

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, April 7, 2008 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, Newland, N.C.

Members Present: Kenny Poteat, Chairman; Susan Pittman, Vice-Chair; Phyllis Forbes; Scott Heath; and Dan South

Members Absent: None

Call To Order

Chairman Poteat called the meeting to order at 3:30 p.m.
Chairman Poteat offered prayer.

Proclamations and Awards

Avery County Sheriff Kevin Frye and Burke County Sheriff John McDevitt presented a law enforcement medal of valor to Avery County Sheriff's Deputy Mike Ellenberg for service to the citizens of Avery County and Burke County without regard to his own safety. This honor was given for valorous actions on February 26, 2008. Burke County Sheriff's Deputy Scott Bray also received the award but was unable to attend. Burke County Sheriff John McDevitt also spoke briefly about the actions of Avery County Sheriff Deputy Mike Ellenberg and Burke County Sheriff Deputy Scott Bray.

Phyllis Forbes commented that she had heard everything that went on that night on the radio and she commended Avery County Sheriff Deputy Mike Ellenberg and Avery County Sheriff Kevin Frye and Burke County Sheriff John McDevitt.

Susan Pittman remarked that she appreciated Mike Ellenberg and all of the Avery County Sheriff's deputies and the fine work that they do.

Kenny Poteat stated he appreciated the willingness of Avery County to help with mutual aid to Burke County.

Public Comments

Joan McGuire-Ross spoke to the Board regarding a problem with a gentleman on upper Cow Camp Road that has at least 10 junk cars on his property. Ms. Ross stated that the junk cars on this property were lowering the value of her property. Ms. Ross asked if there was a junkyard ordinance in Avery County. Ms. Ross stated perhaps a high private fence would hide the junkyard. Ms. Ross again asked if there was anything that the Board could do about this situation. Chairman Poteat stated that the County Manager would look into this problem and let Ms. Ross know of the outcome.

Board Appointments

Avery County Social Services Board Reappointment

Robert Wiseman, County Manager, stated that the Avery County Social Services has requested that Mr. Floyd Townsend be reappointed to the Social Services Board for the term July 1, 2008 until June 30, 2011.

Motion by Scott Heath and Second by Susan Pittman to reappoint Floyd Townsend to the Avery County Social Services Board for the term of July 1, 2008 until June 30, 2011. Motion unanimously approved.

High Country Workforce Development Board Appointment

The County Manager advised that Marie Gwyn's retirement has left a vacancy on the High Country Workforce Development Board and the High Country Workforce Development Board has requested appointing Tom Hughes, the new Department of Social Services Director for Avery County, to fill the vacancy.

Motion by Phyllis Forbes and Second by Dan South to appoint Tom Hughes to the High Country Workforce Development Board. Motion unanimously approved.

Avery County Community Advisory Committee Reappointment

The County Manager stated the term of appointment for Jayne McNeil to the Avery County Community Advisory Committee has expired and Ms. McNeil has indicated her desire to be reappointed for an additional three year term.

Motion by Dan South and Second by Susan Pittman to reappoint Jayne McNeil to the Avery County Community Advisory Committee to serve a three year term. Motion unanimously approved.

Avery County Planning Board

The County Manager advised there are two vacancies on the Avery County Planning Board and there are three applicants to be considered for the two vacancies: Mike Lacey, William Prewitt, III, and Larry Smith.

Chairman Poteat explained to the audience and Board about the voting procedure for the choosing of the board members. Chairman Poteat stated the ballots would be given out to the Board members to choose their first, second and third choices (low vote wins) and be signed by the Board member. These ballots would be on file in the Clerk's office as public record.

Chairman Poteat called for a Recess to tally the votes.

Following a brief Recess, the Chairman reported the following vote:

Mike Lacey selected to the Planning Board with a total of 7 votes (3 first place votes, 2 second place votes);
Larry Smith selected to the Planning Board with a total of 8 votes (2 first place votes, 3 second place votes);
William Prewitt, III received 15 votes (5 third place votes).

Chairman Poteat voted as follows: Larry Smith 1, Mike Lacey 2, William Prewitt, III 3.

Susan Pittman voted as follows: Mike Lacey 1, Larry Smith 2, William Prewitt, III 3.

Dan South voted as follows: Mike Lacey 1, Larry Smith 2, William Prewitt, III 3.

Phyllis Forbes voted as follows: Mike Lacey 1, Larry Smith 2, William Prewitt, III 3.

Scott Heath voted as follows: Larry Smith 1, Mike Lacey 2, William Prewitt, III 3.

Dan South stated that the Board does a lot of board appointments and questioned if the different boards have term limits. Mr. South remarked that sometimes on boards' longevity creates stagnation. Chairman Poteat stated he felt it should be the people sitting on the different boards' decision on the term limits.

Tax Assessor Report – Phillip Barrier

Real and Personal Releases

The Tax Assessor reported the total County Tax Release was \$2,195.80, Fire Tax Release \$234.96 for the month of March 2008. The two larger of the items were rebilled to the proper owner.

Motion by Susan Pittman and Second by Scott Heath to approve Real and Personal Releases. Motion unanimously approved.

The Tax Assessor stated there were no Motor Vehicle Releases and no Refunds for the month of March 2008.

The Tax Assessor advised that the Board of Equalization and Review will hold its first meeting on Monday, April 28, 2008 and that is for any or all taxpayers of Avery County who feel their evaluation is not fair. The Tax Assessor stated the Board needed to appoint 5 members and 1 alternate to the Board of Equalization and Review. Chairman Poteat questioned if any of the applicants had served previously on the Board of E&R. The Tax Assessor stated that all but one applicant, Julie Loven, had served previously on the Board of E&R. The Tax Assessor also stated that Amy Vaughan requested that due to time constraints she could serve as an alternate only.

Ballots handed out to all Board members. Chairman Poteat stated that the signed ballots would be on file in the Clerk's office for public inspection.

Chairman Poteat called for a Recess at this time to tally the votes.

Jayne McNeil received 12 votes (1 first place, 3 second place, and 1 fifth place)

Don Baker received 19 votes (1 first place, 2 fourth places, 1 third place and 1 seventh place)

Vernon Carpenter received 19 votes (1 second place, 1 third place, 2 fourth places and 1 sixth place)

Hugh Fields received 20 votes (1 first place, 1 third place, 1 fourth place and 2 sixth places)

Julie Loven received 22 votes (1 first place, 1 third place, 1 fifth place, 1 sixth place and 1 seventh place)

Dedy Traver received 22 votes (1 second place, 1 third place, 2 fifth places and 1 seventh place)

Amy Vaughan received 26 votes (1 first place, 1 fifth place, 1 sixth place and 2 seventh places)

Chairman Poteat stated there was a tie between Julie Loven and Dedy Traver. The Board was requested to vote for their first choice and second choice with the second choice being the alternate.

Chairman Poteat called for a brief Recess to tally the votes.

Julie Loven received 7 votes (3 first place, 2 second place)

Dedy Traver received 8 votes (2 first place, 3 second place)

The following applicants will be members of the Board of Equalization and Review:

Jayne McNeil; Don Baker; Vernon Carpenter; Hugh Fields; Julie Loven and Dedy Traver as an alternate.

Chairman Poteat voted as follows: Hugh Fields 1, Jayne McNeil 2, Don Baker 3, Vernon Carpenter 4, Dedy Traver 5, Julie Loven 6, Amy Vaughan 7. Tie vote: Julie Loven 1, Dedy Traver 2.

Susan Pittman voted as follows: Don Baker 1, Vernon Carpenter 2, Julie Loven 3, Hugh Fields 4, Jayne McNeil 5, Amy Vaughan 6, Dedy Traver 7. Tie vote: Julie Loven 1, Dedy Traver 2.

Phyllis Forbes voted as follows: Jayne McNeil 1, Dedy Traver 2, Hugh Fields 3, Don Baker 4, Julie Loven 5, Vernon Carpenter 6, Amy Vaughan 7. Tie vote: Dedy Traver 1, Julie Loven 2.

Scott Heath voted as follows: Amy Vaughan 1, Jayne McNeil 2, Vernon Carpenter 3, Don Baker 4, Dedy Traver 5, Hugh Fields 6, Julie Loven 7. Tie vote: Dedy Traver 1, Julie Loven 2.

Dan South voted as follows: Julie Loven 1, Jayne McNeil 2, Dedy Traver 3, Vernon Carpenter 4, Amy Vaughan 5, Hugh Fields 6, Don Baker 7. Tie vote: Julie Loven 1, Dedy Traver 2.

Tax Collector Report – Mary B. Daniels

Mary Daniels, Tax Collector, reported total collections for the month of March was \$495,708.76.

Motion by Phyllis Forbes and Second by Scott Heath to approve the Tax Collector's Report as presented. Motion unanimously approved.

North Carolina Home & Community Care Block Grant Lead Agency and Advisory Committee

R.D. Daniels, Avery Senior Services, stated he was here on his annual visit to have the Board appoint Avery Senior Services as the Lead Agency for the Home & Community Block Grant for Avery County and also to appoint the Advisory Committee. Mr. Daniels stated the Advisory Committee is made up of a required group of people from agencies around the County who deal with older adults. Chairman Poteat asked if there were any new members to this Board. Mr. Daniels advised that Grace Calhoun is a new member.

Motion by Susan Pittman and Second by Dan South to appoint Avery Senior Services as the Lead Agency for the North Carolina Home & Community Care Block Grant. Motion unanimously approved.

Motion by Susan Pittman and Second by Scott Heath to approve the 14 named individuals to serve on the Home & Community Block Grant Advisory Committee for the Fiscal Year 2009. Motion unanimously approved.

County Manager Report – Robert Wiseman

Mobile Unit-Formerly Loved Ones Day Care Center

The County Manager stated at the last meeting the Board instructed the County Manager to use his discretion in identifying the location to move the mobile unit formerly Loved Ones Day Care Center which is on the Town of Newland's Property. The County Manager advised that the weather has not permitted moving of the mobile unit at this time. The County Manager stated that unless someone has another idea on where to move the mobile unit, it will be moved to Heritage Park for possible storage and offices for Avery Recreation Department and the Avery County Fair Board.

Green Valley EMS Station

The County Manager advised that the waterline is being installed at the new Green Valley EMS Station at present. The County Manager stated that hopefully in about two weeks the mobile unit will be delivered and it will be set up and possibly by the first of July the EMS station will be open at Green Valley.

New Jail Construction

The County Manager advised that Sheriff Kevin Frye and the County Manager have one more interview to conduct and then hopefully by the next meeting there will be a recommendation to bring to the Board about procuring the services of a Correction's Facility Consultant to oversee the new jail project. The Consultant would be an expert in jail standards, U.S. Marshall Standards and Human Services standards.

Chairman Poteat questioned whether the mobile unit (Loved Ones Day Care Center) could be moved to Heritage Park but not permanently set up at this time. The County Manager stated at this time the best place to move the mobile unit is Heritage Park. Dan South stated that he also questioned the move of the mobile unit to Heritage Park. Mr. South said that Heritage Park was the only place to move the mobile unit at this time but he was concerned about moving the mobile unit to Heritage Park and wanted the unit to be there only temporarily. The County Manager stated that the package deal for moving the mobile unit includes setting up the mobile unit but that maybe some provisions could be made.

Smoky Mountain Center

Chairman Poteat welcomed Tom McDevitt, CEO Smoky Mountain Center; Shelly Lackey, Community Relations Coordinator; and Suzie Long, Northern Region Director. Suzie Long, Northern Region Director for Smoky Mountain Center spoke regarding the Providers and the training that Smoky Mountain Center offers for the Providers with New River being the major comprehensive provider. Tom McDevitt, CEO Smoky Mountain Center, gave an update regarding the Hospital Pilot Program which will be implemented October 2008 at Cannon Memorial Hospital with 10 beds being dedicated to adult mental health services.

Mr. McDevitt stated that Smoky Mountain Center was in a Tier 1 status. Chairman Poteat advised that he felt the quarterly meetings between the Board and Smoky Mountain Center is a very good idea. Chairman Poteat questioned of the 1 ½ million dollars that New River placed in the LME that was then transferred to the Smoky Mountain Center how much was spent and if the New River Mental Health in the County would receive additional funds in the upcoming budget. Mr. McDevitt answered that the 1 ½ million dollars had not been spent and there would be additional funds in the upcoming budget.

Discussion regarding the merger of New River Behavioral Health and Smoky Mountain Center.

Dan South stated he was concerned that the 10 bed unit would not meet the needs of Avery County. Mr. McDevitt remarked that Smoky Mountain Center is working with Watauga Hospital to see if somehow Watauga Hospital could be the operator of 10 more beds making the total beds at Cannon Hospital to be 20 beds.

County Manager Updates – Robert Wiseman

Closing of Banner Elk Day Care Center

The County Manager advised that the High Country Child Care, Inc. would be closing the Banner Elk Day Care Center due to lack of student census. The County Manager stated there would be no break in continuity of services because a new private day care center called Little Faces located behind Lowes Hardware would open Monday, April 14, 2008. Scott Heath advised that he would like to clarify his position on this matter. Mr. Heath stated it was never his intention to take hold of the building (Banner Elk Day Care Center) for the County to be in the daycare business. Mr. Heath stated that the County had an opportunity to receive this building which, in his opinion, was worth between \$200,000 and \$400,000 and the County was accepting assets even though the building would need some repair but that the County would be to the good in terms of property value. Mr. Heath said it was his thought that this building could be used to serve the young families of Avery County and now that the building looks to be vacated what he would initially say is that the Board not be in a rush to sell this property. Mr. Heath also stated if there is another business that provides a service to the people of the County perhaps the building can be leased to that business or if there is not such an opportunity the County could sell the building but the Board needed to keep all options open at this time.

Avery Track and Turf Project

The County Manager stated that the bids were opened for the Avery Track and Turf Project at the Avery County Board of Education a couple of weeks. The County Manager said the total package which included the Base Bid, Alternates 1, 2 and 3 and inclusive of the architectural fees, survey costs, soil sampling and some other miscellaneous issues came in at \$86,000 above what was allocated. The County Manager stated basically what that means is the County can do the Base Bid to include Alternate 1 and Alternate 3 but not Alternate 2 which is rubberizing of the track. The track will receive a new overlay or asphalt in the Base Bid. The County Manager advised that the decisions are obviously to do the Base Bid, Alternate 1 and Alternate 3 and not do Alternate 2 or to go ahead now and let the contract for the Base Bid, Alternate 1 and Alternate 3 and start the process and if the Board wants to consider rubberizing the track in the coming fiscal year that would give Tim Greene, Finance Officer and the County Manager the opportunity to put it into the budget for the upcoming year. The County Manager stated he would not recommend to amend the budget in April or May for possibly \$90,000 with the work taking place after this fiscal year is over anyway.

Chairman Poteat recognized the members of Avery High Football Team; Coach Darrell Brewer; Coach Anne Avery, Track Team; Robbie Willis, Avery Recreation Director; Former Coach Babe Howell, and Bill Beutell. Chairman Poteat stated it was the understanding that the Board of Commissioners was still willing to support the Avery Track and Turf Project. Chairman Poteat advised that the minutes were researched and the number that was stated in the minutes was \$760,000 for the Avery Track and Turf Project. Chairman Poteat read the bids from Young and McQueen Grading; Base Bid (field plus repaving of the track) \$645,185 also Alternate 1 which is the end zone turf graphics \$15,150 and Alternate 3 which is home side drainage \$31,675. Chairman Poteat also read the Track and Turf Project information prepared by the County Manager; Base Bid with Alternate 1 and Alternate 3 \$692,010, Survey \$9,045, Engineering Fee \$40,000, Soil Test \$1,350.00; a total of \$742,405. Chairman Poteat stated the only stipulation would be any monies beyond the \$760,000; the rubberized track would cost \$104,000 which if included in the Project would go over budget by \$86,405.

Coach Anne Avery, Avery High Track Coach, asked the Board to please consider rubberization of the track at Avery High. Ms. Avery stated that she has been coach for the past four years and during that time the Avery High Track Team had not had a home meet because of the condition of the track. Ms. Avery also stated that the Track Team had no place to practice and the parents had to drive at least an hour and a half to watch the Track Team at their meets.

Bill Beutell spoke to the Board regarding the Avery Track and Turf Project. Mr. Beutell stated that the prices would continue to increase and that a decision needed to be made soon.

Tadd Clarkson with Architectural Design Studio from Asheville, North Carolina stated that he is the Architect for the Avery Track and Turf Project. Mr. Clarkson stated that the turf component of the project is the one that is the most time dependent. Mr. Clarkson advised that the track resurfacing does not have to be completed by the time football season starts. Mr. Clarkson said the turf field project from start to finish generally take 8-12 weeks depending on weather conditions. Mr. Clarkson stated there is a date in the contract that the field must be completed by August 1, 2008.

Dan South stated he was concerned about resurfacing the track if the subsurface of the track was not sufficient to support the track that is there now, and then putting an additional track on top of it is probably not a good investment. Mr. South advised he is 100% for the project and would like the project to start tomorrow but he would like to know for sure if the subsurface is sufficient.

There were public comments in which several people voiced their support for the Avery Track and Turf Project.

Further discussion regarding Avery Track and Turf Project.

Chairman Poteat recognized County Commission candidates: Richard Sheppard, Martha Hicks, Bill Close and Ruth Brown.

Susan Pittman stated that if the turf on the football field is not completed until August 1, 2008 then the rubberized track could be done at that time also because it would be in a new fiscal year and the money would be budgeted for the rubberized track. Ms. Pittman also stated that if the bid for the rubberized track is not approved then the Board could have some other company to do the rubberizing of the track.

Chairman Poteat stated he felt that there should be some type of study or someone that could look at the existing subsurface of the track to make sure that it was sufficient to pave and rubberize over top of the existing subsurface.

Chairman Poteat asked the County Manager his recommendation as how the motion should be worded. The County Manager advised that the motion should be to instruct the Board of Education to proceed with all due diligence to employ Young and McQueen Grading Company for the installation of the turf for the Base Bid, Alternate 1 and Alternate 3 and would exclude Alternate 2, however, between now and the last day of June, 2008 to make a decision concerning the rubberized track. The County can give the request for proposals to an individual instead of a general contractor and include that money in the month of August 2008 if it is the Board's desire to do so. Chairman Poteat added with the stipulation of further engineering studies on the adequacy of the existing track surface.

Susan Pittman asked if the responsibility would be with the Board of Education or with the County. The County Manager stated that the Architect of record should be involved with the determination of the existing track subsurface and be responsible. Dan South reiterated that he thought someone should look into the subsurface of the track but that he didn't feel it needed to be an actual consultant but someone from the County could determine this.

Chairman Poteat asked the County Manager to repeat the motion for the Clerk. The County Manager stated that the motion should be to instruct the Board of Education to execute the contract with Young and McQueen Grading Company for the Base Bid, Alternate 1 and Alternate 3 to begin as soon as practical and include in that motion that the Board of Education investigate the feasibility of letting the contract for the rubberizing of the track under a separate informal contract, if financially feasible, in the 2008/2009 Fiscal Year.

Motion by Scott Heath and Second by Phyllis Forbes to instruct the Board of Education to execute the contract with Young and McQueen Grading Company for the Base Bid, Alternate 1 and Alternate 3 to begin as soon as practical and include in that motion that the Board of Education investigate the feasibility of letting the contract for the rubberizing of the track under a separate informal contract, if financially feasible, in the 2008/2009 Fiscal Year.

Dan South stated he had a problem with the words "if financially feasible". Mr. South advised that he felt the commitment that the Board made was to rubberize the track. Mr. South asked that the "if financially feasible" be taken out of the motion. Mr. South stated that he wanted the motion to state "we shall rubberize the track in the Fiscal Year 2008/2009".

Scott Heath Amended the Motion to take out the words "if financially feasible" and replace with "the Board shall rubberize the track in the Fiscal Year 2008/2009". Phyllis Forbes Seconded the Motion.

The County Manager advised the Board that if the existing subsurface of the track needed to be lifted and the subsurface replaced, the Board is talking about "a whole new ballgame".

Motion unanimously approved.

Chairman Poteat called for a two minute Recess.

Chairman Poteat stated the agenda would be rearranged due to time constraints to allow Allen Hughes to speak on the State Mandated Well Inspections because Mr. Hughes needed to be at the Mitchell County Board of Commissioners Meeting by 7:00 p.m.

State Mandated Well Inspections

Allen Hughes, Avery County Health Department, stated that N.C. Legislature had adopted August 7, 2006 a mandated well inspection program. Mr. Hughes stated it was very similar to the septic tank inspections program. Mr. Hughes said that the mandated program included permit, inspection, and testing of the well. Chairman Poteat advised the key word is mandated and that this was not a local decision but a mandate by the State of North Carolina. Mr. Hughes stated that an inspector would go out and evaluate a lot to see if a well could actually be placed on the property, then there would be a grouting inspection and there would also be a final inspection and water testing. Mr. Hughes advised that the cost of the permit for the well is \$250 and the water test kit would be \$60. Lynda Kinnane, Interim Health Director for the Toe River Health District stated that if any of the County Board of Commissioners (Avery, Mitchell, Yancey) did not approve the fee proposals that the fee proposals would go back to the Board of Health. Scott Heath advised this could be a possible nightmare because of the geography in the mountains. Dan South stated that he felt the septic fees and well fees are out of reason. Mr. South said "it is killing the young family that is trying to get started and trying to build a home".

Further discussion regarding the state mandated well inspections.

Motion by Phyllis Forbes and Second by Susan Pittman to approve the presentation from Toe River Health District for fee proposals on the State Mandated Well Inspection with the exception of a \$50 revisit fee when there is a “dry hole”.

Chairman Poteat reiterated that the Well Inspection is mandated by the State.

There were 4 votes in favor of the motion and 1 vote against; being Commissioner Dan South.

Water Storage Tank

The County Manager stated to recap what has been discussed previously the Town of Newland has grant monies for \$290,000 to improve the water distribution system for Newland. The Town of Newland has been in dialogue with the Board of Education and the Board of Education has agreed to deed to the Town of Newland property subject to certain restrictions. The total package for the water tank is approximately \$500,000 and the County would have to come up with \$210,000 in the very foreseeable future. The County Manager advised it would be very difficult to find, in the time frame of the grant, extraneous sources of funding. The County Manager said it would appear that the County would have to come up with the \$210,000 with no chance of funds from outside sources. Keith Hoilman, Public Works Supervisor for the Town of Newland, stated that December 31, 2008 would be the last date of the grant money with the project needing to be completed at that time. Keith Webb, McGill Associates, advised that he was in Raleigh recently and spoke with the Public Water Supply Section and the Public Water Supply Section personnel stated they would entertain an application to possibly fund the water storage project; however, this may not be grant monies but low interest loans through the Public Water Supply Section. Scott Heath said that if two years from now possibly the well at Avery High goes bad this would not be a fire protection issue but a school closing issue because of no water. Mr. Heath stated that this is an opportunity that the County should utilize. Chairman Poteat stated that he had been in contact with Elizabeth Dole's office and Patrick McHenry's office pleading for help with this issue. Chairman Poteat advised that the Town of Newland would be benefiting from the water storage tank by enhancing their system and the Town of Newland was not using any of their own money for this project. Chairman Poteat also stated that the Board of Education had not committed to any money for this project and that in all likelihood the County would be responsible for the \$210,000.

Junior Sluder spoke to the Board regarding the water storage tank and that Avery High School and Avery Middle School needed fire protection and water supply.

Scott Heath stated that previously he had looked at this project as a benefit for Newland but after “stewing” over this issue he realized it was an opportunity to improve the water and fire protection at the two schools.

The County Manager stated that the \$500,000 was only an estimate for the water storage tank project. Keith Webb, McGill Associates, stated that the cost estimate per McGill was \$445,000 which included tying on to Newland's waterline and extending the water line up to the tank site and installing the tank; this estimate also included the fire hydrants and master meter to tie into the existing water system for the middle school and high school.

Further discussion regarding the water storage tank.

Motion by Scott Heath and Second by Susan Pittman for the County of Avery to commit to \$210,000 to apply that with the Town of Newland's Grant, Board of Education and Department of Transportation to put a 100,000 gallon water tank on Avery Middle School Property allocated by the Board of Education and connected to the Town of Newland's water service and also to accept no tap fees from the Town of Newland and in-town rates coming from next year's budget; July 1, 2008. The Contract will be under the Town of Newland.

Scott Heath stated that he does not see this as spending \$210,000 but saving the County a possible \$400,000 if the well at the Avery High School needed to be replaced in the near future.

Motion unanimously approved.

Updated Memorandum of Understanding – Avery Recreation

The County Manager stated there was only one change in the Memorandum of Understanding for the Avery Recreation Committee. The County Manager advised that the previous MOU document stated that the MOU could be changed without notice and the wording has now been changed to stipulate 30 days written notice.

Motion by Phyllis Forbes and Second by Susan Pittman to Accept the Change to the Memorandum of Understanding of the Avery Recreation Advisory Committee. Motion unanimously approved.

Memorandum of Understanding for Cooperative Comprehensive Continuing Transportation Planning

The County Manager advised that this Memorandum of Understanding is in respect to the Department of Transportation and the Regional Planning Organization and the only thing that is changed on the document is that the document is now to include that the Rural Transportation Advisory Committee shall be considered a public body subject to the North Carolina Open Meetings Law.

Motion by Phyllis Forbes and Second by Dan South to approve the change in the Memorandum of Understanding for Cooperative Comprehensive Continuing Transportation Planning. Motion unanimously approved.

Grace Lutheran Church Service Team

The County Manager stated that the Grace Lutheran Church Service Team was requesting that the Board waive the inspections fees for a mobile home to be set up for the Holtsclaw Family in the Cranberry Community. The County Manager also stated the Grace Lutheran Church Service Team is a nonprofit organization.

Motion by Phyllis Forbes and Second by Susan Pittman to Waive the County Inspection Fees for the Grace Lutheran Church Service Team for the Holtsclaw Family in the Cranberry Community. Motion unanimously approved.

County Attorney Report

Michaelle Poore, County Attorney, stated there was nothing involving litigation. The County Attorney advised that the response to the Carpenter case was filed within the time period and there have been no further filings regarding this. The County Attorney stated that in 2005 she inherited a lawsuit in which a building was condemned and the County incurred costs relating to the demolition of that building and currently 60% of the costs (\$30,000) have been collected.

Approval of Minutes

Motion by Susan Pittman and Second by Scott Heath to approve the March 3, 2008 Regular Session Minutes and March 6, 2008 Joint Meeting with the Board of Education Minutes. Motion unanimously approved.

Agenda Consent Items

Phyllis Forbes stated in reading the Economic Development Commission meeting minutes from March 6, 2008, a Federal prison project was mentioned. Bill Close stated that the EDC was looking into federally funded money through the ICE Program for detention centers for illegal immigrants. The EDC has created a CD-ROM to send to various agencies regarding this project.

Dan South invited all of the Board to the JROTC Awards Ceremony on May 3, 2008, 5:30 p.m. at the Best Western in Banner Elk.

Scott Heath stated there were year-to-date financials in the Agenda Consent Items and Mr. Heath felt it would be helpful to have something on paper and in layman's terms that showed the results of the Board's actions in terms of spending.

Agenda Consent Items Adopted by Consensus of the Board.

Upcoming Meetings

The County Manager stated that it is the intent of Mayland Community College to get as many Commissioners from the three counties (Avery, Mitchell and Yancey) together on April 15, 2008. Clerk to poll the Board to see who will attend the YMCA meeting on April 17, 2008 at 4:30 p.m. The Budget meeting times set for 3:30 p.m.

Adjourn

Motion by Susan Pittman and Second by Phyllis Forbes to adjourn the meeting at 7:44 p.m. Motion unanimously approved.

**Kenny Poteat, Chairman
Avery County Board of Commissioners**

ATTEST: _____
Cindy Turbyfill, Clerk to the Board