

**STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL COUNTY
BOARD OF COMMISSIONERS
REGULAR SESSION –FEBRUARY 14, 2022**

Assembly

The McDowell County Board of Commissioners met in Regular Session on Monday, February 14, 2022, at 5:00p.m., at the Universal Conference Room.

Members Present

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

Members Absent

Tony Brown, Chairman

Others Present

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

Call to Order

Vice Chairman Walker called the meeting to order at 5:00pm. The invocation was given by Commissioner Ellis, and the pledge of allegiance was given by Commissioner Allison.

Approval of Minutes

Commissioner Vaughn made a motion to approve the January 10, 2022 Regular Session minutes, January 20, 2022 Special Session Minutes, January 24, 2022 Regular Session minutes, January 31, 2022 Recessed Session, and January 31, 2022 Closed Session minutes; second by Commissioner Ellis. By a vote of 4-0 the motion passed.

Approval of Agenda

Commissioner Ellis made a motion to approve the agenda, second by Commissioner Allison. By a vote of 4-0 the motion passed.

COVID-19 Update

Mr. William Kehler, Emergency Services Director, gave the following update:

- This is Day 700 of the EOC activation during the Covid pandemic
- 14-day positivity rate is 23%; the rate has dropped for the last three weeks
- Death count continues to rise
- Multiple outbreaks continuing in the long-term care facilities
- Forecasting for next week's transmission will be at same low level as last December, 2021
- Transitioning the operation back to the Health Dept.
- Testing; vaccines, and PPE are all readily available

Each Commissioner expressed their appreciation to Mr. Kehler and his department for their leadership during this pandemic. Vice Chairman Walker noted Chairman Brown was absent because he had Covid. Chairman Brown had requested Vice Chairman Walker to encourage everyone to get the COVID vaccinations and booster to help with the symptoms of the virus.

Discussion was held on the current mask policy, which was set to expire on this date.

Commissioner Allison made a motion to make mask optional effective February 15, 2022, second by Commissioner Ellis. By a vote of 4-0 the motion passed.

Tax Lien Advertisement

Linda Onufrey, Tax Collector, presented the listing of taxpayers who were delinquent and requested authorization to place notice of Unpaid Real Property Tax Liens in the McDowell News per NCGS 105-369(a). The total amount of 2021 county real property taxes due as of January 31, 2022 was \$1,641,521.35.

Ms. Onufrey requested the advertising listing be published Wednesday, March 16, 2022. The quote for the advertising was \$4,649.40.

Commissioner Ellis made a motion to approve the advertising of the unpaid tax liens, set the publish date of March 16th, and authorize advertisement in the paper for the quote presented, second by Commissioner Allison. By a vote of 4-0, the motion passed.

Ms. Onufrey requested approval to stop issuing refunds for small overpayments and instead credit those amounts to the taxpayer's account. The following resolution was presented for approval:

RESOLUTION FOR TAX COLLECTOR OVERPAYMENT PROCEDURE

WHEREAS, G.S. 105-321 (g) permits the County Board of Commissioners to direct the County Tax Collector to apply overpayments between one dollar (\$1.00) and fifteen dollars (\$15.00) as a prepayment credit for taxes due to the taxing unit for the next succeeding year taxes, with no notice required;

WHEREAS, the McDowell County Tax Collector has requested that the County Board of Commissioners allow overpayments of fifteen dollars (\$15.00) or greater to be applied towards tax liability of taxpayer or as a prepayment credit for taxes due to the taxing unit for the next succeeding year, with notice required;

NOW, THEREFORE, BE IT RESOLVED the McDowell County Board of Commissioners does hereby adopt the overpayment procedures and directs the County Tax Collector as follows:

1. Overpayment of taxes greater than one dollar (\$1.00) and less than fifteen dollars (\$15.00) shall be credited and applied as a prepayment credit for taxes due to the taxing unit for the next succeeding year. Any overpayment of tax between one dollar (\$1.00) and fifteen (\$15.00) which is applied as a prepayment credit bears interest at the rate set under G.S. 105-241.21 from the date the interest begins to accrue until the amount is applied towards the tax liability of the taxpayer or a refund is paid. Interest accrues from the later of the date the tax was paid and the date the tax would have been considered delinquent under G.S. 105-360.

2. If notice to taxpayer is given, overpayment of taxes of fifteen or greater (\$15.00+) may be applied to delinquent taxes or other current taxes owed to the taxing unit or credited and applied as a prepayment for taxes due to the taxing unit for the next succeeding year.
3. A taxpayer may request that an overpayment be refunded. Such request must be made either in writing or in person at the McDowell County Tax Collector's Office and received before the end of the fiscal year (June 30) in the year that the overpayment is made.
4. In accordance with G.S. 105-321 the McDowell County Tax Collector shall keep a record of all refunds by receipt number and amount and shall make a report of the amount of these refunds to the governing body at the time of the tax settlement.
5. These overpayment procedures shall be effective beginning on July 1, 2022.

Adopted this the 14th day of February, 2022.

 Cheryl Mitchell
 Clerk to the Board

 Tony Brown
 Chairman

Commissioner Allison made a motion to approve the Resolution for Tax Collector Overpayment Procedure, second by Commissioner Vaughn. By a vote of 4-0 the motion passed.

Economic Development

Mr. Chuck Abernathy, MEDA Director, presented a request for submitting a Building Reuse Grant for approval. The grant was for an existing company that would expand their operation. The company would purchase Oak Valley Lumber operation in Woodlawn, and employ 25 additional employees and pay an average salary of \$41,800. The purchase and upfitting of the property would exceed \$3M. The county match of 5% would be in the \$5,000 to \$10,000 range.

**RESOLUTION FOR THE COUNTY OF McDOWELL
 APPLICATION FOR NORTH CAROLINA DEPARTMENT OF COMMERCE
 BUILDING REUSE PROJECT**

WHEREAS, the McDowell County Board of Commissioners has previously indicated its desire to assist in economic development efforts within the County; and,

WHEREAS, the Board wishes to pursue a formal application for NC Department of Commerce funding to benefit a manufacturing company in the renovation of their building project which would create new permanent jobs in a building located in McDowell County; and,

WHEREAS, the Board certifies it will meet all requirements of the Building Reuse Program including the required five percent local match.

NOW, THEREFORE BE IT RESOLVED, that the County Manager is authorized to submit a formal application to the North Carolina Department of Commerce for the Building Reuse Grant program for said project.

Adopted this the 14th day of February, 2022.

ATTEST:

Cheryl L. Mitchell
Clerk to the Board

Tony G. Brown
Chairman

Commissioner Vaughn made a motion to approve the RESOLUTION FOR THE COUNTY OF McDOWELL APPLICATION FOR NORTH CAROLINA DEPARTMENT OF COMMERCE BUILDING REUSE PROJECT, second by Commissioner Allison. By a vote of 4-0 the motion passed.

History of Commissioner's Board Room

Due to this being the last Board of Commissioner's meeting in the County Administration Building, Mr. Chuck Abernathy, Economic Development Director, and former County Manager from 1986 – 2015, gave a presentation on the past 50 years of the history of the Commissioner's Board Room. Some of the highlights of the votes taken in this room were:

- Approval of plans for the administration building were made in May, 1972
- 1980s purchased 265 acres for the hospital, law enforcement center, YMCA, Armory, Health Dept, Mental Health Dept, and Senior Center
- 1987 the county had a negative 2% fund balance
- The current DSS building was purchased and the renovation was done by the high school carpentry class
- Petition to bring the State Prison to Marion was controversial, allowed water and sewer to be extended into Glenwood and added 375 jobs
- DA Grayson gave a personal donation of \$10,000 to start the construction of the main water line to Nebo Elementary School
- The Universal building was purchased with a 3-2 vote
- 41 Commissioners have served over the past 50 years

Vice Chairman Walker thanked Mr. Abernathy for his comments on the history of the room.

Shooting Range Operations

Mr. Chad Marsh, Parks and Rec Director, gave an update on the range and presented the Standard Operating Procedures (SOP) for approval. The range is estimated to be open the third week of March as a soft opening. The operations of the range will require a Range Safety Officer (RSO). Discussion followed on the SOP for the range fees, hours, and open carry for the RSO.

Commissioner Allison made a motion to approve the range operating hours as presented, second by Commissioner Vaughn. By a vote of 4-0 the motion passed.

Commissioner Allison made a motion to approve the range fees as presented, second by Commissioner Vaughn. By a vote of 4-0 the motion passed.

Mr. Marsh noted in the other two NC Wildlife public shooting ranges in the state, the Range Safety Officer was recommended to have an open carry permit. Discussion followed.

Commissioner Allison made a motion to replace in the SOP page 6, item 5: Staff Firearm Responsibilities: While on duty, staff members shall not carry a firearm; to While on duty, staff members shall be required to open carry a firearm, second by Commissioner Ellis. By a vote of 4-0 the motion passed

Vice Chairman Walker noted the McDowell County Shooting Range will make a total of three NC Wildlife facilities in the state, and was built with the Wildlife providing 90% funding and the County 10% funding.

Mr. Marsh gave an update on Little League. A total of 300 children have signed up; 35 coaches attended an initial meeting. Sign-ups will continue through March 6. There will be an opening day celebration at Maple Leaf on April 9th with food vendors and entertainment. Plans are for a fenced in area for children to play, as well as a covered shelter at the Maple Leaf location.

FY 2021 Audit Presentation

Ms. Serina Hinson with Lowdermilk Church reported they had issued a clean, unmodified opinion for fiscal year 2021, and they did not identify any material weaknesses, or significant deficiencies. Also, there were no prior findings from the fiscal year 2020.

Ms. Hinson also noted the Fund Balance increased from 18.64% to 20.59%, and the tax collection rate increased from 99.17% to 99.50%.

Ms. Hinson reported the Local Government Commission has identified performance indicators they would like a written explanation for regarding fund balance availability, water fund and 2021 audit report was extended. The Board will have 60 days to reply to the LGC. The reason Lowdermilk Church Auditors extended the audit was due to their company being audited, which caused them to have a delay.

Commissioner Ellis made a motion to approve the 2021 Independent Auditors Report as presented, second by Commissioner Vaughn. By a vote of 4-0 the motion passed.

Commissioner Ellis made a motion to approve the Loudermilk Church audit contract for 2022, second by Commissioner Allison. By a vote of 4-0 the motion passed.

Staff Report

Mr. Wooten noted the spay and neuter fees the Board had discussed in the previous month's meeting were not in line with other counties, and requested more time to look at increasing the fees.

Consensus from the Board was to wait for more information.

Mr. Wooten noted he would like to hold a workshop for discussion on the self-insurance fund and solid waste fees. The Clerk will poll the Board to set a date and time.

Commissioner Ellis left the meeting at 6:08pm.

American Rescue Plan Updates (ARPA)

Mr. Wooten presented the American Rescue Plan Grant Project Ordinance Amendment #2 for review and approval. The total allocation is \$8,887,575.

Commissioner Allison made a motion to approve as presented, second by Commissioner Vaughn. By a vote of 3-0 the motion passed.

Building Projects Update

Mr. Wooten noted the Board would be able to meet at the new Commissioners Board Room at 69 N Main Street for their March 14 meeting. The lower level is a few months behind, which was the original plan.

The Emergency Services Headquarters building is also nearing completion. The final walkthrough is scheduled for the end of February.

At last month's meeting the Board discussed options for EMS Station 1. Staff recommended bringing an architect through the building once staff moves out, to get a better idea of the condition of the building. Then the Board would know what would be needed to bring it up to current standards.

Board consensus was to wait for a report from the architect.

Administrative Items

Mr. Wooten presented a lease proposal for the former pilot plant. The term was for 3 years at \$1,540 a month. Staff requested approval of the lease with the understanding there were items that would need to be addressed before the execution of the agreement.

Commissioner Allison made a motion to approve as presented, second by Commissioner Vaughn. By a vote of 3-0 the motion passed.

Previously the Board authorized the development of a new Comprehensive Land Use Plan in partnership with Foothills Regional Commission (FRC). Contract with the FRC was presented for approval.

Commissioner Vaughn made a motion to approve the contract as presented, second by Commissioner Allison. By a vote of 3-0 the motion passed.

The following items were presented for approval:

EMS write offs \$70,637.35

Project Budget Ordinances: North Main Street Amendment #1
Shooting Range Amendment #2
Stacy Hill water Line Project Amendment 5
Nebo Waterline Extension
Recreational Improvement Project
County Owned Facilities Improvement Project

Close-Out of Project Fund (40) McDowell County Limekiln Creek
(43) McDowell County Toolcraft
(46) Public School Building Fund: PG Elementary Roof
Glenwood Roof
North Cove Roof

Budget Amendments:

GF 18 – Appropriates proceeds from a vehicle loan

GF 19 – Appropriates revenue, fund balance, and transfers between line items in Emergency Services

GF 20 – Appropriate revenue and transfers between line items in Public Services

GF 21 – Appropriate revenue and transfers between line items at the Sheriff's Office

GF 22 – Appropriates estimated revenue at TDA

GF 23 – Appropriates revenue and transfer between line items at Parks and Recreation

GF 24 – Appropriate revenue and transfers between line items at DSS

GF 25 – Transfers between line items and allocates anticipated revenue for the Self Insurance Fund

GF 26 – Transfers remaining Courthouse Project funds to Main Street capital project

SI1 – Allocates revenue for the Self Insurance Fund

CP1 – Appropriate fund balance for communication tower rent.

911F3 – Transfers between line items for the 911 Fund

Commissioner Vaughn made a motion to put all items in a group as opposed to individually, second by Commissioner Allison. By a vote of 3-0 the motion passed.

Commissioner Vaughn made a motion to approve all as a group, second by Commissioner Allison. By a vote of 3-0 the motion passed.

Tax Matters

MV tax refunds	\$ 949.34
Discoveries	\$ 1,066.53
Releases over \$100	\$ 6,988.43
Refunds	\$ 141.75

Commissioner Allison made a motion to approve all tax matters, second by Commissioner Vaughn. By a vote of 3-0 the motion passed.

Citizen Comment

Vice Chairman Walker opened the floor for citizen comment at 6:19pm.

There were no comments.

Citizen comment ended at 6:20pm.

Commissioners/Staff Reports

Mr. Wooten presented a resolution setting a new meeting location:

RESOLUTION SETTING REGULAR MEETING LOCATION

WHEREAS, pursuant to North Carolina General Statutes § 153A-40 a board of commissioners may by resolution fix the time and place of its regular meetings; and

WHEREAS, the Board of Commissioners have met at the 60 East Court Street location since April 5, 1976; and

WHEREAS, the Board of Commissioners have a new meeting location at 69 N Main Street, Marion, NC.

NOW BE IT RESOLVED, by the Board of County Commissioners of McDowell County, NC, that the regular meeting place of said Board is changed from the McDowell County Administration Building to the McDowell County Administrative Offices, County Commissioners Board Room, 69 N. Main Street, Marion, NC, effective with the March 14, 2022 meeting.

ATTEST:

Cheryl L. Mitchell
Clerk to the Board

Tony G. Brown
Chairman

Commissioner Allison made a motion to approve the Resolution Setting Regular Meeting Location, second by Commissioner Vaughn. By a vote of 3-0 the motion passed.

Commissioner Allison asked about the Project Splice incentive. Vice Chairman Walker noted due to a conflict of interest he would not be able to vote.

Commissioner Allison made a motion to table the incentive item, second by Commissioner Vaughn. By a vote of 3-0 the motion passed.

Adjourn

Commissioner Vaughn made a motion to adjourn at 6:21pm, second by Commissioner Allison. By a vote of 3-0 the motion passed.

Attest:

Cheryl L. Mitchell
Clerk to the Board

David Walker
Vice Chairman