

# MITCHELL COUNTY BOARD OF COMMISSIONERS

## MINUTES

### REGULAR SESSION

DECEMBER 3, 2007

#### **NORTH CAROLINA**

#### **MITCHELL COUNTY**

The Mitchell County Board of Commissioners met in regular session on December 3, 2007 at 6:00 p.m. in the Superior Courtroom, Mitchell County Courthouse, Bakersville, NC. Those present for the meeting were Phil Byrd, Chairman; Lisa Sparks, Vice-Chairman; Mike Hensley, Member; Patrick Phillips, Member; Jim Saylor, Member; Charles Vines, 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** – County Manager Vines called the meeting to order at 6:00 p.m.
2. **INVOCATION** – Commissioner Saylor gave the invocation
3. **PLEDGE OF ALLEGIANCE**
4. **ADDITIONS OR CHANGES TO THE AGENDA** - Commissioner Sparks moved to remove the Minutes for May 22, 2007. Commissioner Saylor seconded the motion and it carried unanimously.
5. **ADOPTION OF AGENDA** – Commissioner Byrd moved to adopt the agenda. Commissioner Saylor seconded the motion and it carried unanimously.
6. **BOARD ORGANIZATIONS & APPOINTMENTS**
  - A. **Election of Chairman & Vice-Chairman** – Commissioner Saylor nominated Lisa Sparks as Chairman. Commissioner Hensley seconded the motion and it carried unanimously. Commissioner Phillips nominated Phil Byrd as Vice-Chairman. Commissioner Byrd seconded the motion and it carried 3 to 2. Commissioner Hensley and Commissioner Saylor opposed the motion.
  - B. **Organizational Appointments**
    1. **Clerk to the Board** – Commissioner Hensley moved to appoint Kathy Young as Clerk to the Board. Commissioner Byrd seconded the motion and it carried unanimously.
    2. **County Attorney** – Commissioner Byrd moved to appoint Hal Harrison as the County Attorney. Commissioner Saylor seconded the motion and it carried unanimously.
    3. **Finance Officer** – Commissioner Hensley moved to appoint Mavis Parsley as Finance Officer. Commissioner Phillips seconded the motion and it carried unanimously.
7. **APPROVAL OF MINUTES** – Commissioner Hensley moved to approve the Minutes for May 7, 2007 and June 4, 2007. Commissioner Byrd seconded the motion and it carried unanimously.
8. **CHAIRMAN'S COMMENTS**- Commissioner Sparks then stated she would like to give Commissioner Byrd an opportunity to speak since stepping down from the Chairman's position to Vice-Chair.

Commissioner Byrd thanked Commissioner Sparks and shared that it had been a privilege to serve over the past years as chairman and stated he would like to welcome Lisa Sparks as the new elected chairman. He stated he was sure that she would do well, adding he wasn't sure if she needed to be addressed as chairperson, chairman, or chairwoman; but, whichever she preferred would be fine.

Commissioner Sparks then added that Chair would be fine.

Commissioner Byrd told Commissioner Sparks that would be fine and they could do it that way.

## **9. APPOINTMENTS**

- 4. Appointments to Boards & Committees** – Commissioner Byrd moved to approve the Appointments to Boards and Committees as presented. Commissioner Phillips seconded the motion and it carried unanimously.

### **Lisa Sparks – Chair**

WNC Caucus

Toe River Health District

Criminal Justice Partnership Board

E-911 Advisory Committee

CDBG Advisory Committee

Northwestern Advisory Council of Advantage West

DSS Board – July 1, 2008

### **Phillip Byrd – Vice-Chairman**

Mitchell County Chamber of Commerce

AMY Regional Library Board

Bakersville Library Board

Economic Development Commission

Blue Ridge RC&D

Future Forward

### **Mike Hensley**

Region D Development Corporation

Mitchell County Home Health Advisory Board

Mitchell County Fire Association

W.A.M.Y. Board of Directors

Region D Child Care Board of Directors

### **Patrick Phillips**

Mitchell County Council on Aging

Region D Executive Board

Region D Rural Transportation Planning Committee

Economic Development Commission

### **Jim Saylor**

May Coalition

EnergyXChange

Mitchell County Fire Association

Juvenile Crime Prevention Council

## **10. PUBLIC COMMENTS**

**Donald Cooper** - congratulated Commissioner Sparks on her new position as chairman and addressed her as Madam Chairman and for the opportunity to address the rest of the Board. He stated he guessed he had sort of made a name for himself in writing editorials to the paper, as a matter of fact before the issue of the asphalt plant came up he had never written an editorial for the paper. He stated he had been so concerned for this that he had written several and had one coming out tomorrow in the evening which you should get Wednesday. He stated he would like to read the opening paragraph and part of

the closing paragraph. He began with Dear Editor our county needs jobs, more business, more industry, we need to support our economy by attracting jobs in the mining manufacturing and agricultural industries and many other types of commons. He then stated that what he read didn't sound like it was coming from someone who was against the asphalt plant. He then read his concluding paragraph stating that we would like for the Board of Commissioners to develop a moratorium toward the asphalt plant, not on the mining, manufacturing, agricultural or other industries. He read, we place such vital rules in our heritage and in our culture to provide good jobs. The proposed asphalt plant on the other hand is expected to add only a couple new jobs, and he has heard it would bring lots of jobs, but it's bringing in two and will cause lots of health issues to our school kids and elderly. He stated when the whole issue came up that the Board stated there was going to be a hearing and continued by with if there was anything terribly wrong, they will stop it, not so. He stated 200 showed up to speak at a hearing, but there's only one spokes person for it on the planet. He then stated the rest of us didn't and he could ask for a show of hands. He then shared the fact that a brochure was passed out at the hearing and he wanted to quote a little part of it. He then quoted from the brochure that there's no authority to say where an asphalt plant can be located and that the local governments are responsible for regulating such matters. He then asked who that is and was it this county stating that they had heard when proposals come up and are voted down several times to have this on the agenda to vote for a moratorium on the asphalt plant; well, we have to wait until after the hearings. He stated if he went to all but one of them (adding Dr. Cooper did a great job and loved the process) but, the catch is after all the hearings they will be going to work shops and the report we made to you as Commissioner is when, in April, too late. He stated the asphalt plant would probably be built by then. He then stated the word is the permit has already been approved.

**Sumrah Salame** - began by thanking Madam Chairman and the Board and stated her first meeting here was September 11, new to the county, relatively new, most of you were born here, your parents were born here and your grandparents before that. She stated she didn't claim to be an expert on the county, but stated she did know that fair, is fair. She stated that what Mr. Cooper had just shared was not fair, not fair to the children, not fair to the elderly people who came before you and worked hard to give you what you have today. She stated the elderly was at your mercy in the Brian's Center and not fair to the children who will come up after you. She told the Board she didn't know what their reason was to ignore that issue, which was so blatantly ignored in which to decide, your reasons are your own, you will have to live with them. She stated she wanted to know would it create a tax base for the county, a tax base that will be broad enough to support things you've passed like the prison that you plan to build because without the industries that we don't have and that we're losing and with property taxes getting ready to be reassessed, who will bear that burden. She then asked again, will it really bring the tax base and is this the Board's motivation for ignoring the issue in which you get to decide and just allowing it to go through, ignoring your responsibilities. She asked the Board who they answered to, to yourselves, to the county that elected you. She then stated she really didn't understand, she really didn't.

**Don Baucom** - began by congratulating Commissioner Sparks to her position and stating that he did hope a change in the chair has improved it, beautifying you in respect to bringing about a change, in attitude also between the Board and the Community, adding he looked forward to that. He thanked the Board for allowing him to come and speak to them. He stated first of all, that Toe River Valley Watch is Mitchell County citizens are against. Their not against asphalt plant, but we are against the affects it may have on some of our citizens and those of us who are especially not able to take care of ourselves like our children, our senior citizens and the citizens living in that area that do not have the ability to move away from those toxins that are put into the air. He then stated as Mr. Cooper had shared earlier it appears as if the application has been approved already by the State air control people. He proceeded to tell the Board that they

needed to take responsibility at the top of the list and stop this until such time as this affect can be studied more in depth and he hoped it would be done tonight. He stated they were not against any of our corporate citizens, but if they come into this county, put up a plant we will ask them officially, and he would like to ask the Board to also ask them officially, to be a good corporate citizen and ask to put every kind of technical devise and situation on this plant they possibly can buy on the market today to protect our citizens. He stated he didn't want them coming in and putting up some worn out equipment that they have purchased somewhere over Hendersonville because that will not be top of the line equipment, it will not have all the technological advances that they have now come about in the 10 years the plant as manufactured. He then stated he hoped the Board would ask them, if they are coming and your not going to stop them, that you will at least offer the best in technological advancements that can possibly done to protect us. He stated they were not against the mine or the mining industry or any other facet of industry in this county from agriculture on down, we are for them 100%, but we want every company that comes here to provide the safeguards they can to protect the citizens of this county in everyway. He stated air quality, water quality and those other kind of things we depend on in our lives for our health in this county. He stated he hoped the Board would take their responsibilities serious and the letter coming in from the Air Quality Control Board, their not in charge of improving that plant, but you are the final authority and he stated he hoped they would take it.

**Sandy Wilcox** spoke on behalf of Lori Flood. Ms. Sandy Wilcox thanked the Board for allowing her to be able to speak on behalf of Ms. Lori Flood who couldn't be at the meeting because she had to work. She read the following from a letter written by Ms. Flood: I very much wanted to be at the meeting tonight but I was not able to get off from work, but I am grateful that Sandy Wilcox would generously agree to read my comments. Both of my parents died from cancer, my mother died in May of 2006 and cancer runs big on her side of the family and I'm afraid that someday I may get cancer too and I believe that I will be at a greater risk if the Asphalt plants runs where they want to put it because I live in the neighborhood, plus there are schools and the Brian Center less than a mile away. Here are examples of the bad chemicals coming from the plant: benzene, arsenic, formaldehyde that cause cancer and intervene with one's breathing. Nit oxides are some of the bad chemicals that come from the asphalt plant, there are many, many more with long names. The EPA stats they are all toxic air pollutants and that they are all very unhealthy. I am very sad because I will get to stay where I live because my health is more important to me. As a Pharmacist I know that those who live near an asphalt plant are at risk for having bad health and many problems. Some already have health concerns and they have to take medicine, which is very expensive. Since I heard an asphalt plant was trying to be built here I have been working very hard to get the word out that it is bad. I am very concerned about kids in school, the daycare, and the Brian Center. Those kids are very young and susceptible to breathing bad things and are just going to school there and don't have any say as to where the plant is and those in the Brian Center are trapped they are unable to go anywhere else and they are susceptible and they will be sick from breathing this stuff. It's not right, it's not fair, that an asphalt plant would want to come so close to us. We were all here first, the asphalt plant should go away. We don't deserve it, the kids don't deserve it, the sick in the Brian's Center don't deserve it. We are good tax paying, law abiding citizens and we don't deserve to be subject to this asphalt plant. Phil, Lisa and Patrick, please help us not to have this near us. Please stop this by letting there be a moratorium on asphalts plants, please put a stop on asphalt plants as it doesn't affect other manufacturing industry. Please don't say it can't be done, it can be done and we know how to do it properly. Think of all of us, we don't want this, the state can't protect us we need you to use your power as commissioners to stop this.

**Judy Self** - began by stating she was born and raised in Spruce Pine, but hat she currently lives in Lenoir, she comes to Spruce Pine on weekends and during the summer to visit her mother. Her house is less than half a mile from where

the plant is to be and it really concerns her. She stated her mother had had several health issues in the last year; she had triple by-pass surgery a year ago this past September and a pacemaker in April of this year. She stated per doctor's orders her mother must walk 30-minutes a day and she walks outside unless it's too cold, but the putting in of an asphalt plant would prevent her from walking outside; she can not go elsewhere to walk because she doesn't drive. She stated walking on a treadmill was not an option because her balance is not good and she stated she had noticed her mother has a hard time breathing when it is very hot and already existing traffic interferes with her breathing on orange days, especially in the summer. Trucks hauling gravel to an asphalt plant could be a problem to her everyday. She stated she feared what the fumes from an asphalt plant would do to her health and the quality of her life and obviously it is up to the Commissioners to do something about the location, stating it is your responsibility. She stated she thought the Moratorium should come before the land use study is completed because after that is completed you will adopt the land use plan and you want need the Moratorium that's needed before hand. I'm also an educator and I work with students who have asthma at my school and I'm sure there are those at the schools near by who have them as well. She stated that students who already have breathing problems because of asthma are going to have more absences, which can impact the schools attendance rate. She stated this is something that the state and "No Child Left Behind" would get on a yearly basis and students who are not able to breathe are not going to be able to concentrate and learn which can impact on test scores. She then urged the Board to go to the North Carolina Schools report cards and look at Harris Middle and Deyton Elementary scores for the last couple of years. They have not met their "No Child Left Behind" AYP targets, they are missing out on at least one of those and what we've been told, whenever you are missing out for several years you run the chance of getting into some sort of Federal Intervention. She then relayed, you don't have to put something like asphalt plants in to add more things against them, they need all the help they can get, nothing like this needs to come into place. She stated as mentioned earlier that students don't get to choose their school, they have to go within their district, asking the Board to please put a Moratorium in place until the studies can be completed and you can get some control over the location. She stated we need asphalt and she realizes that, she likes paved roads too, but it doesn't need to be so close to schools, the Brian Center and heavily populated areas.

**Jo Anna Ingram** - thanked the Board for taking her comments and stated she would like to begin by reading a study taken from the North Carolina University School of Medicine and it pertains to study done in 2004 on the suicide rate due to asphalt Plants. She read that exposure to somewhat low rates of hydrogen sulfate and possibility of other air borne chemicals of near by asphalt plants have contributed to increase suicide rates in North Carolina communities. In 2003 the suicide rate in two asphalt plant North Carolina neighborhoods was found to be 192 per 100,000 individuals a year which roughly 15 times the state wide average as stated in community reports confirmed by death certificates for that year reported by the Blue Ridge Environmental Defense League. The neighborhoods comprising two US Census track block groups contain a total of 1,551 residents who living immediately down the way from the liquid asphalt terminal and asphalt hot mix plant. In addition to suggesting that it increases the suicide rate, the incident rate of pulmonary brain cancers in these neighborhoods from 1995 to 2000 showed an increase of 6.4 times greater than expected for the population with common possibility being related to benzene and other chemicals from asphalt exposures. Several studies have shown increased rates of lung and brain cancer and they warrant this as long-term exposure to asphalt admissions the researchers said. Mrs. Ingram stated she would also like to read some complaint violation submissions regarding other asphalt plants here in North Carolina just to show that things don't always go the way they should. She read that in Penrose, Transylvania County a complaint was filed by a local resident who reported the operation was much worse this year sighting much more smoke and heavy odor. The state inspector noted earlier a malfunction which should have required the plant to shut down due to noise and odor was noted as

consistent with other asphalt plants. Recent complaints were of excessive flames reported 30 feet high from burning tar, asphalt plant dryer was not operating. A letter from residents to locate the plant operator complained that exhaust gases were causing headaches. One resident stated the regiment measured 83 to 86 decimals from his front porch and 240 feet from the plant and even when the plant is not operating the smell from the asphalt lingers over our property and in our house. Complaints from resident's crop sight visibly noticed emissions were 20% to 30% from pollution control devices; filter indicated not in compliance with the state regulations indicated a large whole in dryer admitted dust. The following is a series of complaints from local residents: Residents observed visible emissions with a 15% to 16% capacity with many holes found in floatation control pipes and other devices. She stated that in a letter of complaint it read that pollution problems continue to get worse and provides recent photographs of dark clouds at the plant. She then read recent complaints of the industries failure by the state to properly regulate the Penrose Asphalt Plant, adding, does an inspector have to be called every time there is a hole in one of the asphalt plant dust collectors. Do I have to call your department every time the sprinklers are not turned on? He received notice twice. She read another letter from a plant in Hendersonville, Henderson County. She read a notice of a violation issued for improper operation of the bag-house filter. Inspections prompted by citizen complains about another asphalt plant in the area, suggested strong asphalt odors in the Red Hill subdivision near the Hendersonville Plant. She read that an air toxic support team went to test the asphalt plants recycled fuel oil for chemical contamination. The Hendersonville Plant failed the test. Their levels proved to be 26 to 123 over maximum length. She then read some complaints from the Yancey County Plants that are no longer running. She read that inspectors made vehicle emissions from bag house filter and no method of dust control. Plant operator stated that bag filters had been changed two-weeks earlier inspected recommended notice of violations for excess matriculate emissions. She also read two notices of violation repeat offences from repeating excessive matriculate emissions caused a lack of dust control and fugitive emissions on the bag house filter. She read a recent call to complain about plant stating clothes on a line and outside furniture was covered with a black film and soot causing them to have to keep their windows closed. Then she read a complaint from a man living about one mile from the resting plant. Residents stated odor from the resting bag burned eyes even inside his house. She stated she wondered how many of the violations went undetected and could we count on the Board to help us. She stated she was not asking to pass a moratorium on all industries as we need jobs and the mining jobs we have here (like Chalk Mountain) she is not against. She stated she had lived there since she was 34 stating she had lived at Chalk Mountain since she was 10, she shared she was not against mining, but we do need something against the asphalt plant.

**Judy Cook** - stated that Mitchell County was her home and she loves it. She shared she had lived here all her life and she doesn't want to see bad things happen here. She added an asphalt plant in this location is not a good thing for us. If you have read about asphalt plants then you know the bad things that can happen especially to children and elderly who live near such a plant. She stated she had visited the Brian Center yesterday if the people living there doesn't pull at you heartstrings, nothing will. All the people living there are not old. She stated we could all end up living there and breathe asphalt. People who are living there are from surrounding counties, not just Mitchell County and these people deserve to breath clean air they have enough health problems. She stated that children studying and playing couldn't do their best. Some people who live here in the county bring their children to these schools on their way to work, they don't want an asphalt plant in that location either. She told the Board that people had voted them in having faith and trust in them, believing they would take care of Mitchell County and it's citizens. Letting an asphalt pant come in and build in this location is not doing that. She stated we needed to have a moratorium passed on asphalt plants and nothing else. She stated the Board had remarked at one of the meetings that this was a state issue and Patrick McHenry states that the Mitchell County Commissioners are the people to

contact on this matter. She asked the board to please have a heart and think about all the people that you will be hurting if you don't do this for us; two jobs are not worth this at all.

**David Woody** - began by thanking the Board for having him and stated it was good to see everyone here. He told the Board they had took a lot of criticism about a lot of different things and he guessed a lot of it was probably deserved, and some of it may not be. He stated he wanted to mention what he had asked for about three months ago, which was a printout or something on what it was going to cost to operate the jail that you decided to build. He stated he wanted to see the operating costs and what the payments were going to be on the jail, how much can we afford to do, if we build it, can we afford it or if we actually can't afford to build it. He stated this was the worse economic time in the history of Mitchell County, the worse economic times. He stated with Feldspar closing down in July was twenty-five more people out of jobs and the mining industry is all we have and that's it, we have nothing else in this county. He stated furniture was gone, knitting mills were gone adding that Luther Stamey's Store couldn't support the county, real estate wasn't going to support the county but if it does you can hire a bunch of people cause he's sure their hunting a job. He stated car dealerships were not selling anything, people aren't beating the doors down to buy a new car and stated he didn't see anyone rolling out a hundred a day. He stated it was really a sad time in the county when we are 100% debt free, courthouse paid for, don't owe anyone and now all at once we decide we need to spend money and they've come and asked us to borrow money, if you don't owe money, you borrow. He asked the Board why in the world we would want to spend money we don't have. He mentioned the Reval coming up, that's going to get people; looking around I see everyone that lives in this county that works in the mines or wherever they can find a job. He stated a lot of people have to transport out of the county to get to a job, and how many people have had to move out of the county to support their children to send them to school, because they can't afford to send them because they don't have a job. He shared that with hundreds of people getting laid off every two to three weeks and Henredon shutting down in Morganton, times are tough everywhere. He stated in his viewpoint we should not spend any money, we shouldn't write checks that someone else has to cover. He stated that's the toughest thing that can be done to the seniors of Mitchell County, people that's struggling because there are no jobs or having a hard time feeding the family or doing anything else, it's hard, extremely hard. He stated that it's hard for anyone to survive if you're spending more money than you can possibly make and the way the budget is right now there will have to be a tax increase just to meet the budget. He stated again, that re-Val was coming and that's going to be a tax increase. He asked who was going to set on the Board with enough backbone to state that revenue needed to be made neutral; we can't do revenue when we're in debt. He then stated that taxes would have to be raised to meet what has been spent, that's common sense (adding if you buy a Lincoln, you have to make a Lincoln car payment, if you buy a Volkswagen, you make a Volkswagen car payment). He stated the mining industry was scrutinized against really bad, but you go to Unimin or anybody else around her and they'll have to have the most updated dust collectors, they have to keep the road wet, they have to park every single load, those people are doing everything they can to protect this county because these people want to be here. He then asked how long the Feldspar plant had been in operation on Altapass, Pine Mountain, Minpro, those people have been here for the test of time, they've paid their taxes they employee people to keep jobs here. He stated if you raise the taxes you will never get a job here because there want be no jobs and plants are not going to come in here and spend money, but they will be taxed to death. He stated if you want this to be a retirement community for the retirees to move here, then spend billions of dollars, wrong, they move here and build a house or buy a house already built. He stated they patronize Wal-Mart, but is Wal-Mart going to pay all the tax bills in Mitchell County, they can't do it because there' not enough tax dollars coming from what we have here to support what we've got. The burden goes on the taxpayer that owns the property and the homeowners and that's it; that's where all the money comes

from. If we want to create jobs, then we have to create industry, someone that will come who's going to put up plants and do something to help us. He shared that nobody wanted to stop industry from growing in Mitchell County, nobody don't want to stop jobs as that would be the most foolish thing we could ever do. He then mentioned that people were asking for a little help with the Asphalt plant, they're not saying don't bring it, relocate it, do it somewhere else give them the opportunity to settle in some other area rather than where it's at. He told the Board they could look at that and make them an offer, telling them it would be okay to make them an offer to move somewhere else that it wouldn't be in a district that's close to our schools and hospitals, nursing homes or anything else. He told Commissioner Phillips and Byrd, Sparks and Hensley that they all may be at the Brian Center sometime, he stated he might be in the Brian Center and stated if he's I'm lying there you may come in beside me and I'll welcome you, you've made a decision but I'll welcome you. He then asked the Board to please think about every check that they write as Board members, the taxpayers of this county have to come, there's nobody but us. He told County Manager, Chuck Vines that he knew he was new to the job and he thought he was doing okay, but he would like to see the estimated cost of operating the jail, how much the payments are going to be. He stated the taxpayers of the county would like to see what they're in debt for, so what do we have to do, we're going to have to dig deeper and deeper and scratch harder and harder; we don't have any other choice. He told the Board if they wanted to do something to get on their DC, put them out there, don't let them step in the office and state they've got something. He suggested putting them on the rode, because we're going to pay them to hunt something, big heaps, fresh, buy them dinner; whatever you got to do to hunt some jobs. He asked the Board if any thing was wrong with that since we live here and there's nothing wrong with this county for jobs and nothing wrong with this county for freight. He stated McDonald's couldn't support us, Burger King couldn't support us, we need help; jobs, industry, something that will pay the bills here in this county. He shared that the elderly were suffering, wondering if their going to eat this month, can they pay their taxes this month, that's what you get from just riding around this Christmas. He stated he was sure a lot of people would like to buy their children a little something for Christmas, but they can't pay their taxes. He stated it's hard on people and when you know you are debt free and then addressed Commissioner Byrd, telling him he set on the Board that made this county debt free. He told him he had made some good decisions and now he was going to put us in debt and asked him why and to please not to go spend money and put us in debt. He stated these are the worse times we have ever had for certain; we're sinking in this situation and I hope you all understand that. He told the Board he was not picking on them or directing anything, but when we know we're in debt and go into debt, then, we know we have made a bad mistake. He told the Board whatever they done in 2008 he would be looking to Lisa as she would be the Chairperson, and they needed to make some right decisions about what goes on in this county. He told her she had the right to get onto the EDC for jobs, cause we want jobs, lets do something for this county, that's what you are on board for. He stated he was very proud of the mining industry and every single one that worked and struggled through the mines, cold and heat; "Thank you for being here". He stated he thought it was a wonderful thing that the mining industry was here and thanked the Board for allowing him to speak and told them to have a wonderful evening.

**Jerry Prosser** - began by stating he was glad to be here tonight and wanted to set some records straight. He stated he was Jerry Prosser, current plant manager of the Feldspar Corporation located on Altapass Road. He stated he had seen a lot of commentary in the newspaper over the last 4 or 5 months, making some allegations about Mr. Byrd and the asphalt Plant. He stated he wanted to clarify that and stated he was the man who brought the asphalt plant here. He stated that a year and a half ago he was appointed to the EDC Board as he was under the impression that the purpose of the EDC Board was to create growth and job opportunities to Mitchell County. He stated at that point and time he enter into negotiations with Sam Young to bring the plant in and there was two county commissioners who sat on that board with me who did not object to them.

They were privileged to this and he stated he brought it up in a Board Meeting that it was going to happen. He stated that Mitchell County does not have any zoning, guidelines, or rules for any industry to come into the county, but he realized since that time, which he had never dreamed, that there had been a lot of confusion over the asphalt Plant. He stated before the Board that the citizens of Mitchell County needed to realize that, until they set out some guidelines like the commissioners are doing now with Dr. Cooper. He stated you sent out some guidelines as to what type industry you want for the county, what type growth you want for the county, and how you want to move Mitchell County forward; you are a dead county, you are a stagnant and this can not ever be achieved. He stated he would hopefully like to challenge everyone tonight and the Board of Commissioners to pull together as a group, which he doesn't think they currently do. He stated he hoped they worked closely with the EDC Board and give guidance and the environmental activist participate and the hard working citizens of the county because the county does need jobs and industry to be able to support the tax rate and grow the infrastructure and move Mitchell County forward.

**Steve Hall** - began by stating he would be brief, but that he had lived in Mitchell County the past 25-plus years and his wife was born in Mitchell County. He stated he has a daughter, son-in-law, and grandson and they had to relocate outside Mitchell County to have a place to work and what he basically wanted to say was that we need jobs in Mitchell County. He stated he was for the asphalt Plant, because he thinks it can be regulated through state agencies and it can be safe for everybody and he believed it was our duties has citizens to make sure it was done safe. He stated he had been working with the material the past 23-years, HF acid and the dust from the Feldspar process and we have means of dealing with that. He stated they had scrubbers, dust collectors and there are ways of dealing with that. He stated also that he was the President of our local union at the Feldspar Plant and safety is their number-one priority and he believes the plant can be run safely and if not, then it's our duty and your duty to see that the proper people regulate it to make sure it is run safely. He also added what he was trying to say was that we need the jobs and a lot of people have stated it would be two jobs, but it's really a lot more than that effected. He stated there would be miners that would be affected, truck drivers and probably the two people who run the plant, which adds up to quit a few jobs. He stated that in his opinion if we can get 5, 10, 15, jobs in this county we are doing well and believes we can run the plant safely.

**Marvin Walker** - stated he was an eye doctor in Spruce Pine and the most recent appointed to the Toe River Health District Board and addressed the Madam Chairman by stating he understood she would be the next newest member from what he had heard from tonight's meeting. One of the first things he found out this spring when he went to his first meeting was that Mitchell County was not baring the burden or the cost of the Toe River Health District and there are three Health Departments run by that district. He stated that in the last 10-years that funding had been inequitable and it's almost a little bit embarrassing to be in those meetings with the other two counties, having them look at us and ask why we are not doing our share. He stated that was what had motivated him to come and speak tonight and they were requesting \$250,000 dollars, and the amount that was appropriated for the initial budget was about \$202,000 dollars. He shared there was a shortfall and they were asking that be increased or amended. He stated the past history of this, adding he was not sure of all of it, but he thought there were some disagreements with the way the Toe River Health District has been run; that's being changed. He stated the Director of the District has resigned, in the spring and they now have an interim Director who is doing a wonderful job and also in the process of hiring another Director. He stated the Toe River Heath District had changed several of their employees that were on the district level and had made a change in the way it was managed, stating he felt good about being a part of that aspect of it. He shared they had been compared to other health districts stating there was a district in McDowell, Polk and Rutherfordton that has about twice the population that we

have in our district and as a result with the economy scale were able to provide their services for a few dollars less than we are per capita. He stated if you look at a county that stands alone, like Madison, their most recent budget appropriation from their commissioners is about \$560,000 as opposed to the \$250,000 that we're asking for and their population is about 20,000 people. He stated if we were to break away from the Toe River Health District and were to go it alone that would be the similar comparison we would have. He stated it would substantially increase in the long run for our condensers to under fine the Toe River Health District. He stated if the main purpose of this district is to protect the public health, then that's the reason he is willing to serve as a volunteer on this board and looks forward to hearing what the decision is. He noted there were other Mitchell County Board members that were present and two that have resigned quit recently and mostly because of the funding issue. He then stated we're here and so is the Interim Director and if there were any questions they would discuss this matter.

**Joe Pitman** - began by stating he worked for Feldspar Corporation and that he had lived in Mitchell County for 36-years and had two children in the Mitchell County School system. He stated he works in Mitchell County for now, the plant is closing and every one of us knows we need jobs in our area. He stated he felt like Steve, that the asphalt Plant would bring more than two jobs to the area, according to the truck drivers and other people that work in the plant. He stated he thought it would be good for the area as he had run some of the test at Feldspar like the water quality and so forth, stating he could tell you now that they done the utmost they could to make sure that guidelines are met. He stated as Steve has already stated, there were scrubbers and so forth and he feels we could really use this plant and it could be controlled. He shared he thought we could worry about Christmas tree sprays, cigarette smoke, fuel fumes, we could do that all day; we just have to see what happens. He shared he felt the plant would be good for the area because were just floating right now as the gentleman stated a while ago. He stated there was nothing in this area and as a matter of fact he has his house on the market right now because one of the reasons is our plants shutting down and stated he put a house in a few months ago and then you get the news your plant is shutting down, and it's just not good for the area. He stated he knew a lot of people that were moving into the area that had built, but were already retired doctors, lawyers and so forth and he's not one of them, he's making it week by week. He again mentioned he felt the plant would be good for everybody and he hope that the Board would continue to work with everybody and do your job.

**Mr. Burleson** - began by sharing he didn't think the moratorium was coming, what they were talking the last meeting. He stated he had been here 40-years and had lived here 30-years, where the asphalt plant is going to be. He shared he had been all over that mountain and stated we already had an asphalt plant in Mitchell County and that he hadn't heard anybody on Bear Creek complaining or they would be here. The jobs are going, as Joe Pitman stated and as his plant manager had stated that industry isn't here right now and we need jobs. He stated people were talking about the asphalt plant, well our roads are going back to 40-hour roads and their not going forward, their going to chat and tar. He added that the tar their putting on the roads is going into the ground water and if we had asphalt, it wouldn't run off. He stated we're not looking a head, we're not looking out for our children, their saying the Brian Center and our children, well your not going to be able to afford to have a child if we don't get some industry; at one time Mitchell County was one of the most industrial counties in North Carolina. We have nothing now but mining, a moratorium on asphalt, an asphalt plant, what would be next. He shared if somebody doesn't like asphalt plants or mining, are they going to say dust emissions then what would be next. He stated they don't like Outboard Motors, that's the next one, just jump on the boat and get that next one. Like Joe stated, a lot of people have already made their living, he told Mr. Baucom he had him for 4-years as a teacher and he chose to live, work and retire right here in Mitchell County, and stated he had too. He stated he hadn't made it yet, that he still had 20-years to go. He chose the mining

industry to make his living and it had been very good to him. He stated there was personal protection and equipment, dust masks, dust collectors and he stated he had also treated the water for 9-years and his goal was to put the best water he possibly could back into the river; that was his personal goal. He stated the state checked it and they also inspect it. If an asphalt plant comes in, then they have to be checked, they have dust collectors, they have every new thing out. He stated he lived in Estatoe for 30-years and his parents still live there, there saying it's close, it's in a quarry, don't know the exact acreage of that quarry, but mentioned he had been all over it.

Commissioner Mike Hensley addressed the audience and stating He wanted industry, they were working on industry, he mentioned he was no longer on the board, but that they had industry, as we were talking, we're in the process of looking. He stated they wanted to have more jobs here in the county and that they had some companies that were suppose to come into the county, not multi-million dollar companies, no \$40,000 dollar or more a year jobs, but we have had jobs. He stated some of them had backed out, some of them the have been sold and companies have bought them back up. He shared they had no control over that, but we do have control over the lives of our children and our elderly and stated he didn't oppose the plant, but he did oppose the location. He shared that he had talked with Van about it and he understands and that's his final say.

Commissioner Phillips stated he was for the plant, but was against a moratorium, because he feels like if we start putting moratoriums which would be zoning or spot zoning anyway you look at it, it's not good. He shared that if we start setting moratoriums then what about the Christmas trees grown over the hill next to Mitchell High School where their spraying lindane, disiston, those are dangerous chemicals that are no good. He stated these were going into the water, plus the air and he shared he just couldn't support a Moratorium and would not support one. He shared he wished we could have a resolution on an Asphalt plant, cause we do have to have jobs and it's every time you look at the paper there's plant closings. He mentioned that someone had stated that two jobs could lead to ten jobs, and maybe it will build from that. When he first heard about an asphalt Plant, His thoughts were how it would be supported by Mitchell County. He stated that Maymead had a plant in Woodlawn and in Pineola and they do most of the state paving and stated that they would not support this being on the chalk, but he does want to see jobs come and what's best for the citizens of this county.

Commissioner Byrd stated he had heard a lot of different people changing positions tonight, but he wanted to address the location of the plant and when it first came out he didn't say a lot about it. He stated he wanted to research it and find out what the facts were with it, ,and in the meantime the Blue Ridge Environmental Defense League learned their stand of what a safe distance would be for the children and elderly, which they state is 2000 feet for an asphalt plants minimum distance for safety. This plant is over a mile it's 5000 and some feet from any of the schools, over 6000 feet to Harris, way over a mile, way beyond the standard. The winds blow this away from those schools, so by taking the experts own figures and applying the location to this plant, it's a safe location. He stated well, are they going to change their numbers now just because they are against an asphalt plant and that's what happened with the next thing Dr. Zellar came out with. He stated he changed it to two-miles he thought. He shared the original and he went back to the original moratorium that was brought before this Board, was against everything and that was what was voted on including quarries, industry, any manufactured industry. We were paying out a \$1,000 dollars for Buck Stove to entice them to stay here and have jobs, of your taxpayer dollars because we need those jobs. He stated we wanted to keep those guys here and they're willing to do that and they are, but shared he got really confused when we stat we'll give you a thousand dollars to stay and then turn around and say we want a moratorium where nothing comes in here and grows. He stated that's what the moratorium stats and if anyone would like to hear it, he has a CD that is very plain from the minutes of August 2007, meeting. To hear it, one day it's asphalt and the next day it will be mining and the next day

it will be something else and the next day it will be subdivisions. He stated if they can't take it all down at once, it'd be one piece at a time. He told Mr. Baucom his statements were "it was a freight train out of control and we've got to stop this before it runs over all of us and the growth of all of us." Mr. Byrd then stated he didn't see the growth, he didn't see it then and he doesn't see it now and those people were against the whole thing and now it's changed. He shared he did hope the Board could get together with it and have good meetings and move forward with it. He told folks not to come in and say one and then expect to change it, because he would challenge it because he wanted the people to know the truth. He stated he wanted to see this county grow and we're going to work to see it grow. He stated he was moving on to EDC Board, stating the Board was going to work with EDC Board to get jobs in here and do everything we can to get them in. He stated they were not going to pass a moratorium and that mixed signals were not going to be sent out, we're going to send the signal out that we want the jobs and we need them. He stated in regards to Mr. Woody and his comments that the last Board was the highest spending budget that was ever passed in the county. He shared that he had voted against some things and it had been a mixture of items, and he stated you could go back and check on these. He stated the budget that had just been passed was not a tax increase and stated he didn't anticipate one. He then addressed Mr. Saylor and Mr. Hensley and told them he remembered them asking that the moratorium be passed, but right here both Commissioner Hensley and Saylor asked us to pass that moratorium, that was the way it was. He stated let's get it behind us know and move forward, cause that's the way it was and that's all he had to say.

Chairman Sparks then thanked Commissioner Byrd and stated the Moratorium that was presented to the Board was on high impact industry and stated that was mining facilities that's Bombardier anything that put pollutants in the air and if go against this asphalt plant and we go to picking on it , putting in a Moratorium stating we can't have an asphalt plant, the first thing that Young McQueen will do is to sue the county, the very first thing. She stated if Young McQueen could prove that what they would be putting in the air is not as dangerous as what maybe Unimin, Bombardier, tree growers are putting out, then the county will be sued. She stated under no circumstances would she vote for a moratorium in this county. She stated she had watched friends and people she had known all her life in this county lose their jobs, sale their homes for just about nothing and leave. She state she had watched the wealthy move in and buy up their homes for nothing, pay a very low tax rate and stated she was sick of it. She stated the Board would move forward as five for jobs in this county or we will move forward as three if that is how it has to be. She stated there would be some changes, she wants all five board members to work together and this had been a political gain since the last election and it's time for it to stop. She stated it was time for the public to know the truth, it's time for the newspaper to print the truth, and it's time for things to change. She shared we all have to live here and we all are tax payers, we all have to work here and there is a happy medium we can come too, but this war and childish 3-year-old games that it has come to needs to stop because we don't have time for that sort of thing. She stated if they were going to do the jobs that they came here to do as elected county representatives to do then we need to move forward and it's not going to be easy.

## **11. ITEMS FOR DISCUSSION**

- A. ***Bid Opening on Advertised Property*** – Commissioner Hensley moved to accept Robert Mickels bid of \$6,525 for the property on Sunny Brook Drive. Commissioner Byrd seconded the motion and it carried unanimously. Commissioner Byrd moved to re-advertise parcel 0886-00-67-0891 and 0846-00-28-7171 and any additional properties that the County might have. Commissioner Hensley seconded the motion and it carried unanimously.

- B. Cooperative Extension Request** – Commissioner Saylor moved to approve the Cooperative Extension increase. Commissioner Phillips seconded the motion and it carried unanimously.
- C. Toe River Health District Funding Request** – County Manager, Charles Vines told the Commissioners they had a letter that they probably had received previously that was in the packet to the Board of Commissioners for appropriating additional allocations of \$42,000 to the Toe River Health District for the physical year of 2007-2008. Mr. Vines stated the dollar amount was actually \$41,617 dollars and last budget year we committed \$208,383 dollars to the Toe River District Board, adding this will require action.

Chairman Sparks then re-stated to confirm that there was an additional request for \$42,000 dollars. She asked if there was any discussion. She stated that Commissioner Byrd had been on that Board for quit sometime and added she would like to hear what he had to say.

Commissioner Byrd committed he had the privilege last year of working with the Toe River Health District Board and as Dr. Walker had stated earlier there have been quit a few changes that he believed were in a positive manner. He stated they had diligently worked with him and he has probably aggravated them to death for figures and things; but they have always been very sincere in presenting the figures that I have asked for. He stated he could honestly say that the Board needed to fund the \$42,000 dollars or ever how much the exact amount was that the County Manager spoke of allowing those employees to get a raise; they have not received a raise this year. He stated to the Madam Chair that he did suggest that there be a goal to have some type of formula set up for funding so that we can put an end to the differences in the three counties so as to not always be going back and forth to be in this situation we're in. He stated there was a good working relationship within the Board now and believes we can continue with that. He added that his recommendation would be to go ahead and fund the additional increase.

Commissioner Byrd moved to approve Toe River Health District request of an additional \$42,000. Commissioner Phillips seconded the motion and it carried unanimously and it carried unanimously.

- 12. CONSENT AGENDA** – Commissioner Byrd moved to approve the Consent Agenda (a copy of each of the approved items is hereby attached and becomes a part of the minutes). Commissioner Hensley seconded the motion and it carried unanimously.

- *Bank Signature Form*
- *Budget Amendment #2 for FY 2007-2008*
- *Western Highlands Network's 1<sup>st</sup> Quarter Fiscal Monitoring Report*
- *2008 Audit Contract Documentation*
- *Proposal for Professional Land Surveying Services for Design Survey – Origin Land Surveying and Mapping*
- *Application for One NC Fund Grant Project No. 2007-0310*
- *One NC Fund Grant – Project No. 0-2007-0172 Local Government Grant & Company Performance Agreement*
- *Section 504 Compliance for 2007 Scattered Housing Grant*
- *Project Ordinance for 2007 Scattered Housing Grant*
- *Procurement Policy for 2007 Scattered Housing Grant*
- *Local Economic Benefit for Low and Very Low Income Persons Plan for 2007 Scattered Housing Grant*
- *Equal Employment and Procurement Plan for 2007 Scattered Housing Grant*
- *Code of Conduct and Purchasing Resolution for 2007 Scattered Housing Grant*
- *Citizen Participation Plan for 2007 Scattered Housing Grant*
- *Anti-Displacement Policy for 2007 Scattered Housing Grant*
- *Optional Coverage Relocation Plan for 2007 Scattered Housing Grant*

- 13. CLOSED SESSION** – Commissioner Hensley moved to enter into Closed

Session in accordance with North Carolina General Statute §143- 318.11(a)(3) which reads as follows: To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded. Commissioner Byrd seconded the motion and it carried unanimously.

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

Closed session was held from 7:40 until 7:48 p.m.

**14. COUNTY MANAGER'S REPORT** – None

**15. BOARD COMMENTS** - None

**16. ADJOURNMENT** – Commissioner Hensley moved to adjourn the meeting. Commissioner Byrd seconded the motion and it carried unanimously.

The meeting adjourned at 7:50 p.m.

MITCHELL COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Lisa Sparks, Chairman

\_\_\_\_\_  
Phillip Byrd, Vice-Chairman

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

\_\_\_\_\_  
Patrick Phillips, Member

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

ATTEST:

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