

**MINUTES OF THE SPECIAL MEETING OF THE BOARD OF RUTHERFORD COUNTY COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON SEPTEMBER 12, 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**

Chairman Eckler called the meeting to order. Commissioner Holland led in the Pledge of Allegiance to the Flag. Rev. Donald Hollifield asked for a moment of silence in honor of the anniversary of the 911 attacks, after which he gave the invocation.

**ADOPTION OF AGENDA**

Chairman Eckler requested that an agenda item regarding communications be withdrawn and that four items be added to the agenda.

1. A resolution to initiate the process to close a portion of Hicks Grove Road
2. A resolution recommending abandonment of a portion of Hicks Grove Road
3. A resolution in support of Project Chrysalis to locate a manufacturing facility in Rutherford County
4. Public Comments (omitted from the original agenda)
- 5.

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

**PUBLIC HEARING/RURAL OPERATING ASSISTANCE PROGRAM**

Chairman Eckler called the public hearing to order for comments on the Rural Operating Assistance Program (ROAP) application for funding. Ms. Kerry Giles, Transit Director, described the specific purposes the grant funds will support, including elderly, disabled, employment and out deviated-fix route.

In answer to a question from Commission Crowe, Ms. Giles said that this is an item that was included in the approved county budget, but that the dollar amounts in the grant request have changed because of a reduction of \$38,000 in available funding.

No one else wished to speak. Chairman Eckler declared the public hearing closed.

Commissioner Crowe made a motion to approve the Certified Statement/Resolution for the application request of \$180,413 from the FY 2012 Rural Operating Assistance Program. The motion was unanimously approved.

**PUBLIC HEARING\TRANSIT\ROUTE**

Chairman Eckler called the public hearing to order for comments on changes to the Transit Department's TARC bus schedule. Ms. Kerry Giles, Transit Director, explained that due to increases and decreases in ridership, it is proposed to add six new stops and to eliminate seven stops, and to cancel the feeder routes to Greenhill and Cliffside due to lack of ridership.

No one else wished to speak. Chairman Eckler declared the public hearing closed.

**PUBLIC HEARING\SCHEDULE OF VALUES**

Chairman Eckler called the public hearing to order to hear comments on THE Schedule of Values. Mr. Clair Hubbard of the Tax Office noted that the Schedule incorporates some additions requested by Commissioners Crowe and Richard.

Mr. Henry Edwards referred to the ruling by the State Property Tax Commission that taxpayers be given exemptions for highway rights-of-way on their property. He said this has not yet been done. On his own road, he said, he, his son, and his daughter have received the exemption, but other owners on that road are not receiving it.

Mr. Hubbard stated that the process to take out the rights-of-way was started two years ago and was ready to be implemented in the new appraisal in 2011. Since reappraisal has been moved to 2012, it will be implemented then.

Mr. Duncan Edwards asked questions of Mr. Hubbard about the value of forestland, the definition of wasteland, how agricultural products factor into present use value, and other related questions.

Mr. Boyce Abernathy pointed out a number of instances where there are designations or definitions in the computer software and the property records that do not appear in the Schedule of Values. Because of this, he said, the Schedule of Values is not in compliance with the requirements of the General Statutes that it must be sufficiently detailed.

Commissioner Richard asked why the software used by the Tax Office is not printed in the Schedule of Values. Attorney Miller said that there would be copyright issues and that the county as only a lessor of the software does not have the right to disseminate it. Commissioner Richard said that in future years the Commissioners should find a system that can be made public. Attorney Miller said that the state requirement that the Schedule of Values be sufficiently detailed applies to its use by trained assessors of property. She said that any citizen who needs information has the right to obtain it from the Tax Office.

Commissioner Richard asked that the amendments to the Schedule of Values be put online.

Attorney Miller reviewed the timeline for approval of the Schedule of Values. Now that changes have been incorporated and the public hearing has been held, the Commissioners can take up a vote on the Schedule of Values in October and that vote will include the changes that have been made.

Commissioner Holland asked whether this process will have the effect of postponing the revaluation, which he said should have taken place this year. Mr. Hubbard said that all he has done since January has been to make adjustments downward.

No one else wished to speak. Chairman Eckler declared the public hearing closed.

**PUBLIC COMMENTS**

Mrs. Jamie Lou Padgett provided information about an emergency preparedness event scheduled for Saturday, September 17, at the Church of Later Day Saints.

No one else wished to speak. Chairman Eckler declared the public hearing closed.

**CONSENT AGENDA**

Vice Chairman Owens made a motion to approve the consent agenda. The motion was unanimously adopted.

**Minutes**

By consent, the minutes of the August 1, 2011, and August 17, 2011, meetings were approved.

**County Finance Officer Bond**

By consent, the surety bonds for the county finance officer was approved for Interim Finance Director Paula Roach. The amounts were:

- \$100,000 - Finance Officer
- \$ 50,000 - Airport Authority
- \$ 50,000 - Transit
- \$ 50,000 - Economic Development

**REPORT/BOARD OF EQUALIZATION AND REVIEW 2011**

Commissioner Richard reported that 112 parcels which were owned by 36 appellants were appealed. Seven appellants received a reduction in value. Seven appellants appealed the E&R

Board's decision to the Property tax Commission in Raleigh. Commissioner Richard expressed thanks to those who served.

### **APPOINTMENT\TRANSIT ADVISORY BOARD**

Commissioner Crowe made a motion to appoint Vic Martin to take the seat presently held by DSS Director John Carroll on the Transit Advisory Board. The motion was unanimously approved.

### **AIRPORT**

Mr. Howard reported that the NC Forest Service has been directed by the State Assembly to consolidate its operations and that they are considering putting a western location at either Asheville, Morganton, or Rutherford County. The preliminary information that Mr. Howard has indicates that the county would be required to build a hangar which the state would commit to leasing for 30 years. The state would pay the interest on the financing of the hangar and remit any profits it generates. Mr. Howard will meet with representatives to get more information and will bring the additional facts to the Commissioners.

Mr. Howard made a presentation which illustrated the features of the runway approach at the airport in an attempt to clarify the negative impression that a recent news article may have given. He stressed that the landing approaches to the Rutherford County airport are safe according to the federal government.

### **TAX REFUNDS AND RELEASES**

Commissioner Crowe asked about the tax exemption of land the state is acquiring for the 221 highway project. Ms. Ward of the Tax Office said that exemption status goes into effect July 1 and that state has been paying taxes up to that date.

Commissioner Crowe made a motion to approve tax refunds of \$1,378.75 and tax releases greater than \$100 totaling \$18,746.61 as outlined by Interim Tax Assessor Clair Hubbard. Tax releases of amounts less than \$100, which totaled \$2,698.19, were submitted by the Finance Office. (A copy of these tax refunds and releases is in the Minute Book.) Commissioner Richard seconded the motion. The motion was unanimously approved.

### **TRANSIT/SAFETY PLAN**

Transit Director Giles explained that the operating manual for Transit has been reorganized in accordance with a request from NCDOT. The elements of the plan remain exactly the same but the layout and organization of the manual has been changed.

Commissioner Crowe made a motion to approve the Transit System Safety Program Plan in its new format. The motion was unanimously approved.

**REGIONAL HAZARD MITIGATION PLAN**

Roger Hollifield described a proposal under which the counties of Rutherford, Henderson, Polk and Transylvania would together develop a regional hazard mitigation plan using planning grant monies that may be awarded. Several townships in Rutherford County have agreed and others will be consulted. Henderson County has agreed to be the fiscal agent for the contract.

Vice Chairman Owens expressed concern that Rutherford County might have a reduced role in such a regional approach. Attorney Miller asked about a more formal Memorandum of Understanding between the participating counties. Mr. Hollifield said that more details would be available if and when the grant award is made. At this time his request is for Rutherford County to participate in the consideration of regional cooperation.

Commissioner Crowe made a motion to approve participation by Rutherford County in a possible regional hazard mitigation planning process. The motion was unanimously approved.

**BUDGET AMENDMENTS**

Paula Roach of the Finance Department presented and explained the budget amendments.

Vice Chairman Owens made a motion to approve the budget amendments. Commissioner Richard seconded the motion. The motion was unanimously adopted.

|  | Expense  | Revenue  |
|--|----------|----------|
| <b>GENERAL FUND</b>  |          |          |
| Governing Body - Professional Services Engineering                     | \$ 7,000 |          |
| Fund Balance Appropriated<br>*services for Grey Rock                   |          | \$ 7,000 |
| Sheriff - Project Lifesaver  | \$ 30    |          |
| Project Lifesaver Donations<br>*donations received                     |          | \$ 30    |
| Sheriff - Firing Range Supplies  | \$ 300   |          |
| Sheriff Donations<br>*donations received                               |          | \$ 300   |
| Sheriff - Equipment purchased with Seizure Funds                       | \$ 6,706 |          |
| Sheriff Drug Seizure Funds<br>*unauthorized substance tax distribution |          | \$ 6,706 |
| Sheriff - Equipment purchased with Seizure Funds                       | \$ 1,541 |          |

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|   | Expense    | Revenue    |
|---|------------|------------|
| Sheriff - Fed/St Forfeited Funds<br>*US Marshals distribution forfeited funds   |            | \$ 1,541   |
| Detention Center - Building Repairs   | \$ 1,000   |            |
| Commissary Commissions<br>*appropriate commissary funds for HVAC replacement (\$5,000 from Dept of Energy Grant will be used for the remainder of the cost) |            | \$ 1,000   |
| Emergency Management Equipment  | \$ 3,403   |            |
| NC Department of Crime Control and Public Safety<br>*purchase batteries/chargers for viper radios; no local match   |            | \$ 3,403   |
| Animal Shelter - Cleaning Supplies  | \$ 40      |            |
| Animal Shelter Donations<br>*donations received   |            | \$ 40      |
| EDC Professional Services Andale/Facebook   | \$ 30,550  |            |
| Fund Balance Appropriated<br>*reappropriate unspent funds from FY10-11  |            | \$ 30,550  |
| Senior Center - Copier  | \$ 8,879   |            |
| Senior Center - Stage Lighting  | \$ 7,904   |            |
| Insurance Claims and Dividends  |            | \$ 14,783  |
| Fund Balance Appropriated<br>*replacements/repairs due to lightning damage  |            | \$ 2,000   |
| <b>DSS FUND</b>   |            |            |
| Job Boost Administration Expenses   | \$ 79,539  |            |
| Job Boost Program Expenses  | \$ 715,859 |            |
| Job Boost Administration Revenues   |            | \$ 79,539  |
| Job Boost Program Revenues<br>*carry forward FY10-11 allocation   |            | \$ 715,859 |
| Family Violence Prevention Expenditures   | \$ 3,727   |            |
| Family Violence Prevention Revenues   |            | \$ 2,795   |
| Contribution from General Fund<br>*move forward prior year allocation; 25% local match  |            | \$ 932     |
| SNAP Contingency Fund Expenditures  | \$ 2,398   |            |
| SNAP Contingency Fund<br>*100% Federal Funds; carry forward prior year allocation   |            | \$ 2,398   |
| TANF Domestic Violence Expenditures   | \$ 3,986   |            |

|   | Expense    | Revenue   |
|---|------------|-----------|
| TANF Domestic Violence Revenues<br>*100% Federal Funds; additional funding authorization received |            | \$ 3,986  |
| <b>E911 FUND</b>  |            |           |
| Maintenance to Equipment  | \$ 3,668   |           |
| Fund Balance Appropriated<br>*hardware maintenance for switches, routers and firewalls            |            | \$ 3,668  |
| E911 Capital Outlay - ModUcom Upgrade   | \$ 600     |           |
| Fund Balance Appropriated<br>*additional touch screen monitor                                     |            | \$ 600    |
| <b>REGISTER OF DEEDS AUTOMATION FUND</b>  |            |           |
| ROD Capital Outlay  | \$ 6,000   |           |
| Reserved for Future Projects<br>*Printer and jackets/plat books as requested by Register of Deeds | \$ (6,000) |           |
| <b>GRANT FUND</b>   |            |           |
| 2011 JAG Grant Expenditures   | \$ 13,904  |           |
| Edward Byrne JAG Grant<br>*accept Edward Byrne Memorial Justice Assistance Grant; no local match  |            | \$ 13,904 |
| <b>SOLID WASTE FUND</b>   |            |           |
| Danieltown Convenience Center - Fencing   | \$ 1,121   |           |
| Fund Balance Appropriated<br>*appropriate funds for additional fencing costs                      |            | \$ 1,121  |

**PURCHASES FROM SOLE SOURCE PROVIDERS**

Commissioner Crowe made a motion to approve two purchases from vendors that are the only available providers for the required equipment: the ModUcom upgrade for the Communication Center from Asheville Communications, and the Storage Area Network Server and Virtual Machine Upgrades in the Information Technology Department from the Davenport Group. Commissioner Richard seconded the motion. The motion was unanimously adopted.

**RESOLUTION HICKS GROVE ROAD CLOSURE**

Chairman Eckler read the text of the resolution authorizing closing a portion of Hicks Grove Road, SR 1113, in conjunction with an unidentified economic development project, and calling for a public hearing. Commissioner Crowe made a motion to approve the resolution. The motion was approved on a 4-1 vote, with Commissioner Richard voting in the negative.

**RESOLUTION OF INTENT TO CLOSE A PORTION OF HICKS GROVE ROAD, SR 1113**

**WHEREAS**, Hicks Grove Road, SR 1113 is a secondary road within Rutherford County; and

**WHEREAS**, it has been requested of Rutherford County to initiate the process to close a portion of Hicks Grove Road, SR 1113 pursuant to N.C.G. S. 153A-241 in conjunction with an unidentified economic development project, which requires this change to be made to locate in Rutherford County; and

**WHEREAS**, a request has been submitted by Sanford Holshouser Economic Development Consulting, LLC to the North Carolina Department of Transportation pursuant to N.C. G.S 136-63, requesting that the same portion of Hicks Grove Road, SR 1113 be abandoned for state maintenance and removed from the state highway system; and

**WHEREAS**, N.C.G. S. 153A-241 requires the County to adopt a resolution indicating its intent to close the subject portion of Hicks Grove Road, SR 1113 and to call a public hearing on the question.

**NOW THEREFORE, BE IT RESOLVED** that in accordance with N.C.G.S. 153A-241 the Rutherford County Board of Commissioners does hereby give notice of its intent to close a portion of Hicks Grove Road, SR 1113. The Board hereby calls for a public hearing on the question to be held on October 10, 2011 at 6:00 pm at the Rutherford County Office Building, 289 North Main Street, Rutherfordton, NC.

The Board further authorizes and instructs staff to publish notice of the public hearing once a week for three successive weeks before the hearing, to provide a copy of this resolution by certified mail to each owner of property adjoining Hicks Grove Road, SR 1113, as shown on the county tax records, and to post prominently a notice of the closing and public hearing in at least two places along Hicks Grove Road, SR 1113.

Adopted this the 12<sup>th</sup> day of September, 2011.

**RESOLUTION HICKS GROVE ROAD ABANDONMENT**

Chairman Eckler read the text of the resolution recommending NCDOT abandonment of a portion of Hicks Grove Road, SR 113, in conjunction with an unidentified economic development project, and calling for a public hearing. Commissioner Crowe made a motion to approve the resolution. The motion was approved on a 4-1 vote, with Commissioner Richard voting in the negative.

**RESOLUTION OF ABANDONMENT**

**WHEREAS**, a petition has been submitted by Sanford Holshouser Economic Development Consulting, LLC to the North Carolina Department of Transportation pursuant to N.C.G.S 136-63, requesting that a portion of Hicks Grove Road, SR 1113 be abandoned for state maintenance and removed from the state highway system in conjunction with an unidentified economic development project and

**WHEREAS**, the Department of Transportation made inquiry into the request to abandon Hicks Grove Road, SR 1113, in accordance with N.C.G.S. 136-63; and

**WHEREAS**, it was the decision of the North Carolina Department of Transportation to abandon a portion of Hicks Grove Road, SR 1113; and

**NOW THEREFORE, BE IT RESOLVED** that the Rutherford County Board of Commissioners does concur and does approve the abandonment of a portion of Hicks Grove Road, SR 1113, contingent only if an unidentified economic development project which would require this change has made a decision to locate in Rutherford County and upon satisfaction of this contingency, all right, title or interest in the right-of-way is vested in those persons owning lots or parcels of land adjacent to the right-of-way and the title of each adjoining property owner for the width of this abutting land extends to the center line of the right-of-way.

Adopted this the 12<sup>th</sup> day of September, 2011.

**RESOLUTION\ SUPPORT OF ECONOMIC DEVELOPMENT PROJECT KNOWN AS CHRYSALIS**

Chairman Eckler read the text of the resolution in support of Project Chrysalis to locate a manufacturing facility in Rutherford County, which reflected changes in a similar resolution approved in May 2011. Commissioner Crowe made a motion to approve the resolution. The motion was unanimously approved.

**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 \$300,000,000 and to employ at least 240 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 transportation improvements 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 12<sup>th</sup> day of September, 2011.

### SALARY CHANGES

Vice Chairman Owens made a motion to repeal the previous action of the Commissioners to reduce county employee salaries, explaining that the HR Director and the various departments have made additional budget cuts to offset the \$46,000 that would have been gained by the salary reductions. Chairman Eckler seconded the motion. The motion was unanimously approved.

Commissioner Crowe requested that the source of the additional cuts be included in the minutes. These were:

|                         |          |
|-------------------------|----------|
| Library                 | \$1,000  |
| Maintenance             | \$1,500  |
| Finance                 | \$3,000  |
| Supplemental Retirement | \$4,500  |
| DSS                     | \$10,000 |
| Sheriff                 | \$22,000 |
| Total                   | \$42,000 |

### CLOSED SESSION

Vice Chairman Owens made a motion for the Commissioners to go into closed session for industrial location under G.S. 143.318.11(a)(4), and attorney client under G.S. 143.318.11(a)(5). The Commissioners directed that EDC Director Tom Johnson and Paula Roach of the Finance Office attend portions of the Closed Session.

7:57 P.M. The Board went into Closed Session.

9:05 P.M. The Board returned to Open Session.

**ADJOURNMENT**

Vice Chairman Owens made a motion to adjourn. The motion was unanimously approved.

Meeting adjourned at 9:05 P.M.

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Chairman, Board of Commissioners

\_\_\_\_\_  
Vice Chairman, Board of Commissioners

Attest:

\_\_\_\_\_  
Clerk, Board of Commissioners