

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON FEBRUARY 4, 2008, AT 6:00 P.M.

**PRESENT: CHIVOUS BRADLEY, CHAIRMAN
PAUL MCINTOSH, VICE CHAIRMAN
MARGARET HELTON
CHARLES HILL
BRENT WASHBURN**

CALL TO ORDER

Chairman Bradley called the meeting to order.

ADOPTION OF AGENDA AND AMENDMENTS

Chairman Bradley listed additions to the agenda and stated that action on the proposed McFadden Road abandonment which was included on the agenda would be postponed. Commissioner Helton made a motion to adopt the agenda as amended. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

Additions to the agenda:

- Additional appointments
- Request from Sheriff's Department
- Closed Session INDUSTRIAL LOCATION/G.S. 143-318.11(a)(4)

INVOCATION/PLEDGE OF ALLEGIANCE

Commissioner Helton gave the invocation, and Commissioner Washburn led in the Pledge of Allegiance.

PUBLIC COMMENTS

Chairman Bradley opened the public comments.

Dan Gurley, state director for Growth Options for the 21st Century, a nonpartisan, nonprofit organization working on freight transportation alternatives, described the projected increase in freight volume that he said will result in a mobility crisis. He asked the Commissioners to consider two resolutions in support of increased use of rail transportation.

Chairman Bradley noted that information on the two resolutions had been provided to the Commissioners for their study and consideration.

Mike Dalton spoke about a proposed county nuisance ordinance that he had learned about from the minutes of the Commissioners' retreat. He said rumor has it that Attorney Miller is working on a draft ordinance patterned after one in Henderson County. He has repeatedly asked for information about this and had been told that no information is available. Once such an ordinance is written, he asked that citizens be given 90 days to look at it and that it be placed on the ballot of the November election.

Henry Edwards spoke about taxes collected on highway easements for rights-of-way, which he said were illegal.

CONSENT AGENDA

Commissioner Washburn made a motion to approve the consent agenda. Commissioner Helton seconded the motion. The motion was unanimously approved.

Minutes

By consent, the minutes of the January 7, 2008, meeting were approved.

Tax Refunds and Releases

By consent, tax refunds of \$3,013.16 and tax releases greater than \$100 totaling \$20,657.96 as outlined by Tax Administrator Rick Johnson were accepted. Tax releases of amounts less than \$100, which totaled \$3,593.95, were submitted by the Finance Office. (A copy of these tax refunds and releases is in the Minute Book.)

APPOINTMENT/PC BOARD OF DIRECTORS

Commissioner Hill made a motion to appoint Commissioner Brent Washburn to serve an additional three-year term on the board of directors of Isothermal Planning and Development Commission. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

PROCLAMATION\PREVENT A LITTER MONTH

Chairman Bradley read the text of a proclamation for "Prevent a Litter Month" in February and for Spay/Neuter Day on February 26. Commissioner Hill commented that he has put forth a similar resolution the last several years. He said the Animal Protection Alliance is doing an outstanding job.

Commissioner Hill made a motion to adopt the resolution. Commissioner Washburn seconded the motion. The motion was unanimously approved.

RESOLUTION

Designating February 2008 as "Prevent A Litter Month"

Designating Tuesday, February 26, 2008 as "Spay Day Rutherford County"

WHEREAS, dogs and cats give companionship to and share the homes of over 50,000,000 individuals in the United States; and

WHEREAS, two unaltered cats and their kittens can produce 420,000 more cats in seven years and two unaltered dogs and their puppies can produce 67,000 more dogs in six years; and

WHEREAS, humane societies and shelters euthanize 8 to 10 million dogs and cats each year, although many of them are healthy and adoptable, simply because there are not enough good homes; and

WHEREAS, spaying and neutering dogs and cats has been shown to drastically reduce dog and cat overpopulation.

NOW, THEREFORE, BE IT RESOLVED by the Rutherford County Board of Commissioners that February is designated

"Prevent A Litter Month"

and February 26, 2008 is designated

"Spay Day Rutherford County."

The Chairman calls upon all the citizens of Rutherford County to observe the day by having their own dogs or cats spayed or neutered or by sponsoring the spaying or neutering of another person's dog or cat.

Adopted this the 4th day of February, 2008.

APPOINTMENTS\WORKFORCE DEVELOPMENT BOARD

Commissioner Washburn made a motion to reappoint Larry Brown and Wayne E. Wilson, whose terms are expiring, to additional three-year terms on the Region C Workforce Development Board, and to appoint Sandra Miller to take the place of Patton Howard, who is retiring. Commissioner Hill seconded the motion. The motion was unanimously approved.

APPOINTMENTS\AIRPORT APPEALS BOARD

Vice Chairman McIntosh nominated Bob McCutcheon to serve on the Airport Appeals Board in the seat formerly occupied by Marshal Atchley, who has stepped down. Commissioner Helton nominated Julius Owens. The vote was:

- Ayes - Commissioners Bradley, McIntosh, Hill, and Washburn
- Noes - Commissioner Helton

ADVERTISEMENT FOR UNPAID TAXES

Rick Johnson of the Tax Office appeared before the Commissioners as required by state statute G. S. 105-369 to request authority to publicize unpaid taxes.

Commissioner Helton made a motion to approve the request to advertise for unpaid taxes on March 14, 2008. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

BUDGET AMENDMENTS

Ms. Paula Roach of the Finance Department presented and explained the budget amendments.

Commissioner Washburn made a motion to approve the budget amendments. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

Budget Amendments		
February 4, 2008		
	Expense	Revenue
GENERAL FUND		
Project Lifesaver Expense	\$ 40	
Project Lifesaver Donations		\$ 40

*donations received		
Animal Control - Part Time Salaries	\$ 4,950	
Sheriff - Part Time Salaries	\$ (4,950)	
*transfer per Sheriff's request; letter attached		
Contribution to DSS	\$ 1,433	
Fund Balance Appropriated		\$ 1,433
*county match required for Title III Chore program		
DSS FUND		
Title III Chore Expenses	\$ 14,332	
Contribution from General Fund - Program Expenses		\$ 1,433
Title III Chore Revenues		\$ 12,899
*additional funding received, 10% county match required		
Crisis Intervention Program	\$ 124,610	
Crisis Intervention Revenues		\$ 124,610
*additional funding received		
TOURISM FUND		
Other Services Photography	\$ 1,500	
Advertising - New Visitor Guide Underwriting	\$ 10,000	
HNG Contract (including services Oct 2007-Jan 2008)	\$ 24,330	
Website Proposal - web writing	\$ 2,245	
Professional Services - Contracted/Image Marketing	\$ 6,000	
Reserved for Future Projects	\$ (44,075)	
*transfer request as approved by TDA Board 1/24/08		

BIDS ON EMS AMBULANCE

The 2007-2008 allocated \$110,000 for an EMS ambulance. One bid was received which was within the budgeted amount.

Commissioner Helton questioned why the county is replacing a diesel engine that has relatively low mileage. EMS Director Barry Davis said that the decision was based on advice from the mechanics at the garage resulting from maintenance experience with a particular vehicle.

Commissioner Washburn made a motion to approve the purchase of a Type III 2008 ALS ambulance from Northwestern Emergency Vehicles in the amount of \$108,304. Commissioner Hill seconded the motion. The motion was unanimously approved.

LEASE OF OLD CAROLEEN SCHOOL PARK TO THOMAS JEFFERSON CLASSICAL ACADEMY

Jerry Stensland described the study and evaluation that had been made of all recreational parks in the county. It had been decided that Frank West Park in Caroleen would be maintained. Thomas Jefferson Classical Academy has requested the use of about half of the park for baseball and softball fields. The county would retain ownership under the proposed lease arrangement. The school would maintain and upgrade the fields, and the fields would be available for community use. He said the Recreation, Culture and Heritage Committee supports this agreement. A formal arrangement with the county will enable Thomas Jefferson to apply for grant funding.

Commissioner Washburn made a motion to approve the lease agreement with Thomas Jefferson Classical Academy for use of the old Caroleen school park for a period of ten years with an option to renew for an additional ten years. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

DECLARATION OF INTENT TO REIMBURSE

Manager Condrey presented a resolution allowing the county to make expenditures for acquisition of land and buildings, renovations, and purchase of equipment and furnishings, with reimbursement to come from obligation bonds to be issued in 2009.

Commissioner McIntosh made a motion to approve the Declaration of Official Intent to Reimburse. Commissioner Helton seconded the motion. The motion was unanimously approved.

RESOLUTION DECLARING THE INTENT OF THE COUNTY OF RUTHERFORD TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE ACQUISITION OF LAND AND BUILDINGS AND RENOVATIONS TO, CONSTRUCTION AND EQUIPPING OF FACILITIES FOR GENERAL GOVERNMENT USE FROM THE PROCEEDS OF CERTAIN TAX EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED DURING CALENDAR YEAR 2009.

WHEREAS, Board of Commissioners (the "*Board*") of the County of Rutherford, North Carolina ("*County*") has determined the County hereby finds and determines that it is in the best interests of the County to acquire land and facilities and renovate, construct and equip facilities for general County use (the "*Projects*");

WHEREAS, the County reasonably expects to execute and deliver tax-exempt obligations (the "*Obligations*") during calendar year 2009 to finance the Projects;

WHEREAS, the County desires to proceed with the Projects and will incur additional capital expenditures (the "*Capital Expenditures*") in connection therewith before the execution and delivery of the Obligations; and

WHEREAS, the County will advance moneys from funds currently on hand to pay for the Capital Expenditures and the County intends, and reasonably expects, to reimburse itself for the Capital Expenditures from a portion of the proceeds of the execution and delivery of the Obligations to be issued by the County;

NOW, THEREFORE, BE IT RESOLVED by the County as follows:

Section 1. **Official Declaration of Intent.** The County presently intends, and reasonably expects, to reimburse itself for the Capital Expenditures incurred and paid by the County on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Bonds. The County reasonably expects to issue the Bonds to a portion of the costs of the Projects and the maximum principal amount of Obligations expected to be executed and delivered by the County to reimburse the County for the costs of the Projects is \$17,000,000

Section 2. **Compliance with Regulations.** This Resolution is a declaration of official intent of the County under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the County's intent to reimburse itself for the Capital Expenditures from proceeds of the tax-exempt obligations.

Section 3. **Itemization of Capital Expenditures.** The Finance Director of the County or her designee, with advice from special counsel, is hereby authorized, directed and designated to act on behalf of the County in determining and itemizing all of the Capital Expenditures incurred and paid by the County in connection with the Projects during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

Section 4. **Effective Date.** This Resolution shall become effective immediately upon the date of its adoption.

ADOPTED AND APPROVED this 4th day of February, 2008.

RESOLUTION AWARDING SERVICE REVOLVER TO RETIRING OFFICER

Commissioner Washburn made a motion to approve the resolution awarding a service revolver to Officer Robert Lowery of the Sheriff's Department. Commissioner Washburn seconded the motion. The motion was unanimously approved.

**Resolution Acknowledging the Service of Officer Robert Lowery
and Awarding His Service Revolver to Him**

WHEREAS, Officer Robert Lowery has served Rutherford County Sheriff's Department for many years; and

WHEREAS, Officer Robert Lowery has dedicated his life to law enforcement and public service; and;

NOW, THEREFORE BE IT RESOLVED, the Board of Commissioners of the County of Rutherford, in accordance with NC General Statute 20-187.2, do hereby award Officer Lowery

his service revolver (Sig Sauer 45 cal. P220, Serial #G288025) in exchange for consideration of \$1.00.

Approved this the 4th day of February, 2008.

CLOSED SESSION/PROPERTY ACQUISITION G.S. 143-318.11(A)(5)

Vice Chairman McIntosh made a motion to go into closed session to discuss industrial location and land acquisition matters and that Finance Director Julie Scherer be invited to attend. Commissioner Hill seconded the motion. The motion was unanimously approved.

6:40 P.M. - The Board went into Closed Session.

7:28 P.M. - The Board returned to regular session.

RETURN TO OPEN SESSION AND ADJOURNMENT

7:28 P.M. - The Board returned to regular session.

Chairman Bradley declared the meeting adjourned.

Adjournment at 7:28 p.m.

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

Attest:

Clerk, Board of Commissioners