

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

Assembly

The McDowell County Board of Commissioners met in Regular Session on Monday, January 8, 2024, at 5:00 p.m., in 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/Deputy Clerk to the Board; Fred Coats, County Attorney.

Call to Order

Chairman Walker called the meeting to order at 5:00 p.m.

Approval of Minutes

Commissioner Greene made a motion to approve the December 11, 2023 Regular Session minutes and the December 18, 2023 Regular Session minutes; second by Commissioner Allison. By a vote of 5-0 the motion passed.

Approval of Agenda

Commissioner Allison requested Sheriff's Redaction Request be added as Item F under Old Business. The County Manager requested a Closed Session for Personnel and Economic Development Matters be added after Citizen Comment.

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

Library Update

The Chairman recognized Library Director Marlan Brinkley for an update on Library activities. Mr. Brinkley spoke about his strategic planning process that had been underway for several months. He noted that the process has involved many stakeholders and included a day-long session on the same day.

Mr. Brinkley also spoke (Ellis and Allison) regarding a book by mail program. He noted that the program as designed would be set up for disabled individuals and would be free due to a USPS

program. Mr. Brinkley asked that the program be implemented as well as a waiver of any late fees that would occur due to difficulties in books being returned.

Commissioner Ellis motioned to approve the program (including the waiver of late fees), second by Commissioner Allison. By a vote of 5-0 the motion passed.

Cryptocurrency Ordinance Legislative Hearing

Chairman Walker recognized Ronald Harmon for an overview of the ordinance. Mr. Harmon noted that the ordinance as written would prohibit the establishment of cryptocurrency mines.

Chairman Walker declared the meeting into a Legislative Hearing pursuant to NC General Statute 160D-601.

Glenn Kern provided comments in favor of the ordinance as it was written. Mr. Kern noted that a facility in Cherokee County has been very detrimental to that community and he does not feel that McDowell County would be suitable for these facilities due to the noise impacts and its impact on the natural resources of the county. He also spoke about his concern to its impact on the electric grid.

Diane Slater spoke in support of the ordinance due to her concerns related to the impact to the electric grid.

Chris Price spoke in opposition to the ordinance due to his concerns about governmental regulation of private enterprise. He said he would support an ordinance regulating the activity, but not prohibiting it.

Neil Schunke stated his opposition to the activity to cryptocurrency due to the impacts of the activity on the electrical grid.

Commissioner Ellis motioned to go out of the legislative hearing. Commissioner Greene seconded the motion and the vote to close the legislative hearing was unanimous.

Chairman Walker asked for Commissioner comments. Vice Chairman Brown stated his general agreement with the comments presented. Chairman Walker noted that the draft ordinance allows residential cryptocurrency mining.

The County Manager noted that the Board is free to adopt the ordinance with an effective date of 1/8/24, which would also end the moratorium.

Vice Chairman Brown made a motion to adopt the ordinance as presented, second by Commissioner Ellis. By a vote of 5-0 the motion passed.

Pisgah National Forest Update

Grandfather District Ranger Nicholas Larson updated on various activities. The meadow loop trail has opened. He also noted the Catawba Falls Trail will hopefully be open in the late spring.

Mr. Larson noted that the Old Fort Picnic Grounds are being improved with improved shelters and restrooms.

Mr. Larson also noted that there had been significant work throughout the national forest in improving the health of the forest through prescribed burns, removal of non-native species, and by improving water quality.

Chairman Walker asked Mr. Larson to provide an update on any prescribed burns. Mr. Larson noted that there is a prescribed burn planned near Coats American in the spring as well as Singecat Ridge in the same timeframe.

Commissioner Ellis asked for an estimate on when Catawba Falls would be opened. Mr. Larson said he hoped by late spring or early summer the access would be fully opened.

Mr. Larson noted that the Pisgah National Forest is the most visited national forest in the country that does not have a ski slope.

Chairman Walker thanked Mr. Larson for his presentation and encouraged him to return.

Strategic Planning Process

The County Manager noted that the strategic planning process continues. He noted that there had been a meeting in early December with the Strategic Planning Workgroup. Mr. Wooten noted that the NC Department of Commerce staff had collected survey information about the community's Strengths, Weaknesses, Opportunities, and Threats. He noted that the results will be distributed to the Commissioners. It was also noted that the next step in the process will be the development of a vision statement. A public meeting will be held in a few months, and the entire process should be completed in the late spring, according to Mr. Wooten.

Building Projects

The County Manager noted that there were several ongoing building projects of note.

DSS Building

Mr. Wooten presented a recommendation for moving forward with a replacement facility for the Department of Social Services. He noted that the Commissioners had discussed such a facility for several years and had looked at State funding for the project. The County's legislative delegation had encouraged the development of renderings and site plans in order to help with the advocacy.

Mr. Wooten presented a proposal from the County's selected architect Little. The proposal would allow Little to initiate some preliminary planning which would result in a starting point for site development. The cost of the proposal is \$38,000. Mr. Wooten recommended paying for the proposal out of the American Rescue Plan Act interest fund if the Commissioners chose to move forward.

Commissioner Ellis made a motion to accept the proposal, second by Commissioner Greene. By a 5-0 vote the motion passed.

Recreation Center

Mr. Wooten advised that the bidding process for the Recreation Center should accelerate towards the end of January. The goal is to have bids presented to the Commissioners for approval at their March meeting.

Animal Shelter

The County Manager updated the Board on the status of the animal shelter replacement. He noted that a proposed site south of the current facility is being evaluated for suitability. Once the site is deemed suitable, he suggested moving to the public fundraising stage.

Water System Update

The County Manager advised of several ongoing water projects:

Nebo

- Work has begun on Phase 1, which comprises NC 126, Wildlife Road, Lonesome Pine Drive, Jack Corpening Road, Sunny Acres, and Bentwood Drive. The line on Lonesome Pine Drive is essentially complete.
- Hoppy Tom Hollow has been permitted and is ready for bid. The grant will pay for the plumbing for these residences. Therefore, letters are being prepared to be mailed to the property owners advising them of this news and asking for their interest to be confirmed before work begins.
- Nebo Phase 2 is under final design and will be submitted for permitting soon. Part of this work involves the relocation of the US 70 master meter towards the City limits. A site has been identified immediately west of Beaman Road. The property owner David Patenaude has asked for two water taps in exchange for the meter being placed on the property.

Commissioner Greene motioned to approve granting two water taps to Mr. Patenaude in exchange for the easement, second by Commissioner Allison. By a vote of 5-0 the motion passed.

- 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. A meeting with property owners has taken place.
- An Appalachian Regional Commission grant to extend water around Exit 90 has been awarded. Staff has selected an engineering firm as being the most qualified. The selected firm is preparing a contract for Board approval.

Providence Area/West Marion Elementary Area

- The Appalachian Regional Commission grant for \$500,000 to extend water towards West Marion Elementary was awarded.
- The State budget granted \$3.88 million to McDowell County for the project to extend water around the community near West Marion Elementary. We will be able to move forward with next steps once the State sends the formal letter to proceed. The letter has been requested, but not received as of 1/2/2024.
- The Board of Education has voted to allocate \$500,000 over several years to the water project.
- Staff will initiate the engineering selection once the State letter has been received.

Broadband Update

The County Manager provided an update on the broadband grant process, noting that the Commissioners have previously authorized the submission of a Completing Access to Broadband (CAB) grant. Staff has been working with the NC Broadband Office on the initial application steps.

Mr. Wooten noted that it appears that after all of the planned grants there will be approximately 2,700 households without broadband. These locations all around the county, so it will be difficult to prioritize one community over another for future grants.

Sheriff Redaction Request

The County Manager reminded the Board that Sheriff Buchanan had previously requested that Law Enforcement Officer's personally identifiable information be removed. Mr. Wooten noted that two prior discussions had resulted in the rejection of the request. He also noted that he had sent a letter to the County's legislative delegation asking for assistance in providing guidance on the issue since NC General Statute 153A-98 (c4) is vague.

Commissioner Greene expressed his reservations about granting the request since he did not believe the referenced statute explicitly required the redaction. He said he had concern about leaving out other County departments and agencies.

Commissioner Ellis asked Commissioner Allison why he requested the item be revisited without having received guidance from the General Assembly staff. Mr. Allison responded that he had spoken to Sheriff Buchanan and staff since the last vote and wanted to reconsider the item.

Commissioner Greene motioned to reject the Sheriff's request, second by Commissioner Ellis. By a vote of 2-3 the motion failed.

Commissioner Allison motioned to approve the Sheriff's request, second by Commissioner Brown.

The County Manager asked for a clarification on the intention of the motion as to whether the redaction would be available to all Law Enforcement Officers who reside in the county or to only McDowell County Sheriff's Office LEOs. It was stated that the intent of the motion was for the request to only cover MCSO sworn staff.

By a vote of 3-2 the motion passed.

Budget Update

The County Manager presented the monthly budget update noting that the packet had both property and sales tax reports. The property tax collection rate was 72.79% through December 31.

Mr. Wooten asked for the approval of the East End Water Project Budget Ordinance and budget amendments GF 13-18 and SP2.

Commissioner Greene made a motioned to approve the project budget ordinance and budget amendments, second by Commissioner Allison. By a vote of 5-0 the motion passed.

Administrative Items

The County Manager presented several administrative items. The first two items were Nebo Water waivers of \$142.81 and \$670.53. The other item was an update to the Transit Department's Alcohol and Drug Policies.

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

Board Appointments

The County Manager presented second readings for four positions on the Juvenile Crime Prevention Council, one seat for an Old Fort resident on the Library Board of Trustees, and one seat for the Historic Preservation Commission.

Mr. Wooten also presented a first reading of an upcoming vacancy on the Transportation Advisory Board.

Tax Matters

The County Manager presented the monthly tax matters as prepared by the Tax Assessing department. He noted that there were only motor vehicle refunds to approve for January.

Motor Vehicle Refunds: \$544.92

Commissioner Greene motioned to approve the tax matters as presented, second by Commissioner Allison. By a vote of 5-0 the tax matters were approved.

Citizen Comment

Carl Becker asked the Commissioners to establish a two-term limit for Commissioners.

Chris Price asked for increased transparency by having citizen comments aired on the TV channel and on YouTube.

Closed Session

Commissioner Allison motioned to go into Closed Session to discuss personnel and economic development matters as permitted by NC General Statutes 143-318.11 (a) (4) and (6). The closed session began at 6:10 p.m.

Return to Open Session

Vice Chairman Brown motioned to return to open session at 7:03 pm, second by Commissioner Ellis closed session 143-318.11 (a) (4) and (6). By a vote of 5-0 the motion was approved.

Approval of Closed Session Minutes

Vice Chairman Brown motioned to approve Closed Session minutes from December 11 and December 18, 2023, second by Commissioner Ellis. By a vote of 5-0 the motion was approved.

Adjournment

Vice Chairman Brown motioned to adjourn, second by Commissioner Ellis. By a vote of 5-0 the motion was approved to adjourn at 7:05 p.m.

Attest:

Ashley R. Wooten
Deputy Clerk to the Board

David N. Walker
Chairman