

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON MAY 2, 2011, AT 6:00 P.M.

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

CALL TO ORDER\INVOCATION\PLEDGE OF ALLEGIANCE

Chairman Eckler called the meeting to order. Mr. Jim Bishop gave the invocation, and Commissioner Crowe led in the Pledge of Allegiance to the Flag.

ADOPTION OF AGENDA

Commissioner Richard stated that the Rules and Procedures do not allow for a supplemental agenda.

Chairman Eckler asked whether certain items on the supplemental agenda could be incorporated into the regular agenda as amendments. Commissioner Richard agreed to this.

Items from the supplemental agenda to be added or removed from the agenda:

IV. Commissioners

G. Vice Chairman Owens – Proclamation for National Day of Prayer

V. New Business

G. Budget Amendments
One additional budget amendment added

J. Resolutions from TDA Board
Tabled for additional changes

K. Foothills Connect Landfill Gas Project

VIII. Closed Session

B. Industrial Location/G.S. 143-318.11(a)(4)

Other information on the supplemental agenda were related to items already on the regular agenda.

On the regular agenda, Chairman Eckler directed that consideration of Project Chrysalis be discussed following the closed session.

Commissioner Crowe made a motion to adopt the agenda as amended. The motion was unanimously approved.

PUBLIC COMMENTS

Mr. John Kobland told the Board that he wanted to put a human face on the situation at Grey Rock. He and his wife purchased property, hired a builder, got all the necessary permits and began construction on their home in April 2008. When the Land Resources office closed, work on the house was suspended. The house is 40% completed and they have spent close to \$1 million in the project. He said they want to work with the Commissioners in any way possible. Grey Rock needs roads. He asked whether, if the lawsuit with the bonding company is successful, the county is committed to making roads happen.

Mrs. Fay Kobland also asked for the Commissioners' help. She said she and her husband had searched for a place to retire and that they had fallen in love with this area. The home they were constructing was scheduled to be completed in March 2009.

Mr. John Biddle, a builder in Lake Lure for over 22 years, said he began construction on the Kobland home in good faith that Grey Rock would complete the roads. Mr. Biddle further stated that home building provides help for the unemployment issue and that tax values are being affected when homes cannot be completed.

At the request of the Chairman, Attorney Miller provided information that the county is being diligent in pursuing litigation against the bonding companies.

Mr. Jim Brewer cited the figures of the number of county employees that are subject to furlough and noted that these furloughs are being extended in the new budget year. Yet he has been informed that staff positions are being advertised in the newspaper. He also warned Commissioners that citizens are not always treated well by county departments and that some department managers are not their friends. He urged Commissioners to investigate.

Mr. Henry Edwards discussed the composition of the Board of Equalization and Review. He cited the general statute pertaining to the constitution of this board.

Commissioner Crowe made the observation that 44 of the 100 NC counties used their County Commissioners as their Board of Equalization and Review.

CONSENT AGENDA.

Commissioner Crowe made a motion to approve the consent agenda. The motion was unanimously adopted.

Minutes

By consent, the minutes of the April 4, 2011, meeting were approved.

By consent, the resolution for addition of Woodland Hollow Drive to State Secondary Road System was approved.

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION

REQUEST FOR ADDITION TO STATE MAINTAINED SECONDARY ROAD SYSTEM

**North Carolina
County of Rutherford
Woodland Hollow Drive**

WHEREAS, the attached petition has been filed with the Board of County Commissioners of the County of Rutherford requesting that the above described road, the location of which has been indicated in red on the attached map, be added to the Secondary Road System; and

WHEREAS, the Board of County Commissioners is of the opinion that the above described road should be added to the Secondary Road System, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the System.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of the County of Rutherford that the Division of Highways is hereby requested to review the above-described road, and to take over the road for maintenance if it meets established standards and criteria.

Adopted this the second day of May, 2011.

ENTREPRENEUR CENTER

Vice Chairman Owens introduced Mr. Rick Austin, who made a presentation on the concept of an entrepreneur center in Rutherford County. Mr. Austin provided statistics showing that existing businesses and new business start-ups provide the majority of new jobs. In the knowledge based economy toward which things are moving, people can choose to live here and operate any of a wide array of businesses. The proposed entrepreneur center would supply services, information, coaching and guidance to these business people. He referred to other localities that have created successful centers of this kind and listed possible sources of start-up funds for such a center, including Rutherford County government.

Commissioner Crowe asked whether this is not similar to the functions of Foothills Connect, ICC, and the Chamber of Commerce. Mr. Austin said that he is having conversations with those organizations.

E.M.S. STATION/HENRIETTA

Commissioner Richard asked whether it will be possible to have an EMS station up and running in the Henrietta area by July 1. Manager Condrey advised that there is information in the budget message on costs and location and that the Commissioners can discuss this at a budget session. Commissioner Crowe wanted to make sure everyone knows the Commissioners are

working on this. EMS Director Richard Pettus said there are two parts to be considered, housing and personnel, and that these have been addressed in the proposed budget.

Commissioner Richard asked again about the July 1 date, and Manager Condrey said it would up to the Board of Commissioners to provide the resources to make it happen. Commissioner Holland said that he routinely receives phone calls about the need for an E.M.S. station in this area.

APPOINTMENT/TAX ASSESSOR/TAX COLLECTOR

Commissioner Richard brought up for discussion the matter of a permanent full-time person in charge of the tax department. Chairman Eckler said that this can be addressed as part of the budget deliberations. Attorney Miller confirmed that the current status is legally acceptable for the short term.

PERSONNEL GRIEVANCES

Commissioner Richard expressed concern that the HR Director has to carry an extra burden in dealing with personnel complaints. He suggested an independent outside source to handle such situations. Attorney Miller pointed out the need for confidentiality. She said the HR Director should use her own judgment about any possible unsafe circumstance.

Commissioner Crowe asked Judy Toney whether she ever feels unsafe. Mrs. Toney said she did not. Manager Condrey said he believed Mrs. Toney would advise him if there is ever a difficult situation. He said safety of county employees is of the utmost importance.

Chairman Eckler suggested that after the budget process the Commissioners could review the personnel policy.

UPDATE/SCHEDULE OF VALUES

Interim Tax Assessor Clair Hubbard advised that in preparation for the 2011 appraisal, the new Schedule of Values will be prepared; the recommendations of the tax study committee will be addressed; and the completion date will be the first Monday in September. Commissioner Richard urged an earlier date. Mr. Hubbard said there are lots of sales in May and June that would need to be looked at in setting values. He agreed to try to be ready by the first of July.

PROCLAMATION\EMERGENCY MEDICAL SERVICES WEEK

Vice Chairman Owens made a motion to adopt the proclamation designating the week of May 15-21, 2011, as "Emergency Medical Services Week." The motion was unanimously approved.

Emergency Medical Services Week Proclamation

To designate the Week of May 15 - 21, 2011, as Emergency Medical Services Week

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week;

NOW, THEREFORE, I, William "Bill" Eckler, Chairman of the Board of County Commissioners, Rutherford County, North Carolina in recognition of this event do hereby proclaim the week of May 15 - 21, 2011, as

EMERGENCY MEDICAL SERVICES WEEK

With the theme, EMS: Anytime, Anywhere, We'll Be There, I encourage the community to observe this week with appropriate programs, ceremonies and activities.

Adopted this the 2nd day of May, 2011.

PROCLAMATION\NATIONAL DAY OF PRAYER

Vice Chairman Owens read the txt of a proposed proclamation designating May 5, 2011 as National Day of Prayer in Rutherford County. Commissioner Crowe made a motion to adopt the proclamation. The motion was unanimously approved.

National Day of Prayer Proclamation for May 5, 2011

Whereas, May 5th has been officially proclaimed the National Day of Prayer; and,

Whereas, in 1775, the Continental Congress asked colonists to pray for wisdom in forming a nation; and,

Whereas, in 1952, President Harry S. Truman proclaimed a National Day of Prayer; and,

Whereas, every President since then has issued a similar Proclamation; and,

Whereas, in 1988, Congress passed and President Ronald Reagan signed into law the designation of the first Thursday of May as the National Day of Prayer; and,

Whereas, in 1998, Congress passed and President William Clinton signed Public Law a general statute that says: The President shall issue each year a proclamation designating the first Thursday in May as a National Day of Prayer on which the people of the United States may turn to God in prayer and meditation at churches, in groups, and as individuals. And,

Whereas, we recognize the importance of, and need for prayer,

Be it hereby resolved that the Rutherford County Board of Commissioners urges the people of Rutherford County to also turn to God in prayer and meditation at churches, in groups, and as individuals on Thursday May 5th, 2011.

Adopted this the 2nd day of May, 2011.

BIDS/SOLAR WATER PROJECT/SHERIFF'S OFFICE/DETENTION CENTER

Jason Ruff, Director of Building Inspections, presented the bids received for a solar water project as part of a utility saving grant. This was advertised locally as well as on the website of the State Energy Office. Staff recommended acceptance of the low bid from Sundance Power System of Weaverville, NC.

Commissioner Crowe asked about the company being recommended. Shane Dotson said that a visit had been made to Appalachian State University where the company has done some projects.

Commissioner Crowe made a motion to accept the bid of \$41,513 from Sundance Power System for a solar water heat project at the Sheriff's Office/Detention Center. The motion was unanimously approved.

TAX REFUNDS AND RELEASES

Vice Chairman Owens made a motion to approve tax refunds of \$419.98 and tax releases greater than \$100 totaling \$1,185.25 as outlined by Interim Tax Collector Rheba Ward. Tax releases of amounts less than \$100, which totaled \$3,256.95, were submitted by the Finance Office. (A copy of these tax refunds and releases is in the Minute Book.)

Commissioner Richard complimented the Tax Office for settling a lot of unknown properties.

Commissioner Crowe thanked Rheba Ward for the improved format of the report.

The motion was unanimously approved.

TAX APPEAL/WILBERT PLASTICS

The Commissioners agreed that the tax appeal from Wilbert Plastics should be referred to the Board of Equalization and Review.

LEASE/OLD LANDFILL ROAD PROPERTY

Manager Condrey described the current lease with Mr. and Mrs. William Davidson of 26.78 acres of county property on which monitoring wells for the old South Landfill are located. This property was purchased from Mr. and Mrs. Davidson with the understanding that they could lease it

for ten years for \$1 per year for use as pasture land. Mr. Darrell Conley has purchased land adjacent to this property, and the Davidsons have requested that Mr. Conley be allowed to assume the lease.

Mr. Don Baynard of the Solid Waste Department noted that there have been no negative findings at the monitoring wells.

Vice Chairman Owens made a motion to enter into an agreement with Darrell Conley for one dollar for one year for use of 26.78 acres near the closed Henrietta landfill, with a new lease to be negotiated after the first year.

Commissioner Crowe made a motion to recuse Commissioner Holland from the vote because of a family connection. The motion was unanimously approved.

The motion to approve the lease was unanimously approved.

Chairman Eckler asked Attorney Miller to prepare a lease agreement.

BIDS/METAL RECOVERY

Vice Chairman Owens made a motion to reject all bids from Metal Recyclers for the metal and white goods from the county landfill. He further moved to establish new parameters for new bids with the participation of Manager Condrey, and to have a public opening of bids at the County Office Building. The motion was unanimously approved.

Chairman Eckler stated that he would not want any scrap metal to be taken until a contract is secured.

BUDGET AMENDMENTS

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

Vice Chairman Owens made a motion to table the airport improvement funds until the May 9 meeting. The motion was unanimously approved.

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

	Expense	Revenue
GENERAL FUND		
Governing Body - Professional Services	\$ 8,000	
Fund Balance Appropriated		\$8,000
* Grey Rock Development Bonds related services. See attached.		
Professional Services - Legal	\$ 80,000	

	Expense	Revenue
Fund Balance Appropriated		\$80,000
* To appropriate funds for legal work related to Grey Rock, Queens Gap, etc.		
Sheriff - Vehicle Maintenance	\$ 5,405	
EMS - Vehicle Maintenance	\$ 1,805	
Insurance Claims & Dividends		\$7,210
*insurance proceeds received		
Sheriff - Capital Outlay Vehicle	\$ 22,937	
Sheriff - Equipment for Vehicle/MDT	\$ 4,063	
Insurance Claims and Dividends		\$27,000
*insurance proceeds received/replace total loss vehicle		
Sheriff - Project Lifesaver	\$ 30	
Project Lifesaver Donations		\$ 30
*donations received		
Sheriff - Firing Range Supplies	\$ 400	
Sheriff Donations		\$ 400
*donation from Henderson County Sheriff's Office to help with firing range maintenance		
Animal Control - Professional Services Veterinary	\$ 7,500	
Adoption Fees		\$ 7,500
*additional adoption fees received and appropriation for related services		
Senior Center - Maintenance to Building	\$ 9,132	
Insurance Claims and Dividends		\$ 9,132
*insurance proceeds received/replace air handlers that failed in December		

CAPITAL REQUEST FROM ISOTHERMAL COMMUNITY COLLEGE

Commissioner Richard made a motion to approve the request from Isothermal Community College for \$30,600.00 out of the ICC capital reserve funds for their keyless entry system. The motion was unanimously approved.

FISCAL YEAR 2011-2012 BUDGET

Manager Condrey presented the Fiscal Year 2011-2012 recommended budget. The Commissioners agreed to meet on May 17 and May 18 and to hear from each department head.

FOOTHILLS CONNECT LANDFILL GAS PROJECT

Mr. David Garrett presented information on the progress of the landfill gas project. He and the others who are involved intend to continue with work in the direction described.

Chairman Eckler asked about insurance coverage. Attorney Miller said that she and Ms. Scherer of the Finance Office have looked at the insurance question and believe that the county's insurance policies will cover any liability.

TAX REFUNDS FOR 2005

Commissioner Richard made a motion to deny refunds for the 2005 tax year that were originally requested by the taxpayers in January 2011 because the time limit for a refund had expired. The motion was unanimously approved.

RESOLUTION\FUND BALANCE

Vice Chairman Owens called attention to information in the agenda from Gaston County regarding county's fund balances and a chart regarding these fund balances provided by the Governor's Office. He made a motion to approve a resolution opposing any state action to use county fund balances. The motion was unanimously approved.

RESOLUTION

WHEREAS, disturbing news has come out of the North Carolina Governor's Office regarding the fund balances of North Carolina Counties; and

WHEREAS, the Governor's Office has indicated that counties in North Carolina need only \$799 million of their \$2 billion in available fund balance to meet this "statutory" fund balance requirement; and

WHEREAS, Rutherford County has been very prudent over the years and moved funds into our fund balance in order to achieve a stronger financial position; and

WHEREAS, Rutherford County is using this fund balance to balance revenues with anticipated expenditures during the economic downturn that our county is experiencing along with the rest of the nation.

NOW, THEREFORE BE IT RESOLVED that the Rutherford County Board of Commissioners does request your support in stopping any legislation that would rob our county of the fund balance on which we are relying to get us through fragile stage of our economy.

Adopted this the 2nd day of May, 2011.

CLOSED SESSION/Industrial Location/G.S. 143-318.11(a)(4)/Personnel/N.C.G.S. 143-318.11(a)(6)

Commissioner Crowe made a motion to go into closed session for Industrial Location/G.S. 143.318.11(a)(4) and Personnel under G.S. 143-318.11(a)(6) and to allow HR Director Toney and EDC Director Johnson to appear separately. The motion was unanimously approved.

8:05 P.M. – The Board went into Closed Session

8:45 P.M. – The Board returned to regular session.

RESOLUTIONPROJECT CHRYSALIS

Vice Chairman Owens made a motion to approve the resolution in support of Project Chrysalis to locate a manufacturing facility in Rutherford County. The motion was approved on a 4-1 vote, with Commissioner Richard opposed.

**RESOLUTION IN SUPPORT OF
PROJECT CHRYSALIS
TO LOCATE A MANUFACTURING FACILITY
IN RUTHERFORD COUNTY, NORTH CAROLINA**

WHEREAS, Project Chrysalis is considering locating a manufacturing facility in Rutherford County, North Carolina; and

WHEREAS, Project Chrysalis proposes to invest over \$400,000,000 and to employ at least 200 persons when the company is fully operational;

WHEREAS, Project Chrysalis plans are consistent with local land use and state and local transportation plans;

WHEREAS, Project Chrysalis plans conform with all applicable state and local ordinances and policies;

WHEREAS, Rutherford County is committed to work with the NCDOT in a leadership role to make transportation improvements that address the safety needs of the public, and contractors and employees of Project Chrysalis

NOW, THEREFORE, BE IT RESOLVED by the County of Rutherford

Section 1: Rutherford County supports the location of Project Chrysalis in Rutherford County, and confirms that its plans are consistent with and conform with state and local laws, plans and policies.

Section 2: Rutherford County endorses the application of Project Chrysalis to request financial support from the North Carolina Department of Transportation to assist in the funding of a rail industrial access track to serve Project Chrysalis.

Section 3: The County of Rutherford commits to work with the NCDOT to make needed transportation improvements necessary to protect the safety of the public, and contractors and employees of Project Chrysalis.

Adopted this the 2nd day of May, 2011.

ADJOURNMENT

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

Meeting adjourned at 8:46 P.M.

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

Attest:

Clerk, Board of Commissioners