Commissioners met in regular session at 5:00 p.m. on Monday, September 10, 2012, in the Commission Board Room of the County Administration Building, the usual place for meeting.

MEMBERS PRESENT

Barry E. McPeters, Vice-Chairman; Andrew K. Webb; Michael K. Lavender; and Joshua (Josh) Dobson

THOSE ABSENT

Chairman David N. Walker (on vacation)

OTHERS PRESENT

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

CALL TO ORDER

In the absence of Chairman Walker, Vice-Chairman McPeters called the meeting to order. Commissioner Webb gave the invocation, followed by the pledge of allegiance led by Commissioner Lavender.

APPROVAL OF MINUTES

Chairman McPeters advised the minutes before the Board for approval were the amended June 24, 2012 adjourned session minutes, and the August 13, 2012 regular session minutes.

Commissioner Dobson made a motion to approve the minutes as presented. Commissioner Webb seconded the motion. By unanimous approval, the amended June 24, 2012 adjourned session, and the August 13, 2012 regular session minutes were approved as presented.

APPROVAL OF AGENDA

Chairman McPeters asked if there were any additions to the agenda. The County Manager advised the Soil Conservation Stream Bank Restoration item was not ready at this time and should be on the October agenda, although the Board could discuss the item if they wanted to.

By consensus, the Board agreed to omit the Soil Conservation item from the agenda, and have it rescheduled for the October agenda.

BUDGET MATTERS

The County Manager gave his monthly budget update, including sales tax and property tax. Budget amendments and water system adjustments were presented as follows:

GF 2 – Corrects the allocation the Board made to the McDowell Mission (the earlier number rather than the final number was inserted into the Ordinance)

ENT1 – Appropriates \$27,000 out of the reserve fund received from the Solid Waste Disposal Tax fund balance. The revenue is restricted and funds would be used to approximately 30 cardboard dumpsters

A brief discussion followed.

Concerning the next item, Mr. Abernathy advised that every time, to his knowledge, the building inspection fees for volunteer fire department construction have been waived. A request was received from the Old Fort Fire Department for waiving of inspection fees related to their construction. He pointed out this is consistent with what has been done every time, certainly in recent years.

Two water bill adjustments were requested, one in the amount of \$310.00 for a posting error; the second in the amount of \$192.26 for a leak adjustment (actual billing was \$384.51; asking for 50% waiver).

Commissioner Lavender made a motion, seconded by Commissioner Dobson, to approve the two budget amendments, the two water system bill adjustments, and to authorize the waiving of permit fees in relation to Old Fort Fire Department's request. By unanimous approval, the motion carried.

PRESENTATION OF RETIRED PARAMEDIC'S BADGE

The County Manager advised the general statute is different for Law Enforcement personnel and paramedics; therefore, the resolution looks different because it declares the badge surplus, and it is surplus because of the number on it that will no longer be used.

EMS Director William Kehler said Paramedic Marvin Lunsford had officially retired from full time status on August 29, 2012, having served McDowell County for 23 years as an EMS employee, caring for thousands of patients and touching the lives of citizens and visitors of McDowell County. He noted Marvin's exceptional work ethic and dedication to his agency. Mr. Kehler said Marvin intends to remain with the agency and serve as a part time employee starting October 1st. Mr. Kehler requested that the resolution before the Board be approved and that Marvin be recognized for his service.

Commissioner Lavender made a motion, seconded by Commissioner Webb, to approve the *RESOLUTION AUTHORIZING SALE OF COUNTY OWNED PROPERTY* relative to Marvin Lunsford and his Paramedic Badge. By unanimous approval, the motion carried and the resolution was approved as follows:

RESOLUTION AUTHORIZING SALE OF COUNTY OWNED PROPERTY

WHEREAS, the County of McDowell desires to donate an EMS Duty Badge worn by retiring employee Marvin Lunsford; and

WHEREAS, Mr. Lunsford has requested his duty badge which he has worn for the past 23 years of employment with McDowell County while serving as a paramedic.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of McDowell County that:

The EMS Duty Badge worn by Marvin Lunsford be declared as surplus property and donated to him upon his retirement.

This resolution shall become effective upon adoption.

ADOPTED this the 10th day of September, 2012.

Chairman McPeters asked if others would like to comment. Mr. Abernathy mentioned the lunch in Marvin's honor and the video shown, the camaraderie among the EMS staff and the care they have for one another. He noted Marvin's outstanding service to the County, the obvious enjoyment with his fellow employees, etc.

Commissioner Lavender expressed his appreciation for Marvin's service to the County, along with fire and rescue, law enforcement, and other agencies, often in very difficult situations and conditions. Commissioner Dobson said while he had not known Marvin well in his short time as a Commissioner, he had noticed his work ethic.

Commissioner Webb said they sort of hated that Marvin was leaving but he was coming back, and that was the good thing. He said experience is a great teacher and he felt what Marvin could continue doing would be to pass on to others his work ethic, his

leadership, etc. He thanked Mrs. Lunsford and the family for their dedication, loyalty and patience in what Marvin does. He said this is a sacrifice with great reward.

Chairman McPeters said he and Marvin go back probably 20 years before EMS, having worked together at Baxter's, and before that with the fire department. He said they had traveled together to attend classes and appreciated the friendship over the years.

Marvin expressed his thanks to the Board, to EMS Director Kehler and to the staff, saying he appreciated their help and assistance over the years. He said McDowell County has one of the best EMS services around, that he is proud of it and to be a part of it. He said while he could have gone to another county perhaps for better pay, he just never had any plans of doing any EMS work anywhere other than McDowell County. He said he had been here all his life and did not want to go anywhere else.

On behalf of the Board, Chairman McPeters presented a plaque to Marvin for his years with McDowell County.

TAX MAPPING REQUEST/MITCHELL COUNTY

The County Manager advised that he and the Tax Assessor would ask the Board to authorize having the northern boundary line surveyed by the North Carolina Geodetic Survey to confirm the exact location of the shared county line with Mitchell County. The authorization for this request is found in G.S. 153A-18 and the request must be made by an approved resolution adopted by both boards. Mitchell County has already approved a resolution concerning the same request. Mr. Abernathy advised his understanding of the process is that once the survey occurs, the Board would then approve the new line since approval to survey does not automatically approve the county line.

Mr. Abernathy explained that in the past, the two counties had a consistent county line. However recently with both counties having implemented a GIS system with new maps, the lines have slightly shifted. He pointed out the difference between the lines is actually very close but in areas where homes and subdivisions exist it is pronounced. He noted the possible liability that could exist if something were to go wrong within the disputed area. Also, he pointed out there is a possible sizable loss of TDA funds since one lot is a hotel, but he said it is important for obvious reasons to have the line correct.

In discussion, Tax Assessor Keith Renfro advised the disputed area involves about 30 lots or parcels, with only one commercial parcel, and that he would hold a public input session with those individuals affected.

Commissioner Lavender made a motion, seconded by Commissioner Dobson, to approve the resolution authorizing the county line survey. By unanimous approval, the motion carried. Following is the approved resolution:

**North Carolina
McDowell County**

A Resolution Authorizing County Line Surveying

WHEREAS, the North Carolina Geodetic Survey has been designated and funded by the North Carolina General Assembly to assist with the re-survey of ambiguous or uncertain county boundaries; and

WHEREAS, the work can be completed at the invitation of the counties involved at no cost to the county government; and

WHEREAS, in order to initiate the process, the county should identify the county's ambiguous boundary and must appoint a "Special Commissioner of Boundaries."

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of McDowell County as follows:

1. The Board deems that the McDowell County boundary common with Mitchell County is uncertain.
2. The Board hereby appoints Keith Renfro, McDowell County Assessor, as McDowell County's Special Commissioner on Boundaries.
3. The Board of Commissioners requests that McDowell County's line be surveyed by the North Carolina Geodetic Survey, County Boundary Surveyor.
4. It is understood that the Board of Commissioners have to formally take further action to amend the County Line.
5. This Resolution shall be in full effect upon its adoption this the 10th day of September, 2012.

TAX COLLECTION REQUEST/OLD FORT

The County Manager presented a request from the Town of Old Fort for McDowell County staff to collect taxes for the Town on real property for the 2012-2013 fiscal year. He said he had asked Tax Collector Phyllis Ryan to check with the Department of Revenue for a listing of the number among the 100 counties in the State that do this for municipalities. He said apparently the list does not exist, but noted his impression is that it is common to do. He pointed out since McDowell County collects motor vehicle taxes for both the City of Marion and the Town of Old Fort, it makes sense to consolidate collections for real property too. He explained that a line would be added on the bill and the County would remit the tax collections to the Town, which would not affect our efficiency or anything. An interlocal agreement would be drawn up between the County and the Town of Old Fort.

A general discussion followed on what the process will entail for the County, costs involved, etc. Additional information will follow when more research is done.

COURTHOUSE RENOVATION UPDATE

Facility Maintenance Director Terry DePoyster advised ADA upgrades for the men's restroom in the Courthouse on the District Court level had been completed as of September 1, 2012. Materials to complete both the men's and ladies restrooms were purchased last year. However, work had to be coordinated in accordance with the Court calendar and he had just one week to complete the men's restroom. Mr. DePoyster said he was working with the Clerk of Court to determine a proper time period to complete the ladies restroom construction.

Further, Mr. DePoyster said, weather permitting, they are completing construction of the concrete forms for the ADA access ramp, and would anticipate pouring concrete and installing handrails within two weeks. He noted the additional sidewalk that will be placed near the oak tree and monument. Mr. DePoyster advised a tour of the Courthouse would be conducted with other officials (architect, structural and mechanical engineers) to determine structural conditions, with consideration of converting to another heating system, and the feasibility for elevator applications. He said Hamrick and Associates have been a valuable resource in this process.

A brief discussion followed.

UNIVERSAL COMMITTEE/UPDATE

The County Manager advised the Universal Committee is fine, the first meeting is scheduled, and he and Dr. Wilson are working on a presentation. The architect has started some drawings, and Ashley Wooten has been working on some Golden Leaf logistical bureaucratic items that are important, so things are underway. He noted a letter from Governor Purdue saying she is requesting that \$100,000 in ARC money be reserved for our use which is good news, and Teresa Spires is working to finalize an EDA Grant. She had sent an email concerning the match. The College is working on some grants as well.

WATER SYSTEM REQUEST/SUGAR HILL ROAD AND SEWER LINE PLANNING GRANT

The County Manager addressed two items related to this topic. First was the use of funds remaining in the project for the sewer line to Grandview Station. As reported at the previous meeting, there are dollars left over that should be applied to the project and the City of Marion wants to use those funds to extend the water line across the Interstate on Sugar Hill Road to the Travel Plaza. The County Utility Committee members agree with this recommendation. He said the Board needed to authorize the use, approve the bidding and reserve the right to review the bids when they come in, and then share in the cost overruns if there are any.

A general discussion followed.

A motion was made by Commissioner Dobson and seconded by Commissioner Lavender to enter into an official agreement with the City of Marion, bid if we get the funds from the Grandview development, and use funds to extend the water line across the Interstate as proposed. By unanimous approval, the motion carried.

Mr. Abernathy advised the second item is a request to submit a planning grant to the NC Rural Center on the possibility of a sewer line in the Little Switzerland Community. He said Representative Mitch Gillespie has been involved and there is some complication, but it would be a good project if it can be pulled off. He pointed out the Inn in this area could both expand and stay open all year for operation. The project does require the cooperation of both Mitchell County and the Town of Spruce Pine. A three-way split has been discussed. The Board would be authorizing a Rural Center grant and would enter into an agreement on how to proceed with three entities.

General discussion followed on how this potential project has shifted, its affect on McDowell County as well as others, etc. Mr. Abernathy advised agreement would be to submit a grant application for this project.

Commissioner Webb made a motion, seconded by Commissioner Lavender, to submit a grant application for the sewer line project in the Little Switzerland Community. Discussion followed on who would submit the application and clarification was requested on this. By unanimous approval, the motion carried.

BOARD APPOINTMENTS

Vice-Chairman McPeters reviewed the current board vacancies. They included a reappointment to the Library Board, presented on second reading, and a vacancy on the Planning Board, presented on first reading.

Mrs. Ann McNutt was the applicant for the Library Board.

The Board voted by written ballot and by a unanimous vote, Ann McNutt was reappointed to the Library Board.

The vacancy on the Planning Board will be advertised.

TAX MATTERS

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

Motor Vehicle Releases/Over \$100.00	Released amount of \$2,115.40
Motor Vehicle Releases/Under \$100.00	Released amount of \$1,409.06
Releases/Over \$100.00	Released amount of \$20,507.37

Releases/Under \$100.00	Released amount of \$2,425.17
Refunds	Refunded amount of \$1,561.86

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

PUBLIC HEARING SCATTERED SITE HOUSING

At 6:15 p.m. as duly advertised, Chairman McPeters declared the Board in public hearing for the CDBG Scattered Site Housing grant. This is the second of two public hearings on this project. The Chairman asked Beth Pollard, Community Development Specialist with Isothermal Planning and Development Commission, to give details about this project.

Mrs. Pollard said the purpose of this public hearing was to receive comments from the residents concerning the County submitting a 2011 Community Development Block Grant Scattered Site Housing application to the N.C. Department of Commerce. Specifically, the County anticipates the award of \$400,000 in CDBG funds to complete housing activities and to rehabilitate approximately 5 homes, and address Emergency Repair needs for approximately 8 homes that are owned and occupied by low to moderate income citizens residing in the County.

Continuing, Mrs. Pollard said the County began accepting applications from residents beginning July 18, 2012 and received 24 requests from McDowell County residents. McDowell Housing Coalition was an intricate part of making citizens award of this CDBG SSH project. Out of the 24 requests made, 19 applications were received, ranked and evaluated using the 2011 McDowell County Scattered Site Housing Assistance Policy. Five units were cancelled for the following reasons:

2 units were over the LMI income limits, 1 unit was a MH and they did not own the property and one unit was too severe for rehabilitation. 1 unit was determined to be located in 85% flood plain.

Mrs. Pollard advised that during the September 6, 2012 Selection Committee meeting, 15 possible units were presented to the committee for evaluation and determination. Discussions were held, meeting minutes were recorded and a motion to accept the following units and activities was approved:

E. Biddix; S. Leclaire; Andrew Lowe; Troy Davis; R. Boylen
Alternates – J. Hardy; M. Tate and W. Conley

5 units for Rehab and 3 alternates Budget = 313,500 (includes 18,000 Service Delivery Costs)

8 units for L-1 Emergency Repair Budget = 40,000

Grant Administration Budget = 33,000

Planning Budget = 7,000

Relocation Assistance Budget = 6,500

Mrs. Pollard advised applications are due in Raleigh no later than September 14, 2012.

Chairman McPeters opened the floor for comments from residents, or others present. No comments were heard.

Commissioner Lavender made a motion, seconded by Commissioner Webb, to go out of public hearing. By unanimous approval, the motion carried.

Commissioner Lavender than made a motion, seconded by Commissioner Webb, to approve the CDBG Scattered Site Housing application as presented. By unanimous approval, the motion carried.

CEDS UPDATE

Josh King, Regional Planner with Isothermal Planning and Development Commission, provided a brief update on the CEDS document (NC Tomorrow document). He advised the context has not changed and he was presenting the document to have it approved by the Board of Commissioners, after which it will be sent to the State for approval. He commented on what had been done concerning the objectives in the document.

In discussion of the education aspect and others in the document, Commissioner Webb noted this is good information and suggested that it be placed on the cable channel for public viewing.

Commissioner Lavender made a motion, seconded by Commissioner Dobson, to approve the CEDS document as presented. By unanimous approval, the motion carried.

PUBLIC HEARING CDBG WATER LINE GRANT

At 6:30 p.m. as duly advertised, Chairman McPeters declared the Board in public hearing and asked the County Manager to lead the discussion.

Mr. Abernathy explained the purpose was to submit a CDBG grant application under the infrastructure category, and this is the first of two required public hearings. The first one allow only general information with more specific information about the project given at the second public hearing which will be presented in October. Mr.

Abernathy said his Assistant, Ashley Wooten, has done a lot of work and there has been some well testing, which may present an issue.

Mr. Wooten mentioned the short staff with the Health Department, noting that in addition to the income surveys and the previously mentioned well test results, the County will need to obtain a preliminary engineering report (PER) from McGill and Associates. Once that is complete, the County will have an estimate of the cost to run the proposed lines. Based on the complexity of the project, Mr. Wooten suggested having everything done except the PER.

Mr. Abernathy suggested an application for Lonesome Pine Drive and then come back with Stacey Hill Road, two of the three areas for which wells were tested last month.

Discussion followed on the time frame for the project and whether to include Stacey Hill Road. It was noted that thirty months is the period of time for completion.

Chairman McPeters opened the floor for comment on the CDBG infrastructure grant. One couple (unsure of name) said they were in favor of the project, noting that another lady is also interested in the project. A gentleman (not identified) said he was interested.

Commissioner Lavender said he realized the need but that he personally felt the County should take things a little slower, noting that he preferred doing everything together. Commissioner Webb pointed out the staff was ready to get the necessary information to proceed.

Commissioner Webb made a motion, seconded by Commissioner Dobson, to go out of public hearing. By unanimous approval, the motion carried.

A general discussion followed on problems that have been encountered with this project.

Commissioner Webb then made a motion, seconded by Commissioner Dobson, to move forward with Lonesome Pine Drive, with this being one of a two-part project. By unanimous approval, the motion carried.

SCHEDULE REGARDING 9TH GRADE/HIGH SCHOOL

The County Manager gave a brief update on the joint meeting of the two boards as well as the last Joint Education Committee meeting, during which they had agreed to put together a schedule on how the project would look with any dollar figures available. He advised the schedule is controlled by two factors. First is when the School System expects to be in a position to bid the project, projected to be a February 2013 bid opening. The second date is governed by the LGC and is an April 2, 2013 approval by the State. He pointed out this would be discussed at the September meeting of the Committee, and

that if a joint meeting is necessary, that would occur and a presentation would be made. Mr. Abernathy continued further with other time related information for the Board to consider.

HIGHWAY 226 NORTH/COXES CREEK RESOLUTION

The County Manager advised Representative Mitch Gillespie had called to say that he was putting together a series of items for funding for us regarding improvements to the Intersection of Highway 226 and Highway 226A. Improvements would include the addition of a third lane on the route along with improvements to the Intersection. No county money is involved and the project would help both counties. The Department of Transportation is asking for the Board's endorsement of the project by adoption of a resolution entitled *Resolution Supporting Transportation Upgrades to a Section of Highway 226 North Known as Coxes Creek in McDowell County*.

Commissioner Dobson made a motion, seconded by Commissioner Lavender, to support the project by adoption of the resolution. In discussion, Commissioner Webb noted the safety issue involved and that he is glad to hear this is happening. Commissioner Dobson expressed thanks to Representative Gillespie for his work in relationship to funding for this project.

By unanimous approval, the motion carried and the resolution was adopted as follows:

McDowell County

Resolution

Supporting Transportation Upgrades to a Section of Highway 226 North Known as Coxes Creek in McDowell County

WHEREAS, Highway 226 North, known as Coxes Creek, is a major transportation corridor connecting Mitchell County to Interstate 40, and

WHEREAS, this section of highway has a significant change in elevation and is regarded as a dangerous highway for citizens traveling on this section of road, and

WHEREAS, Highway 226 North has a traffic count of 17,000 and is a major commuting route for citizens working at various locations in McDowell County, and

WHEREAS, this section of highway has been designated a strategic corridor by the federal government because of the transportation of high quality quartz from mines located in Mitchell County.

NOW, THEREFORE, BE IT RESOLVED, that the McDowell County Board of Commissioners supports specific upgrades to the section of highway including the construction of three lanes, widening the shoulder, drainage improvements and improving the intersection of Coxes Creek with Highway 226A.

ADOPTED, this 10th day of September, 2012.

Barry E. McPeters, Vice-Chairman

Attest:

Carrie Padgett, Clerk to the Board

OCTOBER AND NOVEMBER MEETINGS

The County Manager explained the past schedule for the October meeting at Historic Carson House in order not to keep the staff there late, and concerning the November meeting, noted the five-week period between the two meetings. He felt that maybe the Board would consider moving the November meeting up a week.

Commissioner Dobson made a motion, seconded by Commissioner Webb, to move the October meeting to Historic Carson House and to move the November meeting to the first week in the month. By unanimous approval, the motion carried.

CITIZEN COMMENT

There were no citizen comments heard.

ADJOURNMENT

There being no further business to transact at this time, upon motion by Commissioner Webb, a second by Commissioner Lavender, and by unanimous approval, the meeting was adjourned at 7:20 p.m.

Barry E. McPeters, Vice-Chairman

Carrie Padgett, Clerk to the Board