

MITCHELL COUNTY BOARD OF COMMISSIONERS

SPECIAL SESSION

MINUTES

FEBRUARY 21, 2005

NORTH CAROLINA

MITCHELL COUNTY

The Mitchell County Board of Commissioners met in Special Session on February 21, 2005 at 6:00 p.m. in the Commissioners' Conference Room, Administration Building, Bakersville, NC. Those present for the meeting were Keith Masters, Chairman; Phil Byrd, Member; Mike Hensley, Member; Jim Saylor, Member; Phil Castro, Acting County Manager and Kathy Young, CMC to the Board. Commissioner Hollifield was absent from the meeting. Also present were Mavis Parsley, Finance Officer; Lloyd Hise, County Attorney; Nathan Hall, Reporter with the Mitchell-News Journal; Steve Murphy, Reporter with WTOE/WKYK; Shirley Hise, Mitchell County Chamber of Commerce; John Howell, TCI Consultants; Jim Miller, Young Miller & Gillespie; Randy Miller, Ray Miller and Brian Hyder, Country Cable Vision; John Perry, Village of Penland; Lloyd Glenn, Parkway Fire Department, Bill Carson, Bill Hayes, David Carpenter, Ed & Jana Reid, Hazel Yelton, Elena Street, Carl Braswell, Bud McKinney and Jean Saylor.

1. **CALL TO ORDER** – Chairman Masters called the meeting to order at 6:00 p.m.
2. **INVOCATION** – Commissioner Saylor gave the invocation.
3. **ADDITIONS/CHANGES TO THE AGENDA** - None
4. **APPROVAL OF MINUTES** - None
5. **PUBLIC HEARINGS/MEETINGS**
 - A. **First Reading & Public Hearing on the proposed Charter Franchise Agreement** – Chairman Masters called the Public Hearing to order at 6:05 p.m. He stated the purpose of the Public Hearing was to receive citizen comments on the proposed Charter Franchise Agreement.

John Howell informed the Board that the original Charter Franchise Agreement was entered into in 1990 and was extended last year. He stated that he would like to thank Kathy Young for all of her assistance, encouragement and prompt response to him on the Board's behalf during this process. Mr. Howell informed the Board that this agreement was the culmination of six weeks of work between Mitchell County and Charter Communications. The total value to the County is \$475,000 in present day dollars. This includes anticipated franchise fee payments, PEG grants as well as service in kind provided by Charter to the County over the term of the agreement. The Board had four goals in this negotiation. 1) Lowering the density requirements. 2) Customers – The Board wanted to make sure that the customers would have the finest cable system available to them, to be protected by solid customer service standards and

that their bills would not be dramatically increased as a result of this agreement. 3) Develop a plan for the future for a government channel. 4) Reduce the 15-year agreement term. He explained that this agreement accomplishes all of these goals. Mr. Howell reviewed the four goals with the Board.

- Density requirements - The current franchise did not require cable companies to build cable services to any density levels. In the new agreement they are required to build a cable plan to a density level of 28 homes per mile. This is a reasonable reduction and should result in the extension of service to more rural areas of the County.
- Customers – There are 3 major additions to this agreement not included in the previous agreements. We have included a set of customer service standards that address disruption of property, on-time appointments, phone answering standards, outages, complaint procedures and credits. The agreement contains a set of liquidated damages for the County to collect for Charter's failure to comply with the terms and conditions of the agreement. There is clarifying language about how late fees are instituted so that it is no longer a mystery.
- Government channel – The County asked for a Government Channel if this Board or a future Board ever decided they wanted to utilize the channel. The agreement requires PEG channel funding. The total amount available is \$15,000. Charter is required to provide free cable television service to any County building, including schools and libraries providing their lines pass in front of the facility.
- The agreement is a 10-year agreement and Charter must file with the County a Performance Bond in the amount of \$5,000 upon their acceptance of the agreement.

6. RESOLUTIONS/PROCLAMATIONS/ORDINANCES

- A. Charter Franchise Ordinance** – Commissioner Saylor moved to table this until the regular meeting in March. Commissioner Hensley seconded the motion and it carried unanimously.

7. ITEMS FOR DISCUSSION/DECISION

- A. Audit Report for Fiscal Year 2003-2004** – Jim Miller stated that he had given a preliminary audit report to the Board in November. He asked the Board to refer to page 15 of the audit (a copy of the audit is hereby attached and becomes a part of the minutes). Mitchell County has a fund balance at the end of the year of \$5,065,866. This is approximately two to two and half months of expenditures. Mr. Miller stated the Board's goal should be to maintain this fund balance. The Board thanked Finance Officer Parsley for the job she has done.
- B. Bill Carson** – Mr. Carson informed the Board that Gary Jenson, Jr. had donated land for the Little Switzerland substation and may not need the land promised by the County. Nevertheless, he urged the county to plan for a second use for the land if additional garbage collection services are added. Mr. Carson stated they were depending on the county's promise to establish a fire district in Mitchell County within the 5 road miles of the new substation. He explained there would have to be some giving and taking concerning the line between Parkway and neighboring fire districts. He said they would work with the districts to resolve those issues and recommend a boundary to the county. He told the Board that he believed the substation would save a life someday. Mr. Carson stated that none of use believes that our house will catch on fire, but some of ours will. We all know sickness waits for our loved ones or us. He said there would be a tax increase, but the substation will save the homeowners considerably

more than the tax increase will cost. Mr. Carson stated they had noted an opposition to a recycling center at this time in Little Switzerland. He said that many felt this money should be saved for more important county projects.

C. Request from Northwestern Electronics – Eric Wiseman reviewed the request from Northwestern Electronics with the Board. By consensus the Board the agreed for Attorney Hise to prepare a contract with Northwestern Electronics and present it to the Board for their approval.

D. Update on the Health Department and HVAC at the new Courthouse
Jim Stamey informed the Board that he and Brad Peters had spent all day at the new courthouse reviewing the HVAC. Mr. Peters told the Board that there was a mechanical problem in the Judges Chamber that was causing the unit to shut down, and a problem in the District Attorney's Office. He said there was some calibration that needed to be done. Mr. Peters stated he had requested that the vendor record the readings every 15 minutes for the next 2 weeks. Further discussion was held. Maintenance Director Stamey is to report to the Board the results of the readings.

E. Unaka Mineral Rights – County Attorney Hise reviewed the Unaka Mineral Rights with the Board. He is to prepare a settlement and present it the Board at their next meeting.

F. Board of Equalization and Review Training Session – By consensus the Board agreed to meet on Tuesday, April 5, 2005 at 9:00 a.m. for the training session for the Board of Equalization and Review.

8. REPORTS/PRESENTATIONS

9. APPOINTMENTS

A. Senior Tar Heel Legislature Delegate and Alternate – Commissioner Hensley moved to appoint Ken Carroll as the Delegate and Hazel Yelton as the Alternate to the Senior Tar Heel Legislature until January 1, 2006 or before depending on Mr. Carroll's position as Vice-Chairman. Commissioner Saylor seconded the motion and it carried unanimously.

10. RELEASES/REFUNDS

A. Release of 1993 Taxes - Commissioner Hensley moved to release the 1993 taxes (a copy is hereby attached and becomes a part of the minutes). Commissioner Byrd seconded the motion and it carried unanimously.

11. COUNTY MANAGER'S REPORT - None

12. BOARD COMMENTS - None

13. CLOSED SESSION -None

14. CITIZEN & AUDIENCE COMMENTS

A. Matters on the Printed Agenda

Mr. Ray Miller of Country Cable Vision asked the Board to make Country Cable Vision's franchise agreement expire the same time as Charter's franchise agreement. The Board agreed to add this item to the March meeting agenda.

B. Matters not on the Printed Agenda

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

The meeting adjourned at 8:06 p.m.

MITCHELL COUNTY BOARD OF COMMISSIONERS

Keith Masters, Chairman

Ken Hollifield, Vice-Chairman

Phil Byrd, Member

Mike Hensley, Member

Jim Saylor, Member

ATTEST:

Kathy Young, Clerk to the Board