

**STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL COUNTY
BOARD OF COMMISSIONERS
REGULAR SESSION –JUNE 14, 2021**

Assembly

The McDowell County Board of Commissioners met in Regular Session on Monday, June 14, 2021, at 5:00p.m., at the Universal Conference Room.

Members Present

Tony Brown, Chair; 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 Commissioner Allison. The pledge of allegiance was given by Commissioner Vaughn.

Approval of Minutes

Commissioner Ellis made a motion to approve the May 10, 2021 Regular Session minutes; May 13 Recessed Session minutes; May 13, 2021 Fire Commission minutes; May 17, 2021 Regular Session minutes; May 24, 2021 Special Session minutes; May 28 Budget Presentation minutes, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

Approval of Agenda

Mr. Wooten requested an item of Dore Associates settlement be added to the agenda. Vice Chairman Walker requested recognition of Mr. Ian Bright be added to the agenda.

Commissioner Vaughn made a motion to approve the agenda with the additions, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

Recognition of Supt. Mark Garrett

The following resolution was presented by the Board to Supt. Garrett:

Resolution of Recognition for Superintendent Mark Garrett

WHEREAS, Mark Garrett began his educational career in 1996 at Jefferson Middle School in Jefferson County, Tennessee; and

WHEREAS, he began his administrative career in 2001 as an assistant principal with Watauga High School in Watauga County; and

WHEREAS, in 2002, Mr. Garrett accepted his first principalship at Valle Crucis Elementary School in Watauga County; and

WHEREAS, Mr. Garrett accepted the principalship of Avery High School in Avery County in 2004; and

WHEREAS, after serving Avery High School successfully over eight years, Mr. Garrett became Assistant Superintendent of McDowell County Schools in November 2012; and

WHEREAS, Mr. Garrett was appointed Interim Superintendent in November 2013 and permanent Superintendent in April 2014; and

WHEREAS, Mr. Garrett has provided leadership to the McDowell County Schools organization for over seven years; and

WHEREAS, the Board of Education and Mr. Garrett have worked diligently to improve educational outcomes for all students; and

WHEREAS, the Board of Education and Mr. Garrett have prioritized facility upgrades, including the new Old Fort Elementary; and

WHEREAS, Mr. Garrett collaborates with his colleagues and other community leaders with the sole focus of improving educational attainment; and

WHEREAS, for all of the reasons listed above and more, the Western Region Education Service Alliance recognized Mr. Garrett as the Superintendent of the Year in the 19-county region for the 2020-21 school year.

NOW, THEREFORE, BE IT RESOLVED that the McDowell Count Board of Commissioners do hereby express their appreciation for the work and dedication of Superintendent Mark Garrett to the citizens of McDowell County.

Adopted this day, the 14th of June, 2021.

Attest:

Cheryl L. Mitchell
Clerk to the Board

Tony G. Brown
Chairman

Each Commissioner expressed their appreciation to Supt. Garrett for the outstanding job he does every day.

Recognition of Mr. Bright

Ian Bright, youth member of Zion Hill Baptist recently went on vacation and bought Chairman Brown a gift and presented the gift to Chairman Brown at the meeting. Mr. Bright is a great representative of the outstanding youth in the county.

Introduction of New Parks and Recreation Director

Chad Marsh, new Parks and Recreation Director, gave an update on the department:

- Wrapping up the youth softball and baseball leagues; the leagues had a total of 300 participants.
- Working to participate with the school system football teams; working on bringing punt-pass-kick for the first time ever in the county this fall
- Received quotes on painting the gym and installing sound baffles
- Establishing vehicle replacement program
- Shooting range establishing rules and procedures

Chairman Brown stated he was looking forward to hearing more great things happening in the Parks and Recreation department.

Vice Chairman Walker noted he had received several requests for adult programs. The request was for open leagues in adult volleyball, 4-corner dodge ball, basketball, and frisbee golf.

Commissioner Ellis noted he was excited to hear Mr. Marsh was bringing the fields, vehicles and buildings up to higher standards.

Commissioner Vaughn commented she knew Mr. Marsh was not a quitter and was looking forward to the changes.

Commissioner Allison added he was very excited to see the changes, and would like to add adult softball to the list of adult programs.

Recognition of Retiring USFS Officer Wade Keener

The following resolution was presented of USFS Law Enforcement Officer Wade Keener:

Resolution of Appreciation for US Forest Service Law Enforcement Officer Wade Keener

WHEREAS, Wade Keener served with the US Army Military Police from July 27, 1987 until November 10, 1991; and

WHEREAS, he served with the NC Department of Corrections from August 1993-June 1994; and

WHEREAS, he served with the Western Carolina University Campus Police, part-time and full-time from September 1993-January 2000; and also served at the NC Arboretum as Security August 1994-April 2001; and

WHEREAS, Wade Keener has been a United States Forest Service (USFS) Law Enforcement Officer from April 2001-until his retirement on May 31, 2021; and

WHEREAS, that is 32 years of public protection and service to our country and our state; and

WHEREAS, Wade Keener has worked incredibly hard to keep Curtis Creek a beautiful area for our families to enjoy, and worked to keep our forest safe; and

WHEREAS, he has worked with County and Municipal law enforcement to ensure a quicker and more effective response times to incidents; and

WHEREAS, Wade Keener has worked with USFS staff to protect our natural resources and USFS engineers to repair roads for public use; and

WHEREAS, he has provided invaluable assistance to Emergency Services on multiple search and rescue missions; and

WHEREAS, he has worked with several organizations, such as Trout Unlimited to designate camp sites on Curtis Creek in order to protect our forest resources; and

WHEREAS, Wade Keener has shown compassion where a citation could have been issued, instead he took the person to a shelter for help; took another person to lunch so they could be fed, and purchased a tent and sleeping bag for another individual so they could weather the cold; and

WHEREAS, Wade Keener has been a dedicated public servant working tirelessly to preserve our County's spectacular natural resources and ensure the safety of our citizens while enjoying these resources.

NOW, THEREFORE, BE IT RESOLVED that the McDowell Count Board of Commissioners do hereby express their appreciation for the work and dedication of Wade Keener to the citizens of McDowell County.

Adopted this day, the 14th of June, 2021.

Attest:

Cheryl L. Mitchell
Clerk to the Board

Tony G. Brown
Chairman

Mr. William Kehler, EM Director, spoke on his appreciation to Officer Keener for always offering his assistance to emergencies and his commitment to keep our forest safe for visitors and citizens who enjoy the forest lands.

Each Commissioner expressed their appreciation to Officer Keener for his service to the county and our country.

Officer Keener expressed his appreciation to the Board for the recognition and gave thanks to his Lord for keeping him safe while working alone patrolling the forest lands.

Planning Ordinance Updates Public Hearing

Chairman Brown declared the Board in Public Hearing at 5:36pm.

Mr. Ronald Harmon spoke on the changes for NCGS 160-D which covers land development for cities and counties. Two of the county's ordinances required amendments to come into compliance with the new statute. The changes did not create any additional restriction of land use, only in how processed would be followed.

There were no comments from the public.

Commissioner Walker made a motion to go out of public hearing at 5:39pm, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

Vice Chairman Walker made a motion to approve the changes, second by Commissioner Allison. By a vote of 5-0 the motion was approved.

FY 2022 Budget Public Hearing

Chairman Brown declared the Board in Public Hearing setting at 5:40pm.

Mr. Wooten gave an overview of the FY 2022 Budget that was presented on May 28 to the Board of Commissioners. The presented budget was for \$49,728,636, which was an increase of 8.36% over the current year. The recommended property tax rate was 58.75 cents, same as the current year.

There were no comments from the public.

Commissioner Ellis made a motion to go out of public hearing at 5:42pm, second by Vice Chairman Walker. By a vote of 5-0 the motion passed.

Vice Chairman Walker would like to change the property tax projected rate from 98.5% to 99.1%; and raise the sales tax revenue projections. He asked Mr. Wooten if those two changes would balance the budget with a one cent reduction, and Mr. Wooten agreed based on those calculations it would.

Vice Chairman Walker made a motion to approve the budget with the two changes, second by Commissioner Allison. Commissioner Ellis would like to see the fund balance increased. Vice Chairman Walker agreed on increasing the fund balance. By a vote of 4-1 the motion passed.

Commissioner Ellis-no

Chairman Brown; Vice Chairman Walker; Commissioner Vaughn; Commissioner Allison- yes

American Rescue Plan Discussion

Mr. Wooten noted the county had been awarded the first payment of the American Rescue Plan funds in the amount of \$4,443,783.50, and the second payment of the \$8.8M would arrive in 12 months. The deadline for expenditures is December, 2024. The guidelines for expenditures are:

1. Public health response
2. Negative economic impacts
3. Replace public sector revenue loss
4. Premium pay for frontline workers
5. Water, sewer, broadband infrastructure

Chairman Brown would like to see improvements in water and broadband in the county.

Commissioner Ellis would like to see premium pay for the people that kept working during the pandemic, and also an emphasis on the water and broadband.

Commissioner Vaughn would like to support broadband and water in that order, broadband needs to be all over the county for students and citizens of the county.

Commissioner Allison asked if there was a way from the public health side to spend funds on recreation. Mr. Wooten noted the guidance was very specific for directly related issues to health.

Mr. Wooten noted there was a study done a few years ago of possible service area for water lines.

Vice Chairman Walker made a motion to authorize staff to advertise for an engineering firm for water lines around the proposed loop, second by Commissioner Allison. Discussion was to revisit broadband and premium pay. By a vote of 5-0 the motion passed.

Commissioner Ellis added he would like to get more information regarding the most populated sections of the county that does not have broadband, and that Connect McDowell probably had the information. Commissioner Vaughn serves on that committee and offered to get more information and bring back to the Board at a future meeting.

Shooting Range Update

Mr. Wooten, Chairman Brown, and Mr. Chad Marsh, visited the site and noted the bridge over Muddy Creek is about three quarters complete.

Bids for the building were opened on June 8th from the following:

Beam Construction Co., Inc	\$459,000
England Builders, Inc	\$380,000
GEM Constructors	\$553,139
Morrison construction Co., Inc	\$464,000

Vice Chairman Walker made a motion to award the bid to England Builders, Inc for \$380,000, second by Commissioner Ellis. Mr. Wooten confirmed this project had 90% federal funding and 10% local funding. By a vote of 5-0 the motion passed.

Emergency Services Project Update

Mr. Wooten presented a request from Duke Energy for an easement in order to provide electrical service to the new EMS headquarters building.

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

Administrative Items

Dore Associates Lawsuit

Mr. Wooten noted several years ago, the City and County initiated the cleanup of the former Drexel Heritage site. The low bidder was Dore Associates of Michigan. Several days later they withdrew their bid after the 72-hour period allowed by NCGS143-129 and sought to keep the bid bond. The City and County filed a lawsuit.

Pertaining to the civil litigation previously pending in McDowell County File No. 19CVS 881, captioned as City of Marion and McDowell County vs. Dore & Associates, Inc. and Western Surety Company, it is reported that in March of 2021 the City of Marion, a Plaintiff in the following litigation, and all other parties, agreed to the settlement of all claims for a sum of \$25,000.00 which is to be paid to the city of Marion and McDowell County over five equal quarterly payments of \$5,000 beginning in March 2021 and ending with the final payment due on or before March 1, 2022.

Vice Chairman Walker made a motion to approve the settlement with the monies being placed in the fund balance, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

Staff received a request from Dennis Perkins for a waiver for a water leak on his Nebo Water System bill for \$33.09.

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

Request for approval of the following Project Ordinances was presented for approval:

- Resolution Close-Out of Project Fund (38) for the Buechel Stone project;
- Resolution of Close-Out of Project Fund (35) for the McDowell County Baxter Healthcare for facility improvements;
- Project Budget Ordinance Amendment 7 for the Courthouse Renovation and Addition Project;
- Project Budget Ordinance for Toolcraft, Inc;
- Project Budget Ordinance American Rescue Plan

Commissioner Allison made a motion to approve all Project Budget Ordinances, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

Budget Amendments

GF 65 -- Appropriates revenue for health insurance charges

GF 66 – Appropriates homeowners recovery funds in Building Inspections

GF 67 – Appropriates reserved funds for the Clerk of Court

GF 68 – Appropriates donations and transfers between departments in Emergency Services

GF 69 – Appropriates revenue to cover maintenance, fees, and billing costs for Finance

GF 70 – Appropriates revenue to cover maintenance and repairs for county facilities

GF 71 – Appropriates revenue and transfers between line items at the Library

GF 72 – Appropriates revenue and transfers between line items at the Animal Shelter

GF 73 – Transfers between line items in Waste Collections

GF 74 – Transfers between line items and appropriates revenue at the Register of Deeds

GF 75 – Transfers between line items and appropriates revenue at the Sheriff's Office

GF 76 –Transfers between line items and appropriates revenue at DSS

GF 77 – transfers between line items and appropriates revenue at the Senior Center

GF 78 – Transfers between line items at the Juvenile Crime Prevention Council

GF 79 – Appropriates debt proceeds for equipment purchases

GF 80 – Transfers between line items in Public Services

GF 81 – Transfers between line items at Recreation

GF 82 – Appropriates TDA tax revenues

GF 83 – Appropriates sales tax revenue for the N. Main St. project

911F4 – Transfers between budget line items in the 911 Fund

Transit3 – Transfers between line items in the Transit Fund

SR3 – Appropriates anticipated revenue for DSS Special Revenue Fund

SI2 – Allocates revenue and appropriates fund balance for the Self Insurance Fund

SI3 – Allocates revenue sources and appropriates fund balance for the Self Insurance Fund

Commissioner Vaughn made a motion to approve all budget amendments as presented, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

Muddy Creek Watershed Engineering Services

Mr. Wooten noted that McDowell County assists with the maintenance of nine flood control dams in the Muddy Creek watershed. The Muddy Creek Watershed Commission requested assistance of an engineer to evaluate improvements for the Lowder Dam due to safety issues.

McGill Associates was selected as the most qualified engineer and the fee for the design, bidding, and construction administration was \$24,960. Staff requested approval and the construction and engineering fees be paid from the American Rescue Plan funds since flood control/stormwater is an allowable expense.

Vice Chairman Walker made a motion to approve the McGill Associates contract, second by Commissioner Allison. By a vote of 5-0 the motion passed.

School Property Item

The Board of Education determined that several neighbors of East McDowell Middle are in very close proximity to the property line. By selling the property in close proximity to the homes they could have a buffer zone between the homes and the school property.

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS FOR MCDOWELL COUNTY, DECLINING TO OBTAIN CERTAIN SCHOOL PROPERTY

WHEREAS, the McDowell County Board of Education (hereinafter “Board”) owns certain real property known as the East McDowell Middle School (EMMS) property located at 676 State Street, Marion (PIN 171105086306);

WHEREAS, the Board has now received a private offer to purchase a 0.12-acre portion of the EMMS property, located upon the eastern boundary of the property as shown on the drawing attached hereto as Exhibit A; and

WHEREAS, the McDowell County Board of Education has offered the Property to the County pursuant to G.S. § 115C-518, in order to proceed with sale of the 0.12-acre lot after exposing the same to public notice and upset bids pursuant to OS. § 160A-269.

NOW THEREFORE, the Board of County Commissioners for McDowell County hereby resolves as follows:

- Section 1. The County hereby declines to acquire the 0.12-acre parcel of property pursuant to G.S. §115C-518.
- Section 2. The County Manager is hereby authorized to take such actions as he shall deem necessary to carry out the purposes of this Resolution.
- Section. 3. This Resolution shall be effective immediately upon its approval.

READ AND APPROVED, this the 14th day of June, 2021.

Attest:

Cheryl L. Mitchell, Clerk to the Board

Tony G. Brown, Chairman

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

Transit Policy Approvals

Transit Director, Jason Hollifield requested approval of the McDowell County Transportation Authority Americans with Disabilities Act of 1990 (ADA) Policy and Procedures; and Grants and Financial Management Policies and Procedures. The policies are required by NCDOT and the Federal Transit Administration.

Commissioner Vaughn made a motion to approve the policies, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Fireworks Show Permit Approval

Per NCGS 14-413 (a) and (d) requires the Board of Commissioners to approve all permits to conduct aerial fireworks displays in their county. Mr. Jay Suttles, Building Inspector, submitted for approval permit applications for aerial fireworks displays, and reported all inspections and permits were in order for each applicant to conduct their displays.

Commissioner Ellis made a motion to approve the request, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Tax Matters

Release over \$100	\$3,186.47
Discoveries	\$1,033.49
Releases under \$100	\$ 183.04
MV tax refunds	\$ 842.74

Vice Chairman Walker asked the status of the Hwy 55 tax matter, and due to the complicated factor of bankruptcy the matter was still unresolved.

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

Board Appointments

This being the second reading the following were voted in unanimously by written ballot:

TDA – Motel/Owners/Operators under 50 rooms:	Brigette Walters
Tourism Related Provider:	Brandi Hillman

McDowell Tech Board of Trustees:	William J. Kehler IV
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Jury Commission:	Larry Lytle
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The following vacancies were presented as a first reading:

MEDA Board; Focal Point Advisory Committee, Planning Board and Transportation Advisory Board.

Vice Chairman Walker made a motion for Commissioner Ellis to be the voting delegate at the NCACC Annual Conference business session on August 14th, and Commissioner Allison the alternate delegate, second by Commissioner Vaughn. By a vote of 5-0 the motion passed.

The McDowell Trails Committee would like to start meeting again quarterly, previously Vice Chairman Walker served on the Board, and he agreed to continue to serve.

Citizen Comment

Chairman Brown opened the floor for citizen comments at 6:19pm.

Emily Roberts and Kitty Wilson spoke on racial equity

Ken Buckner - Darryl Strawberry will be in town on Thursday, and would like for Board to recognize him; company incentives; bridge needs replacing near McDowell Memorial Park

Citizen comment ended at 6:31pm.

Reports/Staff/Commissioners

Mr. Wooten requested the Board to recess to Tuesday, June 15th at 5:00pm to meet with the Rescue Squad at the Universal Conference Room.

Adjourn

Vice Chairman Walker made a motion at 6:33pm to recess to Tuesday, June 15th at 5:00pm at the Universal Conference Room.

Attest:

Cheryl L. Mitchell
Clerk to the Board

Tony G. Brown
Chairman