

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON NOVEMBER 7, 2011, AT 6:00 P.M.

**PRESENT: CHAIRMAN BILL ECKLER
VICE CHAIRMAN JULIUS OWENS
SUSAN CROWE
EDDIE HOLLAND
ROGER RICHARD**

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CALL TO ORDER

Chairman Eckler called the meeting to order. Mr. Jim Bishop gave the invocation. Vice Chairman Owens led in the Pledge of Allegiance to the Flag.

PUBLIC COMMENTS

No one wished to speak.

CONSENT AGENDA

Commissioner Crowe made a motion to approve the minutes of the September 19, September 26, September 28, October 3, and October 10, 2011, meetings. The motion was unanimously adopted.

APPOINTMENT\ RUTHERFORD TOWN REVITALIZATION BOARD

Commissioner Crowe made a motion to appoint Vice Chairman Owens to the Rutherford Town Revitalization Board. Commissioner Richard seconded the motion. The motion was unanimously approved.

APPOINTMENT\ UNION MILLS VOLUNTEER FIRE DEPARTMENT BOARD OF TRUSTEES FOR FIREMEN'S RELIEF FUND

Commissioner Crowe made a motion to appoint Ms. Freda Greene to the Union Mills Volunteer Fire Department Board of Trustees for Firemen's Relief Fund to replace Mr. Alvin Nanney who has passed away. Commissioner Richard seconded the motion. The motion was unanimously approved.

SOUTHDATA INNOVATIVE SOLUTIONS\PROPOSAL\TAX DEPARTMENT

Interim Tax Collector Rheba Ward described a new service now being offered by SouthData Innovative Solutions for property listing by taxpayers. Under the proposed change, SouthData will print and mail the listing forms to taxpayers as before, but an electronic copy will be provided to the Tax Office in place of a printed copy. Returned listings will be mailed by the taxpayer to SouthData instead of to the county, where they will be scanned and indexed, with the tax office having electronic access on a daily basis. At the end of the listing period all the printed copies of listings will be returned to the county for storage. Ms. Ward explained that this will save on staffing costs and printing costs.

The listing form will include personal property on record from the prior year for the convenience of the taxpayer. The taxpayer must sign and return the form or incur a 10% listing penalty.

Vice Chairman Owens made a motion to adopt the new property listing service offered by SouthData Innovative Solutions. Commissioner Crowe seconded the motion. The motion was unanimously adopted.

TAX REFUNDS AND RELEASES

Commissioner Crowe made a motion to approve tax refunds of \$954.91 and tax releases greater than \$100 totaling \$19,615.19 as outlined by Interim Tax Collector Rheba Ward. Tax releases of amounts less than \$100, which totaled \$1,806.06, were submitted by the Finance Office. Vice Chairman Owens seconded the motion. The motion was unanimously approved. (A copy of these tax refunds and releases is in the Minute Book.)

BIDS\HYDRAULIC EXCAVATOR\LANDFILL

Chairman Eckler reported that the Engineer David Garrett who provides service for the Rutherford County Landfill has recommended that the county purchase a new hydraulic excavator instead of one which is used. Chairman Eckler noted that the extraction and sale of scrap metal from the landfill will pay for the new equipment over time so there will be no cost to the taxpayer.

Vice Chairman Owens made a motion to accept the bid from Linder Industrial Machinery Company for purchase of a new hydraulic excavator for \$147,800 and to purchase the 60 month extended warranty for \$5,599.00. Commissioner Crowe seconded the motion. The motion was unanimously approved.

Bids were:

Vendor	Equipment	Sales Price	36 month; 5,000 hrs extended warranty	48 month; 5,000 hrs extended warranty	60 month; 5,000 hrs extended warranty
Carolina Tractor	Caterpillar 324D L Hydraulic Excavator	\$202,750.00	\$3,120.00	\$3,610.00	\$3,830.00
James River Equipment	John Deere Model 200D LC Hydraulic Excavator	\$155,757.00	\$1,839.00	\$2,970.00	\$3,192.00
Linder Industrial Machinery Company	Komatsu PC200LC-8 Hydraulic Excavator	\$147,800.00	\$3,011.00	\$4,650.00	\$5,599.00

Vendor	Equipment	Sales Price	Hours
Carolina Tractor	2007 Caterpillar 320CL Hydraulic Excavator	\$105,000.00	2,994
Powertrain & Hydraulic Warranty Options Available: 12 months/1,000 hrs \$962; 24 months/2,000 hrs \$4,224; 36 months/3,000 hrs \$4,990; 48 months/4,000 hrs \$8,130; or 60 months/5,000 hrs \$11,572			
James River Equipment	2008 Hitachi 200 LCS-3 Hydraulic Excavator	\$114,749.00	1,995
Extended Warranty: 5,000 hours/8-11-13 whichever occurs first			
Linder Industrial Machinery Company	2007 Komatsu PC200LC-8 Hydraulic Excavator	\$105,500.00	3,042
Extended Warranty: 6 month powertrain plus hydraulic warranty			

BUDGET AMENDMENTS

Paula Roach of the Finance Department presented and explained the budget amendments, which included the appropriation of an additional \$3,399.00 from the fund balance for the purchase of the excavator for the Solid Waste Department.

Commissioner Crowe made a motion to approve the budget amendments. Vice Chairman Owens seconded the motion. The motion was unanimously adopted.

	Expense	Revenue
GENERAL FUND		
Sheriff - Overtime Salaries	\$ 976	
US Marshal Reimbursement - Sheriff OT/Equipment		\$ 976
*US Marshal reimbursement received		
Sheriff - Drug Buy Money	\$ 12	
Sheriff Miscellaneous Revenues		\$ 12
*judgment received		
Sheriff - Part Time Salaries	\$ 4,340	

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	Expense	Revenue
Communications - Part Time Salaries		\$ 4,340
*transfer part-time monies to Sheriff's Office		
Sheriff - Canine and Supplies	\$ 6,000	
Sheriff Miscellaneous Revenues		\$ 6,000
*proceeds from Cherokee County for canine		
Detention - Medical Aid and Supplies	\$ 460	
DOJ State Criminal Alien Assistance Program (SCAAP)		\$ 460
*funding received		
Detention - Camera System	\$ 9,500	
Commissary Funds		\$ 9,500
*appropriate commissary funds for camera system as requested by Sheriff		
Animal Shelter - Cleaning Supplies	\$ 20	
Animal Shelter Donations		\$ 20
*donation received		
Senior Center - Office Supplies	\$ 263	
Senior Center Miscellaneous Revenues		\$ 263
*replacement cards/photos for senior center		
Library - Teen Area	\$ 4,820	
Facebook Grant for Local Charities		\$ 4,820
*grant received		
Transfer from Grey Rock Infrastructure Project Fund		\$ 141,348
Fund Balance Appropriated		\$ (141,348)
*reimburse General Fund for legal fees and professional services paid to date		
Contribution to DSS Fund	\$ 22,797	
Fund Balance Appropriated		\$ 22,797
*adjust budget to funding authorizations received		
DSS FUND		
Crisis Intervention Program	\$ 309,660	
Crisis Intervention Revenues		\$ 309,660
*funding allocation received - 100% federal funds		
TANF to SSBG Revenues		\$ (2,789)
CCDG - Child Care Admin Revenues		\$ 14,209
SSBG Revenues		\$ (24,323)
Energy Assistance Admin Revenues		\$ (9,894)
Contribution from General Fund - Administration		\$ 22,797
Child Day Care Expenditures	\$ 15,987	
Child Day Care Revenues		\$ 15,987
Job Boost Expenditures	\$ (288,179)	

	Expense	Revenue
Job Boost Revenues		\$ (288,179)
Job Boost Admin	\$ (32,019)	
Job Boost Admin Revenues		\$ (32,019)
*adjust budget to funding authorizations received		
E911 FUND		
Capital Outlay - Public Safety 50/50 Fund Balance	\$ (4,167)	
Fund Balance Appropriated - 50/50 Fund Balance		\$ (4,167)
*reduce budgeted 50/50 capital outlay		
GRANT FUND		
Gourmet Group/Geppetto Door Line Expansion	\$ 262,000	
GoldenLEAF Grant		\$ 262,000
*grant received		
SOLID WASTE FUND		
Solid Waste Disposal – Capital Outlay	\$3,399	
Fund Balance Appropriated		\$3,399
*appropriate additional funds for the purchase of new excavator		
GREYROCK INFRASTRUCTURE CAPITAL PROJECT FUND		
Legal Fees - Current Year	\$ 91,369	
Transfer to General Fund - Legal Fees (Prior Years)	\$ 135,848	
Professional Services - Engineering Current Year	\$ 6,000	
Transfer to General Fund Prof Services - Engineering (Prior Years)	\$ 5,500	
Grey Rock Infrastructure Project	\$ 15,011,283	
Proceeds from Greyrock Settlement		\$ 15,250,000
*record proceeds received from Grey Rock settlement and transfer funds to General Fund for Legal Fees and Professional Services-Engineering paid to date		
Services-Engineering paid to date		

ROOFS\COUNTY BUILDINGS

Mr. Danny Searcy, Director of Public Works and Planning, explained that bids for eight roofs had been solicited. Two contractors had submitted low bids for four each of the eight buildings that need to be reroofed after damage from the severe hailstorm in April. The repairs will be paid for with proceeds from insurance claims.

Commissioner Crowe made a motion to accept the bids from Balken to reroof the EMS, Health Dept, Senior Center and Cliffside Rescue Squad buildings, and the bids from Conner to reroof the Veterans, DSS Munsey, Library and Rutherford Center buildings. The motion was unanimously adopted.

The bids were:

Buildings	Balken	Conner
Veterans	\$12,415.00	\$10,648.46
DSS Munsey Building	\$5,110.00	\$2,933.65
Country Library	\$28,692.50	\$22,221.30
EMS	\$10,740.00	\$13,177.73
Health Department	\$40,310.00	\$47,489.45
Rutherford Center	\$28,430.00	23,027.12
Senior Center	\$81,210.00	\$87,067.56
Cliffside Rescue Bldg.	\$4,865.00	No Bid

PANGAEAIRU ASSIGNMENTREQUEST

Mr. Ron Walters of Pangaea made a request for the use of three strands in the fiber optic network managed by Pangaea explaining that this use of the fiber is covered in the management agreement. He predicted that it will result in a reduced management fee to the county, as well as, some revenue sharing based on commercial customers.

Commissioner Richard made a motion to table the request because the contract between the county and Pangaea has not been renewed.

Attorney Miller confirmed that the initial term of the contract expired in November 2010 and that the contract is now renewing on a month-to-month basis. She said the contract is valid.

Commissioner Crowe asked about connectivity to individuals, not just to businesses. Mr. Walters and Dana Whitehair of Foothills Connect each said that efforts are continually being made to find a vendor who is willing to provide service to private customers but the search has been fruitless to this point.

Commissioner Richard's motion did not have a second. He called for a vote on the motion. The vote was 4-1, with Commissioner Richard voting in favor. The motion failed.

Vice Chairman Owens made a motion to approve the request from Pangaea for the assignment of three strands of fiber to serve Goforth Pest Control (one fiber) and the Hickory Nut Gorge Fire Department (two fibers) which can serve other customers. Commissioner Holland seconded the motion.

The vote on the motion was:

Ayes: Commissioners Eckler, Holland, Crowe and Owens

Noes: Commissioner Richard

GAS TO GREEN\LANDFILL\METHANE PROJECT\BIDS

Mr. Jerry Stensland reviewed the bid process for the gas to green landfill methane project funded through a grant from the North Carolina State Energy Office. No action was taken on bids received in September, and the scope of the project was revised to reduce the number of wells from 16 to 12. New bids were requested for the revised project.

Vice Chairman Owens made a motion to accept the bid from Carlson Environmental Consults of \$214,300 for the gas collection system portion of the gas to green project at the landfill. Commissioner Crowe seconded the motion. The motion was unanimously approved.

Commissioner Crowe made a motion to reject the bid from Sustainably Green on the basis that it was disqualified by a clause in the bid allowing for undetermined higher costs. Commissioner Holland seconded the motion. The motion was unanimously approved.

Commissioner Crowe made a motion to accept the bid from Power Secure in the amount of \$139,469 for the electric generation system portion of the gas to green project at the landfill. Vice Chairman Owens seconded the motion. The motion was unanimously approved.

The bids were:

Received September 28, 2011

Gas Collection System

Carlson Environmental Consultants*	\$245,070	Reduced to 12 wells at \$214,300
Shamrock Environmental	\$449,279	
SCS Field Service	\$436,000	
A&D Environmental Services	\$470,693.18	

*The Gas to Green team has, after reviewing the overall budget, reduced the scope of the project. The primary reduction is from a 16 well system to 12 wells. This reduction in scope resulted in a revised bid by Carlson of \$214,300.

Electric Generation System

Sustainably Green	\$288,000
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Received October 31, 2011

Electric Generation System

Sustainably Green	\$136,500
Power Source	\$139,469

BIDS\HYDRAULIC EXCAVATOR\LANDFILL

Chairman Eckler asked that the Commissioners take formal action to reject the bids on used excavators.

Commissioner Crowe made a motion to reject all bids for a used hydraulic excavator for the Solid Waste Department. Vice Chairman Owens seconded the motion. The motion was unanimously approved.

CLOSED SESSION\ ATTORNEY CLIENT NCGS 143-318.11(a)(3)\ PERSONNEL\N.C.G.S. 143-318.11(a)(6)

Commissioner Crowe made a motion for the Commissioners to go into closed session for attorney client under N.C.G.S. 143.318.11(a)(5) and personnel under N.C.G.S. 143.318.11(a)(6). Vice Chairman Owens seconded the motion. The motion was unanimously approved.

Chairman Eckler requested the Judy Toney and Paula Roach be available for a portion of the closed session if needed.

6:45 P.M. The Board went into Closed Session.

7:58 P.M. The Board returned to Open Session.

ADJOURNMENT

Commissioner Crowe made a motion to adjourn. Vice Chairman Owens seconded the motion. The motion was unanimously approved.

Meeting adjourned at 7:58 P.M.

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

Attest:

Clerk, Board of Commissioners