

MITCHELL COUNTY BOARD OF COMMISSIONERS

MINUTES

REGULAR SESSION

OCTOBER 7, 2013

NORTH CAROLINA

MITCHELL COUNTY

The Mitchell County Board of Commissioners met in Regular Session on October 7, 2013, at 6:00 p.m. in the Commissioner's Conference Room, Administration Building, Bakersville, NC. Those present for the meeting were: Bill Slagle, Chairman; Joe Street, Vice-Chairman; Keith Holtsclaw, Member; Ken Hollifield, Member; Rickey McKinney, Member; Charles Vines, County Manager and Kathy Young, Clerk to the Board. Also present were: Hal Harrison, County Attorney and Andy Mendhenk, Reporter with the Mitchell-News Journal.

1. **CALL TO ORDER** – Chairman Slagle called the meeting to order at 6:00 p.m.
2. **INVOCATION** – Commissioner Street gave the invocation.
3. **PLEDGE OF ALLEGIANCE** – Michael Davis led the Pledge of Allegiance.

4. **ETHICS AWARENESS AND CONFLICT OF INTEREST REMINDER:**

In accordance with the State Government Ethics Act, it is the duty of every Board member to avoid both conflicts of interest and appearance of conflict. Does any board member have any known conflicts of interest or appearances of conflict with respect to any matters coming before the Board? If so, please identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved.

Commissioner Hollifield ask to be exempted from Item 9.E.

5. **ADDITIONS OR CHANGES TO THE AGENDA** – None.
6. **ADOPTION OF AGENDA** – Commissioner Hollifield moved to adopt the Agenda. Commissioner Street seconded the motion and it carried unanimously.
7. **APPROVAL OF MINUTES** – Commissioner Holtsclaw moved to approve the Minutes for September 3, 2013. Commissioner Hollifield seconded the motion and it carried unanimously.
8. **PUBLIC HEARING**
 - A. **Mitchell County Rural Operating Assistance Program** – Chairman Slagle called the public hearing to order at 6:05 p.m. He stated the purpose of the public hearing

was to receive public comments on the proposed Rural Operating Assistance Program (ROAP) application.

No oral or written comments were received.

Chairman Slagle closed the public hearing at 6:06 p.m.

9. ITEMS FOR DISCUSSION

- A. Approval of ROAP Application** – Commissioner Street moved to approve the Rural Operating Assistance Program Application (a copy is hereby attached and becomes a part of the minutes). Commissioner Hollifield seconded the motion and it carried unanimously.
- B. ROAP Certified Statement** – Commissioner Street moved to approve the Rural Operating Assistance Program Certified Statement (a copy is hereby attached and becomes a part of the minutes). Commissioner Hollifield seconded the motion and it carried unanimously.
- C. Duke Energy Vegetation Management Issue** – David Wheeler gave the following presentation to the Board.

Utilities Vegetation Management Policy for Mitchell County

1. Please review the EPA issued information on Glyphosate.
2. Note that several countries and cities have banned Glyphosate. Also note that the EPA has a new study due out in late 2014 or early 2015.
3. Mitchell County has an opportunity to create a model of how to work with herbicide applicators but also protect the interests of its citizens.
4. Request all utilities (Duke Energy Progress, French Broad Coop, AT&T, etc.) and State of NC to brief the County Commission and County Manager annually on their vegetation management plan.
5. Enter into a letter of agreement with each organization regarding herbicide spraying. Key agreement terms may include:
 - Purpose of herbicide use
 - Intended dates of herbicide application
 - Agreement to provide 45 days' notice to all Mitchell citizens
 - All Mitchell County Citizens given the option to "opt-out" of spraying
 - Remediation plan for any citizen whose "opt-out" agreement is not adhered
 - Annual, soil, air and water testing done by DENR or an independent consultant (funded by utility)
 - Annual environmental impact study (funded by utilities jointly)
6. Give residents the opportunity to "opt-out" of any spraying through several public meetings and individual meetings.
7. County consider "opt-out" of spraying in key tourism and environmentally sensitive areas.
8. Hold an annual County- wide "Town Hall Meeting" to brief the public and discuss the issue.
9. Consider a county-wide ballot initiative so citizens can vote on the issue.

LeHew Pardue, Community Forestry Specialist, Duke Energy gave the following presentation to the Board.

Maintaining Rights-of-Way Keeps the Lights On

- **Trees and other vegetation are part of the natural beauty of the Carolinas.**
Trees and other vegetation are also one of the leading causes of power outages in this area.
- **We are responsible and accountable for maintaining more than 70,000 miles of transmission and distribution power lines across the Carolinas.**
Duke Energy Progress proactively manages trees and other vegetation to help ensure safe, reliable service for 1.5 million customers across our 34,000 mile service area.
- **To do this, we use an Integrated Vegetation Management Program (IVM).**
Including tree trimming, mowing and use of herbicides.
Effective long-term management with sustainable outcomes.

Herbicides Effectively Maintain Utility Rights-of-Way

- **We hire highly seasoned and well-trained companies to implement our herbicide program across the Carolinas.**
Southeast Woodland Services (Dwayne Hopson, Vice-President) is the company we use locally.
- **The products are made in the USA, regulated by the U.S. EPA and approved by the USDA and NC Pesticide Board. They are applied in accordance with the label.**
Herbicide Mixture: .5% Polaris (Active Ingredient – Imazapyr) and 4% Rodeo (Active Ingredient – Glyphosate – same as Round Up).
Before these products go to market, as much as \$150 million can be spent on research to ensure they are safe.
- **Both Products have a “caution” label assigned by the EPA, which is the lowest level a product can be labeled.**
For comparison, liquid chlorine, used in most municipal water treatment carries a “danger” label.
Both products carry an aquatic label, which means they are safe for application on or near water.

How Do We Apply The Product?

- We subscribe to a selective low volume herbicide application.
We target incompatible species to treat with herbicides.
- **Herbicides are generally applied on a 3-year cycle**
What we have sprayed this year in Mitchell County will not be sprayed for another 3 years.
The initial application (current) is generally the most noticeable due to the thick woody vegetation – Over time, less application may be required.
The Objective with herbicides is to transform the ROW from incompatible species to a mountain meadow and low-growing shrub habitat.
Selective low volume herbicide application facilitates this habitat in an environmentally-friendly way by reducing the number of woody stems over time.

Dwayne Seal with N.C. Pesticide Board stated they supports and regulates the regular use of pesticides. He explained the Board was in charge of registering

more than 13,000 products in the state. Mr. Seal stated that a lot of people never realize how much pesticide use there is.

Jason Walls, Duke District Manager stated they would be willing to come back in the spring for a public setting to discuss the spraying and to answer questions.

Gary Beecham discussed his losses due to the spraying and how it had affected Riverside Park in Spruce Pine.

Each Commissioner was given the opportunity to ask questions. Chairman Slagle stated this Board would follow through with this to make sure the policy in place in Mitchell County would serve its citizens as well as making sure that we provide the necessary services.

- D. **June Pannell Ayers** – Commissioner Holtsclaw moved to compromise the penalty in the amount of \$147.07. Commissioner McKinney seconded the motion and it carried unanimously.
- E. **R.G. Simmons Heirs** – Commissioner Street moved to compromise the penalty in the amount of \$525.77. Commissioner McKinney seconded the motion and it carried. Commissioner Hollifield did not vote on this item.
- F. **Letha & Aslam Ahmed** – Commissioner Street moved to compromise the penalty in the amount of \$151.92. Commissioner Holtsclaw seconded the motion and it carried unanimously.
- G. **Transfer of Assets to Town of Spruce Pine** – Commissioner Street moved to approve the transfer of the Wastewater Extension from Mitchell High School to the Town of Spruce Pine. Commissioner Hollifield seconded the motion and it carried unanimously.
- H. **JCPC Funding Allocation Revision for FY 2013-2014** – Commissioner Hollifield moved to approve the JCPC Funding Allocation Revision for FY 2013-2014 (a copy is hereby attached and becomes a part of the minutes). Commissioner Street seconded the motion and it carried unanimously.
- I. **Driveway Easement** – Commissioner Hollifield moved to approve the Driveway Easement (a copy is hereby attached and becomes a part of the minutes). Commissioner Street seconded the motion and it carried unanimously.
- J. **Resolution Requesting Support for Agricultural Operations Experiencing Crop Disasters and Critical Labor Shortages** – Commissioner Hollifield moved to adopt the Resolution Requesting Support for Agricultural Operations Experiencing Crop Disasters and Critical Labor Shortages (a copy is hereby attached and becomes a part of the minutes). Commissioner Street seconded the motion and it carried unanimously.
- K. **Del McCoury Highway** – County Manager Vines stated that a section of Highway 261 beginning at 652 NC 261 and ending at 5695 NC 261 would be designated as the Del McCoury Highway on October 26, 2013 at 9:30 a.m. at Lavonia Crest Pavilion. Governor Pat McCrory will be presenting Mr. McCoury the Order of the Long Leaf Pine. He explained that if the weather did not permit the dedication to be held at Lavonia Crest it would be moved to Mitchell High School Auditorium.

L. **Mayland Community College Budget** – Dr. Boyd provided the Board with an overview of Mayland Community College’s Budget. Commissioner Street moved to approve Mayland Community College FY 13-14 Budget (a copy of the budget is hereby attached and becomes a part of the minutes). Commissioner Holtsclaw seconded the motion and it carried unanimously.

M. **2013 Joint Resolution Among the Board of Commissioners of Mitchell, Avery and Yancey Counties** – Commissioner Street moved to adopt the 2013 Joint Resolution Among the Board of Commissioners of Mitchell, Avery and Yancey Counties (a copy is hereby attached and becomes a part of the minutes). Commissioner Holtsclaw seconded the motion and it carried unanimously.

10. **APPOINTMENTS**

A. **Appointment to the W.A.M.Y, Board of Directors** – Commissioner McKinney moved to appoint Susan Barber to the W.A.M.Y. Board of Directors. Commissioner Street seconded the motion and it carried unanimously.

11. **CONSENT AGENDA**

- A. **County Board of Elections Records Retention Schedule Amendments**
- B. **County Management Records Retention Schedule Amendments**
- C. **Register of Deeds Records Retention Schedule Amendment**
- D. **Revision to EDC By-Laws**
- E. **Releases/Refunds/Discoveries**

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

12. **COUNTY MANAGER’S REPORT** – County Manager Vines informed the Board the Tax Collection Rate as of 09-30-13 was 22.98% versus 20.52% at the same time last year.

13. **BOARD COMMENTS** – Chairman Slagle stated there would be a Rural Economic Forum on November 1, 2013 from 9:00 a.m. until 2:00 p.m. at Mayland Community College. He said that he and Commissioner Holtsclaw would be in Raleigh on Wednesday of this week.

14. **PUBLIC COMMENTS/BOARD COMMENTS** – None.

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

The meeting adjourned at 7:45 p.m.

MITCHELL COUNTY BOARD OF COMMISSIONERS

Bill Slagle, Chairman

Joe Street, Vice-Chairman

Ken Hollifield, Member

Keith Holtsclaw, Member

Rickey McKinney, Member

ATTEST:

Kathy Young, NCCCC Clerk to the Board