

**STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL COUNTY
BOARD OF COMMISSIONERS
REGULAR SESSION –June 13, 2022**

Assembly

The McDowell County Board of Commissioners met in Regular Session on Monday, June 13, 2022, at 5:00p.m., in the Commissioners Board Room in the McDowell County Administrative Offices, 69 N Main Street, Marion, NC.

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, Fred Coats, County Attorney

Call to Order

Chairman Brown 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

Vice Chairman Walker made a motion to approve the May 2, 2022 Special Session minutes, May 9, 2022 Regular Session minutes, May 12, 2022 Recessed Session minutes, May 16, 2022 Regular Session minutes, May 23, 2022 Special Session, May 9, 2022 Closed Session minutes, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Approval of Agenda

Mr. Wooten noted that Attorney Seagle had postponed his appointment on the Opioid Lawsuit Update to the July 11th meeting, and add a resolution from the Sheriff's Dept to sell a vest under Administrative Items.

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

Recognition of Stephanie Faw

Mr. Mark Garrett, Supt., introduced Stephanie Faw, Health and Physical Education teacher, Coach at West McDowell Middle School. She was recently named the 2022 SHAPE Southern District

Teacher of the Year-Middle School Physical Education. She is a National Board-Certified teacher and a successful soccer and track coach. The Board recognized Ms. Faw with a Certificate of Recognition.

Recognition of Mark Garrett

The Board recognized Supt. Mark Garrett with a Certificate of Appreciation who had accepted the position of Superintendent of Henderson County Schools. Each Commissioner expressed their appreciation to Supt. Garrett in appreciation for his tenure.

Recognition of Terry DePoyster

Public Services Director, Terry DePoyster was recognized as he would be retiring June 30th. Each Commissioner gave congratulation remarks to Mr. DePoyster, and presented him with a Certificate of Appreciation.

FY2023 Budget Public Hearing

Chairman Brown called the Board into public hearing setting pursuant to NCGS 159 to receive comments from the public concerning the FY2023 budget at 5:24pm.

There were no comments from the public.

Vice Chairman Walker made a motion to go out of public hearing setting at 5:26pm, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Vice Chairman Walker noted he had discussion about reducing the McDowell Mission funding to give to other local non-profit groups in the area. The suggestion was to change McDowell Mission Ministries to \$5,000 and give Lake James Environmental Association to go toward the Mill Creek Project \$1,000, increase Freedom Life Ministries by \$5,000 for their work with those who have addiction; and the McDowell Pregnancy Center \$6,000.

Commissioner Allison stated he had been asked about the significant increase in insurance premiums for county employees that were on the older plans. Mr. Wooten stated there was no way to separate out the seven employees that were on the older plan, all employees must pay the same premium.

Commissioner Ellis noted the lower rate for Long Town Fire District to 15 cents to 12 cents. The reason for the decrease was to be consistent with the rate the Burke County residents are charged for the benefit of that fire department. He also added staff was working on a three-year budget with the Board's previous request. He asked for a 4% increase in the 2024-year budget, also budget upcoming needs in the capital plan, and the positions that were requested this year be considered in next year's budget. There was also discussion of working with the Sheriff to use jail revenues to cover two positions he requested, and the other five positions requested be filled in the following years if possible.

Mr. Wooten noted he and Ms. Bell would incorporate the changes into the budget and bring back to the June 20th meeting. Commissioner Ellis asked for the document to be sent to the Board before the meeting, in order for the Board to review beforehand.

Library Update/Fee Request

Marlan Brinkley, Library Director, gave an update on the Public Library's activities including the

Teen, Adult and Children's Summer Reading Programs, and the Bookmobile. So far this year the library offered 216 early literacy programs; 398 library programs were attended by 5,624 people; there were 7,807 computer uses; and 10,000 questions about technology and job searching answered. The library has 25, 701 active library users.

Mr. Brinkley noted the library was starting a new technology program. Through the FCC's Emergency Connectivity Fund the library purchased 10 hotspots, 10 laptops, and 10 Chromebook for the recommended fee schedule of \$12 premium for the hotspots and \$80 premium for the laptops and Chromebooks. He also recommended lowering the late fees for DVD from \$1.00 to 10cents due to DVDs prices are less expensive than many bestseller books in hardback.

Commissioner Ellis made a motion to accept the rates as presented, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Comprehensive Land Use Plan

Chairman Brown declared the Board in a public hearing setting pursuant to NCGS 160D-601 at 5:47pm.

Mr. Ronald Harmon, Deputy County Manager for Community Development, noted the plan had been made available for public inspection. There were four goals for the future of McDowell County:

1. Promote planned commercial, recreational, and residential growth in harmony with areas most suitable for development while preserving community character and protecting the County's natural resources.
2. Provide a balanced recreation and open space system that meets the current and future needs of all segments of the community.
3. Promote a range of affordable housing units to meet the diverse needs of existing and future County residents to include senior, affordable and workforce housing.
4. Provide a transportation system which will allow for the safe, efficient, and convenient movement of people and goods.

There were no comments from the public.

Vice Chairman Walker made a motion to go out of public hearing setting at 5:50pm, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Vice Chairman Walker made a motion to approve the Comprehensive Land Use Plan as presented, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

Lake James Update

Ronald Harmon, Planning Director, gave an update on Lake James development activities. He noted since January there have been seven violations have been issued. Staff asked for any and all violations of the Lake James Protection Ordinance be assessed at \$500. The fine would show that violations were taken seriously and removal of any tree, limb or other protected vegetation or prohibited act would be \$500. Per occurrence.

Staff also suggest further prohibitions be listed in the ordinance:

- No portions of the septic system nor septic repair areas within the 50-foot buffer
- No motorized vehicles allowed within 75 feet of the water unless in conjunction with shoreline stabilization. Those would include but not limited to golf carts, ATVs, lawn tractors, etc.
- Lots are only allowed one access path to the water.

Chairman Brown noted it was the homeowner's and builder's responsibility to find out permits, and to be aware of the Lake James Protection Ordinance.

Mr. Harmon noted all fines are comparable with Burke County.

Vice Chairman Walker made a motion to refer all recommendations back to the Planning Board for review, and then send back to the Board for approval, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Lake James Update

Joanne Deyo, with the Lake James Environmental Association (LJEA), and Catawba Riverkeeper Foundation (CRF) are collaborating to protect and enhance the environmental health and long-term health of the lake. The lake has a large watershed of approximately 250 acres with several tributaries. Both groups are looking at a Trash Trout project to capture litter in a Lake James tributary, analyze what is collected, and use that information to educate both children and adults.

Regular maintenance of the Trash Trout will be required to remove collected trash, catalog what has been collected, and perform general service. CRF will coordinate the administrative, but the maintenance work must be contracted to a 3rd party, and the estimated cost would be \$1500-\$2000.

Ms. Deyo on behalf of the LJEA request was for annual county support for the Trash Trout maintenance with a \$500-\$1,000 contribution. The association would also like to give periodic updates with the Board.

Animal Services/Control Update

Mr. Wooten gave an update on the workshop held with Ms. Wright, Animal Services Director, Sheriff's Office representatives, and several animal advocates. The purpose of the meeting was to hear concerns about our current Animal Services/Control operations, ordinances, etc.

There were three focus areas of discussion:

- Education—increasing efforts to talk about the importance of spay/neuter
- Enforcement—The Sheriff's Office is responsible for the enforcement of the existing Animal Control Ordinance. It has been 10 years since the ordinance had been updated, and requested the Board to send the existing Animal Control Ordinance for review by the Planning Board with input from Animal Services Director, Brittany Wright.
- Shelter—The existing shelter has not been expanded since it was built in the early 1980's. A private donor has offered to assist with expansion/renovation costs. There had been some preliminary discussions about understanding costs before proceeding with a more formal discussion.

Commissioner Ellis made a motion to send the Animal Control Ordinance to the Planning Board, second by Commissioner Vaughn. Discussion was for the Planning Board to review a leash law, and fee for having an animal. By a vote of 5-0 the motion passed.

Staff will bring back information on enlarging the animal shelter, after discussion with an engineer.

Ms. Wright requested the following fee changes effective August 1, 2022:

- Dog adoption \$65 to \$100
- 72-hour stray hold/vaccination—currently \$10 per night (\$15 for bite holds)
 - Canines:
 - Distemper-parvo \$10
 - Bordetella \$10
 - Dewormer, Flea/Tick Prevention, Heartworm Test, Heartworm prevention \$10
 - Felines:
 - Feline distemper \$10
 - Dewormer, Flea/Tick Prevention \$10

Mr. Wooten noted the fees are consistent with the surrounding county fees.

Commissioner Ellis made a motion to accept the increase of dog adoption and reclaim fees as presented effective August 1st, second by Vice Chairman Walker. By a vote of 5-0 the motion passed.

Social Media Policy Second Reading

Mr. Wooten presented as a second reading the Social Media Policy. The policy gives operating guidance for the County's social media accounts.

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

Mr. Wooten noted that staff are looking at other policies to update.

Broadband Expansion

Spectrum, Optimum, and Frontier have applied for the GREAT broadband grants to the State. Competing entities are responding of where they already have coverage. The next grant opportunity is the Completing Access to Broadband (CAB) grant, which is aimed to help where GREAT grants leave unserved areas.

The Foothills Regional Commission is helping to facilitate a regional Digital Inclusion Plan in partnership with Dogwood Health Trust and the Institute for Emerging Issues. Representatives from the Planning Dept. and the Library are participating in the process to ensure there is expanded access to broadband in the County.

Vice Chairman Walker noted the Board had set aside \$1M for funding for broadband.

Building Projects

An engineer will help develop a paving plan for county owned parking lots and driveways. Staff will bring back a contract for the Board's review. Commissioner Ellis suggested collaborating with schools to address paving issues.

A Request for Qualifications (RFQ) for proposed renovation of the Services Building is in process. The scope will assist with HVAC upgrades as well as preparing the upstairs for Probation/Parole staff.

Staff is currently emptying out the old EMS Station 1, and bids for the demolition of the building will be in the next few months.

Flooring and painting are underway at DSS.

Parks and Recreation Projects

The Shooting Range opened on May 4th, and is open Wednesday through Saturdays. NC Wildlife is working on a grant application to pave the road.

The Recreation Center Project—Holland & Hamrick in discussions with staff and will have sketches and cost estimates soon.

Maple Leaf Playground and Picnic Shelter Project—a grant has been submitted to the Kubota Hometown Proud Program. Staff is also working on the T-Mobile grant, both grants would total \$150,000 if funded.

Black Bear Park—contractors working for Duke energy continue to work on the day-use area and campground near the Black Bear boat access.

Carson House Resolution of Support

The Carson House Board of Directors is applying for State assistance to help with the construction of their new building. The State requested the Board to approve a Resolution of Support for their request.

Resolution Supporting the Construction of a Visitors Center at the Historic Carson House

WHEREAS, John Hazard Carson was born on March 24, 1752 in Fermanagh County, Ireland and in his 21st year joined the flood of Scotch-Irish immigrants seeking opportunity in the New World of British Colonial America, and

WHEREAS, J. H. Carson made his way to the frontier in Western North Carolina and secured land grants in what would become McDowell County, and

WHEREAS, J.H. Carson served honorably in the American Revolution, was a delegate to the Constitutional Convention of 1789 and was elected to the NC House of Commons in 1805 and 1806, and

WHEREAS, in 1793 Carson built a substantial home on Buck Creek that would serve as the seat of his plantation and as a popular roadside inn, and

WHEREAS, Carson hosted key figures in the early history of our nation at his home on Buck Creek, including Davy Crockett and future President Andrew Jackson, and

WHEREAS, the Historic Carson House was the birthplace of Samuel Price Carson. who served in the US House of Representatives and in 1836 became the first Secretary of State of the Republic of Texas, and

WHEREAS, the Historic Carson House hosted the organization of McDowell County government in 1843 and served as courthouse and jail for the following two and one-half years, and

WHEREAS, the Historic Carson House nonprofit was established in the early 1960s to acquire the house and operate it as a museum for the enjoyment and enrichment of the citizens of McDowell County and all who would visit, and

WHEREAS, to this day the Historic Carson House continues to serve as an important community center, just as it has for the past 200 years, and

WHEREAS, it is the desire of the current Carson House Board of Directors to construct an interpretative center for visitors to the house museum and its dependencies as a means of improving the quality of their visit, and

WHEREAS, preliminary plans call for a 2200 square foot building that will house supplemental exhibits, a library of rare historical and genealogical resources, a gift shop, offices and restrooms, and

WHEREAS, the Historic Carson House is a significant historical asset for McDowell County and the State of North Carolina reflecting key themes in the early history of the state and nation and will attract visitors from across the United States.

NOW, THEREFORE, BE IT RESOLVED, that the McDowell County Board of Commissioners hereby supports the construction of the Interpretive Center at the Historic Carson House and the request made by the Carson House Board for a Special Appropriation to assist with this effort.

ADOPTED, this the 13th day of June, 2022.

Attest:

Cheryl L. Mitchell
Clerk to the Board

Tony G. Brown
Chairman

David N. Walker
Vice Chairman

Brenda Vaughn
Commissioner

Chris Allison
Commissioner

Patrick Ellis
Commissioner

Vice Chairman Walker made a motion to approve Resolution Supporting the Construction of a Visitors Center at the Historic Carson House, second by Commissioner Allison. By a vote of 5-0 the motion passed.

G5 Trail Grant Application

Jason McDougald on behalf of the G5 Trail Collective asked if the County would be the applicant for a Division of Water Resources grant to help establish the trailhead off of Curtis Creek. The grant would be for no more than \$200,000. G5 would provide the matching monies. McDowell County is being asked to be the fiscal agent only.

WHEREAS, the McDowell County Board of Commissioners desires to sponsor Old Fort Trail Project Environmental Enhancement Initiative including a one-mile nature loop trail at the Phase II parking area with water connectivity for fishing, swimming, and water play; invasive species removal and restoration; pollinator garden installation; interpretive signage about stream ecology; wetlands, and conservation; and trailhead and parking naturalization.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) The Board requests the State of North Carolina to provide financial assistance to for Old Fort Trail Project Environmental Enhancement Initiative in an amount no greater than \$200,000 of the nonfederal project costs;
- 2) The Board assumes full obligation for payment of the balance of project costs;
- 3) The Board will obtain all necessary State and Federal permits;
- 4) The Board will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
- 5) The Board will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) The Board will obtain suitable spoil disposal areas as needed and all other easements or rights-of-way that may be necessary for the construction and operation of the project without cost or obligation to the State;
- 7) The Board will assure that the project is open for use by the public on an equal basis with no restrictions;
- 8) The Board will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) The Board accepts responsibility for the operation and maintenance of the completed project.

Adopted by the McDowell County Board of Commissioners this 13th day of June, 2022.

Attest:

Cheryl L. Mitchell, Clerk to the Board

Tony G. Brown, Chairman

Commissioner Ellis made a motion that if the grant was awarded the County be the fiscal agent, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Administrative Items

**RESOLUTION AUTHORIZING SALE OF PERSONAL PROPERTY TO
HENDERSONVILLE POLICE DEPT**

WHEREAS, the County of McDowell desires to sell (1) Safariland SX Level II, A5 Female Structured Panels Set and Carrier to the Hendersonville Police Dept. for \$630.00; and

WHEREAS, North Carolina General Statute (NCGS) 160A-274 permits the Board of Commissioners to sell personal property to other governmental units; and

WHEREAS, records of sold 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 sell (1) Safariland SX Level II, A5 Female Structured Panels Set and Carrier for \$630.00 to the Hendersonville Police Dept.

- Front Panel Model# BA-2000S-SX02
- Front Panel SN: 10210138837
- Back Panel Model# BA-2000S-SX02
- Back Panel SN: 10210138843

This resolution shall become effective upon adoption.

ADOPTED this the 13th day of June, 2022.

Attest:

Cheryl L. Mitchell
Clerk to the Board

Tony G. Brown
Chairman

Request from Cynthia McCracken for a leak waiver for the Nebo Water System \$83.36.

Request from The Salvation Army for a late fee waiver of .46 cents due to late mail delivery.

Jay Suttles, Chief Building Inspector, requested approval of four permits for fireworks displays: Tom Johnson Campground on July 2nd; Camp Timberlake on May 18th, June 27th, July 4th, and July 24th; Camp Lake James on July 2nd; Town of Old Fort on July 4th All inspections and permits were in order for each applicant to conduct their respective fireworks display.

EMS write-offs totaling \$29,135.64.

Request to approve the updated Drug and Alcohol testing and Vehicle Camera Policies for the Transit Department.

The Town of Old Fort is about to begin development of the Fonta Flora Trailhead park. Two old abandoned houses need to be removed from the site. The Town is paying for their removal for \$6,000, and requested the County to cover the disposal fees of \$2,520.

Project Budget Ordinance Fonta Flora Trail Project; Project Budget Ordinance North Main Street Amendment 2; Project Budget Ordinance Universal Industrial Park Project; Project Budget Ordinance Amendment 3.

Budget Amendments

GF45—Transfers between line items and allocates revenue for the Self Insurance Fund

GF46—Transfers between line items and allocates revenue at Cooperative Extension

GF47—Transfers between line items and allocates revenue at Emergency Services

GF48—Transfers between line items and allocates revenue at Public Services

GF49—Allocates federal revenue at the Library

GF50—Transfers between line items in Planning Dept.

GF51—Allocates revenue at Register of Deeds

GF52—Allocates revenue and transfer between line items at the Sheriff's Office

GF53—Allocates revenue and transfers between line items at Transit Dept.

GF54—Allocates revenue at the Tag Office

GF55—Allocates revenue at various line items

GF56—Allocates revenue and transfers between line items at Parks and Recreation

GF57—Allocates revenue and transfers between line items at DSS

GF58—Allocates revenue at the Senior Center

GF59—Allocates revenue for the Juvenile Crime Prevention Council

GF61—transfers between line items for the Main Street Project

FD1—Allocates estimated sales tax collections to the fire districts

FD2—Allocates estimated property tax collections to the fire districts

SP3—Amends the School Project Fund

SP4—Amends the School Project Fund to account for paving projects

ENT4—Transfers between line items in the Waste Fund

SR1—Appropriates anticipated revenue for various special revenue funds

NWENT1—Allocates revenue in the Nebo Water Fund

SI3—Allocates revenue for the Self Insurance Fund

Vice Chairman Walker made a motion to approve all administrative items as presented, second by Commissioner Allison. By a vote of 5-0 the motion was approved.

Tax Matters

Write-offs	\$ 56.98
Release over \$100	\$ 1,159.62
Discoveries	\$ 2,331.76

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

Board Appointments

The Clerk presented as a second reading for the McDowell Tech Board of Trustees two vacancies. The applicants were: Lisa Morgan; Kenneth Day; Brenda Vaughn; Chad Marsh; Brian Piercy.

Vice Chairman Walker made a motion to excuse Commissioner Vaughn from voting since she had applied for one of the vacancies, second by Commissioner Allison. By a vote of 4-0 the motion passed.

The Clerk also presented Sheree Bright as the Health Dept. Director's designee on the Juvenile Crime Prevention Council.

Commissioner Ellis made a motion to approve Ms. Bright to the JCPC, second by Commissioner Vaughn.

The Planning Board also had one vacancy due to a member's term expiring, this was presented as a first reading.

By a vote of 4-0 the Board voted Brenda Vaughn and Chad Marsh to the MTCC Board of Trustees.

Closed Session

Chairman Brown announced the Board needed to go into Closed Session pursuant to NCGS 143-318.11(6) to discuss a personnel matter.

Commissioner Vaughn made a motion to go into Closed Session at 6:39pm, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Commissioner Vaughn made a motion to come out of Closed Session at 6:54pm, second by Vice Chairman Walker. By a vote of 5-0 the motion passed.

Chairman Brown noted the Board had met and interviewed Victoria Craig for the position of Clerk to the Board, due to Ms. Mitchell retiring August 15th. Ms. Craig would be Deputy Clerk until Ms. Mitchell's retirement.

Commissioner Ellis made a motion to accept Victoria Craig's employment as effective July 1, and train through August 15 by Ms. Mitchell, second by Vice Chairman Walker. By a vote of 5-0 the motion passed.

Adjourn

Commissioner Ellis made a motion at 6:49pm to adjourn, second by Vice Chairman Walker. By a vote of 5-0 the motion passed.

Attest:

Cheryl L. Mitchell
Clerk to the Board

Tony G. Brown
Chairman