

BOARD OF COMMISSIONERS

AGENDA REGULAR SESSION FEBRUARY 5, 2007

6:00 p.m.

Courtroom, Mitchell County Courthouse
Bakersville, North Carolina

MISSION STATEMENT: *The goal of the Mitchell County Board of Commissioners is to provide the most effective and efficient public services to the citizens of Mitchell County. Underlying this goal is the desire to ensure that the county will be ready for the future by identifying our future needs and the resources necessary to meet those needs.*

ESTIMATED TIMES LISTED AFTER EACH ITEM – *these are approximate times. The board will hear comments from citizens at the end of their meeting. As a courtesy to others, speakers are asked to limit their comments to **three** minutes. Large groups that have the same statement to make on a particular item are asked to designate a spokesperson for the group.*

BACKGROUND INFORMATION ON AGENDA ITEMS – *available in the CMC to the Board' s Office.*

1. **CALL TO ORDER** (6:00 p.m.)
2. **INVOCATION** (6:01 p.m.)
3. **SHERIFF' S COMMENTS** (6:03 p.m.)
4. **ADDITIONS OR CHANGES TO THE AGENDA** (6:05 p.m.)

5. **ADOPTION OF AGENDA** (6:07 p.m.)
6. **CHAIRMAN' S COMMENTS** (6:08 p.m.)
7. **APPROVAL OF MINUTES** (6:10 p.m.)
8. **ITEMS FOR DISCUSSION**
 - A. **Public Comment Rules** (6:12 p.m.)-----Pages 1-2
The Board will consider approving rules for the public comment period.
 - B. **Toe River Health District Fee Schedule** (6:17 p.m.)-----Pages 3-6
The Board will consider approving a fee schedule for the Toe River Health District.
 - C. **Discussion of N.C.G.S §128** (6:25 p.m.)-----Pages 7-114
The Board will discuss North Carolina General Statute Chapter 128.
 - D. **Special Section 5333 (b) Warranty for Application to the Rural and Small Urban Program** (6:30 p.m.)-----Pages 115-121
The Board will consider approving Special Section 5333 (b) Warranty for Application to the Rural and Small Urban Program.
 - E. **Federal (FTA) & State (NCDOT) Certifications & Assurances for Community Transportation Programs FY 2007-2008** (6:35 p.m.)-----
-----Pages 122-139
The Board will consider approving Federal (FTA) & State (NCDOT) Certifications & Assurances for Community Transportation Programs FY 2007-2008.
 - F. **Mutual Aid Agreement for Emergency Medical Services** (6:40 p.m.)----
-----Pages 140-143
The Board will consider approving a Mutual Aid Agreement with Avery County for Emergency Medical Services.
 - G. **USDA Loan** (6:45 p.m.)-----Pages 144-149
The Board will discuss the USDA Loan.
 - H. **Time of Meeting** (6:55 p.m.)-----Page 150
The Board will discuss the time of their meetings.
 - I. **Noise Ordinance** (7:00 p.m.)-----Page 151
The Board will discuss drafting a Noise Ordinance.
9. **PUBLIC HEARINGS/MEETINGS**
 - A. **Date for Special Meeting** (7:10 p.m.)-----Page 152
10. **RESOLUTIONS/PROCLAMATIONS/ORDINANCES** - None
11. **REPORTS/PRESENTATIONS**
 - A. **CAP Program** (7:12 p.m.)-----Page 153
The Board will hear an update on the CAP Program.
 - B. **Tax Collector** (7:25 p.m.)-----Page 154
The Tax Collector will report to the Board the uncollected taxes for 2006-2007.

12. APPOINTMENTS

- A. Workforce Development Board (7:28 p.m.)-----Page 155**
The Board will consider making appointments to the Workforce Development Board.
- B. Senior Tar Heel Legislature (7:30 p.m.)-----Pages 156-161**
The Board will consider making appointments to the Senior Tar Heel Legislature.
- C. Mitchell Library Board & AMY Regional Library Board(7:32 p.m.)-----
-----Pages 161-164**
The Board will consider making an appointment to the Library Board.
- D. Toe River Health District Board (7:34 p.m.)-----Pages 165-167**
The Board will consider making an appointment to the Toe River Health District Board.

13. RELEASES/REFUNDS - None

- A. Releases/Refunds for Board Approval**
- B. Releases/Refunds for County Manager Approval**

14. COUNTY MANAGER' S REPORT(7:36 p.m.)

15. BOARD COMMENTS (7:39 p.m.)

- 16. CLOSED SESSION (7:49 p.m.)-----Page 168**
The Board will hold a Closed Session in accordance with North Carolina General Statute §143-318.11(a)(3) which reads as follows: To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.

17. CITIZEN & AUDIENCE COMMENTS (8:10 p.m.)

18. ADJOURNMENT (8:40 p.m.)