

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON JULY 11, 2011, AT 6:00 P.M.

**PRESENT: CHAIRMAN BILL 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. Boy Scout Troop 99 from Harris presented the colors. Mrs. Kathy Eckler sang the "Star Spangled Banner."

Chairman Eckler thanked Scoutmaster Matt Shaneberger and acknowledged the members of the color guard by name.

ADOPTION OF AGENDA

Chairman Eckler asked that two items be removed from the agenda -- Lease with KD Support Services and Emergency Medical Services.

Commissioner Richard asked to add to the agenda a request from Jonathan Hollifield that he be removed from the Planning Commission.

Commissioner Crowe made a motion to approve the agenda as amended. Commissioner Richard seconded the motion. The motion was unanimously adopted.

PUBLIC HEARING\ EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

Chairman Eckler declared the public hearing open to hear comments regarding the Edward Byrne Memorial Justice Assistance Grant application. Captain Chris Adkins of the Sheriff's Department described the grant application being submitted which is made available through the Bureau of Justice Assistance and administered by the Office of Justice Programs (OJP). The grant application is in the amount of \$13,904 to purchase mobile data terminals for the detective area. Captain Adkins commented that the federal government is encouraging local departments to pursue property and financial crimes. The grant application had been presented to the Commissioners at their June 16 meeting and was presented at this session for public comments.

No one wished to speak.

Chairman Eckler declared the public hearing closed.

PUBLIC COMMENTS

Mr. Randy Herring said he had appeared before the Board of Commissioners in September of 2010 requesting that a lease be approved for a PSR (psyco social rehab) center at a building owned by the county formerly known as Magnolia House. A six month lease was approved but Mr. Herring is not longer employed by the company which he represented so the program did not happen. Mr. Herring is now working with another company and asked that the Board consider entering into a lease with this company for the PSR. He further asked that the Commissioners give his request their consideration at the regular September meeting.

Mr. Duncan Edwards discussed a letter he received from the Tax Department and noted that on two issues the response he has been asked to make does not conform to the language in the General Statutes. He requested that Commissioner Holland as the Commissioner from his district work with him and the Tax Department to refine and clarify the requirements made of taxpayers.

CONSENT AGENDA.

Commissioner Crowe made a motion to correct the minutes of June 6, 2011, to record that the Commissioners held a closed session and to approve the minutes as corrected. The motion was unanimously approved.

Commissioner Richard made a motion to approve the minutes of the meeting on June 13, 2011. Commissioner Crowe seconded the motion. The motion was unanimously adopted.

Commissioner Richard made a motion to approve the minutes of the meeting on June 16, 2011. Vice Chairman Owens seconded the motion. The motion was unanimously adopted.

AWARD FOR FINANCE OFFICE

Chairman Eckler announced that the Rutherford County Finance Office has been awarded a Certificate of Achievement for Excellence in Financial Reporting again this year. He recognized Finance Director Julie Scherer and Assistant Finance Director Paula Roach and thanked them for their work.

APPOINTMENT\ICC BOARD OF TRUSTEES

Vice Chairman Owens nominated Mrs. Amy Jenkins to the ICC Board of Trustees.

Commissioner Crowe nominated Dr. Bobby England.

Commissioner Holland nominated Dr. Bobby England.

Commissioner Richard nominated Dr. Bobby England.

Chairman Eckler reported that he did not have a nominee because his choice had asked to be removed from consideration.

The vote on the nominees was as follows:

Amy Jenkins: Vice Chairman Owens and Chairman Eckler

Dr. Bobby England: Commissioners Crowe, Holland and Richard.

Chairman Eckler declared that Dr. England would be the Board's appointee to the ICC Board of Trustees.

APPOINTMENT TRANSIT ADMINISTRATION

Commissioner Crowe made a motion to approve the re-appointment of Bill Robertson to serve on the Transit board. Commissioner Richard seconded the motion. The motion was unanimously approved.

APPOINTMENT WATERSHED COMMISSION

Commissioner Crowe made a motion to approve the appointment of Albert Moore to serve on the Watershed Commission. Commissioner Richard seconded the motion. The motion was unanimously approved.

AMERICAN TRANSMED, INC.

Commissioner Richard introduced Mr. Greg Kirby, representing American TransMed, Inc. who asked the Commissioners to schedule a public hearing at the regular August meeting on his company's request for an upgrade in their franchise agreement with the county.

Commissioner Crowe made a motion to hold a public hearing on August 1, 2011, to hear comments on the proposed change in the franchise agreement between American TransMed and the county. Commissioner Richard seconded the motion.

Vice Chairman Owens asked to clarify that the purpose of the hearing is solely to receive comments on the proposed change.

The motion was approved on a unanimous vote.

BUDGET AMENDMENTS

Ms. Scherer of the Finance Department presented budget amendments for repairs resulting from hail damage to county buildings that are covered by insurance. Expenditure of the funds will be appropriated at a later time.

Commissioner Crowe made a motion to approve the budget amendments with the stipulation that the expenditure of the monies come to the Commissioners for approval. Commissioner Richard seconded the motion. The motion was unanimously adopted.

	Expense	Revenue
GENERAL FUND		
Building Maintenance - Health Department	\$ 50,445	
Building Maintenance - Library	\$ 24,265	
Building Maintenance - EMS Spindale	\$ 17,937	
Building Maintenance - Rutherford Center	\$ 30,701	
Building Maintenance - Senior Center	\$ 132,302	
Building Maintenance - Veterans Building	\$ 10,888	
Building Maintenance - Cliffside Rescue Squad Bldg	\$ 3,715	
Viper Tower Repairs	\$ 3,926	
Insurance Claims & Dividends *insurance proceeds for hail damage.		\$ 274,179
DSS FUND		
DSS Building Repairs/Maintenance	\$ 6,643	
Insurance Claims & Dividends *insurance proceeds for hail damage.		\$ 6,643

SCHEDULE OF VALUES

Mr. Claire Hubbard of the Tax Department presented the Schedule of Values to the Board.

Attorney Miller explained the requirements for the timing of a public hearing on the Schedule of Values and on approval by the Commissioners. The public hearing must be 21 or more days after the Schedule of Values is presented and the approval date has to be at least 7 days after the public hearing.

Commissioner Crowe expressed her preference that the Commissioners have adequate time to make changes in the Schedule of Values.

Chairman Eckler directed that the public hearing on the Schedule of Values be held at the regular September Commissioners' meeting and that the vote on acceptance of the Schedule of Values take place at the regular October Commissioners meeting.

TAX REFUNDS AND RELEASES

Commissioner Richard made a motion to approve tax refunds of \$936.82 and tax releases greater than \$100 totaling \$2,248.23 as outlined by Interim Tax Collector Rheba Ward. Tax releases of amounts less than \$100, which totaled \$1,995.84, were submitted by the Finance Office. (A copy of these tax refunds and releases is in the Minute Book.)

The motion was unanimously approved.

ANNUAL TAX SETTLEMENT AND CHARGE TO COLLECT FOR FISCAL YEAR 2010-2011

Rheba Ward of the Tax Office presented statistics on the collection of taxes on real property

Chairman Eckler charged the Rutherford County Tax Collector as follows:

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.

PLANNING COMMISSION/APPOINTMENT

Commissioner Richard relayed a request from Jonathan Hollifield that he be relieved of his recent appointment to the Planning Commission in order to avoid any perception of conflict in his ability to compete for bids on county projects. Commissioner Richard made a motion to approve the request from Jonathan Hollifield to remove him from the Planning Commission. Commissioner Crowe seconded the motion. The motion was unanimously approved.

RESOLUTION DIRECTING TAX COLLECTOR NOT TO COLLECT MINIMAL AD VALOREM TAXES

Commissioner Richard made a motion to amend the previous vote by the Commissioners, which had the effect of changing the minimum tax bill from \$1 to \$5, to set the limit at \$3 instead of \$5 and that this change be effective July 1, 2011. Commissioner Crowe seconded the motion. The motion was approved on a 3-2 vote, with Chairman Eckler, Commissioner Crowe, and Commissioner Richard voting in favor, and Vice Chairman Owens and Commissioner Holland voting against.

**RESOLUTION AMENDING MARCH 7, 2011 ACTION OF RUTHERFORD COUNTY BOARD OF COMMISSIONERS
DIRECTING THE TAX COLLECTOR NOT TO COLLECT MINIMAL AD VALOREM TAXES**

WHEREAS, North Carolina General Statute 105-321(f) authorizes the governing body of a taxing unit that collects its own taxes to direct, by resolution, its tax collector not to collect minimal taxes charged on the tax records and receipts; and

WHEREAS, minimal taxes are the combined taxes and fees of the taxing unit and any other units for which it collects taxes, due on a tax receipt or on a tax notice in a total original principal amount that does not exceed an amount, up to \$3.00, set by the governing body; and

THEREFORE BE IT RESOLVED by the Rutherford County Board of Commissioners that the Tax Collector is directed not to collect the combined taxes and fees of Rutherford County and any other unit of government for which it collects taxes, due on a tax receipt prepared pursuant to G.S. 105-320 or on a tax notice prepared pursuant to G.S. 105-330.5, when the total original principal amount is \$3.00 or less; and

BE IT FURTHER RESOLVED that pursuant to N.C.G.S. 105-321(f) the Tax Collector shall not bill the taxpayer for, or otherwise collect, such minimal taxes but shall keep a record of all such minimal taxes by receipt number and amount and shall make a report of the amount of these taxes to the Rutherford County Board of Commissioners at the time of settlement; and

BE IT FURTHER RESOLVED that this resolution shall be in effect with respect to fiscal year 2011/12 and shall remain in effect until amended or repealed by resolution of the Rutherford County Board of Commissioners.

ADOPTED this the ____ day of _____, 2011.

TRAVEL POLICY

Commissioner Crowe made a motion to approve the travel policy presented with one change which would remove the provision to allow spouses and children of county employees to travel in county vehicles if it is official business. Commissioner Richard seconded the motion.

Chairman Eckler asked about insurance coverage and Julie Scherer of the Finance Office reported that as long as the person has received permission, the insurance coverage is in effect. Permission must be obtained from the department head, or if it is a department head whose family member is involved, permission must come from the county manager. She used as an example an instance when a spouse and child might accompany a county employee who is traveling to an out-of-town conference.

The motion was approved on a 3-2 vote, with Chairman Eckler, Commissioner Crowe, and Commissioner Richard voting in favor, and Vice Chairman Owens and Commissioner Holland voting against.

CLOSED SESSION/INDUSTRIAL LOCATION/N.C.G.S. 143-318.11(a)(4)/PERSONNEL/N.C.G.S. 143-318.11(a)(6)

Chairman Eckler called for the Commissioners to go into closed session for industrial location under G.S. 143.318.11(a)(4) and personnel under G.S. 143.318.11(a)(6). He directed that HR Director Judy Toney, EDC Director Tom Johnson, Finance Director Julie Scherer and Assistant Finance Director Paula Roach attend portions of the Closed Session.

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

9:11 P.M. The Board returned to Open Session.

INTERIM COUNTY MANAGER

Vice Chairman Owens made a motion to pay Chairman Eckler \$200 per week or \$800 per pay period while he is serving as interim county manager until the position can be filled.

Commissioner Richard made a motion to recuse Chairman Eckler from voting on this issue. The motion to recuse was unanimously approved.

Vice Chairman Owens assumed the chair. Commissioner Holland seconded the motion on the floor.

Commissioner Richard said that he would like to see the pay set at \$1000.00.

The motion was approved on a 3-1 vote, with Vice Chairman Owens, Commissioner Holland and Commissioner Crowe voting in favor, and Commissioner Richard voting against.

ADJOURNMENT

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

Meeting adjourned at 9:15 P.M.

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

Attest:

Clerk, Board of Commissioners