

MITCHELL COUNTY BOARD OF COMMISSIONERS

MINUTES

REGULAR SESSION

JULY 2, 2007

NORTH CAROLINA

MITCHELL COUNTY

The Mitchell County Board of Commissioners met in regular session on July 2, 2007 at 5:30 p.m. in the Commissioner's Conference Room, Administration Building, Bakersville, NC. Those present for the meeting were Phil Byrd, Chairman; Lisa Sparks, Vice-Chairman; Mike Hensley, Member; Patrick Phillips, Member; Jim Saylor, Member; Phil Castro, Interim County Manager and Kathy Young, Clerk to the Board. Also present were Hal Harrison, County Attorney; Mavis Parsley, Finance Officer; and Donny Wisor, Reporter with the Mitchell News-Journal.

1. **CALL TO ORDER** – Chairman Byrd called the meeting to order at 5:30 p.m.
2. **INVOCATION** – Harper Wilson gave the invocation.
3. **PLEDGE OF ALLEGIANCE** – Commissioner Hensley led the Pledge of Allegiance.
4. **ADDITIONS OR CHANGES TO THE AGENDA** – Commissioner Hensley moved to separate the Subdivision Ordinance from Item 11. C. Commissioner Saylor seconded the motion and it carried unanimously. Chairman Byrd asked that it be placed as Item 11. D. to add the appointment of Gus McKinney to the Employment Security Commission as Item 12. A.
5. **ADOPTION OF AGENDA** - Commissioner Hensley moved to adopt the agenda with the changes. Commissioner Sparks asked when Item 11 C. was separated was it the Cooper Contract then the Subdivision Ordinance as Item 11 D. Chairman Byrd stated correct. Commissioner Sparks seconded the motion. Commissioner Saylor asked Subdivision Ordinance – Chairman Byrd stated 11 D. Commissioners Saylor and Hensley disagreed. Chairman Byrd stated there was a motion to separate those two. Did we have a motion to place it in a certain place on the agenda? The Chair will be open for a motion to place the subdivision. Commissioner Saylor moved to place the subdivision ordinance as Item 11. C and the contract as 11. D. Commissioner Sparks stated there is a motion on the table. Chairman Byrd there is a motion to adopt the agenda. So I will have to ask you to withdraw that motion. Commissioner Hensley moved to withdraw his motion to adopt the agenda. Commissioner Sparks withdrew her motion. Commissioner Hensley moved to place the subdivision ordinance in 11. C. and the contract in 11 D. Commissioner Saylor seconded the motion. The motion failed to carry with a vote of two to three. Commissioners Byrd, Commissioner Sparks and Commissioner Phillips opposed the motion. Commissioner Sparks moved to put the contract with Garry Cooper as Item 11. C and the Subdivision Ordinance as Item 11. D. Commissioner Phillips seconded the motion and it carried 3 to 2. Commissioner Hensley and Commissioner Saylor opposed the motion. Commissioner Sparks moved to adopt the agenda with the proposed changes. Commissioner Phillips seconded the motion and it carried 3 to 2. Commissioner Hensley and Commissioner Saylor opposed the motion.

6. **CHAIRMAN'S COMMENTS** - Chairman Byrd informed the Board that Senator Joe Sam Queen has secured \$25,000 Planning Grant for the Mitchell County Historic Courthouse.

7. **CLOSED SESSION** - Commissioner Sparks moved to go into Closed Session in accordance with G.S. 143-318.11(a)(4) which reads as follows: to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. Commissioner Saylor seconded the motion and it carried unanimously.

Commissioner Phillips moved to go out of Closed Session. Commissioner Sparks seconded the motion and it carried unanimously.

Closed Session was held from 5:40 p.m. until 6:10 p.m.

No action was taken as a result of the Closed Session.

8. **PUBLIC HEARINGS/MEETINGS**

A. **Activation & Funding of a Local Education and Government Access**

Access Channel – Chairman Byrd called the Public Hearing to order at 6:11 p.m. Chairman Byrd closed the Public Hearing at 6:12 p.m. No comments were received.

B. **2007-2008 Proposed Rural Operating Assistance Program (ROAP)**

Application - Chairman Byrd called the Public Hearing to order at 6:13 p.m. Chairman Byrd closed the Public Hearing at 6:14 p.m. No comments were received.

C. **Submission of a CDBG Small Business & Entrepreneurial Assistance**

Grant - Chairman Byrd called the Public Hearing to order at 6:14 p.m. Chairman Byrd closed the Public Hearing at 6:15 p.m. No comments were received.

9. **REPORTS/PRESENTATIONS**

A. **Update on Revaluation** – Robert Haskins gave the board a brief update on the revaluation. He introduced Gary Eanes to the Board. He stated he is a partner with the company hired to do the revaluation, Wampler & Eanes. Gary has about 30 years experience in appraisal and revaluations and is very well qualified. Robert stated he had enjoyed working with him and he operates very professionally. Robert gave a brief rundown of what happens when the property is visited and where they are with revaluation. As of now they are in the process and will continue doing them until August of next year, studying the market and developing sales to try and develop a schedule of values. This will probably be presented in August of 2008. He stated the company, along with himself are reviewing all the sales to find out which ones are legitimate sales. They are visiting the property, they're re-measuring them, their interviewing the realtors who were involved in the sales of the property and the property owners. They are trying to find out if there are other considerations on the property that would skew the value that has been filed with the Register of Deeds. Robert spoke of one property in which there is a house, furniture, a tractor and a F150 Ford pickup truck, which skews a sale, and information needs to be checked to make sure information is accurate and correct. Robert also stated that in a couple of weeks they would actually start looking at some properties. Some places call it listing, some reviewing, but they will be verifying the data on the home. They will be looking at the home to see if there is any new addition on it, they'll measure it and talk to the homeowner to let them know what is being done. If the owner is not there, they will leave a card and the card will come back to the revaluation company and it allows input from the property owner to see if there is any incorrect data in the event it needs correction. There's questions on the card asking when the house was built or remodeled, how many baths, is there a basement (full, half, finished or partially finished), attic and type of heating system. This will help records be approved. Robert remarked that they will be very professional and courteous and wanted to let the Board know where they were in this process. Robert offered to answer questions or concerns relating to this issue. He also added in closing that the one

thing they and the staff would be trained to do is to address concerns about the value. They will go out and look at the property and take some photographs for the board of equalization to review. This will be easier to see and they can make the needed decisions. He shared that a lot of times it's hard for the property owner to explain themselves or know the exact term to use. They may be trying to say their house doesn't have a certain item and we know the correct terms used to help make sure the property is valued correctly and they also get the correct assessment on their home.

Commissioner Sparks asked how new subdivisions and how neighborhoods were broken down.

Robert responded by saying they are going to look at the new subdivisions and price them so they do not effect the surrounding property owners. Robert assured the Board he would keep them updated and let them know how things are progressing.

B. Update on the Historic Courthouse – Daniel Barren stated the Historic Committee did write a grant for \$25,000 working closely with the County Commissioners. He stated it was a county grant submitted to the North Carolina Rural Center and Mr. Queens office made the announcement regarding this and were not instrumental in creating it. Daniel did say however, that he knew Mr. Queen was working very hard to get money for this project and this county. He stated they were trying to keep the whole process as A-political as possible. He stated they had scheduled meetings with the offices of Mrs. Dole, Mr. McHenry, and Mr. Burr. He stated they were working very closely with all the political figures to try and find the money to make the courthouse work. He shared that at this point the \$25,000 would put them over the top as far as getting the money for the engineering assessment as well as the remainder of the architectural drawings. He also stated that a very generous person, Ms. Carolyn Morphy, had given them \$10,000 and they planned to announce it in the newspaper at a later date. This money will give them headway as far as the planning documents go. Daniel reported that documents have been submitted to County Commissioners and he hopes they have had an opportunity to read through them. The committee agreed on the 14th of June that they would consider themselves the Mitchell County Historic Courthouse Foundation. Articles of incorporation have been submitted and they plan to seek their own 5013C so that they can continue to raise the money for the renovation of the courthouse. Daniel stated that their goal was to raise the money to renovate the courthouse and to make it totally useful and also to make a cushion so they can hire a manager for the facility similar to what the town of Burnsville has with their Town Center. They hope to lease the property owned by the county and lease it to the foundation for larger than what was first thought to be 10 years, but since then to lease it for larger amounts of money and to take it out of the management of the county. That way it wouldn't be a county building used for county business, but for historical or educational use. If there were a lease for 15 to 20 years the foundation managing the facility would stand a better chance to get the larger dollars. Daniel did bring three recommendations from the Committee. First, what would the people of the county like for the building to be? This is what is proposed for the county to agree upon. Second, the Committee asked that the property be released to the Mitchell County Historic Courthouse foundation. Third and most importantly is that all people in the county, elected officials, volunteers or general community, work closely together and make this a countywide effort. This would not only be for the town of Bakersville, but for the entire county. He then stated another thing to be added was that they had some "principles of lease agreement" that they would like to be considered. He stated they realize they would have to go through all the legal ramifications and a lot of legal worries. By this, they know what is needed, but they are not lawyers and do not have a lawyer to represent them so they know they will have to put their request into lawyer language. The three recommendations are on the table and Daniel stated he would be glad to answer any questions.

Commissioner Sparks stated she was very pleased with the project and that it would be a benefit to every taxpayer in the county. She also, added that those involved had worked very hard on the project.

Daniel thanked Commissioner Sparks and stated that three strong groups of people had worked very hard on the project and that all three had made progress and he sent out a thanks to them as well.

Commissioner Saylor stated that he and Mike Hensley had a couple of questions and started out first by saying that he was in agreement with leasing the courthouse but that there was a couple of things he could not go along with. One of them being the courthouse should not be sold except as a last resort. He also stated it should not be sold or used for commercial use regardless. He stated it was the last resort he did not like.

Daniel stated when they conducted the last town meeting they asked the people what they felt was important about the building. They discussed the last resort which would be only if they could not maintain the building. Daniel stated the group felt it would be better sold to an entity rather than torn down or to see the building fall apart. He also stated they believed very, very strongly the building should not be sold at all. They also believe very strongly that it should not be used as a commercial building of any sort. He shared there were representatives present and that is their view as a committee and they have voted on that fact. He stated he would be happy to strike that and put that in. He shared again he just didn't want to see the building fall apart or be torn down and that selling it would be a total last resort. He then stated he fully believed that there was enough support within the county that this last resort would not happen.

Commissioner Saylor relayed to Daniel that he was correct on that, but that he still would like it stricken from the record.

Daniel stated he would put into the documents that the building would not be used as commercial property or sold, period. He stated that he didn't think there would be argument from any committee member.

Commissioner Hensley stated he had a question but that Jim had already taken care of it. He then relayed that there again, it had been discussed among the board, that the building not be sold or used as commercial. He then asked the question, "Who is the Bakersville Improvement Group"?

Daniel shared that the Bakersville Improvement Group was a group of people who meet every third Thursday of the month. They put on the Rhododendron Festival, they do the Easter Egg Hunt, decorate the town for Harvest Festival and the Pavilion/Creek Walk, which they helped develop. They help with anything that goes on in town.

Commissioner Sparks commented that they pretty much help with any Bakersville event that goes on in town.

Mike Hensley stated he had a couple more questions and didn't want to offend anyone and if he did, he apologized. He shared that he noticed the Bakersville Merchants Association and Spruce Pine Merchants Association were apart of this issue.

Commissioner Saylor stated he didn't know for sure what the correct name of the Association was supposed to be.

Daniel stated they were unclear on the correct title but that it was probably the Merchants Association. He shared they were working with Kaye Goins, who is connected with main street and that she understood about this and was the person they had been working with.

Commissioner Hensley then asked if that would not suffice for the building to be used only by the Chamber of Commerce since they represent pretty much all the businesses on this committee. He stated he was looking to reduce the committee

rather than increase it. He apologized again just in case he was offending anyone in Bakersville or Spruce Pine.

Daniel stated that Harper Wilson was a member of the committee and a member of the chamber.

Harper Wilson then begin to address Commissioner Hensley by stating that the Chamber had a broad view of the issue by virtue of representing most of the businesses in Mitchell County, Yancey County and some in Avery County also. He relayed that the three groups Dr. Barron mentioned, had a special interest in this sort of project and he stated he felt the Chamber would not be able to represent the special interest in this project as well as the other groups.

Commissioner Hensley then asked Harper Wilson to tell him what some of the interest might be.

Harper stated the big interest the B-I-G interest is the old Rhododendron Committee or RFI (Rhododendron Festival, Inc.). They were very instrumental in getting the Creek Walk and doing a lot of improvement with the town. The Spruce Pine Merchants Association is discussing merging with Main Street and that is why the equivalent was put in writing. They have an interest of bringing tours and so forth to the county which sticks to the philosophy of all three committees for the project to be county wide rather than just a Bakersville project and causing Spruce Pine people to come to this end of the county.

Commissioner Byrd stated he appreciated the work that everybody involved had done. He shared that one of the main things he had enjoyed about this project was the community involvement. He stated the ideas mentioned were their ideas and that this was the most important thing to him. He stated he liked it and appreciated it.

Daniel stated that in talking to the people at the North Carolina Rural Center, they were also impressed with the fact that they had brought this many people together to work toward a county wide effort. This is even though again, one would be naive in believing that the courthouse doesn't mean a lot to the people of Bakersville. He stated they had tried hard and had "an argument" that this building would have a positive effect and can be used for the people of the tri-county area and not just Bakersville.

Commissioner Byrd asked Daniel if he needed action on the issue tonight.

Daniel stated they would like that.

Commissioner Byrd asked if all had an opportunity to speak on the issue and were there any more questions for these recommendations. He mentioned the one adjustment that was to be made which was to strike the last part of what Commissioner Saylor had asked for.

10. PUBLIC COMMENTS

Robert Hopson – stated that it seemed to him that Village of Penland was a big scheme that had happened to Mitchell County and probably the biggest in the state of North Carolina. He stated there was a lot of County Officials, and the Chamber of Commerce that was involved in inviting them along with the paper. He told Commissioner Byrd he believed his picture was in the paper where he had wished them "good luck" and he believed Commissioner Byrd had stated that at a previous meeting and asked him did he not state that.

Commissioner Byrd responded to Mr. Hopson by stating he would share with everyone present, this one time that he did wish them "good luck" as well.

Robert Hopson interrupted Commissioner Byrd before he completely finished his response by telling him that was all he asked.

Commissioner Byrd shared that he would have done the same with anyone else and secondly, he stated that he did not have any involvement in any alleged illegal activities with them or anybody else. He stated flat-out that was it, that was his statement and he wouldn't speak anymore on the subject and proceeded to tell Mr. Hopson to continue with his comment.

Mr. Hopson then added that he knew of two Commissioners who had actually come out in the papers stating that they knew about the issue and he felt that the rest of the Commissioners should as well. He added that their involvement in this matter should be out in the open with the people reading the papers so if anything did come up, the Commissioners would be clean, if not they would be guilty. He also stated that anyone involved with this scheme toward the people of Mitchell County, should resign, all the way up to the Chamber of Commerce who promoted in the paper it's success and by stating it would create as many as 458 jobs. The next week it was listed in the papers as a great success. Where are they now? He asked if anyone from the Village of Penland was present. He also added he thought that Shirley Hise, Director of the Chamber of Commerce should resign and all the members involved should resign. He also asked Commissioner Byrd to resign even though he may not have been involved, because he had wished them good luck, was present at their meetings and had his picture taken for the paper.

David Woody - stated that the Village of Penland had been a great disaster to Mitchell County, a hard hit, an extremely hard hit. He stated it would be a hard hit for many, many years and months to come. He stated people really had to think about what was going to be done to recoup in order to gain their dignity back. He stated that he felt that people at the present didn't want to move to Mitchell County and if the name of Mitchell County was mentioned to people their response was "not me, I don't want to move there". This is because they take you back to this issue and that's sad. He stated they were probably thinking we were unexpected, unknowing and unknowledgeable of what was coming down the pike. He stated that when these people come in promising the moon that they are not going to give us anything. They are going to take what they can get, leave town and leave the taxpayers of the county holding the bag. Mr. Woody then shared the one thing he wanted to stress was that the Villagers' of Penland were gone. He stated they had already dug out, got what they could get, took our pride and took our money and left town. He stated he believed there ought to be some kind of subdivision ordinance put in place, today, as soon as possible to protect us so that when the next person comes to town they will have to meet the Board, they have to have a plan, financial backing and proof the money is there and that they aren't going to have to borrow from our local banks and make them suffer. He stated that our local banks had taken one terrific hit and that it's our money and that the money has to be accounted for, causing himself and others to have to pay two percent more because of this. He relayed again, that there needed to be some kind of County Ordinance to protect the tax payers of Mitchell County from allowing this to ever happen again, such as the "fly-by-nights" who say they will bring 500 jobs and that they are going to create this and are going to do that. He then stated that if someone could come in and create the jobs and build the homes then they should "do it", but they should be able to show the people they can do what they say they will. He asked those who can do it to show financial backing without borrowing the money, to show the million dollars upfront. He shared that these land deals without proof were going to come back to bit us every single time. He stated he didn't like being "took" nor did others and he then asked the Board to please consider putting something into place as soon as possible to make everyone proud and happy; something that will protect the county from this ever happening again, unless sources have come through every legal bounds that they can to prove that they can do what they say they will. He then thanked the Board for listening.

Mr. Lewis Shaw - asked a question directed to Commissioner Byrd. He stated he knew he was in real estate and that he had seen a document going back to January 2001 with Phil Byrd's name on it and several other documents. Mr. Lewis asked Commissioner Byrd since he was in contact quiet often with those involved in this

matter, if he didn't realize there was a problem especially since it involved investors, brick layers, engineers, businesses, people who do roadwork and added he was not accusing Commissioner Byrd of anything he just wanted to state that he thought Commissioner Byrd would have had the intelligence to realize that there was a problem that needed to be brought to someone's attention. He relayed to Commissioner Byrd that he surely should have seen the fuse that was being lit and that has already exploded and that it seemed to him that there should have been great incite has to what was happening to get in this position to damage the stunned citizens of Mitchell County. He asked Commissioner Byrd why he was not more aware of what was going on being in his position and how did the issue get to this point.

Commissioner Byrd shared that he was going to stick with his statement that he didn't know anything because he was not involved in it. Commissioner Byrd then asked Mr. Shaw as to what year he was referring.

Mr. Lewis told Commissioner Byrd the date was January 2001 and that there were many documents with his name on them. He stated that his name (Phil Byrd), his wife's name, and Anthony Porter's were listed and that it went on several times with other officials in government, and with some judge of whom he was unsure of the name.

Commissioner Byrd then stated that this was six years ago and after he sells property he doesn't control it any more. He shared it's the same as Commissioner Saylor selling apples and used the example of drinking moonshine. He shared that when he was younger he may have drank a little moonshine that could have come from the sale of Commissioner Saylor's apples. He then added, "How would Mr. Saylor know about it once the apples are sold"? Commissioner Byrd then used Commissioner Hensley as an example stating the same could be so with him and that things beyond someone's control are just simple logic and then he refused to comment on the issue anymore.

Mr. Lewis stated it was not simple and that in six months from now the F.B.I would be announcing on the issue. He stated he just couldn't believe that Commissioner Byrd didn't have any knowledge on this issue.

Commissioner Byrd told Mr. Shaw that his time was up and that he wouldn't comment anymore.

Mr. Shaw then began to speak again and asked Commissioner Byrd to resign as it appeared obvious to him that he couldn't do his job.

Jack Lorden – stated that there needed to be a vision for Mitchell County even 5, 10, 15 years from now and to execute a plan. He stated the way he views things now is that the county is dependant upon tourism and that gas is going to be \$5 a gallon and when it is, tourism will shut down and arts and crafts as well. Jack stated that people would not be able to buy arts and crafts with gas at \$5 a gallon. He stated there are two factories in Mitchell County he would like to see resurrected, one of which was the Bailey Industrial Park (40 acre). He stated the textile business which came from the New England states which is where he is from, had been let go because they couldn't compete with wages that were being paid here. They replaced that with computer manufacturers and subcontracted with the defense contractors. This doubled wages in the New England states from \$10 an hour to \$20 and so it was okay to lose these jobs and let the textile business go under, not thinking these jobs would go overseas. Jack shared that they had a vision to replace the textile business and he shared that he didn't think we had a vision to replace the textile industry or the furniture business and his thoughts are that we should really think about this. His relayed that his thoughts are that we need to look at the new automobile and energy projects because the congress and senate have passed a new energy bill and there is going to be a lot of money out there for these projects. Jack spoke of an article that was in the Asheville Citizen Times related to improving the mileage on your vehicle such as the Toyota Prius.

He spoke of a plant in Pennsylvania that was mentioned in the article that had created jobs by installing parts to these vehicles to improve gas mileage. He shared that people here would like to be able to improve the mileage on their vehicles, but couldn't do so because there's nowhere in Mitchell County to get it done. He also spoke of new solar panels that have been developed that are 50 times more effective than the solar panels we have now and there are companies looking for places to produce them as well. He stated there should be a plan in place so if a governor is elected that is sympathetic to Western North Carolina it can be implemented. Jack stated that Avery and Yancey Counties as he understands it already have a plan in place. He also relayed that there would have to be a subdivision ordinance and that roads would have to be put in place with electric rights leading to it as well as water, septic and access to the road itself. Branch Road which \$100,000 worth of work was done and it was a real hassle because they couldn't get French Broad or the Department of Transportation to give a right-of-way. They each claimed each other needed to act first in regards to the project and that something needed to be settled between these two departments.

Commissioner Byrd told Jack that his time was up.

Commissioner Sparks added that Jack needed to sign in order to obtain an electric right-of-way.

Jack stated he thought they had the problem solved and that he was concerned with the fact that French Broad and the Department of Transportation were not working together as they should. He added that every building put up in this county was going to have the same problem.

Claire Wygand - stated she didn't understand why Commissioner Saylor's request to put the subdivision ordinance agreement on the agenda was combined with another item so that the issues were not addressed as just witnessed. She then asked if the cart was being put before the horse. She also added she would like to commend those who stood up and asked Commissioner Byrd about his involvement with Penland.

Bill Wygand – stated he had looked at the Cooper Contract that was on the agenda for the night and that he saw some problems with it. First, the recitals were vague; the purpose of the contract was not clearly stated. He stated that Item 1. C. states work with a consultant to validate the title, work with a consultant to validate the desired incomes and documentation needs or contract in which desired outcomes and documentation needs are not clear from the beginning is an invitation to waste of time and a guaranteed waste of taxpayer dollars. He stated that Item 1. E requiring administration requirements were not specified beyond Item 3. One of which is vague and the language in the article is not clear about where there really are any others. He stated that Item 4 B allows three months to better develop an understanding of place “quote, unquote”. He relayed that in his experience this was time wasted and that complex global market analysis are done in less time. Regarding timing, now until March 2008 to reach an end point to “quote” transitioning to action planning, “unquote” it is nuttiness incurred analysis we do and is incomprehensible in the light of what has transpired in Mitchell County in the last five years. He stated the contract is vague; lacks direction has no real expectations beyond a summary of eight meetings an identification of possible policy initiatives of what sort is not clear; unopened ending from his point of view. He suggested the Board needs to define exactly what it wants to accomplish and have an attorney write it off in a way that the Board will get it back in a reasonably amount of time. He also stated it was clear to him that the dissolving process is a stalling packet and a sham, not too far removed from the Communities of Penland's sedentary district sham in which Commissioner Byrd supported as the only county commissioner to do so. He stated he had spoken with Joe Greer from Greer & Burr in Charlotte and wanted the Board to know that the opportunist are lining up and celebrating at the change to scarp up properties connected with the Village of Penland at higher sale prices and what has occurred here in Mitchell County as well as in Jackson County, and Madison County as a result of uncontrolled

development. He stated that we could expect continued abuse of our resources and the only effective control will be what this county adopts and enforces. He stated we have already seen that North Carolina State resources are insufficient to protect our land, our water, and that there is significant damage from predatory evolvers and they will not protect residents and potential residents from being confused, misused and abused. He then addressed the Board asking them to please "Get off their butts or get off the board".

Don Baucom - Thanked the Board for allowing him to address them. He began by basing what he was about to say to the Board on comments he made at the last meeting. He began by asking those present what they had learned about the Penland Community based upon the message they had just heard. He proceeded by saying he hoped that we had learned a lot. He stated there was an opportunity tonight to rectify and correct and prevent some of the problems we have been through with the Penland Community fiasco. He referred to the agenda in regards to the subdivision ordinance situation and also the Gary Cooper situation and stated they needed to reverse the order to that which it should have been; in spite of that he offered a suggestion to the Board for consideration to alleviate the problem. He began with number one, asking that the subdivision ordinance be passed tonight and number two, that they hire Gary Cooper to do his study and at the end of the study period, look it over and make any corrections that are necessary. He stated if they delayed in making the subdivision ordinance division tonight they would be prolonging for a year, protecting Mitchell County from the kind of development activities that have occurred here today. He stated it's simple, pass the subdivision ordinance division tonight and then hire Mr. Cooper if that would be the boards approach to it, look at it objectively and then incorporate who signs in the subdivision ordinance at that point and time do some resurfacing of the studies done by our former county attorney. He stated there was nothing wrong with the document that it couldn't be put into place now to protect us from that kind of situation we have been through. He asked again, to please pass the subdivision ordinance tonight, hire Gary Cooper if that's the way you choose to go and let's get on with it. The meaning of this is protecting Mitchell County from this kind of situation. He asked the Board if they couldn't pass this ordinance and then put a moratorium on all activities as far as any kind of developments are concerned which are in Mitchell County until the year's period of time a contract is held with Mr. Cooper.

Scott Kline - He began by saying he was in agreement with what Mr. Baucom had just said. He stated he was addressing the Board to approve the subdivision ordinance tonight and submit it in the fall. He stated he knew it was not perfect, but neither is our constitution in speaking of his first amendment rights. He stated that our forefathers were not smart enough to get it all right in our constitution. He stated that there were amendments in the constitution and there are amendments in the subdivision ordinance. He concluded with "thank you".

Jason Warren - stated he stood before the Board of Commissioners last fall and predicted to them that the Villages of Penland was going to give Mitchell County a terrible black eye, unfortunately. He stated that right now is the opportunity to do something about it and added we had a fine ordinance that couldn't pass of course by the majority. He stated there was the Avery County Ordinance that worked well for many years it could have been adopted virtually verbatim and wasn't, instead, the claim for silly political gain is with the agenda, and the Board is stalling and it's time to quit. He stated if the Board does not take action they are still sitting in that silly situation and Mitchell County is still liable. He stated it took no more than a couple hours of research to find out what the report was about and yet no one would listen except one guy who has since been dismissed from the chair. He stated things had to change, now is the time to send a message to the State of North Carolina and to people who want to buy, build, and move here, that this county cares and will stop this so it doesn't happen again. The subdivision ordinance is just as well and the Board needs to be pushing for an ordinance, a state legislation, for a development of regional impact. He shared there are many more things that could be done and we do not need to let those guys come here.

He stated they came here for a reason instead of going to Avery and other places because they saw what they could do here, to us.

James Pitman stated with the arguments that had been brought up by Lloyd Hise. He stated that it was as good as it was going to get and why give someone between \$18,000 and \$20,000 to do the same thing we have already paid someone to do. He stated he just couldn't understand why the Board would want to pay someone to do something that had already been done. He stated that Lloyd lives here and he knows what's going on in Mitchell County and how it should be, so the county should adopt the document that Lloyd wrote up himself and changes could be made later.

11. ITEMS FOR DISCUSSION

- A. Vehicle Request from Mitchell County Soil & Water** – Commissioner Saylor moved to allocate \$4,000 per year to purchase the vehicle for Mitchell County Soil & Water. Commissioner Hensley seconded the motion and it carried 4 to 1. Commissioner Sparks opposed the motion.
- B. Fee Schedule for Mitchell County Data** – County Attorney Harrison is to develop a fee schedule for Mitchell County.
- C. Contract with Dr. Garry Cooper** – Commissioner Sparks moved to approve the contract with Dr. Garry Cooper (a copy is hereby attached and becomes a part of the minutes). Commissioner Phillips seconded the motion and it carried 3 to 2. Commissioner Hensley and Commissioner Saylor opposed the motion.
- D. Subdivision Ordinance** - Commissioner Hensley moved to adopt the Subdivision Ordinance with the amendment and for it to be reviewed every 6 months. Commissioner Saylor seconded the motion and it failed 2 to 3. Commissioner Sparks, Commissioner Phillips and Commissioner Byrd opposed the motion.

12. CONSENT AGENDA

- A. Appointment of Gus McKinney to the Employment Security Commission** - Commissioner Hensley moved to approve the Consent Agenda. Commissioner Sparks seconded the motion and it carried unanimously.

- 13. COUNTY MANAGER'S REPORT** – Interim County Manager Castro told the Board the Tax Office move was completed and NC DOT needed a small area in our building on Locust Knob.

- 14. BOARD COMMENTS** - None

- 15. ADJOURNMENT** – Commissioner Hensley moved to adjourn the meeting. Commissioner Sparks seconded the motion and it carried unanimously.

MITCHELL COUNTY BOARD OF COMMISSIONERS

Phil Byrd, Chairman

Lisa Sparks, Vice-Chairman

Mike Hensley, Member

Patrick Phillips, Member

Jim Saylor, Member

ATTEST:

Kathy Young, Clerk to the Board