

**STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL COUNTY
BOARD OF COMMISSIONERS
REGULAR SESSION – August 14, 2023**

Assembly

The McDowell County Board of Commissioners met in Regular Session on Monday, August 14, 2023, at 5:00 p.m., in the Commissioner's Board Room, 69 N Main St., Marion, NC.

Members Present

Tony G. Brown, Chairman; David N. Walker, Vice-Chairman; Chris Allison; Patrick Ellis; Lynn Greene

Others Present

Ashley Wooten, County Manager/Deputy Clerk to the Board

Call to Order

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

Approval of Minutes

Commissioner Walker made a motion to approve the June 30, 2023, Recessed Session minutes, the July 10, 2023, Regular Session minutes, and the July 6, 2023, Recessed Session minutes, seconded by Commissioner Greene. By a vote of 5-0, the motion passed.

Approval of Agenda

Commissioner Walker made a motion to approve the August 14, 2023 agenda, seconded by Commissioner Allison. County Manager Ashley Wooten requested that a Closed Session for personnel matters be added at the end of the meeting. By a vote of 5-0, the motion passed.

New Superintendent Introduction

Chairman Brown asked Chairman Terry English of the McDowell County Board of Education to introduce the new Superintendent Dr. Tracy Grit. Mr. English noted that Dr. Grit has familiarity with western North Carolina.

Dr. Grit gave an overview of his background including his stints in nearby counties including Avery. He also noted that he has heard since his first day that organizations in McDowell County work together. He noted that he plans on building on existing partnerships and collaborations and added that he looks forward to working with each and every Commissioner and the County Manager to make sure McDowell County has the best school system in North Carolina.

SkillsUSA Participant Recognition

McDowell High School Emergency Services Instructor Barry McPeters introduced two students – Payton Teague and Emma O’Neil who participated in the recent SkillUSA competition in Atlanta. He noted that the two students took home second place in the EMS category at the National Competition. Mr. McPeters also noted that the students are dual enrolled at McDowell Tech. Mr. McPeters noted that this is the third year in a row that they have students attend the National Competition.

Emergency Services Director William Kehler noted that his agency has hired numerous students who have passed through the EMS program at the high school. He expressed his appreciation for the leadership of Mr. McPeters for ensuring that the program is generating quality students. He recognized the current McDowell County employees who passed through the program.

The Board spoke about their appreciation for the leadership of both Mr. McPeters and Mr. Kehler in developing these careers.

Fire and Rescue Contracts

The Board had previously directed staff to examine the contracts in place with the fire and rescue departments. The County Manager and Emergency Services Director have met several times to review the existing contracts. Mr. Kehler and his staff have prepared revised contracts for both the fire and rescue services. He noted that, for the most part, the additions and alterations in the contracts were incremental in nature. He also noted that he had reviewed the fire contract draft with Joe Washburn of the Fire Commission and Rescue Squad Chief Brian Gentry.

Tax Settlement and Order of Collection

Tax Collector Linda Onufrey presented the FY 2023 Tax Settlement. She explained that this is a summary of the paid and unpaid taxes for the County as well as the various districts. She noted that the collection rate was 99.64% for the property tax. She believes that number is in the top ten statewide.

Ms. Onufrey also presented the Order of Collection for the FY 2024 taxes. This is the official authority to proceed with the collection of taxes for the current fiscal year.

Commissioner Greene made a motion to approve the FY 2023 Tax Settlement and the Order of Collection, seconded by Commissioner Walker. By a vote of 5-0, the motion passed.

Spectrum Broadband Update

Michael Tanck from Charter updated the Board regarding recent broadband expansion activities. Mr. Tanck spoke about some of the history related to grant-funded activity including the Rural Digital Opportunity Fund (RDOF) and Growing Rural Economies through Access to Technology (GREAT) grants. He thanked the Board for providing funding to the company.

Mr. Tanck noted that there are 4,002 locations funded between the RDOF and GREAT awarded projects. The total grant-funded work is \$10,522,697 for those residences. He reviewed the numerous stages that are involved with running new broadband service. He noted that one of the more challenging portions involves making poles ready for their line.

Mr. Tanck noted that the field design is approximately 25% complete. They anticipated physical construction starting in November or December 2023. They anticipate GREAT projects will be completed in the 1st quarter of 2025 and the RDOF projects by the end of 2025. He noted that these timelines could be affected by issues outside of their control. He noted there is a website for the Spectrum rollout.

Mr. Tanck indicated that Spectrum will be interested in applying for Completing Access to Broadband (CAB) funds. He also noted there is a smaller program called Stop-Gap. The latest federal program is the Broadband Equity and Deployment (BEAD) program.

Mr. Tanck reviewed the various service levels that they offer to McDowell County residents and businesses including high speed internet, video, and mobile phone services.

Commissioner Ellis asked how the Spectrum Standard service compared to satellite services. Mr. Tanck noted that the wireline is going to be the best options in almost all cases.

Vice Chairman Walker asked about residences that are at a great distance from the secondary road. Mr. Tanck noted that the state is looking at various options at this time.

Vice Chairman motioned to support funding from the State for, seconded by Commissioner Allison.

Mr. Wooten noted that the Board had previously allocated \$1,000,000 in ARPA funds for broadband expansion. There is \$900,000 left after the \$100,000 match that has been provided to the GREAT-funded project.

Fonta Flora Trail Update

Friends of Fonta Flora State Trail Executive Director Amanda Finn updated the Board on recent activities related to the state trail. She noted that there are 30.9 miles of FFST in total and 9.4 in McDowell County. She noted that upcoming segments include the Black Bear Park and the Arrowhead Park in Old Fort.

Ms. Finn requested the approval of a resolution authorizing the inclusion of a segment of the planned trail in the local NCDOT planning document.

Vice Chairman Walker noted that McDowell County is blessed with four state trails and numerous opportunities for outdoor recreation.

Commissioner Walker made a motion to approve the Resolution, seconded by Commissioner Greene. By a vote of 5-0, the motion passed.

RESOLUTION TO ADOPT THE GREENLEE ROAD SEGMENT OF FONTA FLORA STATE TRAIL MCDOWELL COUNTY FEASIBILITY STUDY FOR SUBMISSION TO THE NCDOT STATE TRANSPORTATION IMPROVEMENT PROJECT (STIP) THROUGH FOOTHILLS REGIONAL COMMISSION

WHEREAS, Foothills Regional Commission is accepting STIP project submissions for McDowell County until the end of August 2023; and

WHEREAS, Friends of Fonta Flora State Trail has commissioned the Fonta Flora State Trail McDowell County Feasibility Study through Equinox Environmental and a STIP-eligible project has been identified along the preferred route to advance the Fonta Flora State Trail; and

WHEREAS, the segment of the proposed trail is eligible for a STIP project between Town of Old Fort property and NCDOT Right of Way along Greenlee Road to the terminus at US 70 across from Burnette Road; and

WHEREAS, the time-sensitive nature of the STIP project submission and cumulative point-earning process of STIP projects necessitates immediate action; and

WHEREAS, the Friends of Fonta Flora State Trail and McDowell County Commissioners understand that the project scope can be updated at any time based on future data; and

WHEREAS, the Foothills Regional Commission requires a resolution of support from the McDowell County Commissioners to submit a STIP project;

NOW, THEREFORE, IT BE RESOLVED by the McDowell County Commissioners to support a submission of the Greenlee Road STIP project to advance the Fonta

Flora State Trail in McDowell County.

ADOPTED: This 14 day of August 2023

City Fire Funding Request

The County Manager noted that the City of Marion had requested a fire tax increase for the current year. He noted that the Board did not approve of the request, but there had been communication that there could be consideration for assisting with the purchase of equipment outside of the fire tax.

One suggested source of one-time funding that had been suggested is the interest that is being generated by the American Rescue Plan Act funds. Mr. Wooten noted that there is currently \$176,401 in the interest line item.

Commissioner Walker made a motion to approve the City fire funding request, seconded by Commissioner Ellis. By a vote of 5-0, the motion passed.

Water Project Update

Staff continues to work on an unprecedented number of water-related projects according to Mr. Wooten. He reviewed several ongoing projects:

Construction Soon

Contracts have been signed for Nebo Phase 1A and 1B. The construction should start in August. A press release has been sent to the newspaper. The attached information has been prepared and is being provided to affected residents.

The Universal water and sewer extension project should start in August or September.

Permitting Soon

Nebo Phase 2A and Hoppy Tom Hollow are being submitted to NCDEQ for plan review.

Design Soon

The grant for the East End project along NC 126 was awarded. The engineering contract has been signed and the initial survey and design will begin soon.

An Appalachian Regional Commission grant to extend water around Exit 90 has been awarded. Staff will initiate the engineer selection process soon.

Award Soon

The study of water service to the West Marion Elementary Area is complete. An ARC pre-application was accepted. An award announcement will likely be made in September.

Capital Update

The County Manager provided the following updates regarding several capital projects:

Recreation Center

The bids for the Recreation Center project are still pending. The Board's last direction was to hold off on any decision-making until the State releases its budget, which has not yet happened. It is possible that you may need or want to have a called meeting later in the month once the budget has been announced.

Services Building

The project architect CBSA has completed drawings that would allow for the Probation/Parole staff to relocate to the second floor of the Services Building. He has provided a floor plan and cost estimate. There is approximately \$325,000 in state funding for this project, so there will need to be a discussion of if the work is to proceed using other funds.

Animal Shelter

The architects have developed a working floor plan. They can move to the next step to have CAD drawings put together.

There have been discussions about having a fundraiser in addition to the funds that have already been committed for the facility.

Pilot Plant Sale

The pilot plant was sold and the new buyers are working to return the facility to operation.

Garden Street Parking Lot

The EMS building on Garden Street is gone, though the foundation remains. An engineer will help put together a plan for making that area a parking lot. There have been discussions with the City about a partnership.

Ordinance Update

The County Manager reviewed the previous discussion that had taken place regarding the draft Firearm Safety Ordinance. Mr. Wooten noted that the Planning Board had reviewed the request and sent back the draft ordinance that limits the shooting near a residence instead of limiting the time shots are fired.

Commissioner Greene noted that he had grave concerns about limiting the Second Amendment rights of the county residents. He noted that he had reviewed the 911 call logs. He stated that he would prefer that the Sheriff's Office would investigate where the shooting is taking place.

Vice Chairman Walker asked the County Manager for the Sheriff's prospective. Mr. Wooten noted that he had previously discussed the ordinance with the Sheriff. The Sheriff stated that he had concerns about the difficulty of enforcing an ordinance based on distance.

Commissioner Allison made a motion to reject the ordinance, seconded by Commissioner Greene.

During discussion, Chairman Brown noted that he still believes that there needs to be no shooting during the night time. Sheriff's Office Major Jason Grindstaff and Chief Deputy Nathan Mace spoke generally about the concerns about the ordinance from the Sheriff's Office perspective. A general discussion about regulating shooting under the Noise Ordinance followed.

By unanimous vote, the motion to reject the ordinance passed 5-0.

Sheriff's Office Equipment Request

The County Manager presented a request from Sheriff Buchanan to purchase body worn cameras and tasers from a company called Axon. The Sheriff has proposed to cover two full years of the annual payment with the understanding that the third year (which is FY 2025, half of the cost would be budgeted and covered by the General Fund with the balance being covered by inmate housing revenue.

Vice Chairman Walker motioned to accept the Sheriff's proposal as presented with the understanding that staff will search for grant funds to cover any eligible portion of the cost, seconded by Commissioner Greene. Commissioner Ellis stated that he would be opposed due to request not happening during the budget planning process. By a vote of 4-1, the motion passed with Commissioner Greene voting against.

Transfer Station Improvements

The County Manager noted that concerns were raised about the transfer station and the scale house at the July meeting. Mr. Wooten noted that he had spoken with

Public Services Director Dewayne Riddle for solutions to the traffic and customer issues at the scale house. Mr. Riddle has reviewed the situation and is recommending a second set of scales in order to allow for better traffic flow in and out of the transfer station.

Mr. Wooten noted that the cost to purchase a set of scales would be approximately \$100,000. He suggested an option would be to finance the scales.

Commissioner Walker motioned to purchase the scales, seconded by Commissioner Greene. By a vote of 5-0, the motion passed unanimously.

WNC Rail Study

The County Manager stated that NCDOT had recently completed a draft study of the costs and necessary improvements in order to restore passenger rail service to Western North Carolina. He noted that the study is a very early requirement for an eventual restoration of service.

Vice Chairman Walker motioned, seconded by Commissioner Greene, to send a letter of support to the Congressional and Legislative delegations. By a vote of 5-0, the motion passed unanimously.

NCDOT Prioritization List

The County Manager noted that the Foothills Regional Commission Rural Planning Organization has asked each local government in the region to approve of each project that is included in the prioritization list. In addition, Mr. Wooten requested the Board appoint an elected official to the RPO board.

Commissioner Walker motioned to support the prioritization list and to volunteer for the RPO Board, seconded by Commissioner Greene. By a vote of 5-0, the motion passed unanimously.

Resolution

Supporting Foothills RPO Prioritization 7 submittals For Your Government, North Carolina

WHEREAS, McDowell County, the Foothills Rural Planning Organization, and the North Carolina Department of Transportation actively worked to develop comprehensive transportation submittals for McDowell County and the Foothills Rural Planning Organization region; and

WHEREAS, McDowell County, the Foothills Rural Planning Organization, and the North Carolina Department of Transportation are submitting transportation projects in accordance with the North Carolina Strategic Transportation Investments Law; and

WHEREAS, McDowell County wishes to improve all modes of transportation for the region; and

WHEREAS, after full study of the submittals, McDowell County wishes to support these submittals to the State Transportation Improvement Program during Prioritization 7;

NOW THEREFORE, BE IT RESOLVED: that McDowell County supports these submittals to the State Transportation Improvement Program.

- A. Sugar Hill Road Sidewalk between Reid Street and I-40- Project ID B142019
- B. Peavine Trail Improvements -Project ID B192890
- C. NC 226 Modernization from NC 226 A to Blue Ridge Parkway- Project ID H090846
- D. North Main Street (US 221 Business) Lane Reductions from 5 to 4/Addition of Sidewalk and Sidepath from Viewpoint Drive to US 70 West and US 221 Business - Project ID H191390
- E. North Main Street (US 221 Business) and US 70 West Sidewalk Addition between Logan Street and West McDowell Junior High School Road - Project ID B142006
- F. North Main Street (US 221 Business) Lane Reductions from 5 to 4 with Median/Addition of Sidewalk, Sidepath and Bicycle Lanes from New Street to US 70 West-Project ID M11(EB-5755)
- G. Bat Cave Road Widening/Bridge Replacement/ Addition of Curb and Gutter, Bicycle Lanes and Sidewalk from Old Fort Sugar Hill Road to I-40- Project ID M09
- H. Yancey Road Widening/Sidepath Addition from Marion Planning Boundary to Lentz Road - Project ID M15
- I. Reid Street and Ashworth Road Widening and Paved Shoulder from West Henderson Street to I-40 and Sidewalk Addition from Sugar Hill Road to Elmer Street - Project ID M15
- J. West Henderson Street Lane Reductions from 4 to 3/Addition of Sidewalks and Bicycle Lanes from US 221 to Burgin Street - Project ID M12
- K. Restoration of Passenger Rail Service from Asheville to Salisbury

L. Fonta Flora State Trail Extension between the Town of Old Fort Arrowhead Park property and NCDOT Right of Way along Greenlee Road to the terminus at US 70 across from Burnette Road.

ADOPTED, this the 14th of August, 2023.

Resolution In Support of Strong Schools

The County Manager noted that he had been directed to prepare a resolution declaring the Board of Commissioners support for school choice. He presented a resolution expressing such a sentiment that also noted that the Commissioners have historically been in support of strong local schools whether they are public or private.

Commissioner Greene motioned to approve the Resolution, seconded by Commissioner Allison.

A discussion followed regarding the impact of declining public school enrollment and how that would affect funding levels for the school system. Mr. Wooten noted that the funding allotment would fall if student numbers decline whether it is due to enrollment in private schools or by fewer children being born into the county.

By a vote of 5-0, the motion passed unanimously.

RESOLUTION IN SUPPORT OF STRONG SCHOOLS

WHEREAS, the McDowell County Board of Commissioners are required by North Carolina statutes to provide financial support to public schools; and

WHEREAS, McDowell County has consistently increased operating funding to McDowell County Schools every year since the Great Recession; and

WHEREAS, the McDowell County Board of Commissioners and the McDowell County Board of Education have worked over the last several years on many cooperative initiatives including the One-to-One Initiative, increasing teacher supplement pay, a new Old Fort Elementary, and the proposed water line to serve West Marion Elementary; and

WHEREAS, the McDowell County Board of Commissioners will continue to work to strengthen the partnership with the McDowell County Board of Education with future initiatives; and

WHEREAS, the McDowell County Board of Commissioners recognize that some parents prefer the option to enroll their children in non-traditional schools including charter schools, private schools, or home schools; and

WHEREAS, the McDowell County Board of Commissioners believe that parents should have the right to make the choice as to where their child attends; and

WHEREAS, the McDowell County Board of Commissioners believe that the State of North Carolina should ensure laws are maintained allowing school choice; and

WHEREAS, the McDowell County Board of Commissioners desire that all schools that serve McDowell County students provide a challenging curriculum as well as a robust support system for those children.

NOW, THEREFORE, BE IT RESOLVED that the McDowell County Board of Commissioners hereby believe that while school choice should remain the law of the land, they also believe it is important than the State of North Carolina ensure that it is funding public schools at a level that will ensure public school students are given a chance to thrive and excel.

ADOPTED this day, the 14th of August, 2023.

Budget Reports

The County Manager presented the Board with the monthly budget information. The sales tax information had sales through May. The property tax collection report shows a collection rate of 0.30% through July, which reflects the fact that bills were not mailed until July 31.

Two budget amendments and one project budget ordinance were presented:

GF 1 - Appropriates anticipated sales tax reimbursement. These are funds anticipated to be received during the year due to sales taxes that are paid by the County, but reimbursed later.

SRF1 - Appropriates Opioid Revenue received and appropriates to the various funded agencies.

Old Fort Gateway Project – This is a project budget ordinance for the trails being constructed outside of the Town of Old Fort. There are no local funds in this project.

Commissioner Walker made a motion to approve budget amendments and the Old Fort Gateway Project Ordinance, seconded by Commissioner Greene. By a vote of 5-0, the motion passed.

Administrative Items

The County Manager presented several administrative items for review:

- EMS Write-offs Totaling \$96,215.29
- Parks and Recreation Vehicle – A vehicle is needed for the Parks and Recreation Department. The reimbursement resolution will allow for a purchase now and financing later.
- Donation of Property – The Board had been approached by the Quinn Family of Marion who desires to donate their property to the County upon their passing with the understanding that the property be used for disadvantaged individuals.
- Exit Procedure – It had been requested for staff to provide a copy of the exit paperwork that is provided to employees who leave the employment of the County.

Commissioner Walker made a motion to approve administrative items, seconded by Commissioner Allison. By a vote of 5-0, the motion passed.

Board Appointments

There was a second reading for numerous boards and committees.

- Juvenile Crime Prevention Council (JCPC): one vacancy for a faith-based seat
- Library Board of Trustees: two vacancies – one for the Marion district and one for the Old Fort district
- McDowell Technical Community College Board of Trustees: one vacancy
- Planning Board: four vacancies
- Senior Center Focal Point Advisory Committee: four vacancies
- Transportation Advisory Board: one vacancy
- Tourism Development Authority (TDA): one vacancy
- Agriculture Advisory Board: one vacancy

The following appointments were made by unanimous vote:

- Library Board of Trustees: Alecia Morgan (Marion seat)
- McDowell Technical Community College Board of Trustees: Corey MacKinnon
- Planning Board: Arvin Hicks, Brenda Vaughn, Terry Good, Dennis Whitson
- Senior Center Focal Point Advisory Committee: Mary Blackwelder, David Blackwelder, Phillip Buchanan, George Reynolds
- Tourism Development Authority (TDA): Nathan Gowan
- Agriculture Advisory Board: Lori Webb

Tax Matters

The County Manager presented the monthly tax releases, refunds, and discoveries.

- Discoveries: \$215.16
- Vehicle Refunds: \$1,654.62

Commissioner Greene made a motion to approve all tax matters, seconded by Commissioner Ellis. By a vote of 5-0, the motion passed.

Citizen Comment

Ms. Kim Franz asked for the Commissioners to implement dog restraint regulations, especially for areas such as the greenway.

Mr. Jeff Dreibus spoke about his concerns regarding Frontier's lack of service on Drucilla Church Road and Biggerstaff Loop Road.

Commissioners/Staff Reports

Commissioner Ellis discussed his desire that the General Assembly amend the elderly exemption laws for property tax relief. He requested staff have the item for discussion at the September meeting. He also requested an investigation in an alleged homeless camp near Old Fort Elementary.

Closed Session

Commissioner Greene motioned to go into Closed Session to discuss personnel matters as permitted by NCGS 143-318.11 (a)(6), seconded by Commissioner Ellis. By a vote of 5-0, the motion passed.

(Chairman Brown left the meeting at 7:15 pm)

Commissioner Ellis motioned to return to open session at 7:16, seconded by Commissioner Allison. By a vote of 4-0, the motion passed.

There was no action after the Closed Session.

Adjournment

Commissioner Ellis made a motion to adjourn at 7:17 p.m., seconded by Commissioner Allison. By a vote of 4-0, the motion passed.

Attest:

Ashley R. Wooten
Deputy Clerk to the Board

Tony G. Brown
Chairman