

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

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

CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE

Chairman Bradley called the meeting to order and gave the invocation. Commissioner Washburn led in the Pledge of Allegiance.

ADOPTION OF AGENDA

Chairman Bradley announced that there were no changes to the agenda.. Commissioner Washburn made a motion to adopt the agenda. Commissioner Helton seconded the motion. The motion was unanimously approved.

PUBLIC COMMENTS

Chairman Bradley opened the floor for public comments.

Mr. Charles Ross of Lake Lure quoted James Madison on the subject of benevolences and compared the Commissioners' recent action to purchase property as an example of government being lured into overspending on what he described as "goodies." He objected because the economy is struggling, the unemployment rate is increasing, and county taxes are burdensome.

Mr. Robert Goulet reported that the long-awaited outpatient clinic for veterans in Rutherford County is expected to be open within 15 months. He stressed that this is a federal operation and will not require any funding from local government entities. He thanked the Commissioners for their proposed resolution in support of the clinic.

Mr. David Reno cited the terms of state law regarding closed session and questioned whether the statute had been observed in connection with the recent purchases of property by the county. The Board's actions had been judged by the county attorney to be in compliance with the law; however, he suggested that the attorney's opinion would be what the county wanted it to be since the attorney is in the county's employ,

CONSENT AGENDA

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

Minutes

By consent, the minutes of the, June 25, 2008, and July 7, 2008, meetings were approved

Tax Refunds and Releases

By consent, tax refunds of \$892.31 and tax releases greater than \$100 totaling \$630.81 as outlined by Tax Administrator Kep Kepley were accepted. Tax releases of amounts less than \$100, which totaled \$2,107.00, were submitted by the Finance Office.

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Refunds
7/23/08

Name	Amount	Reason
Stensland, Jerry P	\$ 26.80	Vehicle Sold-Tag Turned In
Bailey, Pauline Johnson	28.32	Vehicle Traded-Tag Turned In
Bradley, Penny Weathermon	40.80	Vehicle Repo'ed-Tag Turned In
Crawford, Floyd D	125.19	Value On Boats That Were Brought Forward In Error. Registration Expired In 2003
Crawford, Floyd D	90.00	Value On Boats-Brought Forward In Error-Registration Expired 2003.
Epley, Curtis Howard	27.84	Vehicle Sold-Tag Turned In
Hermann, Nancy W	33.18	Vehicle Totaled-Tag Turned In
Honda Lease Trust	22.10	Vehicle Sold-Tag Turned In
Huskey, Michael Ray	100.00	Waste Fee Applied For A Bldg Not A Residence.
Huskey, Michael Ray	100.00	Waste Fee Applied For A Bldg Not A Residence.
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James, Megan Alisa	10.17	Vehicle Totaled-Tag Turned In
Morris, Gladys	52.80	Wrong Value Input On House For OA Exclusion By Listing For 2007.
Stacey, Joyce Powers	12.81	Vehicle Sold-Tag Turned In
Terry, Daniel Eugene	22.30	Vehicle Sold-Tag Turned In
Total	\$ \$892.31	

Releases Greater Than 100
7/23/08

Name	Amount	Reason
Harper, Robert A Jr	\$ 108.46	Vehicle Sold & Tag Turned In
Marks, Gerald Hayward	116.30	Tag Issued 2 Months/Ins Problem
Marks, Gerald Hayward	139.60	Vehicle Double Listed/Ins Problem
Wilkerson, Judy Jarrett	124.60	Double Listed/Ins Problem
Wilson, Holly D	141.85	Correcting Jurisdiction
Total	\$ 630.81	

Releases Less Than 100
7/23/08

Name	Amount	Reason
Abramczyk, Sharon M	\$ 10.16	Vehicle Sold & Tag Turned In
Akren Holding Limited Us	61.20	Vehicle Sold & Tag Turned In
Arrowood, Curtis Maxie	79.84	Vehicle Sold & Tag Turned In
Arrowood, Curtis Maxie	20.80	Vehicle Sold & Tag Turned In
Bivens, Wayne Lemuel	11.65	Adjusted For High Mileage
Bowe, Whitney Johnston	37.95	Adjusted Mc Camper Price As Big Ct
Brookman, Troy M	26.37	Vehicle Sold & Tag Turned In
Bruning, Tamara H	16.87	Adjusted For High Mileage
Bucy, Christopher G	6.60	Vehicle Sold & Tag Turned In
Camp, Frances	16.24	Vehicle Sold & Tag Turned In
Carpenter, Wilfred Toone	8.08	Adjusted For High Mileage
Coffey, Janet Marie	42.90	Vehicle Traded & Tag Turned In
Cornett, Dorene E	16.95	Adjusted Value For Total Loss Title
Davis, Lorie	13.86	Vehicle Sold & Tag Turned In
Dawson, Molly H	74.85	Transferred To FI & Tag Turned In
Dills, Carl Vernon	5.39	Adjusted Value On Small Utility TL
Dobbins, Clarence Bruce	38.43	Vehicle Sold & Tag Turned In
Dotson, Raymond Edward	32.78	Vehicle Sold & Tag Turned In
Downs, Mary Jane	66.40	Vehicle Sold & Tag Turned In
Duncan, Patricia D	71.46	Vehicle Traded & Tag Turned In
Eaker, Yates Hamilton	17.87	Adjusted Value For High Mileage
Earley, Joshua Steven	47.52	Vehicle Burned & Insurance Co. Took Car. Tag Turned In
Ellenburg, Timothy James	40.97	Correcting Jurisdiction
Ensley, Cynthia Keller	44.31	Correcting Account Number
Sorrentino, Victoria Jean	96.50	Vehicle Double Listed Due Tag Problem
Finger, William Robert Jr	42.65	Value On 75*Harley Motorcycle-Title Reads Randall Scott Vassey.

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Flores, Jessica F	18.36	Vehicle Returned & Tag Turned In
Goforth, Jack Briscoe	14.41	Vehicle Sold & Tag Turned In
Goosman, Larry L	31.45	Vehicle Sold & Tag Turned In
Greene, Allen William	23.04	Vehicle Sold & Tag Turned In
Greene, Patricia Mclarrin	15.66	Vehicle Repo'ed & Tag Turned In
Harmon, Darlene Bowen	6.85	Vehicle Sold & Tag Turned In
Harris, Darlene S	16.01	Adjusted For High Mileage
Harris, Hazel B	92.02	Mobile Home Sold To TJR Ltd A NC Partnership 10/2006 Along With Land
Harris, Linda Mcarthur	5.45	Adjusted Value On SM UL Price BG T
Hernandez, Gabriel Garay	11.05	Adjusted For High Mileage
Ibarra, Omar Francisco Aleman	5.28	Vehicle Sold & Tag Turned In
Jones, Renee Maxine	8.56	Adjusted For High Mileage
Jordan, William Scott	17.91	Vehicle Sold & Tag Turned In
Joyner, Jackie Hemingway	49.14	Vehicle Sold & Tag Turned In
Means, Marsha	6.38	Adjusted Value On SM TL
Kilby, Tracie Hutchins	15.34	Vehicle Transferred To Cleveland Co
Beam, Alvin Harold	33.12	Vehicle Sold & Tag Turned In
Mackey, Aron Danielle	45.92	Vehicle Transferred To Catawba Co
Margarita, Patricia Worley	19.80	Vehicle Sold & Tag Turned In
McEntyre, Hoyt William	15.96	Adjusted For High Mileage
McEntyre, Jerry	7.62	Vehicle Sold & Tag Turned In
Melton, Glenda B	70.51	Vehicle Sold & Tag Turned In
Michaud, Fernand	12.96	Vehicle Sold & Tag Turned In
Miller, Kay Louise	6.30	Vehicle Sold & Tag Turned In
Moore, Joshua Michael	40.35	Vehicle Double Listed/Ins Problem
Mosley, Nekeya Liqun	13.44	Vehicle Sold & Tag Turned In
Owens, Jonathan Sidney	4.58	Adjusted Value On Small UT
Owens, Larry Wayne	37.08	Vehicle Stolen & Tag Turned In
Padgett, James Edward	18.55	Vehicle Totaled & Tag Turned In
Picard, Ilene Louise	48.96	Transferred To FI & Tag Turned In
Poole, Nancy Gwyn	6.37	Adjusted For High Mileage
Quinton, Evelyn Whiteside	39.16	Correcting Jurisdiction
Raborne, Marshall Lewis	1.26	Adjusted For High Mileage
Roening, Kevin Joseph	7.69	Adjusted For High Mileage
Rowell, Jimmy Herman	18.69	Adjusted For High Mileage
Sane, Donald Lee Jr	97.47	Vehicle Totaled & Tag Turned In
Smith, Carol Christiane	11.60	Vehicle Sold & Tag Turned In
Smith, Daniel Craig	25.12	Vehicle Sold & Tag Turned In
Smith, Nancy Speier	14.96	Adjusted Value On SM Scooter
Stafford, James Sevester	32.56	Vehicle Sold & Tag Turned In
Summey, John	8.05	Vehicle Sold & Tag Turned In
Velasquez, Sandra Marie	12.69	Vehicle Sold & Tag Turned In
Washington, Willie Frank	19.93	Correcting Jurisdiction
Wilkerson, Boyce Alexander	26.83	Adjusted Value For Total Loss Title
Wince, Brona D Ambra	52.20	Vehicle Sold & Tag Turned In
Young, Delores Webber	71.76	Vehicle Sold & Tag Turned In
Total	\$2,107.00	

AWARD FOR FINANCE OFFICE

Chairman Bradley announced that the Rutherford County Finance Office has been awarded a Certificate of Achievement for Excellence in Financial Reporting for the nineteenth year. He recognized Finance Director Julie Scherer and others of the Finance Department for the award.

APPOINTMENT\TDA BOARD CHAIRMAN

Commissioner Hill made a motion to name Donna McElrath as Chairman of TDA in accordance with her election by the TDA board at its meeting on July 24th. Commissioner Washburn seconded the motion. The motion was unanimously approved.

APPOINTMENT \ECONOMIC DEVELOPMENT COMMISSION

Commissioner Hill nominated Mr. Philip Byers to serve on the Economic Development Commission from his district. Vice Chairman McIntosh seconded the appointment. The motion was unanimously approved.

APPOINTMENTS\TRANSIT ADVISORY BOARD

Chairman Bradley presented the request that Barry Davis, Myra Geer, Sandra Miller and Patsy Wilson be reappointed to the Transit Advisory Board and that Joshua King be appointed. The appointments were unanimously approved.

RESOLUTION/VETERANS' CLINIC

Commissioner Hill presented a resolution supporting the location of a community clinic for veterans in Rutherford County. If approved, letters of support would be sent to the county's elected representatives. He advised that the same resolution is on the agenda for the Towns of Rutherfordton and Forest City.

Commissioner Helton made a motion to approve the resolution in support of the veterans clinic. Commissioner McIntosh seconded the motion. The motion was unanimously approved.

Resolution in Support of New Veterans' Clinic in Rutherford County

Whereas, there are 5,837 veterans in Rutherford County who presently receive approximately \$24,000,000 in benefits; and

Whereas, this is approximately one-half of the total number of veterans in the county; and

Whereas, these veterans must travel long distances to receive the health care provided to them at the four medical centers located in North Carolina; and

Whereas, many times there are extremely long waits due to the number of veterans being served; and

Whereas, the Rutherford County Board of Commissioners is extremely proud of these Rutherford County citizens who have served their country; and

Whereas, the Rutherford County Board of Commissioners believe there should be greater access to care for these veterans; and

Whereas, a community clinic located in Rutherford County would serve their needs and the needs of veterans in nearby counties and provide a greater quality of care closer to where they live.

Now, Therefore, Be It Resolved that the Rutherford County Board of Commissioners does strongly support the location of a community clinic in Rutherford County;

And Be It Further Resolved that the Rutherford County Board of Commissioners does request that Senators Dole and Burr and Representatives Shuler and McHenry use their greatest efforts to move this project forward expeditiously so that our Rutherford County veterans will receive prompt and quality care in the near future.

Adopted this the 4th day of August, 2008.

CHARGE TO COLLECT/TAXES

Chairman Bradley noted that with the hiring of the new tax administrator, Clyde Kepley, the Board needed to issue the charge to collect to him.

Commissioner Washburn made a motion to approve the charge to collect for fiscal year 2008-20089. Commissioner Hill seconded the motion. The motion was unanimously approved.

**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.

2008 ROLL OFF TRUCK BIDS

Finance Director Scherer reported that bids were opened for a new roll-off truck included in the FY 2008-2009 Solid Waste Budget. The bids were:

Cavalier Equipment Company

2009 Sterling LT9500	\$	138,552.00
2009 International 7600 SBA	\$	127,920.00
2007 Freightliner M-2 112	\$	124,127.00

Volvo & GMC Truck Center

2007 Volvo VHD64B	\$	119,585.00
2007 Volvo Automatic	\$	129,585.00
2008 Volvo VHD64B	\$	127,120.40

White's International Trucks

2009 Diamond SPEC 7600 SBA		
Cavalier Body	\$	124,259.74
Amrick Body	\$	124,705.89

It had originally been recommended that the low bid of \$119,585 for a 2007 Volvo VHD64B truck be accepted. However, this truck which was on a lot had been purchased by another county. The second low bid was for a truck which did not meet specifications. In consultation with Director Don Baynard of the Solid Waste Department, Ms. Scherer recommended acceptance of the third bid.

Commissioner Hill made a motion to approve the purchase of White International Roll Off Truck at a cost of \$124,259.74. Commissioner McIntosh seconded the motion. The motion was unanimously approved.

DISPOSAL OF SURPLUS PROPERTY

Commissioner Hill made a motion to approve a resolution authorizing the sale at public auction of certain identified vehicles and the sale by private negotiation of three transit vans. Commissioner McIntosh seconded the motion. The motion was unanimously approved.

RESOLUTION

**DISPOSAL OF SURPLUS PROPERTY
 RESOLUTION**

NOW, THEREFORE, BE IT RESOLVED that an auction shall be held on September 20, 2008 at 9:00 A.M. at the Rutherford County Landfill, 656 Laurel Hill Drive, Rutherfordton, NC and at 10:00 am at the Rutherford County Office Building, 289 North Main Street, Rutherfordton, NC for the following items:

1995	Chevrolet	Caprice
1985	Dodge D 200	Medium Duty Truck
1996	Ford	Crown Victoria
1962	Studebaker	Heavy Duty Truck
1999	Ford	Crown Victoria
1999	Ford	Crown Victoria
1999	Ford	Crown Victoria
1999	Ford	Crown Victoria
1999	Ford	Crown Victoria
1985	Chevrolet	Humvee
2001	Ford	Taurus
2001	Ford	Taurus
1985	Chevrolet	Humvee
1985	International	TD-15C Dozer
1973	Cat Loader 941-B	Loader
1979	Ford L-8000	Dump Truck
1990	Massey-Ferguson	Tractor
1989	International	Trailer
1974	Transport Tilt-Top	Trailer
1993	Ford L-8000	Roll-Off Truck

Other surplus items as identified by the Maintenance Department of Rutherford County.

BE IT ALSO RESOLVED that the county manager or finance officer may make adjustments to the surplus vehicles list as vehicles are needed or become available before the auction date.

BE IT FURTHER RESOLVED that the following vehicles will be sold by private negotiation and Transit Director Gene Adair and Finance Director Julie Scherer are authorized to negotiate the sales of these vehicles.

2002	Ford Minivan
2001	Dodge Conversion
2002	Dodge Conversion

BE IT FURTHER RESOLVED that one surplus Transit van, a 2000 Dodge Ram Van, will be transferred to the library to transport books between libraries

BE IT ALSO RESOLVED that the county reserves the right to reject or all bids.

REIMBURSEMENT RESOLUTIONS/INSTALLMENT FINANCING/SCHOOL TECHNOLOGY

Commissioner Washburn made a motion to approve two resolutions authorizing the purchase of vehicles, equipment, software and school technology approved in the FY 2008-2009 budget with current operating funds, to be reimbursed to the operating budget when financing is obtained in January 2009. Commissioner Helton seconded the motion. The motion was unanimously approved.

**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, equipment and software (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 \$1,608,719.

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 4th day of August, 2008.

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 school technology (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 \$1,000,000.

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 4th day of August, 2008.

OPTION TO PURCHASE/RUTHERFORD 74 CORPORATE CENTER/BUDGET AMENDMENT

Manager Condrey explained that the county has been in negotiations with an industrial prospect who is considering locating in the Rutherford 74 Corporate Center. One of their requirements that the prospect must have is secondary access to the site.

Commissioner Washburn made a motion to approve \$10,000 for an option to purchase approximately 15.24 acres beside Rutherford 74 Corporate Center from Jerry R. Morrow and Daniel Steve Robbins. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

BUDGET AMENDMENT/PRESERVATION NORTH CAROLINA

Chairman Bradley reported that private funds have been committed to Preservation North Carolina for the purchase of the site in Rutherford County known as the Biggerstaff Hanging Tree. Preservation North Carolina is requesting \$10,000 from the county for covenants and other work necessary for the purchase.

Commissioner McIntosh made a motion to approve \$5,000 in the current year and \$5,000 from next year's budget to Preservation North Carolina for expenses in connection with the purchase of Biggerstaff Hanging Tree property. Commissioner Helton seconded the motion.

Commissioner Washburn made an amendment to the motion that prorated taxes and funds for title insurance also be provided by the county.

The amendment to the motion was unanimously approved.

The motion was unanimously approved.

BUILDING PROGRAM

Manager Condrey reviewed the ongoing process of long range planning for facilities needs. He compared the proposed building plan to the successful effort that had been undertaken beginning about 1990 to upgrade county school buildings using a portion of the sales tax. Needs have been identified and a committee is beginning work on a master plan. He asked Commissioners to consider the list of proposed projects and to set priorities at their September meeting.

CLOSED SESSION/ATTORNEY-CLIENT PRIVILEGE\G.S. 143.318.11(a)(3)/PROPERTY ACQUISITION G.S. 143-318.11(A)(5)

Commissioner Washburn made a motion to go into closed session to discuss attorney-client matters and property acquisition. Commissioner Hill seconded the motion. The motion was unanimously approved.

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

7:38 P.M. – The Board returned to regular session.

CONTRACT/EXTENSION/MARVIN AND REULEEN WEASE

Commissioner Helton made a motion to approve an extension for Marvin and Reuleen Wease to examine and respond to a proposal from Rutherford County in connection with their complaint about construction of their house. The extension would allow 21 days rather than the original 10 days. Commissioner Hill seconded the motion. The motion was unanimously approved.

MEETING DATE

The Commissioners agreed to hold the next regular meeting on September 2, 2008.

ADJOURNMENT

Chairman Bradley declared the meeting adjourned.

Adjournment at 7:41 p.m.

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

Attest:

Clerk, Board of Commissioners