

JULY 13, 2000

The Board of Commissioners of Franklin County, North Carolina, met in Special Session at 7:00 P. M. in the Commissioners' Meeting Room located in the County Administration Building with the following Commissioners present: Chairman George T. Wynne, Vice Chairman Robert L. Swanson, Commissioner Harry L. Foy, Jr., Commissioner James T. Moss, Jr., Commissioner Edward Strickland.

The purpose of this meeting to discuss water related issues as they pertain to the proposed Second Amendment to the Agreement between the County and the City of Henderson whereby the County to purchase water from the City.

Upon motion by Commissioner Swanson, seconded by Commissioner Moss, voting "AYE" Commissioner Swanson, Commissioner Moss, Commissioner Strickland, Commissioner Wynne; voting "NO" Commissioner Foy, pursuant to General Statute 143-318.11 (a) (3) the Board went into Closed Session to consult with the County Attorney.

Upon motion by Commissioner Swanson, seconded by Commissioner Moss with all present voting "AYE" duly carried the Board reconvened into regular session.

Chairman Wynne recognized County Attorney Batton who reviewed the proposed Second Amendment as proposed by the City of Henderson. Mr. Batton stated that he and Henderson City Attorney John H. Zollicoffer had discussed the Amendment and made revisions. After reviewing the document with the Board further revisions were made. The Amendment provides that the City of Henderson will immediately refinance all costs associated with the construction of the Franklin County water line over a twenty year period with a fixed interest rate with the right of repayment without penalty, and the water rates to Franklin County will then be adjusted accordingly. Mr. Batton further stated that he believed the twenty year term was the intent of the County and the City when the Agreement was written and that the County considered rates based on a fifteen year term a breach of contract. He further stated that the County had decided not to proceed with litigation believing that the City has shown a willingness to resolve the issues.

Upon motion by Commissioner Swanson, seconded by Commissioner Moss with all present voting "AYE" duly carried approve Second Amendment to Agreement between Franklin County and the City of Henderson and authorize the Chairman to execute on behalf of the County and forward to the City of Henderson for execution by the City officials.

There being no further business to come before the Board adjournment recorded at 9:00 P. M.

GEORGE T. WYNNE, CHAIRMAN JEAN GORDON, CLERK