

**STATE OF NORTH CAROLINA
MCDOWELL COUNTY
BOARD OF COMMISSIONERS
REGULAR SESSION – April 8, 2024**

Assembly

The McDowell County Board of Commissioners met in Regular Session on Monday, April 8, 2024, at 5:00 p.m., in the Commissioner's Board Room, 69 N Main St., Marion, NC.

Members Present

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

Members Absent

None

Others Present

Ashley Wooten, County Manager; Sena A. Allison, Clerk to the Board; and Fred Coats, Attorney; Mitch Gillespie, Honoree of the Board and Chuck Abernathy, Economic Development Director.

Call to Order

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

Approval of Minutes

Vice Chair Brown made a motion to approve the March 11, 2024 Regular Session minutes; and the March 18, 2024 Regular Session minutes; this was seconded by Commissioner Allison. By a vote of 5-0, the motion passed.

Addition to Agenda

Chairman Walker asked if there was any admissions or deletions by Board Members or staff, whereas the County Manager Ashley Wooten mentioned to the Board for next month to add to reports or new business Charlotte Water requesting an Inter Basin Transfer new amendment in which the Board needed to engage in. Vice Chair Brown appealed to the County Manager to see what the EMC's standing on this was and Chairman Walker requested Mr. Wooten to notify the Board members of the date and to give them numbers as they need to form partnerships in regards to the transfer.

Recognition of Mitch Gillespie

The Board of Commissioners recognized and honored Mr. Mitch Gillespie for his outstanding achievements to McDowell County and the state of N.C. with a reception including his colleagues, family, and various leaders of McDowell County. He was bestowed the Distinguished Public Service Award by the Chamber of Commerce recently, as this was addressed in the Board's assembly. Chairman Walker read the Resolution and Declaration which was adopted to him by the Board in gratitude for his many decades of service, along with declaring the date of Friday, April 12, 2024 as Mitch Gillespie Day in McDowell County.

Commissioner Ellis made a motion to approve the Resolution and Declaration, with a second by Vice Chair Brown. By a vote of 5-0, the motion passed.

Chairman Walker invited Mr. Gillespie to speak, in which he gave some insights to his background of service and his willingness to give back, attributing his accomplishments being done entirely through the blessings of the Lord. Mr. Gillespie thanked the Board and accepted his framed Resolution and Declaration with his family.

Economic Development Update / Hearing

Chairman Walker recognized Chuck Abernathy, the Director of Economic Development in which the Chairman declared the meeting a public hearing, as the General Statute requires, in regards to this matter. Mr. Abernathy is seeking the approval for the local share on a Building Reuse Grant for a company in the County. He explained that the Building Reuse Program is a program where the State of N.C. puts in 50% of the cost of upgrading a facility, the company puts in 45% and the unit of Government or County puts in 5%. The Director presented a Building Reuse Grant for a project where a national company has purchased a local company and is currently employing approximately 90 people and will employ another 23 whereas the County will generate off the Property Taxes that are paid. Mr. Abernathy indicated the amount that is requested would be between \$5500.00 and \$11,000.00. In standing with the General Statutes, Chairman Walker asked for public comment as there cannot be an approval for the request, until the general public has this opportunity to address the proposal. No one in the assembly spoke.

Commissioner Ellis made a motion to approve the local share for the Building Reuse grant, with a second by Vice Chair Brown. By a vote of 5-0, the motion passed.

Ashley Wooten added a notice that this incentive should not exceed \$12,000.00.

Commissioner Ellis made a motion to approve the incentive not to exceed \$12,000.00, with a second by Commissioner Greene. By a vote of 5-0, the motion passed.

Occupancy Tax Update

Mr. Wooten spoke on a matter from last month's Board Meeting, in which the TDA Director Shannon Odom had requested to increase the occupancy tax rate from 5% to 6%. Mr. Odom stated within their appeal, that the surrounding Counties were at 6% at present and are

using the tax as investment and marketing, to which McDowell County could be comparative in using the additional tax for promotion to travelers visiting our County. This request was tabled in order to have Mr. Odom produce to the Board more information to the number of property owners who would be impacted, in which he did give such data. The Board's acceptance stated the increase to be distributed as two-thirds spent by the TDA in promoting travel and tourism and one-third on tourism-related capital expenditures.

Commissioner Ellis made a motion to approve the occupancy tax rate from 5% to 6%, with a second by Commissioner Allison. Chairman Walker asked for discussion, in which Commission Greene reiterated this was not an additional tax to the residents of McDowell County, that this only affects visitors traveling and staying in the County. Chairman Walker added this is not retained by the County, this is used for marketing and promoting by the TDA. By a vote of 5-0 the motion passed.

Water Project Update

The County Manager gave updates on the various water projects in the area, focusing mainly on the action items submitted for the Board. Mr. Wooten requested two Resolution approvals, one the approval of the Resolution authorizing the submission of the AIA grant, two, the Resolution approval to authorize the receipt of the East End water project funding. The County Manager seeks approval for the receipt of the Innovation Drive water/sewer bids, awarded to the lowest bidder in the amount of \$235,131.00 to Buckeye Bridge LLC.

Vice Chair Brown made a motion to approve both the Resolutions presented and the bid to Buckeye Bridge LLC, with a second by Commissioner Greene. By a vote of 5-0, the motion passed.

Occupancy Tax Missed Item

Commissioner Ellis petitioned to Chairman Walker to go back to the Occupancy Tax on an item that was missed referencing the County accepting terms for funds from a settlement offer by the Law Firm of Baker Mackenzie that represented an unnamed booking agency in whom did not remit funds appropriated for the occupancy tax distribution. He stated they found this oversight in their books and are making this right in sending what is owed to the Counties who did not receive these funds. Staff recommends to accept the terms and the offer from Baker Mackenzie for approximately \$5,000.00, that is owed to the County.

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

Broadband Update

The County Manager cited the Completing Access to Broadband (CAB) grant opportunity has been posted to the State procurement website. The RFP response deadline is May 6, 2024.

Building Projects Update

Mr. Wooten gave an update on the DSS building project in stating the architect firm of Little Architect has prepared a preliminary plan to start getting a package together to send to our Legislative delegation in order to pursue funding for the new building.

Immigration Resolution

Chairman Walker declared that last month's Board Meeting he requested for staff to draft a Resolution supporting legal immigration and opposing Illegal immigration be sent from the Presidential office on down through governmental offices.

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

Trail Projects Update

Mr. Wooten updated the Greenway Project and the development of the extension between Roby Conley Rd and Resistoflex Rd, in which staff continues working with the NCDOT and McAdams, our engineer. He stated there is more work to execute in order to proceed with the bidding stage, in which the County received approximately 11 acres adjacent to Roby Conley Rd for this project purchased from Foothills Conservancy using State grant funds. The County Manager continued on a discussion previously had on a Trail Coordinator position in the County, in which the Chamber agreed to house the person if the pay comes from other sources. He mentioned the City, Town and County may contribute collectively for such a position, which the asking salary would be around \$30,000.00 per year. Mr. Wooten asked for guidance from the Board on interest in partnering with the Chamber and sharing the cost with the City and Town to create this position. Chairman Walker asked Mr. Wooten what amount would be expected of the County. Mr. Wooten pointed out a couple of line items the County allocated for trails, one being called Trails Initiative budgeted at \$25,000.00 and the other Friends of Fonta Flora that is budgeted for \$20,000.00 and said the County would have more of an incorporated area where the work would happen. Chairman Walker asked if the City and Town have given their contribution or vote on this position, in which Mr. Wooten stated, none that he was aware of. Commissioner Ellis motioned this be tabled until the City and Town have stated what they would propose as their contribution part of the salary, second by Vice Chair Brown. By a vote of 5-0, the motion passed.

NACo National County Month

Mr. Wooten acknowledged that April is the month to celebrate The National Association of Counties, which highlights the good works that are being done, and will be stated to the public through social media posts, a press release, speaking engagements, etc. He cited the approval of a Resolution to note this.

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

NCDOT Items

Mr. Wooten proposed a request by a property owner to abandon a portion of the Linville Rd near Lake James that is approximately .29 miles, stating it would have no value to the County as far as access. Vice Chair Brown motioned to get more information to make sure this would have no affect on any adjacent land that the NCDOT or County may possibly need access to cross over or use for, seconded by Commissioner Allison. By a vote of 5-0, the motion passed.

The County Manager spoke for The Glenwood Ruritan who has requested a road closure ordinance for June 1, 2024 from 8:45 a.m. to 11:00 a.m. off of Polly Spout Rd, for their annual Gold Rush 5k.

Vice Chair Brown made a motion to approve the Ordinance for the temporary road closure, with a second by Commissioner Allison. By a vote of 5-0, the motion passed.

Budget Update

Mr. Wooten gave updates on the budget and in the property tax collection with the report showing a 98.44% collection rate through the end of March. He stated one project budget ordinance amendment for the Sheriff's Office Equipment (State Funds) and Northwest Hardwoods (State Funds). Listed are the budget amendments:

GF 27 -Transfers between line items and allocates grant revenue in Emergency Services

GF 28 - Record Loan process for vehicle financing and transfer insurance premium

GF 29 -Transfers between line items in Waste Collections

GE 30 - Transfers between line items, appropriates funds balance and allocates revenue in the Sheriff's Office.

GE 31- Allocates grant revenue for Teen Court

GF 32 - Allocates revenue in the Fire and Rescue areas.

GE 33 - Allocate revenue transfer between line items in Parks and Recreation.

FD1 -Allocates estimated sales tax collections for the fire and rescue districts.

FD2 - Allocates property tax collections for fire and rescue districts.

CP1 -Appropriates fund balance for the emergency radio antenna on Grants Mountain.
ENT1 -Transfers between line items and allocates interest revenue in the Waste Enterprise Fund.
SP3 - Amends the School Project Fund.

Commissioner Greene motioned to approve the budget items as presented, with a second by Commissioner Allison. By a vote of 5-0, the motion passed.

America 250 Committee

Mr. Wooten revealed that in 2026 our Country will be 250 years old and the State General Assembly provided funding of \$10,000.00 through a grant to provide planning funds to Counties with an official planning committee. The County Manager provided a list of suggested committees for the Board's approval and or changes as well as requesting an approval on a Resolution for an Official America 250 NC Committee.

Commissioner Ellis made a motion approving the Resolution and Committee, with a second by Commissioner Allison. By a vote of 5-0, the motion passed.

Administrative Items

Chairman Walker communicated the Board had read the Administrative Items. Commissioner Ellis made a motion to accept them as presented, with a second by Commissioner Allison. By a vote of 5-0, the motion passed.

Board Appointments

Mr. Wooten presented one applicant for the JCPC Board from Sarah Brewer. Vice Chair Brown motioned to accept Ms. Brewer's application, second made by Commissioner Allison. By a vote of 5-0, the motion passed.

Tax Matters

Mr. Wooten provided the Tax Matters as refunds, rebills, etc. Commissioner Greene motioned to approve the Tax Matters as presented, with a second made by Commissioner Allison. By a vote of 5-0, the motion passed.

Citizen Comments

Neil Schunke spoke in regards to Optimum Internet.

Commissioners/Staff Reports

Commissioner Ellis asked when would there be a Budget discussion, in which Mr. Wooten answered there were upcoming meetings that would impact the budget for final details, but should be available for discussion around Memorial Day. Commissioner Ellis recalled last month Vice Chair Brown brought up cameras being put up in various places for litter purposes,

and told that a large sofa was thrown out on the road on Bat Cave Rd, less than a mile from Old Fort city limits, that was left for a week and a half, in which a citizen removed, and to this person, Commissioner Ellis said thank you for taking care of our County. Mr. Wooten responded to this as thanking the Sheriff's staff in enforcing responses to these matters. He spoke with Molly Sandfoss on having Matt Burniesen come next month to speak on what he is doing on campaigning for anti-littering and reiterated there is a person in the local DOT maintenance office that is responsible for litter items that need to be picked up. He has also spoken with staff on surveillance camera placement. Vice Chair Brown personally requested to establish a committee to follow the progress on this issue and he would serve on it along with suggesting to have people from the Sheriff's office and waste control to strategize the problem areas and identify solutions.

Chairman Walker asked staff to put together a list of proposed people for next month to look at serving on this committee, in which Mr. Wooten agreed and thinks this is a fantastic idea. Chairman Walker recognized Sheriff Ricky Buchanan, who was present in the Board room, for his leadership and his personnel for an outstanding job providing a safe community and making a tremendous distinction to the County.

Adjournment

Commissioner Ellis made a motion to adjourn, second by Commissioner Allison. By a vote of 5-0 the meeting adjourned at 5:59 p.m.