

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 JULY 2, 2012, AT 6:00 P.M.

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

CALL TO ORDER AND ADOPTION OF AGENDA

Chairman Owens called the meeting to order and led in the Pledge of Allegiance to the American Flag.

Vice Chairman Eckler made a motion to approve the agenda. Commissioner Holland 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.

APPROVAL OF MINUTES

Commissioner Crowe made a motion to approve the minutes of the regular meeting on June 4, 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 June 7, 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.

PUBLIC COMMENTS

Mr. Clark Poole, Director of the Rutherford County Chamber of Commerce, told the Board that a lot of people were happy with the decision to open the Farmers' Market in the new location. He presented a plaque picturing the grand opening of the Farmers' Market.

APPOINTMENTS

Chairman Owens made a motion to appoint Bob Keith, Mayor of Lake Lure, to serve on the Economic Development Commission. 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 NOTIFICATIONS

Chairman Owens called attention to the fact that the current version of the Rules of Procedure for Rutherford County Commissioners regarding notifications of meetings may differ somewhat from the North Carolina General Statutes. Vice Chairman Eckler made a motion to direct the county manager and the county attorney to research the rules of procedure to make sure that they do not impose requirements above and beyond the state statutes.

Commissioner Crowe made an amendment to the motion to require that information that requires action at a Commissioners' meeting be in the hands of the individual Commissioners at least 48 hours in advance of the meeting. Commissioner Richard seconded the motion.

Commissioner Richard asked Attorney Williams whether the county is in violation of state requirements. Attorney Williams said that there are areas of the rules of procedure that can be clarified, but that the county is not out of compliance on meeting notices. Commissioner Holland noted that there are instances, especially with regard to industrial recruitment, when a decision needs to be made quickly on the basis of newly received information. Manager Classen pointed out that on occasions, new information is received immediately before a meeting. Also, he acknowledged that sometimes an error is made by staff in the distribution of information to the Commissioners. He suggested that at any time that the Commissioners do not feel adequately informed on any question that a decision be postponed to a future meeting. The Board could also call a special meeting or recess the meeting in session for a couple of days. He asked that they not make a hard rule against any last minute information.

The amendment to 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.

Chairman Owens called for a vote on the original motion. Commissioner Richard stated that since the attorney has advised that the county is not in violation, he would not anticipate anything coming out of the proposed review. The county would be spending legal fees for nothing if there is nothing to draft. Attorney Williams repeated that there are some areas of ambiguity that the Commissioners might need to address.

The motion passed 3-2 with Commissioners Eckler, Holland, and Owens voting aye; Commissioners Crowe and Richard voting no; no Commissioners excused; and no Commissioners absent.

RUTHERFORDTON DOWNTOWN PARKING

Vice Chairman Eckler reported that the Town of Rutherfordton had recently changed some parking spaces in the lot on Central Street to two hour parking. The county has conducted some studies on this issue and will present their recommendations, based on information from people who work in the Sheriff's department and at the courthouse, to the town at the next Rutherfordton Council meeting. No action by the Commissioners was required.

AIRPORT REPORT

Airport Authority Chairman Bob Howard referred to the legislative requirement for the airport to make an annual report to the Commissioners. He cited a list of accomplishments, including the adoption of a mission statement and code of conduct; adoption of changes in rules and regulations; inspection of hangars; completion of the western hangar area including fencing; negotiations for property acquisition; repair of lights; automated weather reporting; and prospective solar farm. A search is currently underway for a fixed base operator. New lower fuel prices should bring additional business to the county. He reported that \$179,000 in ad valorem taxes was generated by the airport last year.

WESTERN HIGHLANDS PRESENTATION

Mr. Arthur Carder of Western Highlands said that there have been many changes this year in the delivery of behavioral health services. The waiver system helps people in underserved areas to get services. The goal is to match the consumer with the right services. The management goal is to reduce the costs to the state. There is not enough funds to meet the needs.

Mr. Carder specifically addressed the question of whether Western Highlands allows providers to file electronically. According to Mr. Carder, the providers can file electronically if they have systems that are compatible with Western Highlands system. Reports are provided to the LME board monthly, and these are posted on the internet. Mr. Carder will return to report to the Commissioners in three months.

BIDS ON WHITE GOODS PAD

Manager Classen reported that only one bid had been received for the installation of the white goods pad at the Solid Waste Department, and this bid exceeded the approved budget for the project. The county could advertise again in a larger geographic area, or it could try to work with the local contractor to get the bid amount closer to budget. Manager Classen noted that the original grant application had requested more money than the state had awarded. The bid that was received for the project was within the parameters of that original plan. The county is attempting to find more state funds.

Commissioner Crowe made a motion to authorize the county manager to renegotiate the bid from the contractor for installation of a white goods pad at the waste handling site. 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.

BUSINESS PERSONAL PROPERTY AUDIT SERVICES

Manager Classen updated the Commissioners on the status of the contract for business personal property audit services that was approved in May. The state legislature continues to revise pending legislation that will affect this matter, and Mr. Classen recommended that it be tabled.

Vice Chairman Eckler made a motion to table the contract for business personal property audit services until the August regular meeting of the Commissioners. Commissioner Crowe seconded the motion. The motion passed 4-1 with Commissioners Crowe, Eckler, Holland, and Owens voting aye; Commissioner Richard voting no; no Commissioners excused; and no Commissioners absent.

GREY ROCK PROJECTS/BIDS/CONSTRUCTION CONTRACTS

Commissioner Crowe made a motion to approve the low bid of \$271,056 from the Rogers Group of Henrietta to pave the roads in Grey Rock that have been graded. 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.

Bids on the paving of GreyRock Project 1 were:

| | |
|-------------------------------|--------------|
| Rogers Groups, Inc. | \$271,056.00 |
| Harrison Construction Company | \$290,998.40 |

Since information about a second bid opening which was the grading portion of Grey Rock Project 2 had not been included in the Commissioners' packets, there was discussion about deferring it to a later meeting. Commissioner Crowe asked whether there were any problems which the Board should consider. David Odom stated that there were no problems, and that the Sisk Grading who was the low bidder, had performed the grading on Project 1. The company has equipment on site.

Commissioner Crowe made a motion to approve the low bid of \$465,696 from Sisk Grading for Project #2. Vice Chairman Eckler seconded the motion. The motion passed 4-1 with Commissioners Crowe, Eckler, Holland, and Owens voting aye; Commissioner Richard voting no; no Commissioners excused; and no Commissioners absent.

Bids on the grading of GreyRock Project 2 were:

| | |
|-----------------------|--------------|
| Sisk Grading | \$465,696.00 |
| CC Strickland Grading | \$495,000.00 |

PROPERTY LEASE WITH FOOTHILLS CONNECT

Attorney Richard Williams left the room during discussion and action on this item.

Mr. Dana Whitehair of Foothills Connect presented a request to expand the acreage of county-owned property under lease to Foothills Connect for its agricultural demonstration project. As the project has developed, it has become clear that more space is needed. It has been determined that the lease of this additional property will not affect the county's operations or its permits at the landfill.

Vice Chairman Eckler made a motion to authorize the attorney representing the county and the attorney for Foothills Connect to draw up a lease agreement to be presented to the Board at a future meeting.

Commissioner Richard questioned the use of the county attorney since he also represents Foothills Connect. Vice Chairman Eckler stipulated that the attorney representing the county will be Special Counsel Beth Miller who is familiar with the project.

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.

PROPERTY LEASE WITH PEER SUPPORT SERVICES EXCHANGE

Manager Classen presented a request for a two year renewal of the six months lease with Peer Support Services Exchange that has been in effect since February for county property known as "Magnolia House."

Vice Chairman Eckler made a motion to authorize the county attorney to draft a two year lease for the use of the property at 475 West Main Street in Forest City by Peer Support Services Exchange and present this to the Commissioners for consideration at the August meeting. 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.

RESOLUTION TO CHANGE MEETING DATE FOR SEPTEMBER 2012

Commissioner Crowe made a motion to approve the resolution to change the meeting date for the meeting in September from September 3 to September 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.

RESOLUTION TO CHANGE REGULAR MEETING DATE FOR MONTH OF SEPTEMBER, 2012

Whereas, the date of the regular meeting for the Rutherford County Board of Commissioners will fall on a holiday for the month of September, 2012: and

Whereas, it is necessary to the Board of County Commissioners to schedule a meeting date for the month of September, 2012 due to public hearings that must be scheduled and posted.

Now, therefore, the Rutherford County Board of Commissioners does resolve that the regular meeting for the month of September, 2012 will be held on September 10, 2012 at 6:00 PM at the Rutherford County Office Building, 289 North Main Street, Rutherfordton.

Be it further resolved that a notice of this change will be posted on the door of the Rutherford County Office Building and will be noticed no less than seven days before September 10.

Adopted this the 2nd day of July, 2012.

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| HORSEHEAD RAIL PROJECT ORDINANCE |
|---|

Manager Classen told the Board that the Horsehead Rail Project Ordinance needed to be considered at a second meeting since it was not unanimously approved at the June 19 meeting.

Commissioner Crowe made a motion to approve the Horsehead Rail Project Ordinance. 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 RAIL PROJECT
Ordinance No. 2012-06-04-1
Adopted June 4, 2012
Amended July 2, 2012**

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 |
| Rutherford County-Horsehead Loan | 25,000 |
| Horsehead Corporation* | 2,640,055 |
| Total | \$4,965,055 |

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

| | |
|--|-------------|
| Horsehead Rail Project Construction-Grants | \$2,019,500 |
| Horsehead Rail Project Construction- Horsehead* | 2,295,700 |
| Engineering Design Construction Admin/Observation, Legal & Grant and/or Loan Administration – Grant | 305,500 |
| Engineering Design & Construction Admin/Observation- Horsehead* | 344,355 |
| Total | \$4,965,055 |

*Horsehead has committed these funds for the Rail Project as shown above. Any construction overruns will be paid by Horsehead. It is anticipated that Horsehead's portion of the project will be paid directly by Horsehead and not pass through the County's books.

All funding sources and budgeted costs are presented above for grant reporting.

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 June 4th, 2012. Amended this the 2nd day of July, 2012.

RESOLUTION TO REIMBURSE

Manager Classen explained that a 10-year plan has been developed by Deputy Finance Director Chris Roberts for financing a three-year rotation for the replacement of county vehicles.

Vice Chairman Eckler made a motion to approve the resolution allowing the county to purchase vehicles out of the current budget and to repay itself once funds are borrowed. Commissioner Holland 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

RUTHERFORD COUNTY, NORTH CAROLINA

DECLARATION OF OFFICIAL INTENT TO REIMBURSE

This declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of Rutherford County, North Carolina (the "Issuer") with respect to the matters contained herein.

1. **Expenditures to be Incurred.** The Issuer anticipates incurring expenditures (the "Expenditures") for the purchase of vehicles and equipment (the "Project").
2. **Plan of Finance.** The Issuer intends to finance the costs of the Project with the proceeds of debt to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.
3. **Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$1,066,500.

4. **Declaration of Official Intent to Reimburse.** The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Adopted this 2nd day of July, 2012.

Commissioner Crowe asked that information about purchase and disposal of vehicles be posted on the county's website.

DISPOSAL OF SURPLUS PROPERTY

Finance Director Paula Roach reported that the plan to auction stored surplus items has not succeeded because no auctioneer has been found.

Commissioner Crowe made a motion to approve the listing of suitable surplus items for sale on gov.com and to dispose of the remaining items. Commissioner Holland 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 AMENDMENT/CLEANUP OF BIGGERSTAFF PROPERTY

Manager Classen reviewed the donation of the Biggerstaff Hanging Tree property to the county, along with a fund of \$35,000. The donation was originally made to Preservation NC and later transferred to the county. The donors would like to see the house on the property maintained. Manager Classen presented a budget amendment for cleanup of the site using trustees from the detention center. With the assistance of one of the county historians, items in the house will be sorted into categories for preservation, sale or disposal.

Commissioner Crowe made a motion to approve the budget amendment for cleanup of the Biggerstaff Hanging Tree property. 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.

GREY ROCK PROJECTS 6-13 ENGINEERING CONTRACT

Manager Classen explained the exception under state law by which the Commissioners can enter into a contract for professional services without putting the contract out for bids. Odom & Associates has been the engineering firm for projects 1-5 at Grey Rock.

Commissioner Crowe made a motion to appoint Odom & Associates as project engineer for Grey Rock projects 6-13, as permitted under GS14364.32. Vice Chairman Eckler seconded the motion.

Commissioner Richard reminded the Commissioners that it has previously been their philosophy to require bids on all county contracts in an effort to save money.

The motion passed 4-1 with Commissioners Crowe, Eckler, Holland, and Owens voting aye; Commissioner Richard voting no; no Commissioners excused; and no Commissioners absent.

VENDOR BACK TAXES

Commissioner Crowe made a motion to approve the policy instituted by the county manager that bills from vendors who owe back taxes will be paid an amount adjusted accordingly. Commissioner Holland 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.

DELEGATION OF AUTHORITY\FIREWORKS DISPLAYS

Manager Classen explained that under state law, a county may delegate authority to approve fireworks displays to any municipality that has a certified fireworks inspector. Such authority would remain with the town unless and until there is no longer a qualified inspector.

Commissioner Crowe made a motion to approve the resolution granting the Town of Forest City authority to approve fireworks displays. 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.

RESOLUTION

Whereas, NCGS 14-410 et seq. authorizes boards of county commissioners to delegate authority to approve fireworks displays to governing bodies of municipalities located within that county; and,

Whereas, the Mayor of the Town of Forest City on June 15, 2012 emailed the Rutherford County Manager requesting delegation of fireworks display approval authority; and,

Whereas the Town of Forest City employs a certified fire inspector with the knowledge and authority to review and inspect permits for fireworks displays in accordance with the North Carolina Fire Code;

Now, Therefore, Be It Resolved, that the Rutherford County Board of Commissioners delegates authority to issue fireworks permits in accordance with Article 54 of Chapter 14 of the North Carolina General Statutes to the governing body of the Town of Forest City;

Be it Further Resolved that such delegation of authority shall be rescinded and revert to the Board of County Commissioners if the Town of Forest City does not employ or have under contract a certified fire inspector.

Adopted this the 2nd day of July, 2012.

Commissioner Crowe made a motion to approve the resolution granting the Town of Lake Lure authority to approve fireworks 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, NCGS 14-410 et seq. authorizes boards of county commissioners to delegate authority to approve fireworks displays to governing bodies of municipalities located within that county; and,

Whereas, the Mayor of the Town of Lake Lure on June 15, 2012 emailed the Rutherford County Manager requesting delegation of fireworks display approval authority; and,

Whereas the Town of Lake Lure employees a certified fire inspector with the knowledge and authority to review and inspect permits for fireworks displays in accordance with the North Carolina Fire Code;

Now, Therefore, Be It Resolved, that the Rutherford County Board of Commissioners delegates authority to issue fireworks permits in accordance with Article 54 of Chapter 14 of the North Carolina General Statutes to the governing body of the Town of Lake Lure;

Be it Further Resolved that such delegation of authority shall be rescinded and revert to the Board of County Commissioners if the Town of Lake Lure does not employ or have under contract a certified fire inspector.

Adopted this the 2nd day of July, 2012.

Commissioner Crowe made a motion to approve the resolution granting the Town of Rutherfordton authority to approve fireworks 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, NCGS 14-410 et seq. authorizes boards of county commissioners to delegate authority to approve fireworks displays to governing bodies of municipalities located within that county; and,

Whereas, the Mayor of the Town of Forest City on June 15, 2012 emailed the Rutherford County Manager requesting delegation of fireworks display approval authority; and,

Whereas the Town of Forest City employees a certified fire inspector with the knowledge and authority to review and inspect permits for fireworks displays in accordance with the North Carolina Fire Code;

Now, Therefore, Be It Resolved, that the Rutherford County Board of Commissioners delegates authority to issue fireworks permits in accordance with Article 54 of Chapter 14 of the North Carolina General Statutes to the governing body of the Town of Forest City;

Be it Further Resolved that such delegation of authority shall be rescinded and revert to the Board of County Commissioners if the Town of Forest City does not employ or have under contract a certified fire inspector.

Adopted this the 2nd day of July, 2012.

TAX REFUNDS AND RELEASES

Commissioner Crowe made a motion to approve tax refunds of \$391.72 and tax releases greater than \$100 totaling \$5,744.67 as outlined by the Tax Department. Tax releases of amounts less than \$100, which totaled \$2,991.08, were submitted by the Finance Office. (A copy of these tax refunds and releases is in the Minute Book.) Commissioner Holland 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 SETTLEMENT AND CHARGE TO COLLECT

Interim Tax Collector Rheba Ward presented data on the results of collections on property taxes for the year 2011.

Commissioner Crowe made a motion to approve the charge to collect to the Tax Collector. 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.

State of North Carolina

County of Rutherford

To the Tax Collector of the County of Rutherford:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of Rutherford County Tax Department and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Rutherford, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

REQUEST TO LEASE PROPERTY ON DANIEL ROAD

Manager Classen presented a request from a business owner to rent a portion of the Daniel Road property owned by Rutherford County.

Vice Chairman Eckler made a motion to put the availability for lease of the property at Daniel Road on an RFQ. Chairman Owens seconded the motion.

Commissioner Richard made an amendment to the motion to include the purchase of property.

Manager Classen commented that the voluntary sale of public property is subject to special provisions, and he asked for time to investigate the provisions more thoroughly. He suggested that the new EDC director be given the task of evaluating the entire Daniel Road property and its use.

Commissioner Richard withdrew his amendment.

Vice Chairman Eckler withdrew his motion; Chairman Owens concurred. Vice Chairman Eckler made a motion to table the request to lease the Daniel Road property until the August meeting. 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.

BUDGET AMENDMENTS

Finance Director Paula Roach presented and explained the budget amendments.

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.

| | Expenditures | Revenues |
|---|--------------|-----------|
| GENERAL FUND | | |
| Sheriff/College SRO - Canine & Supplies | \$ 10,000 | |
| Fund Balance Appropriated | | \$ 10,000 |
| *contribution received from College to purchase K-9; funds received June 2012 | | |
| Sheriff - Advertisement/Foreclosures | \$ 130 | |
| Fund Balance Appropriated | | \$ 130 |
| *received from attorney offices to be used for possible future advertising on foreclosures; funds received June 2012 | | |
| Sheriff - Project Lifesaver | \$ 10 | |
| Fund Balance Appropriated | | \$ 10 |
| *donations received; funds received June 2012 | | |
| Biggerstaff Property - Improvements/Repairs | \$ 35,991 | |
| Fund Balance Appropriated | | \$ 35,991 |
| *carry forward donated funds received from Preservation NC to be used to improve/repair the Biggerstaff Hanging Tree property, funds received May , 2012 | | |
| Frank West Park - Restrooms | \$ 25,000 | |
| Bechtler Site Improvements | \$ 50,000 | |
| Contribution from Debt Service Fund (County Building Reserve) | | \$ 75,000 |
| *carry forward FY11-12 projects not completed as of June 30, 2012 | | |
| DEBT SERVICE FUND | | |
| Transfer to General Fund | \$ 75,000 | |
| Fund Balance Appropriated - County Building Projects | | \$ 75,000 |
| *carry forward FY11-12 projects not completed as of June 30, 2012 (Frank West Park & Bechtler Site) | | |
| SOLID WASTE FUND | | |
| SWEEP Committee Expenditures - 2012 CWRRG | \$ 7,440 | |
| SWEEP - 2012 Community Waste Reduction and Recycling Grant | | \$ 7,440 |
| *local match included in the 2012-2013 approved budget; grant will be used for two SWAP shops and to purchase additional recycling containers/rollout carts | | |

Manager Classen remarked that in August a number of budget amendments will come before the board that will carry forward project funds that were in the last budget but not expended.

CLOSED SESSION

Commissioner Crowe made a motion to go into closed session for Attorney-Client Privilege under N.C.G.S. 143-318.11(a)(3) and Property Acquisition under N.C.G.S. 143-318.11(a)(5). 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.

7:40 P.M. The Board went into Closed Session.

8:15 P.M. The Board returned to Open Session.

PROPERTY/MIKE HARMON/EMS

County Manager Carl Classen asked that the Board approve authorizing the County Manager to work with the County Attorney to accept the donation of a parcel located on Highway 221A in Henrietta presently owned by Mike Harmon and Associates.

Vice Chairman Eckler moved to authorize County Manager Carl Classen and County Attorney Richard Williams to accept the donation of land from Mike Harmon and Associates. Commissioner Holland seconded the motion. The motion passed with Commissioners Owens, Eckler, and Holland voting aye; Commissioners Crowe and Richard voting no; no Commissioners excused; and no Commissioners absent.

CLOSED SESSION/DISCUSSION

Commissioner Crowe made a motion to adjourn.

Commissioner Richard asked that information be presented regarding discussion held during the Closed Session.

Commissioner Crowe rescinded her motion to adjourn.

County Manager Carl Classen stated that a discussion was held during the Closed Session regarding the donation of land which the Board had just approved. This was not an appropriate discussion for Closed Session. When this was brought to the Board's attention, discussion immediately ceased.

Commissioner Richard said three acts of consensus occurred in Closed Session. Chairman Owens noted that no action was taken during Closed Session.

ADJOURNMENT

Commissioner Crowe again made a motion to adjourn. The vote of approval was unanimous.

8:20 P.M. - Adjourned.

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

Attest:

Clerk, Board of Commissioners