

**MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON APRIL 4, 2011, AT 6:00 P.M.**

**PRESENT: CHAIRMAN BILL ECKLER  
VICE CHAIRMAN JULIUS OWENS  
SUSAN CROWE (by telephone)  
ROGER RICHARD**

**ABSENT: EDDIE HOLLAND**

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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 HEARING\ INDUSTRIAL INCENTIVE**

Chairman Eckler opened the public hearing to receive comments on a proposed industrial incentive package for an existing industry. Mr. Tom Johnson of the Economic Development Commissioner described changes in the industrial incentive agreement previously approved in October 2010. The changes reflect the company's commitment to create at least 132 jobs prior to the end of the calendar year 2013. He explained that this is only one step in the process. The incentive package is contingent on a One-NC grant that the State of NC is considering. He introduced Mr. Dale Taylor of Diamondback Tactical, who was present to represent the company.

Chairman Eckler cautioned Mr. Taylor that the agreement under consideration would be null and void if the company does not pay outstanding taxes that are due June 30. Mr. Taylor stated that this was understood by the company.

No one else wished to speak.

Chairman Eckler declared the public hearing closed.

Vice Chairman Owens made a motion to approve the industrial development grant in the amount of \$156,625 or more, depending upon the amounts of capital investments and jobs created in the years of 2011, 2012 and 2013. The motion was unanimously approved.

**PUBLIC COMMENTS**

Mr. Jim Brewer invited the Commissioners to a ceremony sponsored by the Rutherford County Sons of the American Revolution (S.A.R.) on April 23 in honor of a Revolutionary War soldier.

Mr. Zoran Naskov thanked the Commissioners for having the agenda available a week before the meeting and for opening the meeting with prayer. He made a suggestion that a uniform schedule of industrial incentives be put in place so that it would not be necessary to hold closed sessions to arrive at an incentive in each individual case.

Ms. Kimberly Mullinax introduced herself as a resident of Rutherford County who works outside the county as a paralegal. She called attention to the analysis in the Commissioners' agenda packet that showed the projected effect of changes in tax policy and procedures approved at the last meeting. The negative effects of the changes are that they will require additional manual processing in the tax department, which will require more staff. There may be confusion and noncompliance on the part of taxpayers which will result in a significant loss of tax revenue. She noted that the towns also will be adversely affected. Taxpayers who pay on time will have to assume the burden for those who don't. She urged the Commissioners to support the employees in the tax office and to think about the long term effects of their decisions.

### **CONSENT AGENDA.**

Chairman Eckler and Commissioner Crowe asked for corrections to the March minutes in several places that incorrectly referred to the title of the Tax Administrator. The minutes had also been changed to reflect the correct name of the Criminal Justice Partnership Committee.

Commissioner Richard made a motion to approve the consent agenda as corrected. The motion was unanimously approved.

By unanimous approval, the minutes of the February 8, 2011 meeting; the minutes of the March 7, 2011 meeting; and the bond of the Tax Collector were approved.

### **APPOINTMENTS\ANIMAL APPELLATE BOARD**

Commissioner Richard made a motion to appoint the Animal Control Director, Health Director Jimmy Hines, Veterinarian Lanny Walker, and County Commissioner Eddie Holland to serve on the Animal Appellate Board to hear owner appeals of dangerous animal designation received by the Animal Control Director. The motion was unanimously adopted.

### **APPOINTMENTS\RUTHERFORD COUNTY PARTNERSHIP FOR CHILDREN**

Commissioner Richard made a motion to appoint Commissioner Holland to the board of the Rutherford County Partnership for Children, pending his agreeing to serve. The motion was unanimously adopted.

**RULES AND PROCEDURES**

Commissioner Richard made a motion to approve changes to the Rutherford County Rules and Procedures as developed by Commissioners and county staff. The motion was unanimously adopted.

**HIRING POLICY**

Commissioner Crowe made a motion to remove consideration of the Hiring Policy item from the agenda. The motion was unanimously approved.

**2011 AUDIT CONTRACT**

Commissioner Crowe made a motion to approve the audit contract for fiscal year ending 2011, the second year of a three year contract with Gould Killian CPA Group.

Vice Chairman Owens asked that when the contract comes up for renewal that it be advertised within the county to give local companies an opportunity to bid.

The motion was unanimously approved.

**BUDGET AMENDMENTS**

Ms. Scherer of the Finance Department explained the budget amendments.

Commissioner Crowe made a motion to approve the budget amendments with the exclusion of the airport grant. The motion was unanimously adopted.

	Expense	Revenue
<b>GENERAL FUND</b>		
Sheriff - Equipment Purchased with Seizure Funds	\$ 2,339	
Sheriff - Drug Seizure Funds *unauthorized substance tax distribution		\$ 2,339
Detention - Overtime Salaries	\$ (4,125)	
Detention - Part Time Salaries *transfer overtime salaries to part time for Detention Medication Technicians.	\$ 4,125	
JCPC - Psychological Services to the Courts	\$ (4,480)	

	Expense	Revenue
JCPC Program Revenues		\$ (4,000)
Fund Balance Appropriated *reduce Psychological Services budget due to funds transferred to Temporary Shelter Care		\$ (480)
Walking Trail - Storm water/Drainage Assistance	\$ 20,513	
Community Conservation Assistance Program - CWMTF		\$ 18,013
Heritage Cultural Recreation - Miscellaneous Programs*funds to repair drainage issues at the walking trail; 25% local match required - \$2500 transferred from Heritage Cultural Recreation department and using maintenance department and/or volunteer labor for the balance of the match	\$ (2,500)	
DSS FUND		
Temporary Shelter Care Expenses	\$ 4,000	
JCPC Temporary Shelter Care Revenues *funds transferred from Psychological Services to Temporary Shelter		\$ 4,000

Commissioner Crowe stated that she wants to know how much the airport operations contribute to the county's general fund.

**CONTRACT WITH UNC-TV**

Manager Condrey presented a proposed contract with UNC-TV for a documentary on the Bechtler history. He and Attorney Beth Miller responded to questions from the Commissioners about the timing of payments, indemnity for both parties to the agreement, editorial control, and collection of pledges.

Commissioner Crowe made a motion to table action on the agreement until confirmation of pledges could be obtained in writing. Frankie McWhorter pointed out that the promised donations from the Town of Rutherfordton and from the Tourism Development Authority would be in the minutes of their respective meetings. She said a lot of people are committed to the project and have been working to make it happen. Commissioner Crowe withdrew her motion.

Vice Chairman Owens made a motion to approve the Television Production and License Agreement between UNC-TV and Rutherford County for a thirty minute documentary with the working title of "North Carolina Gold and Bechtler Heritage." The motion was unanimously approved.

**NCDOT TRANSPORTATION IMPROVEMENT PLAN**

Manager Condrey reported on a meeting at which the North Carolina Transportation Improvement Projects were discussed and prioritized resulting in the identification of five projects that were deemed as top priority. Various departments and county organizations were represented at this meeting.

Commissioner Crowe made a motion to adopt the recommendations to the NCDOT for the Transportation Improvement Plan and to forward them to Josh King, regional transportation consultant. The motion was unanimously approved.

The recommendations were:

Rank	STIP #	Location	Description
1	R-2707	US-74	Bypass of Shelby
2	R-2597A	US-221	North of SR 1366 (Roper Loop Rd) to SR 1153 Widen to multi lane
3	R-2233	US-221	Widening of US-221 with a bypass of Rutherfordton
4	New Project	SR 1906	Mt. Pleasant Church Rd
5	R-2618	SR 1006	Railroad crossing 631-719R

### OPTION TO PURCHASE

Mr. Tom Johnson of the EDC reported that a study has been made of sites in Rutherford County that are suitable for use for datacenter locations. This included a cost analysis that contained site preparation expense. A prospective site has been identified, and the owners have agreed to an option to purchase at no cost to the county for two years, with a \$1,000 fee to renew the option in the third year.

Vice Chairman Owens made a motion to approve the 2-year option to purchase 42.25 acres of real property at the intersection of Mt. Pleasant Church Road and Harrill Dairy Road. The motion was unanimously approved.

### REFUNDS AND RELEASES

Commissioner Richard made a motion to approve the report of Refunds and Releases for March and the report in a revised format of Refunds and Releases for April.

Commissioner Crowe had a request about the presentation of the report. She stated that she will meet with Rheba Ward of the Tax Office to look at the report's formatting.

The motion was unanimously approved.

### REPORT FROM THE AD HOC COMMITTEE FOR REVIEW OF POLICIES AND PROCEDURES RELATING TO REAL PROPERTY APPRAISAL IN RUTHEFORD COUNTY

Mr. Omer Causey gave a report of the ad hoc committee for review of policies and procedures relating to real property appraisal. The committee has had numerous meetings with Rhoda Owens of the IT Department and Kep Kepley and Claire Hubbard of the Tax Department, as well as information from Jack Corey and Lois Shuford. The goal of the committee was to ensure uniformity and not arbitrariness in property appraisals. Mr. Causey stated that there do not appear to be any written

policies and procedures in the Tax Office and that the committee is recommending that work begin on formulating written policies and procedures. He suggested that Attorney Miller participate in the writing of these policies and procedures. The committee also recommends that the Schedule of Values be entirely rewritten. He expressed particular concern that there is no uniformity of definitions. He urged that a draft be prepared for the Commissioners before June 30 so that a public hearing can be held in July or August. Some of the other recommendations of the committee were for a code of conduct for personnel in the Tax Department to promote a non-adversarial, citizen-friendly approach to doing business; specific rules relating to property valuation; improved availability of public information regarding tax matters; and future updating of computer software used by the Tax Department. The committee submitted a formal report with these and other findings and recommendations.

Chairman Eckler expressed appreciation to the members of the ad hoc committee for their work. He asked the committee members who were present at the meeting to indicate their agreement with the report as presented.

Vice Chairman Owens made a motion to refer the report of the ad hoc committee for review of policies and procedures relating to real property appraisal to the county attorney for review. The motion was unanimously approved.

Chairman Eckler directed that the Tax Department and the IT Department begin work on a Schedule of Values, Standards and Rules in anticipation of a 2012 reappraisal.

### **TAX DEPARTMENT PROCEDURAL CHANGES**

Manager Condrey presented information clarifying the procedures and budget ramifications of the Commissioners' actions at their last regular meeting regarding the Tax Department, including a draft resolution effecting the changes.

Commissioner Richard made a motion to table until the next meeting. The motion was unanimously adopted.

### **WATER AND SEWER REVOLVING LOAN FUND**

County Planner Danny Searcy presented information on the advisability of running the proposed Oscar Justice Road water project along Hudlow Road. The engineer's findings are that the alternate route would not have sufficient water pressure. Broad River Water Authority advised that the alternate route would be more costly than they would be able to finance at present.

Commissioner Crowe made a motion to approve the application to the Water and Sewer Loan Fund from Board River Water Authority for matching funds to provide public water along Oscar Justice Road and Airport Road. The motion was approved on a 3-1 vote, with Chairman Eckler, Commissioner Crowe and Commissioner Richard voting on favor and Vice Chairman Owens voting against.

**CLOSED SESSION\ ATTORNEY-CLIENT PRIVILEGE\ G.S. 143.318.11(a)(3)/ PERSONNEL  
N.C.G.S. 143-318.11(a)(6)**

Commissioner Crowe made a motion to go into closed session for attorney-client privilege under G.S. 143.318.11(a)(3) and Personnel under G.S. 143-318.11(a)(6). The motion was unanimously approved.

**RETURN TO OPEN SESSION**

The Board returned to open session at 8:15 P.M.

**ADJOURNMENT**

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

Meeting adjourned at 8:17 P.M.

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Chairman, Board of Commissioners

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Vice Chairman, Board of Commissioners

Attest:

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Clerk, Board of Commissioners