

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON JANUARY 3, 2011, AT 6:00 P.M.

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

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CALL TO ORDER\ INVOCATION\ PLEDGE OF ALLEGIANCE

Chairman Eckler called the meeting to order. Vice Chairman Owens gave the invocation, and Commissioner Richard led in the Pledge of Allegiance to the Flag.

PUBLIC COMMENTS

Mr. Henry Edwards asked the Commissioners to give a lot of thought and consideration to the appointments to the Board of Equalization and Review. He reviewed his own history with the Board of E&R and stated that improper rulings by the board cost the county money. Commissioner Richard asked for Mr. Edwards' thoughts regarding a Board of E&R made up of County Commissioners. Mr. Edwards referred to the experience of a former Commissioner who served and stated that he thought the Board of E&R should have several Commissioners on it.

Mrs. Edith Edwards said Commissioner Holland was mistaken in the comments he made at the December meeting regarding the financing of projects and the refinancing of county and school debt. She asked that he work with other members of the Board to improve the EMS.

Ms. Susan Hendrix, speaking as the non-government representative from Rutherford County on the Western Highlands LME Board of Directors, encouraged the Commissioners to approve the Medicaid Waiver status, which she said would be an advantage to the county and would provide more local control of funding.

Mr. Carl Parton said he was speaking on behalf of local businesses regarding property tax assessments. He has dealt with the Tax Department on many occasions and has found it necessary to make appeals to the Board of E&R and to the state Property Tax Commission. Mr. Parton believes the county's taxing policy is one reason that some businesses are leaving.

CONSENT AGENDA.

Commissioner Richard made a motion to remove the tax refunds and releases from the consent agenda and to vote on them separately. The motion was unanimously approved.

Vice Chairman Owens made a motion to approve the bonds for county officials and the minutes of December 6, 2010. The motion was unanimously approved.

Surety Bonds Approved for County Officials

Sheriff.....	\$10,000
Social Services Director	\$100,000
Tax Administrator	\$100,000
Finance Director	\$100,000
County Manager	\$100,000
Register of Deeds	\$10,000

Tax Refunds and Releases

Commissioner Richard complimented Tax Administrator Kep Kepley on the resolution of ownership of seven of the parcels with unknown owners and expressed his hope that the remaining 16 parcels would be dealt with in a similar fashion. He questioned Mr. Kepley on the General Statutes enabling the Tax Department to carry over personal property and stated that according to law, the duty is on the taxpayer and not the county. Mr. Kepley cited G.S. 105-312b and explained that if an owner does not list, the county carries it over. An individual has 30 days to make an appeal and if a mistake has occurred, the department corrects it.

Vice Chairman Owens made a motion to approve tax refunds of \$312.55 and tax releases greater than \$100 totaling \$2,184.02 as outlined by Tax Administrator Kep Kepley. Tax releases of amounts less than \$100, which totaled \$1,447.47, were submitted by the Finance Office. The motion was approved on a vote of 3-2, with Commissioner Richard and Commissioner Crowe voting against the motion. (A copy of these tax refunds and releases is in the Minute Book.)

APPOINTMENTS/COUNTY COMMISSIONERS

Commissioner Richard made a motion to approve the appointments of County Commissioners to serve on boards and commissions as follows:

Vice Chairman Owens -- Criminal Justice Advisory Board and the Jury Commission

Chairman Eckler -- Fire Services Advisory Board and the Library Board of Directors

Commissioner Holland -- Rural Planning Organization and the Tourism Development Authority on which he currently serves

Commissioner Crowe -- Health Board, Transportation Committee, and the Western North Carolina Political Caucus, the last two being boards on which she is presently serving

Commissioner Richard – Aging Advisory Committee, Home and Community Care Block Grant Committee, and the Capital Planning and Finance Advisory Committee

Commissioner Crowe also will serve on the Broad River Water Authority and the Community Health Council, nether of which requires that a County Commissioner serve.

The motion to approve the appointments was unanimously approved.

Appointments to the Partnership for Children and the Juvenile Crime Protection Committee will be made at a later time.

SWEEP

Patricia Kuess of SWEEP presented a report on recycling programs in the county schools. She said the SWEEP committee is a panel empowered by the Board of Commissioners whose purpose is to reduce the amount of garbage, thus reducing disposal costs. She cited the example of the swap shops at the green box locations that have resulted in tons of goods being recycled when people claim used items left by others. Each Swap Shop keeps about 1,000 pounds per week out of the landfill. Citizens also use the charity resale shops, garage sales and flea markets as ways of recycling.

When SWEEP approached the schools about recycling the response was favorable, but the problems of transportation and storage were seen as a hindrance. SWEEP used grant money to purchase protainers that have been placed at the high schools and to hire a part time person to collect the recycled material. She presented statistics on the success of the recycling efforts. The value realized by the county represents both costs avoided by keeping recycled material out of the waste system and revenues received from vendors who purchase the material.

The committee hopes to expand the part-time position to full time. Manager Condrey noted that the salary and equipment are paid from the \$2 tipping fee collected as required by the state, and meet the allowable uses for the funds as set forth by the state.

FY 2009-2010 FIRE DISTRICT AUDITS

Ms. Crystal Hamrick, CPA, presented the Fire District Audits for FY 2009-2010. She said no issues of material misstatements were found. She discussed purchases, sales tax and fuel tax refunds, and multi-year plans for equipment purchase. Some departments receive grant money, and she is encouraging all departments to seek grant funding.

Commissioner Crowe made a motion to accept the Fire District Audits for FY 2009-2010. The motion was unanimously approved.

COMMUNITY DEVELOPMENT CREDIT UNION

Chairman Eckler recognized John Moore to give an update on efforts to establish a community development credit union. Mr. Moore, who introduced himself as a former investment banker, said that a common problem is that businesses need money to grow, but in recent years banks have tightened credit standards due to credit losses. The community development credit union would be owned and managed by residents of the county and would make small loans, up to \$50,000, using deposits made by Rutherford County residents. Deposits would be insured up to \$250,000. The Chamber of Commerce has offered office space. Mr. Moore said it is important to show the regulators that the community is behind the idea. He is hopes to receive endorsements from 1500 people. In response to a question from the audience, Mr. Moore said loans would be made to both businesses and individuals.

Chairman Eckler asked the Commission members whether they would be willing to adopt a resolution expressing support for the community development credit union. The board agreed that it would. Chairman Eckler asked Mr. Moore to prepare a resolution and bring it to a future meeting.

BUDGET AMENDMENTS

Ms. Scherer of the Finance Department explained the budget amendments. She asked that the item for software for the Department of Social Services be considered separately as part of the lease purchase financing proposal.

	Expense	Revenue
GENERAL FUND		
Sheriff - Project Lifesaver Expenses	\$ 80	
Project Lifesaver Donations *donations received		\$ 80
Sheriff - Equipment Purchased with Seizure Funds	\$ 4,014	
Sheriff - Fed/State Forfeited Funds *equitable sharing distribution - US Treasury/DEA		\$ 4,014
EDC - Professional Services	\$ 2,500	
Duke Energy Donation		\$ 2,500
Senior Center - Medicare Education Grant Expenditures	\$ 3,298	
Senior Health Insurance Information Program (SHIIP) Grant *grant funding received		\$ 3,298

	Expense	Revenue
Detention - Fuel	\$ 2,500	
Sheriff - Fuel *transfer funds from Sheriff's line item to Detention due to the increase in prisoner transports	\$ (2,500)	
Detention - Medical Aid and Supplies	\$ 1,186	
DOJ - State Criminal Alien Assistance Program *grant funding received		\$ 1,186
Building Maintenance/Repairs Courthouse	\$ 1,051	
Building Maintenance/Repairs Sheriff/Detention Center	\$ 4,420	
Insurance Claims * insurance funds received for repair claims		\$ 5,471
Cooperative Extension - Farm City Activities	\$ 1,150	
Farm City Donations *donations received		\$ 1,150
Sheriff - Workers Compensation	\$ 2,531	
NCACC Insurance Pool *additional premium due following FY09-10 workers compensation audit	\$ (2,531)	
TANF - Domestic Violence Program	\$ (2,715)	
TANF - Domestic Violence Revenues *adjust budget to funding authorization received		\$ (2,715)
SOLID WASTE FUND		
Disposal - Workers Compensation	\$ 7,324	
Fund Balance Appropriated *additional premium due following FY09-10 workers compensation audit		\$ 7,324

Commissioner Crowe made a motion to approve the budget amendments with the exception of the \$18,495 for DSS software. The motion was unanimously approved.

INSTALLMENT FINANCING

Manager Condrey presented bids for installment financing for hardware, software, vehicles and equipment. Mr. Condrey, Sheriff Francis, Chief Deputy Jeff Buchanan, Public Works & Planning Director Danny Searcy, DSS Director John Carroll, and Finance Director Julie Scherer discussed the items to be acquired under the installment financing and answered questions from the Commissioners. Bids were:

**Bids for Installment Purchase Financing
Loan Amount - \$362,677 Term - 36 months**

Bank	Interest Rate	Bank/Legal Fees	Total Payments	Total Cost
BB&T	2.19%		\$ 375,052	\$ 375,052
Fifth Thirds	1.75%	\$ 800	\$ 372,776	\$ 373,576
RBC Centura	2.07%	\$ 100	\$ 374,367	\$ 374,467
Suntrust	2.165%	\$ 750	\$ 374,909	\$ 375,659
*Option #1 - Prepayment at 103% of Par Escrow fee \$250, \$500 bank document fees +UCC fees				

**Bids for Installment Purchase Financing
Loan Amount - \$366,902 Term - 59 months**

Bank	Interest Rate	Bank/Legal Fees	Total Payments	Total Cost
BB&T	2.41%		\$ 389,437	\$ 389,437
Fifth Thirds	1.95%	\$ 800	\$ 385,069	\$ 385,869
RBC Centura	2.73%	\$ 100	\$ 392,493	\$ 392,593
Suntrust	2.455%	\$ 750	\$ 389,866	\$ 390,616
*Option #1 - Prepayment at 103% of Par Escrow fee \$250, \$500 bank document fees +UCC fees				

Commissioner Richard made a motion to approve installment financing for \$362,677 for 36 months for equipment and vehicles as outlined and to accept the low bid from Fifth Third Bank at 1.75% interest. The motion was unanimously approved.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF RUTHERFORD, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING AGREEMENT AND A SECURITY AGREEMENT WITH RESPECT THERETO AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS

WHEREAS, the County of Rutherford, North Carolina (the "*County*") is a validly existing political subdivision of the State of North Carolina, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the "*State*");

WHEREAS, the County has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment financing contracts in order to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the Board of Commissioners of the County (the "*Board*") has determined that it is in the best interest of the County to (a) enter into an installment financing agreement (the "*Agreement*") with Fifth Third Bank (the "*Bank*") in order to provide for the acquisition of hardware, software, vehicles and equipment (the "*Equipment*"), (b) create a security interest in the Equipment through a security agreement (the "*Security Agreement*") for the benefit of the

Bank and a uniform commercial code (UCC) financing statement (the "*Financing Statement*") to be filed by the Bank with the Secretary of State of the State of North Carolina;

WHEREAS, the Equipment will be owned and operated by the County;

WHEREAS, there has been presented to the Board the forms of the Agreement and the Security Agreement (collectively, the "*Instruments*"), copies of which are attached hereto, which the County proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing at an interest rate as specified in the Instruments; and

WHEREAS, it appears that each of the Instruments is in appropriate form and is an appropriate instrument for the purposes intended;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF RUTHERFORD, NORTH CAROLINA, AS FOLLOWS:

Section 1. ***Ratification of Prior Actions.*** All actions of the County, the County Manager, the Finance Director of the County and the Clerk and their respective designees in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Instruments.

Section 2. ***Approval, Authorization and Execution of Agreement.*** The County hereby approves the acquisition of the Equipment in accordance with the terms of the Agreement, which will be a valid, legal and binding obligation of the County in accordance with its terms. The County hereby approves the amount advanced by the Bank to the County pursuant to the Agreement in an aggregate principal amount not to exceed \$362,677, such amount to be repaid by the County to the Bank as provided in the Agreement. The form, terms and content of the Agreement are in all respects authorized, approved and confirmed, and the Chairman, the County Manager, the Finance Director of the County and the Clerk or their respective designees are authorized, empowered and directed to execute and deliver the Agreement for and on behalf of the County, including necessary counterparts, in substantially the form attached hereto, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Agreement, the Chairman, the County Manager, the Finance Director of the County and the Clerk or their respective designees are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Agreement as executed.

Section 3. ***Approval, Authorization of Security Agreement.*** The form, terms and content of the Security Agreement are in all respects authorized, approved and confirmed, and the Chairman, the County Manager, the Finance Director of the County and the Clerk or their respective designees are authorized, empowered and directed to execute and deliver the Security Agreement for and on behalf of the County, including necessary counterparts, in substantially the form attached hereto, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Security Agreement, the Chairman, the County Manager, the Finance Director of the County and the Clerk or their respective designees are hereby authorized, empowered and directed to do all

such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Security Agreement as executed.

Section 4. **Authorization of the Financing Statement.** The Chairman, the County Manager, the Finance Director of the County and the Clerk or their respective designees are authorized, empowered and directed to file or have filed the Financing Statement for and on behalf of the County.

Section 5. **Further Actions.** The Chairman, the County Manager, the Finance Director of the County and the Clerk are hereby designated as the representatives to act on behalf of the County in connection with the transactions contemplated by the Instruments, and the Chairman, the County Manager, the Finance Director of the County and the Clerk are authorized and directed to proceed with the acquisition of the Equipment in accordance with the terms of the Instruments, and to seek opinions on matters of law from the County Attorney, which the County Attorney is authorized to furnish on behalf of the County, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The Chairman, the County Manager and the Finance Director of the County are hereby authorized to designate one or more employees of the County to take all actions which the Chairman, the County Manager or the Finance Director of the County are authorized to perform under this Resolution, and the Chairman, the County Manager or the Finance Director of the County or their designees are in all respects authorized on behalf of the County to supply all information pertaining to the transactions contemplated by the Instruments. The Chairman, the County Manager, the Finance Director of the County and the Clerk are authorized to execute and deliver for and on behalf of the County any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Instruments or as they may deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 6. **Repealer.** All motions, orders, resolutions, ordinances and parts thereof in conflict herewith are hereby repealed.

Section 7. **Severability.** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration does not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 8. **Effective Date.** This Resolution is effective on the date of its adoption.

Adopted the 3rd day of January, 2011.

Commissioner Richard made a motion to approve installment financing for \$366,902 for 59 months for case management software in the Department of Social Services and to accept the low bid from Fifth Third Bank at 1.95% interest. The motion was unanimously approved.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF RUTHERFORD, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING AGREEMENT AND A SECURITY AGREEMENT WITH RESPECT THERETO AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS

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WHEREAS, the County has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment financing contracts in order to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the Board of Commissioners of the County (the "Board") has determined that it is in the best interest of the County to (a) enter into an installment financing agreement (the "Agreement") with Fifth Third Bank (the "Bank") in order to provide for the acquisition of hardware and software (the "Equipment"), (b) create a security interest in the Equipment through a security agreement (the "Security Agreement") for the benefit of the Bank and a uniform commercial code (UCC) financing statement (the "Financing Statement") to be filed by the Bank with the Secretary of State of the State of North Carolina;

WHEREAS, the Equipment will be owned and operated by the County;

WHEREAS, there has been presented to the Board the forms of the Agreement and the Security Agreement (collectively, the "Instruments"), copies of which are attached hereto, which the County proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing at an interest rate as specified in the Instruments; and

WHEREAS, it appears that each of the Instruments is in appropriate form and is an appropriate instrument for the purposes intended;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF RUTHERFORD, NORTH CAROLINA, AS FOLLOWS:

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Section 2. **Approval, Authorization and Execution of Agreement.** The County hereby approves the acquisition of the Equipment in accordance with the terms of the Agreement, which will be a valid, legal and binding obligation of the County in accordance with its terms. The County hereby approves the amount advanced by the Bank to the County pursuant to the Agreement in an aggregate principal amount not to exceed \$366,902, such amount to be repaid by the County to the Bank as provided in the Agreement. The form, terms and content of the Agreement are in all respects authorized, approved and confirmed, and the Chairman, the County Manager, the Finance Director of the County and the Clerk or their respective designees are authorized, empowered and directed to execute and deliver the Agreement for and on behalf of the County, including necessary counterparts, in substantially the form attached hereto, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Agreement, the Chairman, the County Manager, the Finance Director of the County and the Clerk or their respective

designees are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Agreement as executed.

Section 3. **Approval, Authorization of Security Agreement.** The form, terms and content of the Security Agreement are in all respects authorized, approved and confirmed, and the Chairman, the County Manager, the Finance Director of the County and the Clerk or their respective designees are authorized, empowered and directed to execute and deliver the Security Agreement for and on behalf of the County, including necessary counterparts, in substantially the form attached hereto, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Security Agreement, the Chairman, the County Manager, the Finance Director of the County and the Clerk or their respective designees are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Security Agreement as executed.

Section 4. **Authorization of the Financing Statement.** The Chairman, the County Manager, the Finance Director of the County and the Clerk or their respective designees are authorized, empowered and directed to file or have filed the Financing Statement for and on behalf of the County.

Section 5. **Further Actions.** The Chairman, the County Manager, the Finance Director of the County and the Clerk are hereby designated as the representatives to act on behalf of the County in connection with the transactions contemplated by the Instruments, and the Chairman, the County Manager, the Finance Director of the County and the Clerk are authorized and directed to proceed with the acquisition of the Equipment in accordance with the terms of the Instruments, and to seek opinions on matters of law from the County Attorney, which the County Attorney is authorized to furnish on behalf of the County, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The Chairman, the County Manager and the Finance Director of the County are hereby authorized to designate one or more employees of the County to take all actions which the Chairman, the County Manager or the Finance Director of the County are authorized to perform under this Resolution, and the Chairman, the County Manager or the Finance Director of the County or their designees are in all respects authorized on behalf of the County to supply all information pertaining to the transactions contemplated by the Instruments. The Chairman, the County Manager, the Finance Director of the County and the Clerk are authorized to execute and deliver for and on behalf of the County any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Instruments or as they may deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 6. **Repealer.** All motions, orders, resolutions, ordinances and parts thereof in conflict herewith are hereby repealed.

Section 7. **Severability.** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration does not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 8. **Effective Date.** This Resolution is effective on the date of its adoption.

Adopted the 3rd day of January, 2011.

BUDGET CALENDAR

Manager Condrey presented a timetable for preparation of the 2011-2012 budget for the Commissioners' information and review. When asked by Commissioner Holland about current economic conditions, Ms. Scherer stated that in the last six months there has been some stabilization in tax revenue and current year property tax collections as of the end of November are slightly higher than November 2009. Building Inspections and Register of Deeds also have stabilized. She predicted a slow return but said things appear to be on an upward trend.

TRAILS GRANT

Jerry Stensland, Recreational, Cultural and Heritage Planner, reviewed a series of health, recreational and heritage initiatives that involve partnerships and bringing communities together. He asked for authority to apply for a grant under the North Carolina Division of Parks and Recreation for funding to enhance the existing rail trail.

Vice Chairman Owens made a motion to approve the resolution in support of the trails grant application. The motion was unanimously approved.

RESOLUTION

WHEREAS, trail development in Rutherford County is a key element to the quality of life, recreational assets, economic development and tourism potential for Rutherford County and its citizens; and

WHEREAS, a regional trail plan was recently completed by Isothermal Planning and Development Commission; and

WHEREAS, the regional trail plan identified the Thermal Belt Rail Trail as one of the area's priority corridors; and

WHEREAS, the Thermal Belt Rail Trail needs significant upgrades including an improved surface, signage, maps and web materials; and

WHEREAS, the North Carolina Division of Parks and Recreation offers the Recreational Trails Program grant; and

WHEREAS, private dollars have been pledged to provide the cash match for the grant; and

WHEREAS, the Recreation Trails Program grant, if awarded, will provide a highly visible first step in enhancing the rail trail and when combined with other potential grants and donations make a significant impact to the health and quality of life of county residents; and

NOW, THEREFORE, BE IT RESOLVED, that the Rutherford County Board of Commissioners supports the grant application to the Recreational Trails Program for February 2011.

Adopted this the 3rd day of January, 2011.

EMS

As requested by Commissioners at the last regular meeting, EMS Director Richard Pettus presented an overview of the operations of the Emergency Medical Services in Rutherford County and discussed with Commissioners available strategies for improving service, in particular response time.

Mr. Pettus listed issues that present problems for EMS:

- Increased number of transfers from Rutherford Hospital to out of town hospitals
- Hospital diversions due to high patient numbers or transport to out of town hospitals due to patient acuity
- Extended response times (>15 minutes) for some areas of the county
- Units from other areas must be pulled in to cover the calls in a jurisdiction once units are depleted in that jurisdiction
- Standbys usually result in an extended response time because of the larger area that has to be covered
- Increased operational costs moving units and personnel to standby locations
- Limited availability of any additional transport resources for emergency responses

FOOTHILLS CONNECT AGRICULTURAL INITIATIVE

At the December meeting, Foothills Connect made a presentation regarding a project to be located beside Rutherford County's Landfill. The Board of Commissioners agreed to lease a portion of property owned by the county to Foothills Connect for the project. Pursuant to GS 160A-272, a public notice was published regarding this lease.

Commissioner Crowe made a motion to approve the agreement for a four-year lease of a 3-acre portion of property near the county landfill to Foothills Connect for erection of plastic greenhouses to be used in an agricultural training project. The motion was unanimously approved.

MENTAL HEALTH MEDICAID WAIVER

Vice Chairman Owens made a motion to postpone consideration of the Medicaid Waiver until after a public hearing to be held on February 10, so that the public will have an opportunity to have input. The motion was unanimously approved.

MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

Commissioner Crowe made a motion to approve the resolution to adopt the Multi-Jurisdictional Hazard Mitigation Plan as presented at the December meeting. The motion was unanimously approved.

A Resolution to Adopt the Rutherford County Multi-Jurisdictional Hazard Mitigation Plan

Whereas, the federal Disaster Mitigation Act of 2000 (DMA2K) requires that all county and municipal jurisdictions nationwide create and adopt a Hazard Mitigation Plan; and

Whereas, North Carolina Senate Bill 300 (SB300) requires that all county and municipal jurisdictions within the State of North Carolina adopt a Hazard Mitigation Plan; and

Whereas, Rutherford County and the municipalities of Forest City, Rutherfordton, Spindale, Lake Lure, Chimney Rock, Ruth, Bostic and Ellenboro, along with other pertinent volunteers, groups and organizations, participated in a planning process to satisfy the requirements of DMA2K and SB300, and create the Rutherford County Multi-Jurisdictional Hazard Mitigation Plan, (RCMJHMP) during 2010,

Now Therefore be it Resolved, after holding a public hearing, the governing body of Rutherford County does adopt the Rutherford County Multi-Jurisdictional Hazard Mitigation Plan this the 3rd day of January, 2011.

RURAL CENTER/DANIEL MORGAN WATER DISTRICT

An application for funding from the Rural Center for water lines on Highway 221 that were being disturbed due to the widening of the road had been approved. However, since that time it was discovered that 22 residents along Hines and Mid-Atlantic Roads have contaminated wells and need public water. It was requested that the application be revised to include extending water mains for the residents with contaminated wells. Last year the County approved funding over \$21,000 (1/3) of the project with a match coming from the water provider and 2/3 funding from the Rural Center. The increased cost to extend lines to the 22 residents increases the County's 1/3 obligation to \$32,000.

Commissioner Holland made a motion to approve the application to the NC Rural Center for extension of water service provided by Daniel Morgan Water District to the Mid Atlantic- Hines Road area in the vicinity of US 221 South. The motion was unanimously approved.

RESTRUCTURING OF TOURISM DEVELOPMENT AUTHORITY

Michele Whitaker, executive director of the TDA, reviewed the activities of the Tourism Development Authority. She reported that the TDA board had unanimously approved a request to the Commissioners to submit a request to the legislature for modification of the legislation that created the TDA in Rutherford County and that the new legislation be written using the accepted model under NC's Legislated Uniform Occupancy Tax Guidelines but increasing the required number of individuals who are affiliated with business that collect the tax in the county to at least one-half of the membership and increase the individuals who are currently active in the promotion of travel and tourism to at least one-third of the membership. Another change would add campsites to the tax collecting bodies.

Chairman Eckler was not in favor of increasing the proportion of members of the TDA board that must be affiliated with businesses that collect the tax beyond the number in the accepted model

under NC's Legislated Uniform Occupancy Tax Guidelines. He said he would support a resolution that urged the Commissioners to strive for this percentage, but he felt it would be unwise to commit this board and future boards to a requirement that may be difficult to fulfill. Attorney Miller said that the language from the model legislation is broad enough that the Commissioners would be able to decide how members of the TDA are selected.

Commissioner Crowe made a motion to adopt the resolution asking the NC General Assembly to replace the 1991 legislation that created the Rutherford County Tourism Development Authority with new enabling legislation to be written using the accepted model under NC Legislated Uniform Occupancy Tax Guidelines. The motion was unanimously approved.

RESOLUTION

WHEREAS, in 1991, Occupancy Tax Legislation was adopted by the North Carolina Legislature for Rutherford County in Session Law 577; and

WHEREAS, the Rutherford County Tourism Development Authority has made a request to the Rutherford County Board of Commissioners that the original legislation be replaced with the adoption of new legislation to be written using the Uniform Occupancy Tax Guidelines drafted by the North Carolina Travel and Tourism Coalition; and

NOW, THEREFORE, BE IT RESOLVED that the Rutherford County Board of Commissioners does request that Representative Mike Hager have legislation drafted that would replace the 1991 Occupancy Tax Legislation for Rutherford County in accordance with the Uniform Occupancy Tax Guidelines drafted by the North Carolina Travel and Tourism Coalition.

BE IT FURTHER RESOLVED that the new draft legislation include the following:

- 1) Taxing bodies shall include campsites.

Adopted this the 3rd day of January, 2011.

PLAQUE/MARINE CORPS LEQQUE

County Manager John Condrey presented a plaque received from the Marine Corps League in appreciation for the use of the Rutherford County Office Building for their meetings.

MINUTES/DECEMBER 20, 2010 MEETING

Commissioner Richard made a motion to correct the minutes of the December 20, 2010, meeting to show that the Hollis Convenience Center opening time will be 7:00 A.M. rather than 6:00 A.M. and to approve the minutes as corrected. The motion was unanimously approved.

ADJOURNMENT

Commissioner Crowe made a motion to adjourn. The motion was unanimously approved.

Meeting adjourned at 9:53 P.M.

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

Attest:

Clerk, Board of Commissioners