

**STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL COUNTY
BOARD OF COMMISSIONERS
REGULAR SESSION –AUGUST 9, 2021**

Assembly

The McDowell County Board of Commissioners met in Regular Session on Monday, August 9, 2021, at 5:00p.m., at the Universal Conference Room.

Members Present

Tony Brown, Chairman; David N. Walker, Vice-Chair; Brenda Vaughn; Chris Allison; Patrick Ellis

Members Absent

None

Others Present

Ashley Wooten, County Manager; Cheryl Mitchell, Clerk to the Board

Call to Order

Chairman Brown called the meeting to order at 5:00p.m. The invocation was given by Vice Chairman Walker. The pledge of allegiance was given by Commissioner Allison.

Approval of Minutes

Commissioner Vaughn made a motion to approve the July 12, 2021 Regular Session minutes and July 19, 2021 Regular Session minutes, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

Approval of Agenda

Vice Chairman Walker made a motion to approve the agenda, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

COVID-19 Update

Mr. William Kehler gave the following update:

- Day 511 of the EOC activation
- 75 positives over the weekend
- 14-day positivity rate is 21.4%
- Delta variant is more transmissible; the earlier virus could infect one individual who would in turn infect two to three others; this variant is infecting one individual and they can infect up to nine individuals
- Drive thru testing site opened last week one day a week

- Coordination call conducted with all long-term care facilities
- 42% have received at least one vaccination; 39% are fully vaccinated
- Two vaccination clinics will be held this week at the Health Dept.

Priority is to get reliable information out to the public, and encourage citizens to get the vaccination. Gift cards will be distributed for those receiving their first dose of the vaccine. A booster vaccine is being studied, and expected to be released soon.

Tax Collection/Tag Office Items

Ms. Linda Onufrey presented the Settlement for Property Taxes and District Taxes for FY 2020 and the Order of Collection. She also submitted a copy of the unpaid 2020 taxes on real property and personal property at the close of the 2020-2021 fiscal year. The overall collection rate for 2020 county ad valorem taxes for the 2020-2021 fiscal year was 99.46% an increase from the previous year rate of 99.11%. The rate represents the collection rate for real and personal property. A copy of the Order of Collection and the Settlement is with the agenda materials.

Vice Chairman Walker made a motion to approve the Order of Collection and the Tax Settlement, second by Commissioner Vaughn. By a vote of 5-0 the motion passed

Ms. Onufrey introduced Daphne Carter, Tag Office Manager, to give an update on the tag office. Ms. Carter presented some additional services that the Tag Office could offer. She suggested adding For-Hire Plates and International Registration Plan (IRP) services. Wreckers, car haulers, UPS, FEDX vehicles, and tractor trailer customers could all get their plates or renewal stickers at the McDowell location. The inventory would be furnished by Raleigh, and the compensation would be the same as a standard transaction. Several customers have asked for the service. Ms. Carter could take the training, receive the certification, and train the staff.

Ms. Carter also suggested after implementing the for-hire and IRP services to offer services from the NC Wildlife, such as boat registrations and hunting and fishing license. This service would require a contract with the Wildlife and separate funds from the NCDMV.

Mr. Wooten recommended if the Board wanted to approve the DMV items, staff could gather more information on the Wildlife services and bring back the information in 30 days.

Vice Chairman Walker made a motion to allow staff to receive more information and approve the recommendation by Mr. Wooten, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Transit Update

Mr. Jason Hollifield reported the Transit Department had for the months of April and May a total of 1,751 riders and for June and July 1,872 riders. The department is waiting on three vans from the Ford Motor Co., hopefully they will arrive in September. Three drivers have been added to the staff and are receiving training now.

He reported the entire fleet of vans have been re-lettered to bring them up to code. Also, cameras and blood borne pathogen kits have been installed in all vans as well as plexiglass shields.

Five Transit drivers participated for the first time in a five-county ROADeo that was held in Mitchell County. Three of them placed in the top 10, out of 60 participants.

New Medicaid reformation that had been put in place statewide has caused several issues. A third-party brokerage system is assigning rides, previously the Medicaid recipient would contact DSS and they would schedule the rides.

Mr. Hollifield updated the Transit Policies and requested approval on the following policies: System Safety Plan, Drug and Alcohol Policy, Reduction of Service, and a Grant Authorization form.

Vice Chairman Walker made a motion to approve all four policies, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

Economic Development Grant

Mr. Chuck Abernathy, MEDA Director, gave an update on the Housing Project. The project will consist of 165 workforce housing units. Due to construction costs the bids were overbudget, and Gateway is looking at cost savings to continue with the project. The estimates were to move 200,000 cubic yards of soil at \$4 a foot to an offsite location. Mr. Abernathy suggested moving the soil from the north side of College Drive to the Universal Property on the south side of College Drive adjacent to Solutions Drive. The fill would provide a building site on the Universal property. He added most of the property is owned by the City of Marion.

Commissioner Ellis made a motion to instruct staff to get with the City Manager to plan for sites getting ready for construction, and the City, Economic Development and County meet, so everyone is clear on the scope of work that needs to take place, second by Vice Chairman Walker. By a vote of 5-0 the motion passed.

MEDA was awarded an USDA site assessment for \$37,500 which requires a \$12,500 match. Assessment of sites would be done on every vacant piece of land in the 50 acre and 100/+ acre size. The sites would then be given an evaluation of site criteria including utility availability, topography, constraints, zoning, etc. The six sites would be chosen based on the feasibility of using the sites. The sites do not have to be manufacturing sites, could be for housing or schools.

Commissioner Ellis made a motion to use \$6,000 for the county's purposes and for Mr. Abernathy to request the remaining amount from MEDA, City of Marion, and Town of Old Fort, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

Charter Broadband Update

Mike Tanck, Director of Government Affairs with Charter Communications gave an update on their broadband expansion efforts.

Charter was awarded \$1.2 billion in Rural Digital Opportunity Fund (RDOF) Phase 1, to expand broadband network to unserved communities nationally. Charter will be servicing 2,659 FCC locations in McDowell County. The timeline is a six-year program, and 40% have to be done by the third year.

Commissioner Ellis stated that 40% of students in McDowell County do not have broadband, so it would seem there would be more than 2,659 people not being served. Mr. Tanck answered that the RDOF counted eligible census blocks, if 4 people out of the 100 in the census block had broadband they were not able to provide service to that area, because it was considered as being served.

Mr. Tanck explained there was another federal fund of \$288 million called the National Telecommunications & Infrastructure Administration (NTIA). The grant is targeted to counties with a

population of 50,000 or less; and portions of county/census blocks not currently served by 25/3 Mbps or covered by RDOF. Charter had previously been approved by the Board to partner with McDowell County on the NTIA application. The County would not have any financial obligation, Charter will do all the paperwork for the grant, and the County will submit the grant, since the application must come from a government entity. The grant would give greater coverage of unserved areas in the County.

Mr. Tanyk added Charter was also exploring other funding opportunities such as the NC GREAT Grant.

American Rescue Plan Discussion

Mr. Wooten noted the Board had previously authorized three expenditures of the American Rescue Plan Act (ARPA) funds. They were the issuance of a RFQ for water line design for the Nebo Water System, those proposals should be back in two to three weeks. Also, authorized the bidding of a short water line extension on Stacy Hill Road. And bidding of stormwater improvements at the Lowder Dam structure. The total cost of the items is not available at this time.

Also, there had been discussion of using ARPA funds for staffing support. Due to COVID, staff from the Dept. of Correction was no longer available at the solid waste facilities. Mr. Wooten had spoken with Sheriff Buchanan about using jail inmates, and since only post-conviction inmates could be utilized, staffing was not an option.

Vice Chairman Walker suggested seeking support staff for Public Services at the solid waste facilities from the Men's Shelter at McDowell Ministries. Discussion from the Board was in consensus.

Vice Chairman Walker made a motion to pursue talking with Ms. Arwen March to see if it would be feasible to hire men from the Men's Shelter to work at the solid waste facilities. Also, to authorize two months of funding out of the ARPA funds to save county funds for non-benefited positions, and provide income for those who need it, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Mr. Wooten noted premium pay discussion was tabled at last month's meeting. He advised the Board was allowed to give premium pay, also known as COVID bonus for frontline essential workers and can be retroactive to the beginning of COVID.

Vice Chairman Walker suggested offering a \$500 incentive to full and part-time county employees if they are vaccinated by October 1st. He also added some companies were having drawings for cash prizes as incentive for those who had been fully vaccinated. Discussion followed. Commissioner Ellis noted he was more willing to give money for the essential workers. His opinion was that taking the vaccine was a personal choice each employee had to make, and added he thought \$500 was a little steep for the incentive.

Chairman Walker made a motion to give \$500 to all fully vaccinated employees retroactive and through October 1st, second by Commissioner Vaughn. Clarification of the motion was each employee that was employed as of this date, that is fully vaccinated through October 1st would be eligible for the \$500 incentive, and funding would come from the ARPA funds. Commissioner Ellis added that county employees are critical to the operation of the county, with a population of 46,000, what about the other residents in the county. By a vote of 4-1 the motion passed.

Chairman Brown – Yes

Vice Chairman Walker – Yes

Commissioner Vaughn – Yes
Commissioner Allison – Yes
Commissioner Ellis – No

Public Shooting Range Update

The contractor had requested a change order for additional grading that is necessary to mitigate impact to the flood control watershed. The volume of soil to be moved was approximately 3,820 cubic yards. The soil would be moved approximately ½ mile to the shooting range site. The total change order was for \$88,303, and the county would owe 10% which was \$8,830.30

Vice Chairman Walker made a motion to approve the change order in the amount of \$8,830.30, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

Mr. Wooten added that Chad Marsh, Parks and Recreation Director would be back in a couple of months to get approval of the operating hours.

Building Projects Update

Mr. Wooten noted he and the Chairman had toured the Administrative Offices building project recently. The contractor continues to work on both levels, but is focusing their efforts on the upper floor which is scheduled for completion in early 2022. The lower level is scheduled for completion in early spring 2022.

The Emergency Services Headquarters building project is ongoing. The contractor is experiencing material delays. The project is scheduled for an early 2022 completion. Emergency Services has sponsorship opportunities and the proceeds would be used to purchase training equipment for Emergency Services and building furnishings in the new facility.

Solid Waste Updates

Illegible dumping at two convenience sites were discussed last month, staff has since updated the County website to show each convenience site location and hours.

The next County holiday would be Labor Day, and the approximate cost of opening all convenience sites would be an additional \$5,000 for employee holiday pay.

Staff is getting quotes for permanent signage on the dumpsters and the gate regarding operating hours and holiday closings.

A feasibility study for opening all seven sites six days a week would be \$70-\$80,000 a year for staffing only. Schools waste is picked up on Tuesday and Thursday, and it would require more staff, and would also spread out the waste pickup. The cost for opening six days a week, and opening on holidays had not been budgeted for this year.

Vice Chairman Walker made a motion for staff to address the funding loss of the operation of solid waste, and would like specific recommendations brought back to the November meeting, second by Commissioner Ellis. By a vote of 5-0 the motion carried.

Commissioner Ellis made a motion to put larger signage on the gates listing the County holidays the convenience sites would be closed, second by Vice Chairman Walker. By a vote of 5-0 the motion carried.

Opioid Lawsuit Update

Several counties have approved the NC Opioid Settlement MOA that was presented by NCACC. Mr. Wooten advised staff is not ready to recommend approving the MOA at this time. The Board has until December to sign the MOA. He added the Board would have more information later in the Closed Session when they met with County Attorney Fred Coats.

Mr. Danny Hampton is working with the McDowell Substance Use Coalition to address ways and means the settlement funds could be spent. Dogwood Health has asked for a RFP for a grant to hire an administrator to look at programs available through the Coalition that helps address the opioid addiction. Mr. Wooten requested approval to submit the grant.

Vice Chairman Walker made a motion to approve submitting a grant to Dogwood Health, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

Administrative Items

Emergency Services received a donation of a reefer trailer from NC Emergency Management that was donated from Ingles. Staff recommended the trailer be donated to Henderson County Emergency Management as the trailer has not been used and Henderson County had a specific need for the trailer. Mr. Wooten presented the following resolution for approval:

Resolution Authorizing Donation of Personal Property to Non-Profit Organization

WHEREAS, the County of McDowell desires to donate (1) Refrigerated Trailer to Henderson County Emergency Management.

WHEREAS, G.S. 160A-280 permits the Board of Commissioners to donate personal property to nonprofit organizations that carry out a public purpose.

WHEREAS, records of all donated property will be maintained by the County.

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

The County of McDowell desires to donate (1) Refrigerated Trailer to Henderson County Emergency Management.

This resolution shall become effective upon adoption.

ADOPTED this the 9th day of August 2021.

Attest:

Cheryl L. Mitchell
Clerk to the Board

Tony Brown
Chairman

Commissioner Vaughn made a motion to approve *Resolution Authorizing Donation of Personal Property to Non-Profit Organization*, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Staff had received bids for several vehicles for various departments that were included in the budget. Financing bids for one Mack Waste Truck, one Ford Transit Van, and two Ford Escapes had been received: First Citizens 2.03%
Park National 1.846%
Mack Financial Services 2.82%
BB&T (Truist Bank) 1.27%

Resolution Approving Financing Terms

WHEREAS: The McDowell County, NC (“Borrower”) has previously determined to undertake a project for the financing of various vehicles & equipment (the “Project”), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Borrower hereby determines to finance the Project through Truist Bank (“Lender”) in accordance with the proposal dated July 29, 2021. The amount financed shall not exceed \$71,255.44, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.27%, and the financing term shall not exceed four (4) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the Borrower are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer’s satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Borrower officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Department shall be in such final forms as the Finance Officer shall approve, with the Finance Officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer’s final approval of the Document’s final form.
4. The Borrower shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Borrower hereby designates its obligations to make principal and interest payments under the Financing Documents as “qualified tax-exempt obligations” for the purpose of Internal Revenue Code Section 265(b)(3).
5. The Borrower intends that the adoption of this resolution will be a declaration of the Borrower’s official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced, or that may be advanced, from the Borrower’s general fund or any other Borrower fund related to the Project, for project costs may be reimbursed from the financing proceeds.
6. All prior actions of Borrower officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 9th day of August, 2021

ATTEST:

Cheryl L. Mitchell
Clerk to the Board

Tony G. Brown
Chairman

Resolution Approving Financing Terms

WHEREAS: The McDowell County, NC (“Borrower”) has previously determined to undertake a project for the financing of a 2022 Mack waste truck (the “Project”), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

7. The Borrower hereby determines to finance the Project through Truist Bank (“Lender”) in accordance with the proposal dated July 29, 2021. The amount financed shall not exceed \$165,689.34, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.27%, and the financing term shall not exceed four (4) years from closing.
8. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the Borrower are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
9. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer’s satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Borrower officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Department shall be in such final forms as the Finance Officer shall approve, with the Finance Officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer’s final approval of the Document’s final form.
10. The Borrower shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Borrower hereby designates its obligations to make principal and interest payments under the Financing Documents as “qualified tax-exempt obligations” for the purpose of Internal Revenue Code Section 265(b)(3).
11. The Borrower intends that the adoption of this resolution will be a declaration of the Borrower’s official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced, or that may be advanced, from the Borrower’s general fund or any other Borrower fund related to the Project, for project costs may be reimbursed from the financing proceeds.
12. All prior actions of Borrower officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 9th day of August, 2021

ATTEST:

Cheryl L. Mitchell
Clerk to the Board

Tony G. Brown
Chairman

Commissioner Ellis made a motion to approve both *Resolutions Approving Financing Terms*, and the lowest rate of 1.27% from BB&T (Truist Bank) in the amount of \$236,944.78 and for a period of

four years (8) semi-annual payments in arrears beginning February 2022, second by Vice Chairman Walker. By a vote of 5-0 the motion passed.

The following Project Budget Ordinance was presented for approval:

PROJECT BUDGET ORDINANCE
Triple Aught Design (TAD)

EXPENDITURES:

Reuse Construction	<u>\$280,000</u>
Total Expenditures	<u>\$280,000</u>

REVENUES:

NC Commerce	\$140,000
Triple Aught Design	133,000
County	<u>7,000</u>
Total revenues	<u>\$280,000</u>

Adopted this the 9th day of August, 2021.

Attest:

Cheryl L. Mitchell, Clerk to the Board

Tony G. Brown, Chairman

Vice Chairman Walker made a motion to approve the Project Budget Ordinance for Triple Aught Design, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

Two Nebo Water System fee waivers were presented:

Robert & Brenda Langenderfer	\$47.45
Chandra Tate	\$319.00

Vice Chairman Walker made a motion to approve both water fee waivers, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Salary Study Proposals

Mr. Wooten noted staff had received three salary study proposals, and two were very close at \$32,000. Since both were essentially tied in their qualifications and experience, staff will schedule interviews with both on August 19th.

Vice Chairman Walker made a motion to have staff interview, and come back with a recommendation, second from Commissioner Allison. By a vote of 5-0 the motion passed.

Vice Chairman Walker asked where the funds for the study would come from. Mr. Wooten noted the courthouse project had closed out and there were funds available from that project.

Vice Chairman Walker made a motion for staff to advise the Board of any amount over \$3,000 remaining from a project budget ordinance, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

Tax Matters

Release over \$100	\$2,918.33	\$
MV tax refunds	\$1,271.15	

Vice Chairman Walker made a motion to approve the tax matters as presented, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Board Appointments

This being the second reading for the one Planning Board vacancy the following were voted on by written ballot:

- Kim Kaugh
- Alex Portelli
- Marty Randall
- Megan Webster

- Chairman Brown – Marty Randall
- Vice Chairman Walker – Marty Randall
- Commissioner Vaughn – Alpo Portelli
- Commissioner Ellis – Marty Randall
- Commissioner Allison – Marty Randall

By a vote of 4-1 Marty Randall was appointed to the Planning Board.

Citizen Comment

Chairman Brown opened the floor for citizen comments at 7:10pm.

Emily Roberts and Ginger Webb spoke on the Community Engagement Project
Kay Sinclair spoke on behalf of residents living in Westwood Village regarding a road issue

Citizen comment ended at 7:20pm.

Closed Session

Commissioner Ellis at 7:23pm made a motion to go into Closed Session per NCGS 143-318.11(a)(2) regarding an Opioid lawsuit, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Commissioner Ellis made a motion to go out of Closed Session at 7:27pm, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

No action was taken.

Reports/Staff/Commissioners

Mr. Wooten reviewed the September meeting agenda: Mr. Weyland Prebor will give an update on Senior services; Transit public hearing; pay study presentation; Optimum/Morris Broadband presentation.

Mr. Wooten introduced to the Board Maeva Hussani. She recently graduated Western Carolina University and is an AmeriCorp member. Ms. Hussani plans are to attend law school, and will be working in local government for the next year.

Adjourn

Vice Chairman Walker made a motion to adjourn at 7:32pm, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

Attest:

Cheryl L. Mitchell
Clerk to the Board

Tony G. Brown
Chairman