

**STATE OF NORTH CAROLINA  
MCDOWELL COUNTY  
BOARD OF COMMISSIONERS  
REGULAR SESSION – February 19, 2024**

**Assembly**

The McDowell County Board of Commissioners met in Regular Session on Monday, February 19, 2024, at 11:30 a.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 and Lynn Greene

**Members Absent**

Patrick Ellis

**Others Present**

Ashley Wooten, County Manager; Sena A. Allison, Clerk to the Board; Dr. Tracy Grit, McDowell County Schools Superintendent; Jason Hollifield, Transportation Director; and Bobbie Sigmon, DSS Director

**Call to Order**

Chairman Walker called the meeting to order at 11:27 a.m.

**School Lease Request**

Dr. Tracy Grit, McDowell County Schools Superintendent requested the Board of Commissioners sign a Resolution to a lease agreement for a building on Crawford Street in Marion, NC where the School Board would like to open an Alternative learning facility and due to a statutory limitation on leasing for beyond a three-year agreement, this cannot be done without the Commissioners approval. Dr. Grit explained the lease as it states currently would be for three years, nonetheless he would like to have the opportunity to extend another couple of years if they so desire.

Dr. Grit also stated they are on the DPI State School Board agenda for approval of the Alternative School in April.

Chairman Walker asked about the potential enrollment to the Alternative School, Dr. Grit stated the goal is to have under fifty (50) for the face to face learning and more for the virtual learning program.

Chairman Walker asked the age of the students, in which Dr. Grit answered 6<sup>th</sup> grade and up.

At that time Mr. John Henning, the School's Legal Counsel, spoke on the lease agreement with the Board, and relayed the lease agreement would have a non-appropriation clause in it. He asked the Commissioners to approve the Resolution granting the Board of Education authority to enter into the lease.

## **RESOLUTION**

**WHEREAS**, the McDowell County Board of Education ("Board of Education") wishes to enter into a lease of that property located at 75 Crawford Street, Marion, for an initial term effective March 1, 2024 and extending for three years, with the option to extend the same for an additional two years, the initial year being rent-free during the Board of Education's renovations of the property for use as an alternative school building and thereafter in an initial amount of \$3,000 per month, the payment schedule for which is incorporated herein by reference (the "Lease");

**WHEREAS**, the Board of Education advises the Board of Commissioners for the County of McDowell ("Board of Commissioners") that the Lease will result in substantial benefits to the educational program for the school children of McDowell County;

**WHEREAS**, the Board of Education intends to satisfy the full cost of the Lease out of the annual budget of the Board of Education during each fiscal year;

**WHEREAS**, the Lease between the Board of Education and the lessor is not an obligation of the County of McDowell and does not require direct funding from the Board of Commissioners to the Board of Education; and

**WHEREAS**, the Board of Education and Board of Commissioners intend that the entire cost of the Lease will be covered by the Board of Education's annual budget, the Lease is nevertheless being approved by resolution of the Board of Commissioners, at the request of the Board of Education, in order to comply with the technical requirements of N.C. Gen. Stat. §§ 115C-441(c1) and -530, to the extent such requirements are applicable to the Lease.

**NOW, THEREFORE, BE IT RESOLVED** that pursuant to N.C. Gen. Stat. §§ 115C-441(c1) and - 530, the McDowell County Board of Commissioners agree to execute this Resolution and shall appropriate sufficient funds to the McDowell County Board of Education in ensuing fiscal years in an amount which is sufficient to meet the Lease obligations. Said funds for this Lease shall be part of, and not in addition to, the regular annual appropriations made to the Board of Education by the Board of Commissioners each year.

Adopted this the 19th day of February, 2024.

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

## **McDowell Transit Update**

Jason Hollifield, Transit Director presented the annual updates showing data of the increase in transit rides from 2022 – 2023 being an unprecedented growth of 5,838 riders. Mr. Hollifield stated the total miles for 2023 being 364,947, all of which were accident free. Mr. Hollifield cited the county is averaging 200 rides a day.

Mr. Hollifield proclaimed the oldest vans were 2019 models and would be replaced as they have been awarded by the State the funding for new vans. Chairman Walker asked what the percentage of funding for the vans are and where does the funding come from, in which Mr. Hollifield stated the breakdown as: 10% County, 10% State and 80% Federal, and all are wheelchair accessible.

Mr. Hollifield announced the Rodeo would be in McDowell County again this year, in which five other counties participate in.

## **DSS Update**

Bobbie Sigmon, DSS Director presented updates on Medicaid and Food Nutrition applications, of which are being upward of two to three times higher than last years applications submitted. The Energy Programs are starting to trickle down with the colder weather to be soon behind us. Ms. Sigmon said there is a cap of \$600.00 on the allowance of heating and air conditioning once a year. This program for persons who qualify are put into a system with the State, who then pays through a portal system directly to the power company.

Ms. Sigmon gave a presentation of the child welfare intake and reporting process. The DSS Department has mandated reporting for persons who suspect a juvenile of neglect, abuse, dependent or has died and what information is needed for DSS to act. Ms. Sigmon went on to say anyone who knows this is happening to a minor and does not report it to DSS, they can be charged with a Class 1 Misdemeanor. A general discussion was had on the procedures that follow a reporting to DSS including child placement, medical procedure, law enforcement processes and court rulings along with an update of last year reports of 790 accounts of calls filed to McDowell County DSS, with 62 children being placed in permanent homes and 12 adoptions being finalized.

## **Administrative Items**

County Manager Ashley Wooten presented the Board with a previously approved need to establish a Substance Use Disorder Coordinator. This candidate has been selected and is ready to move into the position on March 1<sup>st</sup>, 2024. Mr. Wooten asked the Board to approve the funding resolution and budget amendment, and at that time he requested to move forward with all approvals being given at the end of his presentation of Administrative items.

### **A RESOLUTION BY THE COUNTY OF McDOWELL TO DIRECT THE EXPENDITURE OF OPIOID SETTLEMENT FUNDS**

**WHEREAS** McDowell County has joined national settlement agreements with companies engaged in the manufacturing, distribution, and dispensing of opioids, including settlements with drug distributors Cardinal, McKesson, and

AmerisourceBergen, and the drug maker Johnson & Johnson and its subsidiary Janssen Pharmaceuticals;

**WHEREAS** the allocation, use, and reporting of funds stemming from these national settlement agreements and certain bankruptcy resolutions (“Opioid Settlement Funds”) are governed by the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation (“MOA”);

**WHEREAS** McDowell County has received Opioid Settlement Funds pursuant to these national settlement agreements and deposited the Opioid Settlement Funds in a separate special revenue fund as required by section D of the MOA;

**WHEREAS** section E.6 of the MOA states:

E.6. Process for drawing from special revenue funds.

- a. Budget item or resolution required. Opioid Settlement Funds can be used for a purpose when the Governing Body includes in its budget or passes a separate resolution authorizing the expenditure of a stated amount of Opioid Settlement Funds for that purpose or those purposes during a specified period of time.
- b. Budget item or resolution details. The budget or resolution should (i) indicate that it is an authorization for expenditure of opioid settlement funds; (ii) state the specific strategy or strategies the county or municipality intends to fund pursuant to Option A or Option B, using the item letter and/or number in Exhibit A or Exhibit B to identify each funded strategy, and (iii) state the amount dedicated to each strategy for a stated period of time.

**NOW, THEREFORE BE IT RESOLVED**, in alignment with the NC MOA, McDowell County authorizes the expenditure of opioid settlement funds as follows:

1. First strategy authorized
  - a. Name of strategy: Substance Use Disorder Response Coordinator Plan
  - b. Strategy is included in Exhibit A.
  - c. Item number in Exhibit A to the MOA: 1
  - d. Amounted authorized for this strategy: \$40,000
  - e. Period of time during which expenditure may take place:  
Start date March 1, 2024 through End date June 30, 2024
  - f. Description of the program, project, or activity: The Coordinator will engage in stakeholder engagement, planning activities, data analysis, program evaluation, and gathering and reporting relevant information.
  - g. Provider: McDowell County Emergency Services

**Adopted** this the 19th day of February, 2024

The County Manager identified the tax releases of persons in the Lake Tahoma area for approval of refunds and releases.

Refunds: \$48,542.95                      Releases \$3,199.21

In addition to this, Mr. Wooten cited the Tax Assessor’s term is up for reappointment and it was stated that the current Assessor would like to stay in the position.

Mr. Wooten brought up the former discussion with the Parks and Recreation Director on the need for four new scoreboards in which could be paid with the interest that the ARPA reserve has \$121,477 a total as of February 12, 2024.

Vice Chair Brown made a motion to approve these all the Administrative Items, second by Commissioner Greene. By a vote of 4-0 the motions passed.

Chairman Walker recommended to have the Planning Board do a review for developers of newly created subdivisions that are not being paved properly or up to the NCDOT standards to be held responsible for the reconstruction and not the burden of the homeowners. Commissioner Allison added to make specifics in the analysis, in which Vice Chair Brown noted to also summate that utilities, water and sewer to be budgeted by developers if or when problems arise as further not be the burden of the homeowners. Mr. Wooten specified that the Planning Board review the requirements as they relate to paving roads and utilities for an assessment. Vice Chair Brown made a motion to approve, second by Commissioner Allison. By a vote of 4-0 the motion passed.

**Adjournment**

Vice Chair Brown made a motion to adjourn, second by Commissioner Allison. By a vote of 4-0 the motion was approved to adjourn at 12:46 p.m.

Attest:

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Sena A. Allison

Clerk to the Board

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David N. Walker

Chairman