

MITCHELL COUNTY BOARD OF COMMISSIONERS

MINUTES

REGULAR SESSION

MAY 12, 2014

NORTH CAROLINA

MITCHELL COUNTY

The Mitchell County Board of Commissioners met in Regular Session on May 12, 2014, 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; and Kathy Young, Clerk to the Board. Charles Vines, County Manager was absent from the meeting. Also present were: Mavis Parsley and Andy Mendhenk, Reporter with the Mitchell-News Journal.

1. **CALL TO ORDER** – Commissioner Slagle called the meeting to order at 6:00 p.m.
2. **INVOCATION** – Commissioner Street gave the invocation.
3. **PLEDGE OF ALLEGIANCE** – Commissioner Holtsclaw 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.
5. **ADDITIONS OR CHANGES TO THE AGENDA** – Chairman Slagle told the Board that Item 10 A. needed to be removed from the Agenda and that the Mitchell County 2013-2014 NC DPS, JCPC County Funding Allocation needed to be added to Item 11. Consent Agenda as Item 11. I.
6. **ADOPTION OF AGENDA** – Commissioner Street moved to adopt the adjusted Agenda. Commissioner Holtsclaw seconded the motion and it carried unanimously.
7. **APPROVAL OF MINUTES** – Commissioner McKinney moved to approve the Minutes for April 7, 2014 and April 28, 2014. Commissioner Street seconded the motion and it carried unanimously.

8. PUBLIC HEARINGS

A. Proposed Amendments to the Business Activities of Itinerant Merchants, Salesmen, Promoters, Drummers and Peddles in Mitchell County – Chairman Slagle stated the purpose of the Public Hearing was to receive public comments regarding the Proposed Amendments to the Business Activities of Itinerant Merchants, Salesmen, Promoters, Drummers and Peddlers in Mitchell County. Chairman Slagle called the Public Hearing to order at 6:05 p.m.

Lynda Clay stated she hoped that her information was correct. She said it was her understanding there was complaints about a small little business that was selling flowers and plants by other merchants. If that information is correct, I have spent twenty-two years of my life defending the Constitution of the United States. We are a free market society. Any time a business is started, gets the permits, follows the rules and is doing business they should be allowed to continue to do that. I am and have been ever since I retired in 2001 a painter. If someone had told me, Lynda you can't run your business because someone else is a painter and they don't want you bumping up against them. I would have said you are crazy this is the United States. This is what we do we grow business. If you are successful you are successful if not then you are going to cave in any way. She stated Itinerant Merchants are seasonal and there are not a lot of them around here. I have sat in the Commission Chairman's seat and know how complicated things can get when you are trying to keep everybody happy. But when it comes to business, free enterprise and making money, I suggest that you let the population decide if they want to be in business, make money, pay wages, and increase our economy.

Brette Barron expressed her concern about how this ordinance would affect the Bakersville Farmer's Market. She stated she wanted to know a lot more about the proposed changes to the ordinance.

Linda Dahl stated her concern was one of the people complaining actually handed out hit material on several of the board's opponents in the last election in 2012. "That concerns me when I was actually handed something by one of these merchants that has a building that quite honestly if any of you are supported by him which received funds from him, I think you need to abstain from voting."

Commissioner Street asked if she would expound on this.

Ms. Dahl stated the best way to put it is there was a lot of literature put out in the 2012 election with a lot of different people's pictures in there and I know a lot of the front money was coming from this one person. I actually went into his business and I don't want to actually say it here, but you know who it is, and I said I understand you are giving out paper for some of the people who are running and I would like a copy of that. He handed one over to me. My husband did it about a week later. Same piece of paper and it was a hit list. I would never do that to any of you, but I wouldn't expect anyone in a small area like this to do that, especially a businessman. I think that is what shocked me the most was that he would lay everything he owns the table and be willing to have me not walk into his business again, which I don't because of what he did. She stated that what she was telling you, is that if any of you were supported by him, I think that you should reclude yourself from voting on this.

Chairman Slagle stated the Itinerant Merchant ordinance was put into place in 1994 and it needed to be updated. It was designed to protect the local merchants

from carpet baggers. One of the things that has prompted this is the furniture trucks that come along the road and open up their back door and sell their products. They don't collect any sales tax they drop their products off and they are gone. The last one that came through did have to get a permit. He stated he felt they should have to do that. But the people who set up in Grassy Creek for example they did it the right way. This is an update to a 1994 version. We want to protect the merchants that are paying taxes in Mitchell County. The proposed changes does not increase the permit fee, but it does make it tougher to prove who they are. Public safety is also a concern. The NC DOT has also had some areas of concern.

Commissioner Holtsclaw stated he wanted it to be fair and equitable to everyone.

Commissioner Hollifield said he felt a lot of this was brought on by a lot of jealousy and other people selling flowers cheaper than someone out the road. Everybody has a right to do business.

Chairman Slagle closed the Public Hearing at 6:17 p.m.

9. **PUBLIC COMMENTS/BOARD COMMENTS** – Linda Dahl encouraged everyone to attend a meeting on Common Core on May 15th at 6 p.m. at the Spruce Pine Fire. She also expressed her concern of stream buffers.

10. **ITEMS FOR DISCUSSION**

- A. **NC Cooperative Extension Mitchell County Centennial Proclamation** – Commissioner Street moved to adopt the NC Cooperative Extension Mitchell County Centennial Proclamation (a copy is hereby attached and becomes a part of the minutes). Commissioner Hollifield seconded the motion and it carried unanimously.
- B. **Appointment to Region D Development Corporation** – Commissioner Holtsclaw moved to appoint Dean Duncan, Doug Harrell, Charles Nash and Doug Young to the Region D Development Corporation. Commissioner McKinney seconded the motion and it carried unanimously.
- C. **Appointment of Animal Cruelty Investigator** – Commissioner Hollifield moved to appoint Patricia Beam as Animal Cruelty Investigator. Commissioner Street seconded the motion and it carried unanimously.
- D. **Tax Appeal –Aldma Nash-Hampe** – Commissioner Holtsclaw moved to deny the request of Aldma Nash-Hampe. Commissioner Street seconded the motion and it carried unanimously.

11. **CONSENT AGENDA**

- A. **DSS Contract K61258 with Mitchell County Transportation**
- B. **DSS Contract K61260 with Gabriel Yoder**
- C. **DSS Contract K61261 with Lucinette Francusca Hofman**
- D. **DSS Contract K61262 with Tanya Cable**
- E. **DSS Contract K661263 with Hockaday & Hockaday**
- F. **Smoky Mountain's 3rd Quarter Finance Report for FY 13-14**
- G. **Releases/Refunds/Discoveries for April 2014**
- H. **Vehicle Releases/Refunds for April 2014**

Commissioner McKinney 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** – None.

13. **BOARD COMMENTS** – Chairman Slagle stated that Commissioner Holtsclaw had been appointed to serve on the Board of Directors of the Institute of Medicine representing Government Units.

14. **ADJOURNMENT**- Commissioner Hollifield moved to adjourn the meeting. Commissioner McKinney seconded the motion and it carried unanimously.

The meeting adjourned at 6:35 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