

MINUTES OF THE REGULAR MEETING OF THE RUTHERFORD COUNTY BOARD OF COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON JUNE 4, 2012, AT 6:00 P.M.

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

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CALL TO ORDER AND ADOPTION OF AGENDA

Chairman Owens called the meeting to order. Commissioner Crowe led the Pledge of Allegiance to the American Flag.

Commissioner Richard made a motion to defer the agenda item relating to Peer Support Services to the July meeting; to add two agenda items under new business regarding pyrotechnic displays and the appointment of a parliamentarian; and to approve the agenda thus amended. Commissioner Crowe seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

VI. NEW BUSINESS

- D. Lease with Peer Support Services Exchange – Deferred
- I. Pyrotechnic Displays
- J. Parliamentarian

APPROVAL OF MINUTES

Commissioner Crowe made a motion to approve the minutes of the special meeting on May 7, 2012. Commissioner Richard seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Commissioner Crowe made a motion to approve the minutes of the regular meeting on May 7, 2012, as corrected. Commissioner Richard seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Vice Chairman Eckler made a motion to approve the minutes of the special meeting on May 8, 2012. Commissioner Crowe seconded the motion. The motion passed 5-0 with Commissioners

Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Commissioner Crowe made a motion to approve the minutes of the special meeting on May 9, 2012. Commissioner Richard seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Commissioner Crowe made a motion to approve the minutes of the special meeting on May 10, 2012. Vice Chairman Eckler seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Commissioner Crowe made a motion to approve the minutes of the special meeting on May 10, 2012 (2). Commissioner Richard seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Vice Chairman Eckler made a motion to approve the minutes of the special meeting on May 15, 2012. Commissioner Crowe seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

PUBLIC HEARING TRANSIT AUTHORITY ROAP GRANT APPLICATION

Manager Classen asked Kerry Giles of the Transit Authority to present the annual grant application for funding from NCDOT under the Rural Operating Assistance Program (ROAP).

Ms. Giles explained that, as in previous years, grant funds are being requested for FY 2012-2013. The grants funds support transportation services to elderly and disabled, transportation to employment and education, and the Transit Department's deviated fixed route. The amount available is determined by a state formula. Last year there was a cut in available funds, but this year the amount has been increased by \$14,079, for a total of \$192,870. The county is required to continue the service even if the grant funds are depleted and last year it was necessary to use funds from Transit's operating funds. However, steps have been taken to trim program costs, and it is anticipated that in 2012-2013, the grant funds' budget will break even.

Chairman Owens declared the public hearing open. No one else wished to speak. Chairman Owens declared the public hearing closed.

Commissioner Richard made a motion to approve the grant application for 2012-2013 funding from NCDOT's Rural Operating Assistance Program and to approve the certified statement outlining the terms under which the funding will be used. Commissioner Crowe seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

PUBLIC HEARING\FY 2012-2013 BUDGET

Manager Classen noted that the FY 2012-2013 budget has been reviewed by the Board of Commissioners and that a public hearing has been advertised for this meeting. Materials relating to the budget have been published on the county's website. Comments from the public at this meeting will be summarized and emailed to the Commissioners. A meeting is scheduled for June 7 at 9:00 a.m. for adoption of the budget.

Ms. Patricia Kuess spoke on behalf of the SWEEP committee with the recommendation that the recycling specialist's job be made a full time position. She reviewed the growth in the recycling program and said that picking up the recyclables and keeping the records now takes all of the specialist's time, with the result that he has no time for community outreach and education. She said the job will pay for itself ultimately from the sale of the recyclables.

Ms. Heidi Kearns, the finance officer for Rutherford County Schools, requested partial funding for the increase in fuel and electricity costs incurred by the school system. She said that there is no other source of funding to cover these increased costs.

Ms. Wanda Richards asked the Commissioners to continue the discount on property taxes for early payment. She said she is one of many taxpayers who want to save money by paying their taxes early. She said it is unfair to taxpayers who want to be good responsible citizens.

Mr. Henry Edwards said that not only are many citizens currently without work, many who do have work are barely hanging on. He asked the Commissioners to keep these people in mind.

No one else wished to speak. Chairman Owens declared the public hearing closed.

PUBLIC COMMENTS

Mr. Howard Yelton commented on the proposed acquisition for more land for the county airport. He described his experience with airplanes and stated his opinion that the existing runway is adequate for any future use at the airport. He did not want to see any of his tax dollars used for increasing the runway.

Mr. Terry Harris asked the Commissioners to consider putting a permanent EMS station in the lower end of the county. He said the citizens there need it and deserve it.

APPOINTMENTS

Manager Classen reported that the members of the public who hold seats on county boards and commissions have been contacted to determine whether or not they wish to continue to serve. He presented a list that showed who had responded so far.

Vice Chairman Eckler made a motion to re-appoint all county board and commission members who have agreed to continue in office, to appoint Carl Classen to the Home and Community Care

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Block Grant Committee, and to defer appointments to the remaining seats until a later date. Commissioner Crowe seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Board/Commission	Appointee
Capital Planning and Finance Advisory Committee	Scott Webber
	Bill Whitman
Home and Community Care Block Grant Committee	Carl Classen
	Ruth Hodge
	Faye Hassell
	Sybil Walker
Transit Administration	Faye Hassell
	Marie Champion
Workforce Development Board	Mark Franklin
	David Herndon
Industrial Facilities and Pollution Control Financing Authority	Maxie Jolley
	Bruce Hoyle
Historic Preservation Committee	Keith Price
	Donna Robbins
Isothermal Community Board of Trustees	David Eaker
Juvenile Crime Protection Committee	John Crotts
	Rodney Wesson
	Leon Godlock
	Mark Snyder
	Mary Cole
Tourism Development Authority	Ann Hutchins
	Denise Holland
Advisory Personnel Board (All expire 10/1/12.)	Lori Ray
	Mike Saunders
	Mark Franklin

Each of the Commissioners re-nominated the current holders of seats for appointments that are made by districts. Commissioner Crowe made a motion to approve the re-appointment of those so named. Vice Chairman Eckler seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Board/Commission	Appointee
Library Board	Keith Price
	Alice Bradley
Planning Commission	Aaron Hutchinson
	Amy Jenkins
	Kim Warner
	Danny Wells

Board/Commission	Appointee
	Phillip Miller
	Dwayne Harris
	Ronnie Harrill
	Jimmy Huffstickler
	John Bittle
	Mike Parton
Economic Development Commission	Sally Leshar
	Omer Causey
	Terry Hines
	Tom Helton
	Richard Cotarelo

PROPOSAL\EMAIL POLICY

Commissioner Richard made a motion that a committee be appointed to draft an email policy. Manager Classen confirmed that the county has a policy that all emails to and from county email addresses are subject to the public records law and are public documents. Commissioner Richard's concern was that when someone requests information the proper procedure would be that the reply should go back to the requesting party and not to anyone else. Chairman Owens stated again that anything that comes from a Commissioner becomes a public document. Commissioner Richard called for a vote on his motion. The motion failed 2-3 with Commissioners Crowe and Richard voting aye; Commissioners Eckler, Holland and Owens voting no; no Commissioners excused; and no Commissioners absent.

SOLID WASTE TRANSFER STATION PROJECT ORDINANCE

Manager Classen reported that there is a problem at the transfer station that requires major repair at a cost of \$559,625. He presented a choice of options to pay for the repairs, including (1) using existing reserves, (2) borrowing from reserves with the intention of repaying the reserve fund, and (3) bank financing. He recommended using existing reserves with the intention of rebuilding that fund in future years but without a formal obligation to repay the funds taken from it. He noted that because the reserve fund currently has approximately \$1 million, it will still have a balance more than sufficient for any anticipated need.

Commissioner Crowe made a motion to approve the project ordinance for the repairs at the Solid Waste Transfer Station, with an appropriation of \$559,625 from the Solid Waste Enterprise Fund. Commissioner Richard seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

**COUNTY OF RUTHERFORD
SOLID WASTE TRANSFER STATION PROJECT
Ordinance No. 2012-06-04**

Be it hereby ordained by the Board of Commissioners of Rutherford County, North Carolina, that pursuant to Section 13.2, Chapter 159 of the General Statutes of North Carolina, the following project ordinance is adopted.

SECTION 1: The project authorized is the Solid Waste Transfer Station Project.

SECTION 2: The Rutherford County staff is hereby directed to proceed with the project within the terms of the budget contained herein.

SECTION 3: The following revenues and resources are anticipated to be available to complete the project activities:

Rutherford County Solid Waste Transfer Station Solid Waste Enterprise Fund	\$559,625
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SECTION 4: The following amounts are appropriated for the project activities:

Rutherford County Solid Waste Transfer Station	
Construction and Design:	
Construction	\$430,481
Design, Engineering, and Permitting (20%)	86,096
Construction Contingency (10%)	43,048
Rutherford County Solid Waste Transfer Station Project –	
Total	\$559,625

Section 5. The Finance Officer is hereby authorized to set up this project within the Solid Waste Enterprise Fund.

Section 6. The Finance Officer is hereby directed to report quarterly on the financial status of each project element in Section 4 and on the total revenues received or claimed.

Section 7. The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this project in every budget submission made to this board.

Section 8. Copies of this project ordinance shall be made available to the Finance Officer for direction in carrying out this project.

Adopted this the 4th day of June, 2012.

Manager Classen reported that under G.S. 143-64.32 any contract exceeding \$30,000 has to be advertised for Request for Qualifications (RFQ). An exception can be made to the state requirement if the county makes a written finding that a particular person or firm would be best suited

for the work. In view of Mr. David Garrett's prior history and experience with the county, Mr. Classen recommended that the Commissioners exercise their prerogative and designate Mr. Garrett to do the work at the Transfer Station.

Commissioner Crowe made a motion that the design, engineering and permitting of the Solid Waste Transfer Station Repair Project be performed by David Garrett, PE, without advertising for Request for Qualifications (RFQ). Vice Chairman Eckler seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

REQUESTED LEGISLATION\CLIFFSIDE SANITARY DISTRICT

Manager Classen explained that the request to the state legislature to consider a local bill changing the qualifications of members of the board of the Cliffside Sanitary District has been found to have some constitutional problems. It has been recommended that this bill be rewritten and resubmitted next year as a public bill with some different provisions. The Commissioners agreed to this recommendation.

WEBCASTING AND BROADCASTING OF MEETINGS

Manager Classen presented a requested change in wording in the proposed policy that the Commissioners reviewed at the last meeting.

Commissioner Richard made a motion to accept the policy on webcasting and broadcasting of meetings with one further change to strike the end of the sentence under review. Commissioner Crowe seconded the motion. The motion passed 3-2 with Commissioners Crowe, Eckler and Richard voting aye; Commissioners Holland and Owens voting no; no Commissioners excused; and no Commissioners absent.

A Resolution of the Rutherford County Commissioners Regarding Webcasting and Broadcasting of County Commissioner Meetings

Whereas, Rutherford County government has the ability to webcast public meetings; and

Whereas, portable equipment for webcasting public meetings at off-site locations is available, but only where adequate Internet service is available; and

Whereas, webcasting public meetings incurs an expense to the County in overtime and equipment costs; and

Whereas, the Rutherford County Commissioners finds that, when managed prudently, Rutherford County webcasting public meetings is a cost-effective means to enhance the public understanding of county government and its governance.

Now, Therefore, Be it Resolved, that the Rutherford County Board of Commissioners meeting this 4th day of June, 2012, does hereby adopt the following policy regarding webcasting public meetings of the Rutherford County Board of Commissioners:

- A. Regular meetings of the Rutherford County Board of Commissioners will be webcast.
- B. All special meetings of the Rutherford Board of County Commissioners held in the Rutherford County Office Building will be webcast.
- C. Meetings of the Rutherford County Board of Commissioners held outside the Commissioners meeting room will be webcast when the location has adequate internet service and when the County Manager is notified not less than five (5) working days prior to the date of the meeting.
- D. If the County Manager finds that the cost of webcasting a particular meeting exceeds a reasonable cost or if the personnel, equipment or facilities are not reasonably available for webcasting a public meeting, the County Manager may decide not to have a meeting webcast. The County Manager shall provide his findings and decision to the County Commissioners at or before the time of the applicable public meeting.
- E. A person may broadcast the audio or video of all or any part of a public meeting of the Rutherford County Board of Commissioners. Any person may photograph, film, tape-record, or otherwise record or transmit any part of a public meeting of the Rutherford County Board of Commissioners. If the presiding officer finds that the person, process or equipment associated with broadcasting, photographing, filming, or any other recording is disruptive to the decorum or conduct of the meeting, the presiding officer may order such disruption abated through any means the presiding officer determines is necessary.
- F. The presiding officer may designate where any and all broadcasting, photographing, filming or recording devices, along with associated personnel, may be placed or displaced at any meeting of the Rutherford County Board of Commissioners.

Be It Also Further Resolved that additional meetings of county departments or agencies may be webcast subject to prior approval by the County Manager. The Information Technology Department shall calculate the total cost and report the amount to the Finance Officer who shall charge that amount to the appropriate department budget or outside agency. Upon prior request from the applicable department or agency, the County Manager may waive the webcasting charge.

Adopted this 4th of June, 2012:

HORSEHEAD PROJECT/PROJECT ORDINANCES/AGREEMENT

Manager Classen updated the progress of the Horsehead project and asked the Commissioners to approve documents relating to the administration of grants and contracts awarded for the project.

The rail spur, which under the original understanding was to have been built by Horsehead, will have to be constructed by the county in order to comply with the grants. The county will own the rail spur for a period of three years; after that time, if Horsehead has complied with the requirements of the grant ownership, the rail will transfer to them.

Vice Chairman Eckler made a motion to approve the project ordinance setting forth the grant funding sources and financial reporting requirements for the Horsehead Rail Project; to direct the county attorney to review the documents; and to authorize the county manager to execute agreements and other documents in support of the Board's action. Commissioner Crowe seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

**COUNTY OF RUTHERFORD
HORSEHEAD RAIL PROJECT
Ordinance No. 2012-06-04-1**

Be it hereby ordained by the Board of Commissioners of Rutherford County, North Carolina, that pursuant to Section 13.2, Chapter 159 of the General Statutes of North Carolina, the following project ordinance is adopted.

SECTION 1: The project authorized is the Horsehead Rail Project.

SECTION 2: The Rutherford County staff is hereby directed to proceed with the project within the terms of the budget contained herein.

SECTION 3: The following revenues and resources are anticipated to be available to complete the project activities:

NC Rural Center Grant	\$500,000
Industrial Development Fund Grant	500,000
NC DOT Rail Funds Grant	300,000
NC DOT Grant	1,000,000
Total	\$2,300,000

SECTION 4: The following amounts are appropriated for the project activities:

Horsehead Rail Project Construction & Engineering	\$2,300,000
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Section 5. The Finance Officer is hereby authorized to set up and maintain a Special Revenue Fund for this project.

Section 6. The Finance Officer is hereby directed to report quarterly on the financial status of each project element in Section 4 and on the total revenues received or claimed.

Section 7. The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this project in every budget submission made to this board.

Section 8. Copies of this project ordinance shall be made available to the Finance Officer for direction in carrying out this project.

Adopted this the 4th day of June, 2012.

Commissioner Crowe made a motion to approve the project ordinance setting forth the appropriation of CDBG grant funding and financial reporting requirements for the Water and Sewer CDBG Project to construct water and sewer lines from Forest City to the Horsehead facility; to direct the county attorney to review the documents; and to authorize the county manager to execute agreements and other documents in support of the Board's action. Vice Chairman Eckler seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

**COUNTY OF RUTHERFORD
HORSEHEAD WATER & SEWER CDBG PROJECT
Ordinance No. 2012-06-04-2**

Be it hereby ordained by the Board of Commissioners of Rutherford County, North Carolina, that pursuant to Section 13.2, Chapter 159 of the General Statutes of North Carolina, the following project ordinance is adopted.

SECTION 1: The project authorized is the Horsehead Water and Sewer CDBG Project.

SECTION 2: The Rutherford County staff is hereby directed to proceed with the project within the terms of the budget contained herein.

SECTION 3: The following revenues and resources are anticipated to be available to complete the project activities:

CDBG Grant	\$1,000,000
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SECTION 4: The following amounts are appropriated for the project activities:

Water and Sewer Construction	\$ 960,000
Grant Administration	<u>40,000</u>
Total	\$1,000,000

Section 5. The Finance Officer is hereby authorized to set up and maintain a Special Revenue Fund for this project.

Section 6. The Finance Officer is hereby directed to report quarterly on the financial status of each project element in Section 4 and on the total revenues received or claimed.

Section 7. The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this project in every budget submission made to this board.

Section 8. Copies of this project ordinance shall be made available to the Finance Officer for direction in carrying out this project.

Adopted this the 4th day of June, 2012.

Vice Chairman Eckler made a motion to approve the sub-recipient agreement under which CDBG funds awarded to the county and responsibility for their expenditure pass to the Town of Forest City for the construction water and sewer lines from Forest City to the Horsehead facility; to direct the county attorney and Teresa Spires of IPDC to review the agreement and make revisions as may be required by the terms of the grant, as long as the changes are technical ones not affecting the substance of the agreement; and to authorize the county manager to execute agreements and other documents in support of the Board's action. Commissioner Crowe seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

SURPLUS ITEMS FOR DISPOSAL

Commissioner Crowe made a motion to approve the sale on govdeals of vehicles that the Sheriff has requested be disposed of. Commissioner Richard seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

BUDGET AMENDMENTS

Finance Director Paula Roach presented and explained the budget amendments.

	Expenditures	Revenues
GENERAL FUND		
Sheriff - Equipment/Supplies Purchased with Seizure Funds	\$ 8,422	
Sheriff - Drug Seizure Funds		\$ 8,422
*unauthorized substance tax distribution		
Sheriff - Wrecker Fees	\$ 253	
Sheriff - Forensics Supplies	\$ 20	
Sheriff - Miscellaneous Revenues		\$ 273
*wrecker fees and administrative costs received as a result of the Run and Your Done Law		
Sheriff - Drug Buy Money	\$ 4	
Sheriff - Equipment/Supplies Purchased with Seizure Funds	\$ 6	
Sheriff - Miscellaneous Revenues		\$ 10
*court ordered judgments received		
Sheriff - Wrecker Fees	\$ 150	
Sheriff - Miscellaneous Revenues		\$ 150
*reimbursement for towing fees received		

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	Expenditures	Revenues
Sheriff - Advertisement/Foreclosures	\$ 340	
Sheriff - Miscellaneous Revenues		\$ 340
*received from attorney offices to be used for possible future advertising on foreclosures		
Sheriff - Vehicle Repairs & Maintenance	\$ 10,000	
Insurance Claims & Dividends		\$ 2,088
Fund Balance Appropriated		\$ 7,912
*vehicle repairs and maintenance costs incurred; appropriate insurance proceeds received		
Detention Center Facility - Repairs & Maintenance	\$ 3,000	
Fund Balance Appropriated		\$ 3,000
*sewer repairs/work completed at the Detention Center		
Detention Center - Medical Aid and Supplies	\$ 40,000	
Detention Center - Food and Supplies	\$ 22,500	
Detention Fees - Out of County Inmates		\$ 62,500
*additional funds needed for medical costs incurred; increase food costs due to increased population		
Airport - Repairs & Maintenance to Building	\$ 2,882	
Insurance Claims & Dividends		\$ 2,882
*insurance proceeds received for lightning damage to AWOS		
Airport - Building Repairs & Maintenance	\$ 9,000	
Farmers Market (Block Building) - Repairs & Maintenance	\$ 4,331	
Insurance Claims & Dividends		\$ 10,465
Fund Balance Appropriated		\$ 2,866
*insurance proceeds received for hail damage to roofs (April 2011 storm)		
Transfer to Debt Service Fund	\$ 518,225	
Fund Balance Appropriated		\$ 518,225
*transfer to Debt Service Fund balance of debt service payments due for the Industrial Development Portion of the 2002 COPS (Tracker Marine/Mako Facility)		
Transfer to Grant Fund - Project Quilt	\$ 14,400	
Transfer to Grant Fund - Geppetto Kitchens	\$ (20,468)	
Fund Balance Appropriated		\$ (6,068)
*reallocate a portion of the local match funds not needed for Gourmet Group Project to Project Quilt		
GRANT FUND		
Biggerstaff Master Plan Expenditures	\$ 37,940	
National Park Service Grant - Biggerstaff Master Plan		\$ 37,940

	Expenditures	Revenues
*grant received to develop a master plan for the Biggerstaff property (an associated site of the Overmountain Victory National Historic Trail)		
Project Quilt Building Reuse Expenditures	\$ 302,400	
Rural Center Grant - Building Reuse		\$ 288,000
Transfer from General Fund - Local Match		\$ 14,400
*grant application submitted May 23rd		
Gourmet Group/Geppetto Building Reuse Expenditures	\$ (449,210)	
Professional Services - IPDC	\$ (5,458)	
Rural Center Grant - Occupied Building Reuse		\$ (434,200)
Transfer from General Fund - Local Match		\$ (20,468)
*to close grant ; grant administration/application costs incurred \$1,242		
Gourmet Group/Geppetto Kitchens - One NC Fund Expenditures	\$ (270,000)	
One NC Fund Grant		\$ (270,000)
*to close grant closed; no activity		
GoldenLEAF - Gourmet Group Grant Expenditures	\$ (262,000)	
GoldenLEAF - Economic Catalyst Grant		\$ (262,000)
*to close grant closed; no activity		
DEBT SERVICE FUND		
Reserve for Future Debt Service	\$ 518,225	
Transfer from General Fund - 2002 COPS - Econ Dev Portion		\$ 518,225
*transfer to Debt Service Fund balance of debt service payments due for the Industrial Development Portion of the 2002 COPS (Tracker Marine/Mako Facility)		

Commissioner Crowe made a motion to approve the budget amendments. Vice Chairman Eckler seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

TAX REFUNDS AND RELEASES

Commissioner Crowe made a motion to approve tax refunds of \$3,323.13 and tax releases greater than \$100 totaling \$5,088.92 as outlined by Clair Hubbard of the Tax Department. Tax releases of amounts less than \$100, which totaled \$3,582.35, were submitted by the Finance Office. (A copy of these tax refunds and releases is in the Minute Book.) Vice Chairman Eckler seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Chairman Owens said he would like to make a motion related to the outside agreement to do business personal property tax audits. Commissioner Richard called for a point of order, saying the

proposed item was not admissible because it was not on the agenda. Chairman Owens asked for a recess to consult with the county attorney. After the recess Chairman Owens withdrew his motion until the July meeting

JUVENILE CRIME PROTECTION COUNCIL ANNUAL FUNDING ALLOCATIONS

Commissioner Crowe made a motion to approve the funding allocation for the Juvenile Crime Protection Council for Fiscal Year 2012-2013 and to approve the appointment of the members of the council. Vice Chairman Eckler seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Agency	Appointee
School Superintendent or Designee	Mark Snyder
Chief of Police	Jay Jackson
Sheriff or Designee	Leon Godlock
District Attorney	
Chief Court Counselor or Designee	Rodney Wesson
Director, AMH/DD/SA, or Designee	
Director DSS or Designee	Mary Cole
County Manager or Designee	Judy Toney
Substance Abuse Professional	Shelly Marquis
Member of Faith Community	Charlotte Fish
County Commissioner	
Juvenile Defense Attorney	John Crotts
Chief District Judge or Designee	
Member of Business Community	
Local Health Director or Designee	Helen White
Represent. United Way	Faye Hassell
Representative/Parks and Recreation	Barbara Leddy
County Commissioner Appointee	Philip Cole
County Commissioner appointee	Fina Tipton

COUNTY SERVICE DISTRICTS FOR FIRE PROTECTION

Manager Classen asked Fire Marshall Roger Hollifield to report on a proposal to expand the service areas of the fire departments.

Mr. Hollifield explained that with the help of the GIS department it has become possible to create better mapping of the fire districts. The purpose is to identify more clearly which properties are contained in each district and eligible for the district's fire rate, and thereby to extend the eligibility for reduced insurance premiums to more property owners. Notices are required to be mailed to property owners. To save money, it is proposed that these notices be mailed with the tax bills. The notices will need to specify the date of a public hearing on the abolishment of the existing services areas and must be mailed four weeks ahead of the hearing date. Therefore, he asked the Commissioners to

take action now to set the date of the September meeting so that a public hearing can be scheduled and advertised.

Vice Chairman Eckler made a motion to move the September Commissioners' meeting from Monday, September 3, which is Labor Day, to Monday, September 10. Commissioner Crowe seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Commissioner Crowe made a motion to set a public hearing on the abolishment of existing county service districts in accordance with G. S. 153A-306 at the time of the September 10 regular commissioners' meeting. Vice Chairman Eckler seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Commissioner Crowe made a motion to set a public hearing on the establishment of new county service district boundaries in accordance with G. S. 153A-302(c) at the time of the September 10 regular commissioners' meeting. Vice Chairman Eckler seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

FOOTHILLS CONNECT/RUTHERFORD COUNTY LANDFILL LEASE

Manager Classen explained that the county presently has a letter of agreement with Foothills Connect for use of three acres of county property at the county landfill to operate their agri-business initiatives. The property is actually three separate parcels, which presents a problem since the state requires setbacks from the property lines.

Vice Chairman Eckler made a motion to remove property lines and to combine the parcels into one parcel. Commissioner Crowe seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Chairman Owens made a motion to authorize the county attorney, if he accepts, to represent the county as well as Foothills Connect in connection with the lease of property at the landfill, and to authorize the county manager to retain outside counsel if the county attorney declines. Vice Chairman Eckler seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

PROJECT ORDINANCE WHITE GOODS WASTE MANAGEMENT

Manager Classen reported that the Solid Waste Department has applied for and been awarded a grant to install a pad at the receiving area for white goods. Mr. James Kilgo, Solid Waste Director, reported that David Odom has been retained to direct the project for bids and testing.

Commissioner Crowe made a motion to approve the NC Department of Environment and Natural Resources grant in the amount of \$175,693.35 for construction of a white goods concrete pad; to direct the county attorney to review; and to authorize the county manager to execute contract and other documents in support of the grant. Vice Chairman Eckler seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Commissioner Crowe made a motion to approve the project ordinance for construction of a white goods concrete pad; to direct the county attorney to review; and to authorize the county manager to execute contract and other documents in support of the Board's action. Vice Chairman Eckler seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

**COUNTY OF RUTHERFORD
SOLID WASTE METAL & WHITE GOODS PAD CONSTRUCTION
Ordinance No. 2012-06-04-4**

Be it hereby ordained by the Board of Commissioners of Rutherford County, North Carolina, that pursuant to Section 13.2, Chapter 159 of the General Statutes of North Carolina, the following project ordinance is adopted.

SECTION 1: The project authorized is the Solid Waste Metal and White Goods Pad Construction Project.

SECTION 2: The Rutherford County staff is hereby directed to proceed with the project within the terms of the budget contained herein.

SECTION 3: The following revenues and resources are anticipated to be available to complete the project activities:

NC DENR White Goods Management Grant	\$175,693
Rutherford County Solid Waste Enterprise Fund	<u>1,507</u>
Total	\$177,200

SECTION 4: The following amounts are appropriated for the project activities:

Rutherford County Solid Waste Metal and White Goods Pad	
Construction/Engineering and Project Management Grant	\$ 169,293
Testing/Inspection	6,400

Engineering/Project Management/Local Funds 1,507

Rutherford County Solid Waste Metal and White Goods Pad Project –
Total \$177,200

Section 5. The Finance Officer is hereby authorized to set up and maintain a Special Revenue Fund for this project.

Section 6. The Finance Officer is hereby directed to report quarterly on the financial status of each project element in Section 4 and on the total revenues received or claimed.

Section 7. The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this project in every budget submission made to this board.

Section 8. Copies of this project ordinance shall be made available to the Finance Officer for direction in carrying out this project.

Adopted this the 4th day of June, 2012.

PARLIAMENTARY PROCEDURE

Commissioner Richard requested that the board change its policy regarding the parliamentarian who rules on procedural questions.

Manager Classen explained that under the present usage, the board chairman makes a ruling when there is a parliamentary question.

Commissioner Richard made a motion to appoint the county manager as parliamentarian with the county attorney serving as advisor. Commissioner Crowe seconded the motion. The motion failed 2-3 with Commissioners Crowe and Richard voting aye; Commissioners Eckler, Holland, and Owens voting no; no Commissioners excused; and no Commissioners absent.

RESOLUTION PERMITS FOR PYROTECHNIC DISPLAYS

Manager Classen explained that new provisions of state law require that requests for fireworks displays, which previously were permitted by the Inspections Department, must now be submitted to the county commissioners or to town councils if so delegated by the Board of Commissioners. Since this would entail called meetings of the Board to respond to permit requests, he asked the Commissioners to approve a resolution to set minimum insurance requirements and to authorize staff to review and approve the applications for permits.

Commissioner Crowe made a motion to approve the resolution delegating to the County Manager the authority to provide written authority to display operators for the exhibition, use or discharge of pyrotechnics at a concert or public exhibition under N.C.G.S. 14-410 and to comply with permitting and insurance requirements under N.C.G.S. 14-413. Vice Chairman Eckler seconded the

motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Commissioner Crowe made a motion to direct the Chairman to contact the town mayors to determine whether they wish to be given the authority to approve pyrotechnic displays. Vice Chairman Eckler seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

RESOLUTION

Whereas, North Carolina General Statute 14-410 authorizes County Commissioners to provide written authority to display operators for the exhibition, use or discharge of pyrotechnics at a concert or public exhibition; and

Whereas, North Carolina General Statute 14-413 authorizes County Commissioners to issue permits for the use of pyrotechnics in connection with concerts and public exhibitions; and

Whereas, North Carolina General Statute 14-413 further authorizes County Commissioners to require proof of insurance greater than the minimum \$500,000 established by the North Carolina General Statutes; and

Whereas, the Rutherford County Board of Commissioners desire to delegate this matter to the County Manager for administrative reasons and the Rutherford County Board of Commissioner has to right to delegate this authority.

Now, therefore, be it resolved that the Rutherford County Board of Commissioners hereby delegates to the County Manager the authority to provide written authority to display operators for the exhibition, use or discharge of pyrotechnic at a concert or public exhibition under North Carolina General Statute 14-410.

Be it further resolved that the Rutherford County Board of Commissioners hereby delegates to the County Manager the authority to provide permits for the use of pyrotechnics in connection with concerts and public exhibitions under North Carolina General Statute 14-413.

Be it also resolved that the Rutherford County Board of Commissioners does provide that the proof of insurance shall be the minimum required under North Carolina General Statute 14-413.

This resolution shall be effective immediately following the adoption.

Adopted this the 4th day of June, 2012.

CLOSED SESSION

The Board went into closed session for Attorney-Client Privilege under N.C.G.S. 143-318.11(a)(3), Personnel under N.C.G.S. 143-318.11(a)(6), Industrial Location under N.C.G.S. 143-318.11(a)(4) and Property Acquisition under N.C.G.S. 143-318.11(a)(5) after a motion by Vice Chairman Eckler and a unanimous vote of approval. Chairman Eckler also moved that HR Director Judy Toney, Finance Officer Paula Roach, and EMS Director Richard Petty attend portions of the closed session meeting.

8:03 P.M. The Board went into Closed Session.

9:11 P.M. The Board returned to Open Session.

ADJOURNMENT

Commissioner Crowe made a motion to adjourn. Vice Chairman Eckler seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Meeting adjourned at 9:12 P.M.

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

Attest:

Clerk, Board of Commissioners