

**MITCHELL COUNTY BOARD OF COMMISSIONERS**

**MINUTES**

**REGULAR SESSION**

**AUGUST 1, 2011**

**NORTH CAROLINA**

**MITCHELL COUNTY**

The Mitchell County Board of Commissioners met in Regular Session on August 1, 2011 at 6:00 p.m. in the Commissioner's Conference Room, Administration Building, Bakersville, NC. Those present for the meeting were: Marvin Miller, Chairman; Lee Roy Ledford, Vice-Chairman; Ken Hollifield, Bill Slagle, Member; Joe Street, Member; Charles Vines, County Manager and Kathy Young, Clerk to the Board. Also present were Mitzi Moody from the Avery Post and Corey Hoilman, Reporter with the Mitchell-News Journal.

1. **CALL TO ORDER** – Chairman Miller called the meeting to order at 6:00 p.m.
2. **INVOCATION** – Commissioner Slagle gave the invocation.
3. **PLEDGE OF ALLEGIANCE** – Tim Clark led the Pledge of Allegiance.
4. **ADDITION OR CHANGES TO THE AGENDA**- County Manager Vines requested the Board consider adding the Award of the Wastewater Project to the Agenda. Commissioner Ledford moved to add the Award of the Wastewater Project to the Agenda as Item 9. G. Commissioner Slagle seconded the motion and it carried unanimously.
5. **ADOPTION OF AGENDA** – Commissioner Slagle moved to adopt the Agenda. Commissioner Hollifield seconded the motion and it carried unanimously.
6. **APPROVAL OF MINUTES** – Commissioner Hollifield moved to approve the Minutes for July 11, 2011. Commissioner Slagle seconded the motion and it carried unanimously.
7. **PUBLIC HEARING**
  - A. **Public Hearing on the Changing of Dragon's Graveyard Road to Heaton Hollow** – Commissioner Ledford moved to open the Public Hearing on the changing of Dragon's Graveyard Road to Heaton Hollow. The motion was seconded by Commissioner Slagle and it carried unanimously.

Keynan Phillips, Addressing Coordinator informed the Board letters had been sent to the residents concerning the name change.

No written or oral responses were received.

Commissioner Hollifield moved to close the Public Hearing. Commissioner Slagle seconded the motion and it carried unanimously.

8. **PUBLIC COMMENTS** – Betsy Soler asked what direction the County was. She also discussed Agenda 21. Linda Dahl thanked the Board for their service to Mitchell County residents. She requested the public be given the opportunity to have a question and answer session on each agenda item to enable them to give their opinion. Tim Clark requested more information be included on the agenda. Chairman Miller stated the Agenda is available on Mitchell County's website.

9. **ITEMS FOR DISCUSSION**

A. **GIS Update from Highland Mapping** – Kent Rothrock from Highland Mapping provided the following Status Report on Mitchell County's GIS Project.

**Data Processing**

- The digitizing of approximately 16,500 parcels is complete
- Other processing will take 3-4 more months.
  - Involves adding PIN information to the parcels as well as Annotation creation
  - Involves the creation of County Fire Districts layer.

**System Setup**

- Server and workstation have been purchased (will be placed online soon)
- Most of the software is in place

**Training**

- Specific GIS training can begin as soon as GIS Technician is hired.

❖ By late Fall:

- The parcels data will be complete and delivered to the County.
- County GIS Technician will be maintaining the data in-house
- Will be very beneficial for the County Tax office as well as real estate appraisers, brokers, and surveyors.

B. **Toe River Health District Funding Request** – Deidra Tipton reviewed the Point of Care Electronic Medical Record System to the Board. She stated that Home Health by not having the Electronic Medical Record in place by 2014 it would be penalized by 5%. No action was taken on the issue. By consensus the Board agreed to have this item placed on the September Agenda.

C. **Discussion of Well Permit Process and Fees** – Discussion was held on the Well Permit Process and Fees. No action was taken on this issue.

D. **Minimum Housing Standards** – Keynan Phillips, Mitchell County Building Inspector reviewed the Minimum Housing Standards with the Board.

E. **Courthouse Security** - County Manager Vines stated that Judge Phil Guinn had three areas of concern that needed to be addressed by Mitchell County and that all other future areas of concern noted in the summary compiled by the North Carolina Sheriffs' Association would be

prioritized by the Courthouse Security/Safety Committee ranking them from the highest to the lowest priority and approved by Judge Guinn.

The following is Judge Guinn's highest priority list of security measures that he has asked to be done.

- 1. Officer/Metal Detection device/a controlled Public Entrance**
- 2. Duress Alarms (9 locations)**
- 3. Closed Circuit Television (CCTV) monitors and video-tapping equipment to monitor/record hallways, entrance to the courtroom, exterior doors (inside and outside) and parking areas**

Chairman Miller stated his problem wasn't what Judge Guinn's request/recommendation or the need for such measures but it was with the precedent of allowing the judicial branch to mandate local executive bodies to spend taxpayer money. He stated that "possibly, we do need to secure the courthouse, but to be ordered to provide funding for the process rather than as a request validating the discussion, just doesn't sit well with me." Chairman Miller stated he just didn't understand how the judiciary, and people of equal standing be ordered by someone else of equal standing to perform a certain function. He stated he would appreciate the courtesy of the judge coming to the Board, "instead of sitting on a kingly throne and saying, this is my order".

County Attorney Harrison informed the Board that another municipality had challenged the very sort of order Judge Guinn has passed down to the counties in his district. That attempt was unsuccessful and was rejected by the North Carolina Supreme Court. He stated that he could tell them from a constitutional prospective, the original challenge was based in large part on the concept of separation of powers. County Attorney Harrison stated the Board's flat refusal to fund Guinn's order could result in legal action. He stated the way Judge Guinn would address it would be to give notice to the board and show cause as to why the Board should not be held in contempt of court for violating his order.

County Manager Vines stated that recent incidents had show the need for added security, including two fist fights on Friday. He explained that in his conversations with Guinn that the actual implementation of the judge's report would fall short of what was ordered. He stated that Judge Guinn stated he understood the funding situation and he was sympathetic toward that.

Chairman Miller stated he would rather see this be an action that was voluntary, rather than having the paper state it was forced by the judiciary. He asked the Board to consider tabling this matter until a meeting could be scheduled with Judge Guinn. By Consensus the Board agreed to table this matter.

- F. Mitchell-Yancey Landfill/Transfer Station Surplus Vehicles –**  
Commissioner Slagle moved to approve the Mitchell-Yancey Landfill/Transfer Station Surplus Vehicles (a copy of the list is hereby

attached and becomes a part of the minutes). Commissioner Hollifield seconded the motion and it carried unanimously.

**G. Award of Wastewaters Project from Mitchell High School to the Town of Spruce Pine** – County Manager Vines reviewed the letter from McGill Associates on their recommendation of Award of the Mitchell High School and Ledger Community Sewer System Improvements (a copy of the letter is hereby attached and becomes a part of the minutes). The following are the bid results.

▪ Bryant’s Land & Development Industries	\$1,118,492.40
▪ T&K Utilities, Inc.	\$1,233,295.00
▪ Young & McQueen Grading Company, Inc.	\$1,415,087.00
▪ Buckeye Construction Company, Inc.	\$1,423,753.50
▪ Buchanan and Sons, Inc.	\$1,633,500.00
▪ Huntley Construction Company	\$1,760,026.00

Commissioner Street moved to award the contract to Bryant’s Land and Development Industries. Commissioner Slagle seconded the motion and it carried unanimously.

**10. CONSENT AGENDA**

**A. Mitchell County Sheriff’s Department Surplus Vehicles**

**B. 2012 Service Agreements for the Family Caregiver Support Program Funds**

**C. Releases/Refunds/Discoveries for July 2011**

Commissioner Slagle moved to approve the Consent Agenda Items (a copy of the Consent Agenda Items are hereby attached and become a part of the minutes). Commissioner Hollifield seconded the motion and it carried unanimously.

**11. COUNTY MANAGER’S REPORT** – County Manager Vines provided the Board with the Certified Completion of the Mitchell High School & Ledger Community Water System. He reminded the Board of the Cooperative Extension update breakfast on August 16<sup>th</sup>. County Manager Vines informed the Board he had received sixteen (16) applications for the Senior Citizen’s Director position and (12) applications for the GIS Technician position. He stated there were five applicants for the GIS Technician that met the minimum requirements for the position. County Manager Vines informed the Board he would interview by the middle of next week and get the positions filled by the end of next week.

**12. BOARD COMMENTS** – Commissioner Ledford stated there were two Housing Authorities – Spruce Pine Housing Authority and Northwestern Housing Authority.

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

The meeting adjourned at 8:05 p.m.

**MITCHELL COUNTY BOARD OF COMMISSIONERS**

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Marvin Miller, Chairman

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Lee Roy Ledford, Vice-Chairman

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Ken Hollifield, Member

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Bill Slagle, Member

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Joe Street, Member

**ATTEST:**

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Kathy Young, NCCCC Clerk to the Board