

**STATE OF NORTH CAROLINA
MCDOWELL COUNTY
BOARD OF COMMISSIONERS
REGULAR SESSION – August 12, 2024**

Assembly

The McDowell County Board of Commissioners met in Regular Session on Monday, August 12, 2024, at 5:00 p.m., in the Commissioner's Board Room, 69 N Main St., Marion, NC.

Members Present

David Walker, Chairman; Tony Brown, Vice-Chair; Lynn Greene and Patrick Ellis

Members Absent

Chris Allison

Others Present

Ashley Wooten, County Manager; Sena A. Allison, Clerk to the Board; Fred Coats, County Attorney; Dr. Tracy Grit, McDowell County Schools Superintendent; Sheriff Ricky Buchanan; J.W. Kelley, MTCC President; Linda Onufrey, McDowell County Tax Collector; Shannon Odom, Tourism Development Authority Director and Brendan Merithew, NCDOT Division Projects Team.

Call to Order

Chairman Walker called the meeting to order at 5:00 p.m. The Prayer was given by Vice Chair Brown. The Pledge of Allegiance was given by Commissioner Ellis.

Approval of Minutes

Vice Chair Brown made a motion to approve the June 28th, 2024 Recessed Session minutes; the July 8th, 2024 Regular Session minutes; with a second by Commissioner Ellis. By a vote of 4-0, the motion passed.

Approval of Agenda

Ashley Wooten asked the Board for an addition to the Agenda, for the approval of Sheriff Buchanan request to hire for his office. Commissioner Ellis made a motion to approve the request for the addition to the Agenda and the Agenda as presented, this was seconded by Commissioner Greene. By a vote of 4-0, the motion passed.

School Update from Superintendent

Chairman Walker welcomed Dr. Tracy Grit to update the Board. Dr. Grit began saying he wasn't giving an update as much as to bestow his gratitude to the Board. He read aloud a letter he had written to the County Commissioners on July 23, 2024. Within his letter, he gave his appreciation to their unwavering support and dedication to the students of McDowell County. He highlighted how when he met the School Board, they explained the special relationships and collaborations that existed with the County as an integral part in the process of the success of the community. Dr. Grit wrote on the joint meeting for the School to discuss struggles they are incurring, with thanks to the vow by the Commissioners to have additional funding for the Universal Pre-Kindergarten program. The Superintendent's letter pointed out that he understood the Commissioners have many organizations that need their attention and funding, and that their support of this program will be used to serve the students and staff. The Board expressed their thankfulness to Dr. Grit for his letter and the School Board, Staff and the ability to work together.

Retirement of K-9 Kessy

Chairman Walker introduced Sheriff Ricky Buchanan to honor the retirement of the Sheriff's office K-9 "Kessy" who is a Belgian Malinois with approximately 10 years of service. He respectfully made the request to the Board that she is donated/transferred to her handler Deputy Adam Burnette, under Statute 17F-21, for \$1.00. Sheriff Buchanan went to tell of her training and service to McDowell County. The Sheriff gave accolades to Deputy Burnette, as well for his commitment to Kessy and appreciation of her being allowed to spend out the rest of her days in his care.

Vice Chair Brown made a motion to approve Kessy's retirement and donation to Deputy Burnette to live with for the rest of her days, with a second by Commissioner Greene. By a vote of 4-0, the motion passed.

Commissioner Greene spoke on behalf of his experience being a K-9 handler and how he had been on deployments with Deputy Burnette and Kessy. He told what good officer's they both are.

Deputy Burnette was invited to come in front of the Board, with many good words to he and Kessy. The Deputy told how he would continue with the K-9 training and consulting for the office.

RESOLUTION AUTHORIZING SALE OF COUNTY OWNED PROPERTY

WHEREAS, the McDowell County's Sheriff's Office procured K-9 Kessy in 2014 and placed her with Deputy Adam Burnette; and

WHEREAS, Deputy Burnette and Kessy went through 14 weeks of initial K-9 handler training and began serving together in February, 2015; and

WHEREAS, since 2015 Adam and Kessy have successfully tracked and apprehended sixteen wanted suspects for criminal offenses; and

WHEREAS, Kessy has successfully located and recovered numerous articles related to crimes that had been committed, including the recovery of evidence (spent handgun shell casing) in a double shooting and death investigation; and

WHEREAS, Kessy has been deployed over 1,000 times for narcotics-free air sniffs and sniffs conducted assisting with search warrants; and

WHEREAS, during her career, Kessy has successfully located over seven pounds of narcotics, to include marijuana, cocaine, methamphetamine, and heroin; and

WHEREAS, Kessy trained more than 2,000 hours and successfully completed K-9 Handler Certification through NAPWDA (National American Police Work Dog Assoc.) on an annual basis; and

WHEREAS, Adam Burnette, current McDowell County Sheriff Deputy has requested to obtain ownership of (1) K-9, Kessy for which the McDowell County Sheriff's Office is retiring due to medical issues; and

WHEREAS, North Carolina General Statute § 17F-21 permits the County to donate or sale K-9's to certain individuals or organizations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of McDowell County do hereby authorize the sale of (1) K-9 Kessy to Adam Burnette for \$1.00.

This resolution shall become effective upon adoption.

ADOPTED this the 12th day of August, 2024.

Sheriff Hiring Request

An addition to the Agenda is for a request by Sheriff Buchanan to approve hiring his brother in law. Mr. Wooten explained that the General Statute 153A-1031, states the Board of Commissioners are entitled to decide if a blood relative or someone related by marriage can be hired by the Sheriff's Office. The Sheriff had given a letter to the Commissioners outlining the credentials of the person he requests to be hired.

Commissioner Greene made a motion to approve Sheriff Buchanan's request of hire, with a second by Commissioner Ellis. By a vote of 4-0, the motion passed.

Introduction of MTCC President

Chairman Walker invited J.W. Kelley, the new appointed President of McDowell Technical Community College to introduce himself and speak on behalf of the College. Mr. Kelley gave thanks to be able to come to our community, make it his home and to serve McDowell County. He gave his appreciation to the Board for their support to MTCC on funding and any needs for which they have provided.

The President updated the MTCC Old Fort building is on track to take occupancy in the middle to late September. The new Health and Science building is in the process for a projected 2027 move in date. The Commissioners all thanked Mr. Kelley for coming and welcomed he and his wife to McDowell County.

Tax Settlement and Order of Collection

Linda Onufrey presented the Board with the Settlement of the taxes collected in the prior year, and asked for the Order of Collection authorization. She told the overall collection rate was 99.50% which represents real and personal property. Ms. Onufrey also gave a copy of the unpaid, real, personal and business balance taxes as well as the unpaid collections to the Board to review.

Ms. Onufrey's term as Tax Collector is up for reappointment for another term, in which the Board votes on.

Commissioner Greene made a motion to approve the tax settlement collection, Order of Collection and to reappoint Ms. Onufrey, with a second by Commissioner Ellis. By a vote of 4-0, the motion passed.

Occupancy Tax Public Hearing

Shannon Odom asked the Board for their continued support on the Resolution to take the Occupancy Tax from 5% to 6%. He gave updates on projects as well as grant requests his department is undertaking. He told of several items The Tourism and Development Department were doing such as rebranding the City and Town, repairs to Andrew's Geysers and a new asset of 14 miles of trail called Upper and Lower Heartbreak Trail.

Chairman Walker called the Meeting a Public Hearing to receive comment on the Occupancy Tax request, under General Statute 105-321 (B).

One question was asked by an attendee in regards to his property and a Trail he thought was aligned, in which Mr. Odom told him it was not. The attendee had the name incorrect of the trail.

Vice Chair Brown made a motion to come out of Public Hearing, with a second by Commissioner Greene. By a vote of 4-0, the motion passed.

Commissioner Ellis made a motion to approve the additional 1% Occupancy and Tourism Tax, with a second by Commissioner Greene. By a vote of 4-0, the motion passed.

Commissioner Greene reminded the public this tax is not a levy to the residents of McDowell County, it is for tourism.

Chairman Walker thanked Mr. Odom for his leadership and his investment towards the growth of the County and Vice Chair mentioned safety on the trails in which Mr. Odom said there is literature to teach safety and etiquette on the website and at the visitor centers.

A RESOLUTION ADOPTING THE RATIFIED NORTH CAROLINA STATE GENERAL ASSEMBLY SESSION LAW 2024-21, AUTHORIZING MCDOWELL COUNTY TO LEVY AN ADDITIONAL ONE PERCENT (1%) OCCUPANCY AND TOURISM DEVELOPMENT TAX

WHEREAS, a public hearing was held on August 12, 2024 to consider an additional one percent (1%) increase in occupancy and tourism development tax, after due legal notice published on July 25, 2024 as required by law and interested citizens presented their view to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of McDowell County is now of the opinion and does now find and declare that the level of an additional one percent occupancy and tourism development tax within McDowell County is both desirable and necessary to adequately finance the development of travel, tourism and conventions in McDowell County through state, national and international advertising and promotion including any future use of occupancy tax revenue for the purposes of tourism-related activities including capital expenditures as outlined in the ratified North Carolina Assembly Session Law 2024-21;

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

Section 1. There is hereby imposed and levied within McDowell County an additional one percent (1%) room occupancy and tourism development tax authorized by the ratified North Carolina General Assembly Session Law 2024-21. The three percent (3%) room occupancy and tourism development tax authorized by the Session Law 1995-892 and the two percent (2%) room occupancy and tourism development tax authorized by 2007-315, remains in force and effect adopting the new bill guidelines and requirements creating a total six percent (6%) room occupancy and tourism development tax to be applied and levied to the same extent and be subject to the same limitations as set forth in the ratified North Carolina Session Law 2024-21.

Section 2. Collection of the additional one percent (1%) tax by McDowell County and its Finance Officer and liability therefore shall begin and continue on and after the first day of November, 2024.

Section 3. The net proceeds of the tax levied herein shall be distributed by the McDowell County Finance Officer to the McDowell County Tourism Development Authority to be expended to further the development of travel and tourism and for tourism-related capital expenditures pursuant to the aforesaid sections of the ratified North Carolina General Assembly Session Law 2024-21.

Section 4. This Resolution shall become effective upon its adoption and a certified copy hereof shall be forwarded to the North Carolina Secretary of Revenue.

NCDOT Project Update

Chairman Walker invited Brendan Merithew to give updates on some ongoing projects. Mr. Merithew started with the bridge rehabilitation off Exit 72 taking longer than expected due to supplements made to the contract for unforeseen issues but the access under the bridge will be open, with a date of completion being another 6-8 months from the fall. Commissioner Ellis asked what the weight limit would be, in which it was told is unrestricted.

He gave updates on US 221 widening being on hold and will reopen the preliminary engineering to look at methods of delivering this project. He went on to the sidewalk on Baldwin with a right away, and a date of late 2025. US 221 Business improvements on the right away revision to start and replacement of a bridge with Southern Railroad. Commissioner Greene gave his appreciation of the NCDOT.

Water Project Updates

Ashley Wooten gave updates starting with Phase 1 being almost complete, which consists of NC 126, Wildlife Road, Lonesome Pine Drive, Jack Corpening Road, Sunny Acres and Bentwood Drive. The same for Hoppy Tom Hollow with 15-20 homes serviced in the next few weeks. Nebo Phase 2A and 2B beginning with moving a master meter from Stacy Hill Road to around Beaman Road, that will initiate the City transferring ownership and maintenance of approximately two miles of water line to the County. Mr. Wooten highlighted a water line on the Bridge over 70, in which the bridge will be replaced, whereas DOT generally does not allow lines on bridges but it is their decision as to whether they put under or on the new bridge and it will most likely be the County's line when completed. He spoke on the East End project around the Lake Club area, mentioning our County Attorney reviewing easements and how he attended a meeting last week with property owners for discussions on what is needed to move forward. Mr. Wooten mentioned a small project at Exit 90 starting the design, a developer on US 70 (Mountain Springs) beginning construction on that line and West Marion Elementary Area engineering being selected with contracts to be hopefully presented next week.

Building Projects

The County Manager began with the DSS building, telling the General Assembly not coming to a budget adjustment agreement, which may affect the County seeking State funding for assistance in this. He told the Board if the State does not aid this year, there may be a time needed to look into options such as; wait on the State, do something with the County on its own or look at other facilities to house the DSS office. Mr. Wooten expressed the issues being staff sharing offices and simply running out of room to facilitate employees properly.

Commissioner Ellis made a motion requesting staff to contact Warren Daniels who is on that Committee, to let the State know we are in dire need for funding towards our DSS office, and after the budget is approved by the State, the Board can decide towards options, with a second by Commissioner Greene. By a vote of 4-0, the motion passed.

Mr. Wooten moved to the Transfer Station and mentioned we are mandated by the State to do the necessary repairs. The engineering plans are complete and the package is out for bid. The budget includes the new scales with a permit modification requirement. He told of speaking with Mr. Riddle about a second access road and there is a request in to Congress to help fund if this is not covered by the budget. Commissioner Ellis asked if there was a time that we know when Congress would get back with their answer to funding of the second road and knowing the cost are covered, in which Mr. Wooten told possibly December.

The County Manager spoke on the Recreation Center being under construction of approximately 4-5 months and mentioned a drain pipe possibly belonging to the City that is running through the property, that may need addressing.

Mr. Wooten told of receiving quotes to conduct a survey for a new Animal Shelter on Spaulding Road. This survey will be viable, even if it does not work out for the Animal Shelter site, as the County owns this property.

NCACC Legislative Goals

Mr. Wooten acknowledged the NC Association of County Commissioners and their request to all 100 Counties in NC to submit legislative goals for the 2025 legislative session. The Board recognized two leading issues as being assistance to Universal Pre-K and increasing the income limit for elderly and disabled tax exemptions. Chairman Walker mentioned to tie that in with inflation limits as well. Mr. Wooten asked the Board to vote on these goals, in which staff would draft a letter of submission.

Vice Chair Brown made a motion to approve the Legislative Goals set by the Board, with a second from Commissioner Greene. By a vote of 4-0, the motion passed.

Charlotte Water IBT

Mr. Wooten revealed he attended a public input session last month in Morganton regarding the Charlotte Water IBT, in which Senator Daniels was present along with other elected officials for NC. He told that Western Piedmont Council of Government had been the lead agency with the Kannapolis request, and how they have proposed a funding matrix for local governments, including McDowell County. Their calculations for cost to McDowell County is approximately \$14,430.18 for the Fiscal year of 2024 and \$11,346.81 for the Fiscal year of 2025. This cost would consist of hiring legal representation with an engineering team to provide data for alternatives to Charlotte's request. Chairman Walker and Vice Chair Brown both declared they are prepared to do whatever is necessary to limit any impact to our water.

Commissioner Ellis made a motion to accept the financial contribution commitment for 2024 and 2025, with a second by Commissioner Greene. By a vote of 4-0, the motion passed.

Strategic Plan

Mr. Wooten briefed on the Strategic Plan the County has been working on, and on the Board's request for a public input session prior to adopting the Plan. He detailed advertising the Plan on the County Website, social media, McDowell News, and having the public session on July 29th. Mr. Wooten addressed some of the attendee's questions, comments and input given during this public session for the Board to review. He deemed some of the proposals given were more for the City or other agencies, not the County - but overall positive response by the attendees. Mr. Wooten went over the minutes taken during the meeting and suggests that the Board review the recommended requests given during the session, as well as for Mr. Emory to go back through the Plan to make updates on the demographics, terminology and make changes to what the Board accepts, prior to adopting the Plan.

Commissioner Ellis made a motion to review and have Mr. Emory make the necessary changes, with tabling this until October, with a second by Commissioner Greene. By a vote of 4-0, the motion passed.

Mr. Wooten told that the Plan would be revised, then presented again to the Board.

Employee Leave Policy

Mr. Wooten noted Chairman Walker had asked for discussion and information be presented about the County's policy on parental leave. Currently parents are allowed to take sick, vacation or comp leave after the birth of a child and once that is depleted, employees are covered under the Family Medical Leave Act which ensures the employee's job is protected but is not paid leave. Mr. Wooten presented the Board what State employees are granted for Parental Leave, telling last year NC enacted a law to expand the leave, as well as the Counties who have implemented some of the States policy. Commissioner Greene asked what would staff need from the Board, in which Mr. Wooten answered to get what their thoughts were and if there is interest in looking at the current leave policy for changes. Vice Chair Brown stated he would like to take a stronger look at the costs associated and is not prepared to vote for a change in this meeting. Commissioner Ellis cited in regards to part time employment, that those employees usually are not covered in the benefit package. The County Manager said there are possibly less than 10 part time County employees receiving benefits and he stated he would present the Board with some hypothetical situations showing different applications of sick, comp time and vacation time, years worked and benefits for a better scope towards making a decision. Chairman Walker stated his opinion was to have a better Leave Policy for employees as a benefit and incentive to work for the County. He would like to make the benefit change to say after 90 days employed, instead of after 12 months employed. The Chairman cited he was looking forward to receiving more data in order for the Board to make an informed decision.

Budget Reports

Mr. Wooten spoke of the property tax collection, showing the delinquent tax collections through July 2024. He stated the bills went out on July 22, 2024 with payments showing online with the sales tax report. Chairman Walker mentioned he was asked by a few citizens about their vehicle tax bills, and wanted to recognize for those questions to go to the County Tax office.

Administrative Items

Mr. Wooten went over the EMS items for the month, and asked that the Transportation Advisory Board Manual be approved by the Board.

Vice Chair Brown made a motion to approve both items, with a second by Commissioner Greene. By a vote of 4-0, the motion passed.

Board Appointments

The Clerk to the Board gave 2 applications for consideration to the Board, with the first being for Jordan Laney to serve on the America250 Committee.

Commissioner Greene made a motion to approve Ms. Laney to serve on the America250 Committee, with a second by Vice Chair Brown. By a vote of 4-0, the motion passed.

The Clerk went to the second applicant being Brandi Morrow to serve on the Historic Preservation Commission.

Vice Chair Brown made a motion to approve Ms. Morrow to serve on the Historic Preservation Commission, with a second by Commissioner Ellis. By a vote of 4-0, the motion passed.

Mr. Wooten was asked by the America250 Committee to add an additional 2 seats as Commissioner appointees.

Commissioner Ellis made a motion to approve adding 2 additional seats for the America250 Committee, with a second by Commissioner Greene. By a vote of 4-0, the motion passed.

Tax Matters

Mr. Wooten went over tax matters, with releases, discoveries and reports for the Board to approve.

Motor Vehicle Tax Refunds: \$1,197.06

Releases Over \$100: \$3,659.45

Releases Under \$100: \$238.92

Discoveries: \$12,816.18

Commissioner Greene made a motion to approve the Tax Matters presented, with a second by Commissioner Ellis. By a vote of 4-0, the motion passed.

Citizens Comment

There were 2 Citizens to speak: Kenneth Wegmen on Correcting Tax Assessments and Chris Price on Remembrance.

Commissioner Reports/Staff Reports

Mr. Wooten gave an update on Broadband in which the County did get the MOU for the CAB grant with Skyrunner. His understanding from the State and the Department of Information

of Technology is that there will be more funding for grants, starting with half grants with access to Broadband. He is asking for approval by the Board to pursue these grants.

Commissioner Ellis made a motion to approve the Tax Matters presented, with a second by Commissioner Greene. By a vote of 4-0, the motion passed.

Closed Session

Commissioner Ellis made a motion to go into closed session for Economic Development at 6:29 p.m., under [NCGS 143-318.11 (a) (3)], with a second by Commissioner Greene. By a vote of 4-0, the motion passed.

Commissioner Greene made a motion to come out of closed session for Economic Development at 6:41 p.m., under [NCGS 143-318.11 (a) (3)], with a second by Commissioner Ellis. By a vote of 4-0, the motion passed.

Adjournment

Vice Chair Brown made a motion to adjourn at 6:41 pm., with a second by Commissioner Ellis. By a vote of 4-0, the motion passed.

Attest:

Sena A. Allison
Clerk to the Board

David N. Walker
Chairman

