

**MITCHELL COUNTY BOARD OF COMMISSIONERS**

**MINUTES**

**REGULAR SESSION**

**APRIL 3, 2006**

**NORTH CAROLINA**

**MITCHELL COUNTY**

The Mitchell County Board of Commissioners met in regular session on April 3, 2006 at 6:00 p.m. in the Commissioners' Conference Room, Administration Building, Bakersville, NC. Those present for the meeting were Keith Masters, Chairman; Ken Hollifield, Vice-Chairman; Phil Byrd, Member; Mike Hensley, Member; Jim Saylor, Member; Ryan Whitson, County Manager and Kathy Young, Clerk to the Board. Also present were Lloyd Hise, County Attorney; Mavis Parsley, Finance Officer; Nathan Hall, Reporter with the Mitchell News-Journal; Michael Hall, Reporter with the Mitchell News-Journal; Steve Murphy, Reporter with WKYK/WTOE Radio Station; Dr. Suzanne Owens, President of Mayland Community College; Barbara Buchanan, Director of Mitchell County Transportation Authority; Sheila Grindstaff, Ed & Jana Reid, Martha Biddix, Lisa Byrd, Kathleen Byrd, Dona Thanos, Harper Wilson, Ray Spanjers, Ruthie Styles Mary Hooper, Richard Hoilman, Bill Wygand and David Woody.

1. **CALL TO ORDER** – Chairman Masters called the meeting to order at 6:00 p.m.
2. **INVOCATION** – Commissioner Hollifield gave the invocation.
3. **ADDITIONS OR CHANGES TO THE AGENDA**
4. **APPROVAL OF MINUTES** – Commissioner Hensley moved to approve the minutes for March 6, 2006. Commissioner Saylor seconded the motion and it carried unanimously.

Chairman Masters – There is one thing in the minutes that we might need to mention here and we might have to take up. I don't exactly know where I can turn to this, but it pertains to the date for the audit coming from the Economic Development Commission back to this Board. I had – talking off the cuff here and I said June 30<sup>th</sup> would be a good date, but that date was not approved by the Board. In the minutes it says "Chairman Master – that is probably correct. I think that is how I would look at it" but I don't know how the rest of the Board feels about. So we may have to discuss that, because I think we need to have that before that date before any kind of future planning as far as budget. So we might have to discuss that.

Commissioner Hensley – Mr. Chairman, what about April 15<sup>th</sup>? That is when all the taxes are over with for auditing.

Chairman Masters – I think that will be fine. I think that Lloyd has written a letter about that.

Commissioner Byrd – Mr. Chairman, if I may. I think that if Lloyd has written a letter about this, the Board need to read what the contract says that the

EDC- when that would be due which is June 30 which is the end of the contract with the EDC.

Chairman Masters – I think there is some discussion about when it would be turned in because it was three year then four year and quite a bit of other stuff. I know the Board never reached a decision on that per say.

Commissioner Byrd – Well, let's look through this if you don't mind while we discuss it. Shirley Hise asks may I ask a question? Chairman Masters – you may. Shirley Hise says I have two questions. It says there will be an audit. The end of the contract is June 30<sup>th</sup>. Should the audit be at June 30, 2006 to audit the three years or four years of the contract? Chairman Masters – To me that's what seems appropriate. Shirley Hise – So we really don't need to do an audit until June 30<sup>th</sup> of this year? Chairman Masters – That is probably correct. I think that is how I would look at it. I don't know how the Board feels.

Chairman Masters – Right. I don't think we really ever got to that point.

Commission Byrd – I think this Board directed the attorney to write the letter to ask for what Ms. Gillespie required.

Chairman Masters – We did. We did direct the Board to write the letter for what she required, but we did not set a hard and fast date of the 30<sup>th</sup>. The Board did not take action on it.

Commissioner Byrd – There is no other date mention in here about when the audit is due. That is my point. That is the only date that is mentioned and that is what the contract says clearly. Now I think that this Board can ask for one earlier –

Chairman Masters – Mavis, have they received their last money from the County?

Finance Officer Parsley – Yes.

Chairman Masters – What day did they receive it?

Finance Officer Parsley – Sometime in the first quarter of this year.

Chairman Masters – So they have got all the County money that they are going to be getting this year.

Finance Officer Parsley – Yes , they have.

Chairman Masters – So it seems like it would be appropriate to call for it earlier.

Commissioner Byrd – Well, I just don't understand the call for an audit for a program that is not finished. The contract says the end of June and I wonder what are you going to do about the last three months there. Go back and do another one –

Chairman Masters – They have not had an audit in four years during the life of this anyway – in what ever is left 3 years and three-fourths years.

Commissioner Byrd – There has not been one required

Chairman Masters – One is specified in their contract.

Commissioner Byrd – And it is due at the end of the contract.

Chairman Masters – It does not say that, I don't think. Lloyd you ought to know.

County Attorney Hise – The contract says they will provide an audit. My only things in having anything earlier than that is you are going – that is going to be an audit issue coming up very soon. And you are dividing two programs. You have the Chamber of Commerce and the EDC in one lump sum appropriation. I think you may need to know how much of that has been going to one and how much has been going to the other in order to make a budget for both of those for the following year. So obviously a lump sum contribution to EDC should take in mind how much of that has been going to the Chamber in a lump sum contribution and how much they have been getting from the EDC. That total amount is there and has been used for both. This year with the proposal that you adopted you are going to be doing two separate appropriations. One to the EDC and one to the Chamber. And how they have been allocating those expenses back and forth with each other it is going to be real crucial to know how to budget for each of them in the coming year.

Commissioner Byrd – Have they turned in reports ever quarter – is that not correct?

Chairman Masters – Mavis?

Finance Officer Parsley – We've got reports

Commissioner Byrd – Do we get reports every quarter?

Finance Officer Parsley – I don't think I have them for the first quarter.

County Attorney Hise – And do those reports break down what is spent on behalf of the Chamber and what is spent on behalf of EDC.

Finance Officer Parsley – They also send a budget at the beginning of the budget year. EDC money from what I understand, is strictly EDC money. The Chamber - We don't give any County dollars to the Chamber. The money they get is just pass through money. They keep two separate sets of books. One for the Chamber and one for the EDC.

County Attorney Hise – But they are sharing office, they are sharing staff – How do we know-

Finance Officer Parsley – It is in their budget that we do have. They also share the Director's cost. EDC actually writes the check to the Chamber, so that when you audit EDC books you will see the check that is written to cover their portion.

County Manager Whitson – Mavis you said something about we don't give anything to the Chamber –

Finance Officer Parsley – Just the Occupancy Tax.

County Manager Whitson – Occupancy Tax about \$37,000.

Finance Officer Parsley – The pass through money.

Chairman Masters – Is that what you are talking about there when you talk about what goes to the Chamber? You are talking about the Occupancy Tax you are not talking any EDC money that they get. You are speaking strictly about Occupancy Tax money.

Finance Officer Parsley – Occupancy goes strictly to the Chamber, which is separate from the EDC money, which we the County give. We do not give money directly to the Chamber, it is just pass through money.

Chairman Masters – So what we are talking about is not occupancy tax money. We are talking about the other money. So you do not know how it is broken out.

Finance Officer Parsley – I don't know how it is broken down.

Chairman Masters – I think that makes the point really. Phil, do you want to say anything else now?

Commissioner Byrd – I guess going back on what we have – the quarterly reports that they bring in or are turned in each month, they go to County Manager. Is that correct?

Finance Officer Parsley – Each quarter.

Commissioner Byrd – Can we take those reports and determine what we need? If not then we do need to have some guidance for whatever else we do need to budget for that.

Chairman Masters – And that is just on the EDC money, Mavis. That is not –

Finance Officer Parsley – Right. You can look and see how money they are spending on Director – for example its \$24,000, how much they are paying for rent. But I think your structure is probably going to be different than that. I think it will give you what they are paying, but as I understand it what you do with EDC might not be how they have structured it. Your staffing may be different, your office space or rent maybe more or less. That would be hard to answer.

Chairman Masters – That is what we are getting around to.

County Attorney Hise – Mavis, what I am asking for is some funding that is going to be to Chamber of Commerce directly from this Commission. How will we know what has been going to the Chamber of Commerce so that we can sort of base future funding on.

County Manager Whitson – I have asked the Chamber to send me a budget proposal.

Commissioner Byrd – Do you need any other information to make a budget for the new EDC as this Board has passed?

Finance Officer Parsley – That would be like making a whole new department. So you will have to start from scratch. In other words you have zero balance and have to list your staffing, where you are going to put it, your start up costs. That's something you all are going to have to decide.

Commissioner Byrd – Would this that we are asking for June 30<sup>th</sup>, if we get that earlier will that help you create a budget? Or do you need it?

Finance Officer Parsley – It wouldn't me. No. I think you are starting new.

Commissioner Byrd – Ok.

Chairman Masters – We are – go ahead Phil.

Commissioner Byrd – That is just what I am saying, if we want to ask for it early that is fine.

County Attorney Hise – Mavis can you take the figures you have and determine what we ought to appropriate for the Chamber of Commerce?

Finance Officer Parsley – We have never appropriated money to the Chamber of Commerce.

County Attorney Hise – I know.

Finance Officer Parsley – So what are you –

County Attorney Hise – Can you determine how much we have been appropriating that the Chamber actually uses that they might need to have replaced?

Finance Officer Parsley – We know what the rent portion is and we know what the Directors –

County Manager Whitson – Mr. Hise, I'm the Budget Officer and I don't think I can. That is why I have asked for a proposal from the Chamber and I am going to need that same proposal from EDC. I need some funds to look at.

Commissioner Hollifield – Sounds to me like what she's got is an audit itself. If they've got listed that the EDC has given her the information that they need to give them and it is listed down where the money is going

Chairman Masters – It isn't. It is a balance sheet.

Finance Officer Parsley – Right. It is not an audit. It is just a budget request. It shows where they spend their money. It has no verification of that.

Commissioner Byrd – If the information that is called for here on June 30<sup>th</sup>, will be valuable for this Board to establish a budget for the new EDC then that is fine. Let's do that. If not then why waste the money to do that and then turn around again - If you don't need it you don't need it.

Chairman Masters – I will go ahead and speak on that. Phil, I feel like we do need it. That would suffice for the audit for that, because they have already received those county funds for the fiscal year. So that takes care of our portion for that I would think.

Commissioner Saylor – What you are asking for then is just instead having it June 30<sup>th</sup> have it April 15<sup>th</sup> and let that be it.

Chairman Masters – April 15<sup>th</sup> and then as we go into our planning we will have what they have used, that will help us set up the new EDC Board.

Commissioner Byrd – You'd still want another on June 30<sup>th</sup>

Chairman Masters – Not an audit. I think that will suffice for the audit. The audit itself of how they have spent \$341,000 in funds over the last four years

Commissioner Byrd – What about the money that is going to be spent from April till June?

Chairman Masters – Well if – I am not being disagreeable here at all. My point is this. If we don't have some of those facts – if we have those facts and figures it will probably expedite our planning on how we set up the new EDC Board and how we fund it. And I think we ought – if we wait until June 30<sup>th</sup> to get any of that it is going to put us in a tuff spot.

Commissioner Byrd – I understand that. I am not disagreeing with that. I am not arguing that point. I what I am saying is that you are not going to have one after the last three months.

Chairman Masters – That would cover the audit for the previous years for a four-year period.

Commissioner Byrd – I realize that. But from April 15<sup>th</sup> until June 30<sup>th</sup> this current Board will be sitting which you and Jim are a member of.

Chairman Masters – Right.

Commissioner Byrd – What about the money that is spent in those last three months?

Chairman Masters – Well I think when we see what they've got that we will know where it is going enough until we are satisfied.

Commissioner Byrd – So there won't be a second

Chairman Masters – No

Commissioner Byrd – So we will not worry about the second part of it.

Chairman Masters – No, that will be the audit to get us started on what we need. It will be covering the three-year period or a little bit more closer to the four-year period.

Commissioner Hensley – The reason I brought this up – the 15<sup>th</sup> – Basically all the taxes, individual taxes are over with. It gives us time to prepare a budget for the EDC instead of starting at June 30<sup>th</sup> with our fiscal year starting June the first it is hard to start June-

Commissioner Byrd – I understand that.

Commissioner Hensley – That is my point on this and I will say I will go along with whatever is left over they are going to spend it

Commissioner Byrd – I think we need to account for all the money and also the last three months. From my understanding the EDC is already preparing to give you that at Lloyd's request without any other part. I just think – trying to see why we're

Chairman Masters – Clarification

County Attorney Hise - I think the only thing that I requested other than what they have given us is the documentation for it.

Commissioner Byrd – Not a problem with them bringing that to you. What I am saying is if you are going to do that then you need to have the second one also for the last three months for accountability. If that is not an issue then why we are having one the 15<sup>th</sup> and we can have one and do it all.

Chairman Masters – If we have one and do it all and it is on June 30<sup>th</sup>, then we will start out on July 1<sup>st</sup> with a new EDC then we need those figures in helping us understand what we need to set aside as a Board in funds for that Board. I think that is what we need and it is a valid date. Ken, do you want me to come to you.

Commissioner Hollifield – Yah, let Jim go ahead.

Commissioner Saylor – I have already expressed my feeling on it, because we need something to work with on a budget. Just like you stated if we don't know what the figures are, where what has been spent until June 30<sup>th</sup> then July 1<sup>st</sup> we don't have anything started.

Commissioner Byrd – Mr. Chairman, I just feel like you – we have two members of our Commission Board that are sitting on that Board and I certainly hope and feel like that you all know where that money is going and we have the records that come in here every quarter to support

Chairman Masters – Phil, this

Commissioner Byrd – It is not like we don't have any records to go on.

Chairman Masters – It's not like we don't have any records to go on, what we are having to do here is that – very clearly in the contract that was signed an audit is specified. And we have discussed this before where we have come to the conclusion that an audit is going to be done. And it is part of the contract so it is a matter of when it comes in. And I think the 15<sup>th</sup> of April is a good day to have it in here. We can use that then as the basis for how we set our budgeting for the new EDC Board. You know if we wait until the 30<sup>th</sup> it will be a little tight.

Commissioner Hensley – That is the only reason I brought it up was just for budget.

Harper Wilson – Is it possible to comment here?

Chairman Masters – Very – not to try to keep you short or not to let you say what you want to but we prefer our comments at the end, but we will go ahead and take it here.

Harper Wilson – I appreciate that. I am not a member of the EDC as you and Commissioner Saylor and Manager Ryan and Attorney Hise are, but I am an official of the Chamber and of course we share the joint staff and have for a period of time. I am somewhat familiar with how the accounting works. I am also a former accountant. The word audit has been misused and is still

Chairman Masters – Harper, not to interrupt you, but I am going to interrupt you. We have already got over that the definition of an audit. So it is a use audit. We have come to a conclusion and agreement with the EDC on what that is.

Harper Wilson - Lloyd Hise's letter to the staff. He said in a paragraph it said you are not requiring an audit. Chair of the last meeting reiterated by Attorney Hise asked for the disbursements for the EDC by category which has already been done on a quarterly basis. That is the information that you have. The only other information requested is the supporting documents for those disbursements and cancelled checks. That is not an audit by any definition.

Chairman Masters – Thank you. Ok. 15<sup>th</sup> everybody live with the 15<sup>th</sup> then? Can you live with the 15<sup>th</sup>?

Commissioner Byrd – I can live with that. I think that is good. I think they are intent on doing that. I think they are doing more than that. They are doing more than what they are required.

Chairman Masters – Good. We are going to move onto the next item on the agenda, which is Mayland Community College.

**5. ITEMS FOR DISCUSSION**

**A. Mayland Community College** – Chairman Masters introduced Dr. Suzanne Owens.

Dr. Owens – Thank you all for this opportunity to be here. I requested to be on the agenda just to say hello and to introduce myself, but I think by now I have met and talked with each of you. I wanted to introduce myself as the new President at Mayland Community College and to thank you all for thirty-five years of support and funding for Mayland. This is our thirty-fifth year as a community college or as a college and we thank you for the support you have given over time. And I also want to thank you for the grant funding you set aside about two years ago to assist with training needs of the unemployed as we went through the major layoffs that have occurred. Because through that funding, I think over one hundred students were served in what was called Ready Core Training, which is literacy training, basic skills, interviewing, and basic computer skills so that people would feel prepared and be prepared for employment. Employment has occurred for some of those folks. So we thank you very much for that. Since I am here I have to brag just a little bit. I have been with Mayland for eighteen years and since 1997 we have doubled in size in terms of our curriculum students. We now have between fourteen and fifteen hundred students per semester in curriculum. We serve eight thousand people in Continuing Education and that is duplicated. Some people take more than one class. That is a major portion of our population. In the curriculum area thirty-eight percent of our students last year came from Mitchell County. We thank you for the support you have given us and look forward to a future partnership.

Chairman Masters – Thank you. We glad you are there.

County Manager Whitson – Chairman Masters if I can add to that, I had a real good meeting with Dr. Owens the other day up at the Library, I mean the Courthouse on the joint venture with Mayland and the Library on the Courthouse. She has some very good ideas. I think it is going to be real good for Mitchell County and the Bakersville,

Chairman Masters – Well, good. On a personal note I can't help but be proud that a Mitchell County native is at the helm.

Dr. Owens – Thank you.

Chairman Masters – Thank you for coming.

**B. EWP Project Amendment** – Chairman Masters – Kathy are you going to speak to that for us.

Clerk to the Board Young – This is the third Project Amendment for the EWP Project. We have \$225,000 that has been designated for our endangered species sites. We have not been able to start on those because of the guidelines and stipulations that we had to go through. But we have \$225,000 for DSR's 11-14.

Chairman Masters – Can you tell us what those are?

County Manager Whitson – They are along the river cleanups.

Chairman Masters – The Toe River and the North Toe River. The endangered species- the Appalachian Elk Toe Mussel

Clerk to the Board – The spirea plant

County Manager Whitson – This money was needed because more money was used for the slide in Spruce Pine than what was originally allocated.

Chairman Masters – Do we need to take any action on this?

Clerk to the Board – Yes, because you have to sign it.

Chairman Masters – Has everybody had a chance to look this over? It's rather confusing. Any comments or questions about this?

Commissioner Byrd moved to approve the EWP Project Amendment (a copy is hereby attached and becomes a part of the minutes). Commissioner Hollifield seconded the motion and it carried unanimously.

## **6. PUBLIC HEARINGS/MEETINGS**

**A. Date for Secondary Road Hearing** – The Board agreed to set May 15, 2006 at 6:00 p.m. as the date for the Secondary Road Hearing.

## **7. REPORTS/PRESENTATIONS**

**A. Tax Collector Update** – Tax Collector Garland – Just an update on where we are at. We are a little ahead of schedule this year as of Friday, 94.6% collection on the 05 taxes. A balance left of \$325,500 to collect for 05. One hundred and seventeen tax payers on a payment plan. Eighty-five in bankruptcy so we get payments from the bankruptcy attorneys. We are a little bit ahead of where we were at last year. Be advertised in the paper this coming week.

County Manager Whitson – Brian, are we a little bit ahead of our total?

Tax Collector Garland – Yes we are.

County Manager Whitson – At this point in time, we have collected more taxes than we did all of last year percentage wise.

Tax Collector Garland – For all of last year? At this time last year you are talking about?

County Manager Whitson – No I'm talking about for the whole year. Our collection rate I believe was 94.74.

Tax Collector Garland – At the end of the fiscal year.

County Manager Whitson – At the end of the year.

Tax Collector Garland - At the end of the fiscal it was. Right.

County Manager Whitson – So we are a little bit ahead right now over the whole entire year for last year, the entire fiscal year. That is great.

Chairman Masters – What is your percentage now? 94.6

Tax Collector Garland – 94.86 as of Friday.

Chairman Masters – Any questions for Brian?

Commissioner Hollifield – You are doing a good job.

Commissioner Byrd – Thanks.

Commissioner Hensley – Super job.

Chairman Masters – Thank you very much. We appreciate it very much. I know it's a tuff job.

**B. Mitchell County DOT Safety Program** – Chairman Masters – Barbara is going to give us an update on the DOT Safety Program.

County Manager Whitson – They are nationally known.

Chairman Masters – Congratulations by the way.

Barbara Buchanan – I want to thank Ryan and each Board member for inviting us to talk or brag a little bit about our Transportation Safety Program. We won't take up much of your time, but we want to talk a little bit about our program and DOT recognizing us for our hard work. Sheila, my Administrative Assistant and Safety Officer is here with me and will be talking a little bit latter. In 2004 DOT required all NC Transit Agencies to prepare and enforce a system safety plan. During this process when we were preparing it. We discovered that we were already doing a lot of the things that we were asking us to do. I think that is because we say safety is our top priority. First in 2001, I appointed Sheila as my Safety Director to help and approve and develop and complete our safety plan that we had in progress. And with all her other duties she has done an exceptional job, a fantastic job. A few of the safety procedures we have implemented – pre-employment, on going staff training, annual driver over the road evaluations, accident-incident reporting and investigation, vehicle pre-trip inspection and even facility inspection, detail vehicle maintenance records and preventive maintenance, and a drug free workplace. We are all in a random drug pool. We are glad to say DOT does recognize our hard work, our safety compliances and our safety records. In 2003 Mitchell County Transportation won the NC Regional Safety Award. Like I said I don't take the credit. I credit my Safety Officer and my staff and most of all the drivers that does many, many miles without an accident. But I say we are not perfect. I do receive phone calls. Ok you van was on my side of the road. Your van was going to fast. Ever incident is investigated and seriously handled. We do not take any for granted. . I am going to conclude my presentation with Sheila. She is telling about our most recent safety review from DOT and our accomplishments. This should be in your package and you can look at while she reviews it.

Sheila Grindstaff – I apologize for my voice. It has kind of left me today for some reason. On March 13, Mitchell County Transportation received two visitors. Mike Johnson and Debra Sapper from CUTR Center for Urban Transportation Research. DOT's Safety Officer called me and said this is a big deal. We have picked your Transportation System out of the smaller Transportation Systems because we had safety plans into existence and because we were implementing it. Because when we had accidents to come up and we had accidents, well backing incidents was the one biggie that kept coming up. We had two backing incidents. We had our accident review committee to meet and they had looked over what was going on and the fact that they were evidently being negligent when they were backing up and weren't looking. So the accident review committee met. We put a policy in place in the safety plan that the driver's have in a handbook that tells them – Well, actually we have a no backing policy. Do not back unless it is absolutely necessary. When they to back they are supposed to get out of the van and do a one hundred and eighty degree around the vehicle to make sure there is nothing behind them. Then they are to have a spotter if at all possible to help them back. Then when I was

looking for training to assist them in this there was none to be found. There was nothing on vans – passenger vans specific to backing. So I just, I didn't know I was doing anything grand, but I did a PowerPoint presentation and that they could watch and review and kind of reinforce the ideas that they were to get out and walk around the van, have a spotter and not to back at all if at all possible, to try to their self in a situation where they didn't have to back if they could. Sent this to DOT Safety Officer down there for her to look it over and see what she thought of it. With that she called me back and this is fantastic and I got many systems that need it can I send this out all over the State of North Carolina for other transportation systems to use. I said sure if you want to. So that is one of the reasons why NC DOT picked our rural Transportation System for Urban Transportation to come up and to look at our policy, what we were doing right in our post accident procedures. Code University, I am not sure if you had a chance to look at the brochure on it or not, but it was actually a really big deal. I didn't think much of at the time. Code is a University in South Florida, the College of the Engineering. They were established in 1988. They are recognized nationally and serve as an important resource for policy makers, transportation professional, the education system and the public. They provide high quality objective transportation expertise; provide tech support, policy analysis and research. Code conducts seven million dollars of research annually of which one hundred thousand dollars went toward this project where they came up and interviewed us for – it was a tool kit that will go out nationwide to all transportation systems for them to use in their post accident procedures. So of our little policies that we had here in place may end up in that tool kit that they will use nationwide. As Barbara said in 2003 we received the safety award NCPTA the Community Transportation Safety Award. This year we have filled out our form for the calendar year of 2005. We drove 203,771 miles. A total of 42,946 passenger boarding trips and our number of accidents were zero. Our best count of accident free days was 517. So we are very proud of our system and I am very proud of our drivers and they do an excellent job.

Chairman Masters – Sounds like you have done a pretty excellent job yourself on this. You both have done a good job.

Barbara Buchanan – I hope you could understand me.

Chairman Masters – We understood you and thank you for the presentation, both of you and for what you have done. I think it is outstanding that you program has been recognized.

Commissioner Saylor – It is outstanding considering the roads that you have to drive on.

Chairman Masters – I would say you have some of the roughest terrain in the county to transverse.

Sheila Grindstaff – The next Monday after they were up here we had a snowstorm. We were out on the roads in that so I sent Mike and Debra sent them a picture and said first day of spring in Mitchell County. I had actually been with one of the drivers doing a driver observance so I was taking pictures and I sent that one to them saying this is what happens to us on the first day of spring.

Chairman Masters – Well, thank you very much. Both of you very much we appreciate it.

Commissioner Hollifield – They've done a good job and I thank you. Great Job. Well done.

Chairman Masters – Anything else from the Board?

Commissioner Saylor – I am really proud of them. You know the Commissioners, you know if anybody has complaints we get them. I have not had one single complaint about the Department of Transportation. I appreciate that.

Barbara Buchanan – And I do too.

Commissioner Hollifield - That is good in a County. That is something to be proud of.

Chairman Masters – And we do get an awful lot of complaints. I have not had a complaint against your program either.

Commissioner Byrd – We thank you year after year. You all do a great job. It is one of the best programs that we have in the County and it serves a great purpose.

Commissioner Hensley – I can't believe you all drive all these roads with zero accidents. That is the biggest thing and haul all those people. Very, very proud.

**C. Economic Recovery Assistance Grant** – Chairman Masters – Ryan are you going to speak to that?

County Manager Whitson – I will let Kathy speak to that. She worked on that while I was gone.

Clerk to the Board Young – This is the grant that Dr. Owens was speaking of earlier. Dr. Owens what we are doing is doing an update on the CDBG. This is a requirement of the grant that the minutes show that updates were provided to the Board. It shows that you gave the Board a quarterly report.

Chairman Masters – Is there anything else you want to say about that.

Dr. Owens – No. We were extremely please with the needs expressed by those people who were displaced and that we were able to serve them through that funding. We were pleased to have been of service to you all and the community.

Chairman Masters – I think that it was a good thing that occurred. I think it was a big service to a lot of people who lost jobs. We appreciate what you did.

Dr. Owens – Thank you all.

Chairman Masters – Comments from the Board?

Commissioner Hollifield – Thank you.

Commissioner Byrd – Thank you very much.

**D. Minutes** – Chairman Masters – What you are saying here is that you prefer the minutes verbatim versus what she has been doing?

Commissioner Byrd – Yes.

Chairman Masters – Have you talked with Kathy?

Commissioner Byrd – Two meetings ago we adopted just action taken, I think it's important that it be verbatim. I think it is important to know why people vote the way they do. Not only how the way they voted. A lot of times it the circumstance. When you read that you get a different picture. I think it is good for the public. I don't mind reading it, if it takes all night. I think the public needs to know.

Chairman Masters – Sounds good to me. The only reason I think that it was ever done was to make it easier on Kathy, because she has so much and is covered up.

Commissioner Saylor – I think I was the one that made that suggestion and if she's got the tape and anybody has questions on what is on there, but whatever the Board wants to do is fine with me.

Chairman Masters – Yes, that is fine with me.

Commissioner Byrd moved that the minutes be verbatim as opposed to action taken. Commissioner Hollifield seconded the motion and it carried unanimously.

## **8. RELEASES/REFUNDS**

**A. Releases/Refunds for Board Approval** – Commissioner Saylor moved to approve the Releases/Refunds for Board Approval (a copy is hereby attached and becomes a part of the minutes). Commissioner Byrd seconded the motion and it carried unanimously.

**B. Releases/Refunds for County Manager Approval** – A copy of the Releases/Refunds for County Manager Approval is hereby attached and becomes a part of the minutes.

## **9. APPOINTMENTS**

**A. EDC Appointments** – Chairman Masters – The Board will make appointments to the EDC Board. If you should have any questions or need any information contact Ryan Whitson. What this is the two appointments, I guess its actually three appointments that we will make in accordance with what we approved last time – in last meeting on the make of EDC Board. The County will have two Commission members on the Board and one other position. That is what we currently have now and that was the proposal to the existing EDC Board. So we need to go ahead and discuss this. Jim and I are currently serving and Lloyd as the County representatives on this Board. I saw a question on your face.

County Manager Whitson – I believe County Attorney Hise is the one who needs to be appointed along with the two Commissioners.

Chairman Masters – Questions from anybody?

Commissioner Hollifield – What two Commissioners now- are you and Jim?

Chairman Masters – Jim and I are the two Commissioner that are currently sitting on the Board.

Commissioner Hollifield – But we are making up a new Board. Right?

Chairman Masters – We are going to have a new Board. We are going to have three members. You remember how it was. Lloyd has served and basically served, as Counsel for the Board, to the EDC Board is what I am talking about. His function has been not only to fill a seat but to act as Counsel.

Commissioner Hollifield – I agree with that and I think that is a good move. But I would like to see Commissioner Byrd set on that EDC Board.

Commissioner Saylor – I am satisfied with the Board the way it is.

Chairman Masters – I will serve again if I am asked. You will serve again if you are asked?

Commissioner Saylor – Yes.

Chairman Masters – Lloyd, will you serve again if you are asked?

County Attorney Hise – Yes, I will.

Commissioner Byrd – I make a motion, Mr. Chairman to appoint Mr. Hollifield to the EDC Board.

Chairman Masters – Ok. We have a motion made to appoint Ken Hollifield to the EDC Board. Do we have a second? Do we have a second? We do not have a second.

Commissioner Byrd – Mr. Chairman, may I call for a vote on that?

Chairman Masters – Can we do that? Vote or do we need a second?

Commissioner Byrd – With the rules we adopt-

County Attorney Hise – A nomination does not need a second. All right. All those in favor of Ken serving on the EDC Board signify by saying I. Commissioners Byrd and Hollifield voted yes. Commissioners Saylor, Hensley and Masters voted no.

Chairman Masters – Now what do we do from here? We are going to have to appoint somebody.

Commissioner Hensley – Since Jim is on it. I'll ask him.

Chairman Masters – All in favor of Jim serving on the EDC Board signify by saying I. Commissioners Hensley, Masters and Saylor voted yes. Commissioners Hollifield and Byrd voted no. I guess it comes down to Lloyd this time. We have two other slots to fill. What are we going to do? We need another Commissioner and another appointment. Somebody is going to have to do it because I can't.

Commissioner Saylor – I nominate Lloyd.

Chairman Masters – All right. All in favor of Lloyd Hise serving say I. All the Commissioners voted yes. Lloyd believe it or not you are unanimous.

County Attorney Hise – I really would not want to take it if the Board didn't want me.

Chairman Masters – All right, we have one other one. That is the slot that I fill. That does not necessarily have to be me filling it. What is your pleasure? Somebody is going to have to do something.

Commissioner Hollifield – I nominated Phil Byrd.

Chairman Masters – All right. All those in favor of Phil Byrd being on the Board say I. Commissioners Hollifield and Byrd voted yes.

Commissioners Hensley, Masters and Saylor voted no. All right. We are back where we were.

Commissioner Hensley - That leaves you because I don't want it.

Chairman Masters – In a case like this can I make a nomination?

County Attorney Hise – No, somebody is going to have to nominate you.

Commissioner Saylor – I nominate Keith.

Chairman Masters – Well, I mean as Chairman, I cannot make a nomination –

County Attorney Hise – I don't think so. But you have been nominated.

Chairman Masters – All right, I have been nominated. All in favor signify by saying I. Commissioners Saylor, Hensley and Masters voted yes. Commissioners Byrd and Hollifield voted no. Well we got it.

## **10. RESOLUTIONS/PROCLAMATIONS/ORDINANCES**

### **A. Resolution Covering the Uninsured** – Chairman Masters – Are there any questions or comments about it?

Commissioner Byrd moved to adopt the Resolution Covering the Uninsured (a copy is hereby attached and becomes a part of the minutes). Commissioner Hollifield seconded the motion and it carried unanimously.

### **B. Pine Run Ridge Resolution** – Chairman Masters – I got a letter about this and I think that it is in your packet about Pine Run Ridge Road being added to their system and we would have to approve this before the road is considered to be added to the state system.

Citizen from Pine Run Ridge Road – I have just been working on this for about a month and a half trying to get something done with it, because the road is very dangerous. There are 32 homes on this road. The road ain't very long at all. We got school bus traveling up and down everyday. We got UPS flying up and down it. We got FedEx flying up and down it. We have a Mexican man that's got a business down there. All of his Mexican people come in there everyday. They ride buses out. The dust problem is ridiculous. I was told a month ago to take my fence down and it would be looked at to be taken over by the state. The fence has been torn down over a month and what I get from BellSouth, Progress Energy and the DOT in Asheville and McDowell County the ball is in our court in Mitchell County. I have a letter here where it has been proposed since March 2001 so I am just curious as why it has taken so long?

Chairman Masters – Probably, because of how DOT works. We worked on this about a year ago and I know Phil Frye did some work on it. We ran into some problems with the utilities, but I guess that's overcome now.

Citizen from Pine Run Ridge Run – Everything has been moved. All the fences have been taken down that they requested be done. I contacted BellSouth. According to BellSouth they are waiting on Mitchell County to submit paperwork to them that they have to turn back around and submit to Mitchell County.

Commissioner Byrd – I was contacted about two weeks ago or three weeks ago, everything is set to go all they need is a resolution from us. That is why I asked that it be put on the agenda. It is ready.

Citizen from Pine Run Ridge – Back when Mr. Howell was selling these lots, my neighbor Tina and Melvin Gardner were the first house in there. He told them, that has been fifteen years; they were going to pave that road. I have lived there since 2002 and I am like Danny. The dust – I park the church van in my yard and when you come out to get in you bout have to wash it to go get riders to take them to church. Like I said UPS trucks come out of there. They fly out of there and it just unbelievable. I have already pressure washed my house once already. That is just upkeep, I know that. It is just crazy. There are thirty-two homes that live in there. He told me when I bought my lot in there they were going to pave it. I went over to the State Department and talked to a heavyset guy, I don't know his name. He gave me the same names as the fellows of Marion and I called them. They came up there and looked at it one day. Some of the State people, I don't know if they were from Marion and I talked them. That has been a year and a half ago. I talked to Representative Philip Frye about it and he said that he would see what he could do. As many people that goes in and out of there in a day, we need that road paved, because it is a mess.

County Manager Whitson – Are all the potholes still there?

Citizen from Pine Run Ridge – Yes. I have small children and you can't turn them out because people come down there flying and if they hit their brakes they are not going to stop. They are going to slide right into them. So you have to worry about your kids.

Chairman Masters – Well, we will go ahead and do what we need to do to get it started. We have worked on this before with the Street's that live there.

Commissioner Saylor – I have one question.

Chairman Masters – Let me come back to you.

Commissioner Hollifield moved to adopt the Pine Run Ridge Resolution (a copy is hereby attached and becomes a part of the minutes). Commissioner Hensley seconded the motion and it carried unanimously.

Commissioner Saylor – The only question I had was, I looked over your petition and does it have all the land owner that live on that road signed it.

Chairman Masters – Has everybody agreed to it in other words?

Citizen from Pine Run Ridge – Yes.

**C. Resolution in Support of Extending the Entrance to Spruce Pine Community Hospital – Chairman Masters – Any comments, questions?**

Commissioner Hollifield moved to adopt the Resolution in Support of Extending the Entrance to Spruce Pine Community Hospital (a copy is hereby attached and becomes a part of the minutes). Commissioner Byrd seconded the motion and it carried unanimously.

**D. Surplus Property Resolution – County Manager Whitson – I asked Attorney Hise to look into this. We have four old vehicles that aren't running and probably have a junkyard come and pick up. They are an eyesore in Bakersville and that is the big reason just needs to get rid of them. I think that County Attorney Hise saw that we need some more done.**

County Attorney Hise – We started looking at this. I couldn't find where the County had ever adopted any procedures on how you deal with surplus property. I think it had always been assumed that you could just get rid of it. The law dealing with sale of property applies to all property you sell. The law says if the County wishes to on property valued less than \$5,000 that it can adopt regulations for disposing of that property other than just doing under the general law for disposition of property. So you either have to adopt your own rules or you go by the state rules; which is advertising for bid and all this other stuff. I did ever find where we had ever adopted own rules. So, I thought before we start doing something we need to adopt some rules. Basically, what I did was prepare an Ordinance dealing with personal property valued less than \$5,000. I broke it into two categories: less than \$500 and then between \$500 and \$5,000. Basically, left the under \$500 to the County Manager to dispose of. I did require in each that you at least post a notice on the bulletin board that you were going to do it. So that every citizen would have some opportunity to the chance to bid on it. Then the notice would be published for ten days here and at the Courthouse. That is what this does provides for giving notice and then receiving sealed bids. If you don't get any bids, you sell to whomever you get the best offer from. It also provides that if it is something that is a potential danger to public health or safety the County Manager can deal with it.

Commissioner Saylor moved to adopt the Ordinance Regulating the Sale of Surplus Property Values at Less than \$5,000 (a copy is hereby attached and becomes a part of the minutes). Commissioner Byrd seconded the motion and it carried unanimously.

County Attorney Hise – There is another Resolution Declaring Personal Property to be Surplus and Directing the Sale Thereof.

Chairman Masters – We have listed on that four vehicles. One is 1987 Jeep Cherokee; one Ford Taurus VIN# FFACP5248PA195555; one 1996 Ford Crown Victoria; One 1985 Dodge Pickup Truck. Any comments or discussions about this?

County Manager Whitson – To my knowledge none of these vehicles are operable except the Jeep and it has 200,000 miles on it and it doesn't need to be driven.

Chairman Masters – Any comments from the Board?

Commissioner Hensley moved to adopt the Resolution Declaring Personal Property to be Surplus and Directing the Sale Thereof (a copy is hereby attached and becomes apart of the minutes). Commissioner Byrd seconded the motion and it carried unanimously.

- E. Eminent Domain Resolution** – County Attorney Hise – Mr. Chairman, I will apologize to you and to the Board, that is something that I absolutely did not have time to get done before this meeting. I have reviewed several new laws and new resolutions dealing with it, but I don't have it.

Commissioner Saylor – A man can just do so much, can't he?

Chairman Masters – Well, we will reschedule that Lloyd and give you time to work on that if it is all right with the Board.

- F. Dialysis Center Resolution** – Chairman Masters – I asked that this be put on. I have talked to Chuck Vines and talked to Wes Foy and Gregg Henline about this. That is the dialysis center. It really looked good for the dialysis to be located in Mitchell County near the hospital. Yancey County really put up a fuss. They've got some people looking at it. I

think that logically the dialysis center needs to be in Mitchell County. I think logically it needs to be located near Spruce Pine Hospital. Yancey County's argument that it be there was that they had seventeen patients and Mitchell had seven. I don't know how many in Avery, I don't recall right off. I think that is kind of a moving target in years to come I don't think that Mitchell County wouldn't have more or Avery more than Yancey. I think that logically it is the center of the Mayland area and we do have the hospital there. So it seems to me that it would be logical for it to be there. It looks to me like the best way we can address this is a Joint Resolution with the two Town Boards and the County. Now, Kathy has been on the phone with Bill Hyland. There are going to be here on the 18<sup>th</sup> and I think they want to talk to some of us. I think that it is possible that they would prefer to meet with Ryan and maybe a County Commissioner. I am not sure. I think there might have been a little problem with the way it handled in Yancey with them.

County Manager Whitson – Yancey invited them to come up and talk, but neglected to tell them it was a Commissioner's meeting.

Chairman Masters – I think they were uncomfortable with the way it was there. They want to provide information to us. My opinion of this is we need to do everything we possibly can to get this dialysis unit located in Mitchell County and near a hospital. That is my opinion. We will go with comments from the Board.

Commissioner Hensley – I am behind it 100%. We need the dialysis center here. Like you say it is the hub.

Chairman Masters – Do you all feel like, as a Board that this is the best way to approach this is the Joint Resolution? How does the Board feel we need to go at this?

Commissioner Hensley – Basically, I think that it is the only way.

Chairman Masters – I know Yancey had a lot of petitions.

Commissioner Hollifield – They also agreed to put up the land to put it on.

Chairman Masters – Yes, they did.

Commissioner Hollifield – They are making it attractive for the dialysis center to come there.

Commissioner Byrd – I have some petitions also, that we can use to get signatures.

Chairman Masters – I wonder what they thought about the petition part. Did they like that?

County Manager Whitson – I have had several discussions with Mr. Hyland and have known Mr. Hyland for several years, but I thought everything was set and good to come to Spruce Pine and Yancey County is pitching a fuss over it. The Certificate of Need is for the three counties, Avery, Mitchell and Yancey County. I don't hardly see how you can put a dialysis center on the far end of Yancey County and serve Mitchell and Avery County. It just doesn't make sense and I don't think it meets their Certificate of Need. My biggest concern about this is if Yancey County keeps protesting, we might not get a dialysis in the three county areas in any of the counties.

County Attorney Hise – Folks, I will be very frank on this. You are dealing with a private enterprise that is obviously looking to minimize the

cost of start up and looking to maximum use when they start up. Cost is a major factor. Yancey County is making the cost a little less. This resolution that you have speaks of cooperation between the governing bodies in term of providing utilities and other matters and economic incentives. Those are in there. You are familiar with them. You have used them time and time again. You know how they work and how they don't work. They are in your resolution. At some point, if Yancey County is offering incentives and we're not. I am pretty sure I know where that center is going.

Commissioner Byrd – On the Certificate of Need, I attend the public hearing for that, just to see if we could obtain that. Last summer I went over to Asheville and participated in that. We had about 20 citizens from Mitchell County that was there. We had 1 member from Yancey County and it was from Transportation, if I am not mistaken. Mitchell County worked hard to get the Certificate of Need passed to begin with or it wouldn't even be thought about coming to Yancey County. I think we need to address that with the petitions and remind them of that. Yes, dollars are going to speak. But, let's see if we can't at least use some pressure of a gentlemen's agreement. We are the reason you are here to begin with.

Chairman Masters - Yes, I think so too. That is what we need to do. I think we probably need to have a petition.

Commissioner Hollifield – I think we ought to do more than just the resolution. I think we ought to do more or we are going to loose it.

Chairman Masters – All right, let's start with the resolution, start with the petitions and Lloyd have you worked on the wording on the petitions for us?

County Attorney Hise – No, I have not. I just drafted the resolution.

Commissioner Byrd – I think it might be good for a Commissioner to be addressing with them and if you all would approve of that, I will continue speaking with them.

Chairman Masters – I thinks so. Phil, I think it would probably be a good idea maybe when this is set up and see how they would like the meeting to be structured, if you would be there.

Commissioner Saylor – Phil, also on the Certificate of Need we have, one of the big reasons that we got that to begin with was because people from here was having to drive so far. So if Yancey County is looking at the far end of the County, people from Avery County are going to have a long way to drive.

Commissioner Byrd moved to adopt the Joint Resolution of Mitchell County, the Town of Spruce Pine and the Town of Bakersville (a copy is hereby attached and becomes a part of the minutes). Commissioner Hollifield seconded the motion and it carried unanimously.

County Attorney Hise – That resolution needs to be forwarded on to the Town Councils.

**G. Resolution to Oppose the Federal Sale of Land** – Commissioner Byrd is to gather further information on this issue and get it back to the Board.

**11. COUNTY MANAGER'S REPORT** - I have completed the course at the IOG at Chapel Hill last week.

12. **BOARD COMMENTS** – Chairman Masters – There is a little ugly thing coming up called an election that three of us sitting here has to go through. The next Commissioner’s meeting is going to be the night before the election. I am going to be rather busy.

By consensus the Board agreed to postpone their regular meeting until May 8, 2006 at 6:00 p.m.

13. **CLOSED SESSION** - None

14. **CITIZEN & AUDIENCE COMMENTS**

A. **Matters on the Printed Agenda** – Ed Reid – I would like to speak on the DOT. I have been on Cane Creek for about eight years. Last week I came out of Cane Creek behind a public transportation van for about six miles and it never crossed the yellow line one time. Where I grew up that would not have happened.

B. **Matters not on the Printed Agenda** – James – There is something that has bugged me for several years. There is a \$1.50 tax on our phone bill for 911. It was supposed to be on there for four or five years until they got 911 up and running. It is still on there. When are they going to take it off?

Chairman Masters – Someone other than me is going to have to address that.

County Manager Whitson is to make a report on this and have it at the next.

15. **ADJOURNMENT** – Commissioner Hollifield moved to adjourn the meeting. Commissioner Saylor seconded the motion and it carried unanimously.

The meeting adjourned at 7:29 p.m.

MITCHELL COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Keith Masters, Chairman

\_\_\_\_\_  
Ken Hollifield, Vice-Chairman

\_\_\_\_\_  
Phil Byrd, Member

\_\_\_\_\_  
Mike Hensley, Member

\_\_\_\_\_  
Jim Saylor, Member

ATTEST:

\_\_\_\_\_  
Kathy Young, Clerk to the Board

