

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON OCTOBER 10, 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

Chairman Eckler called the meeting to order.

PUBLIC HEARING/HICKS GROVE ROAD/SR 1113

Chairman Eckler explained to the audience that the public hearing was being held to listen to comments regarding the closure of Hicks Grove Road, SR 1113, in conjunction with the location of Horsehead Corporation in Rutherford County pursuant to 153A-241. Maps showing details about the road proposal were available.

Commissioner Crowe made a motion to open the public hearing to hear comments regarding the closure of the road. The vote of approval was unanimous.

Public Works Director Danny Searcy provided information regarding the process leading up to the meeting which he explained is two fold. The North Carolina Department of Transportation took action at a meeting the previous week to abandon the road. The Commissioners will be considering removing the easements. Notices of the public hearing were published three times as specified by the General Statutes. Letters were mailed to residents on the road and notices were posted on the road.

Mr. Searcy said construction on the new road will be completed by the end of 2012. A safe bridge will be installed that will be able to handle the heavy truck traffic. Horsehead had indicated that they did not want 60 to 80 trucks and 250 employees driving in the residential area. The company desires to be a good neighbor.

Mr. Terry Hines emphasized the need for the jobs the company will be providing and the construction workers who will have work available. In speaking with Horsehead he had learned that they plan to hire as many employees from Rutherford County as possible. Efforts are being made by the company to make this project as good as it possibly can be.

Ms. Barbara Gardner told the Board that she lives at the proposed cul de sac on Hicks Grove Road. She had not been notified about the project, and she felt she had been blindsided. This will affect her church and the seniors who travel to it. She worries about the trash and the animals that

will be left on the cul de sac. She also is concerned because she has learned that children will not be able to catch the bus on Hicks Grove Road but will have to travel to Highway 221.

Mr. Justin Green asked about a cut through on the new Highway 221 at the Hicks Grove Road intersection. He stated his belief that the present bridge could have been fixed to accommodate the traffic. He questioned whether the meeting was a public hearing or merely an announcement.

Mr. John Jolley said the Board should have considered the community. The public hearing should have taken place prior to any other action. Why was the new road not completed before removing the old road?

Ms. Zelda Murray said she lived on the South Carolina side of the Hicks Grove Road and is not pleased with the location of the Horsehead Corporation. She will be forced to drive five miles instead of the .9 mile that she presently travels to reach one of her destinations in the area. The resolution of intent to close a portion of Hicks Grove Road that was approved on September 12 was not a part of the regular agenda. This was unfair to the citizens of this road, according to Ms. Murray. Train stops on the alternate route could mean an emergency vehicle will not be able to reach its destination in time. Considering all of these concerns, Ms. Murray asked that the road not be closed until the new road is built.

Representative Mike Hager thanked the Commissioners, Horsehead, and the community. He pledged to work with DOT and the Board of Education on the problem of bus pick up for school children.

Ms. Lisa Hudson also lives on the South Carolina side of Hicks Grove Road. Speeding has been a real problem on the road. Also, her father who is a resident of the road will have to go back onto Highway 221 in traveling to feed his cattle which will be on the other end of Hicks Grove Road.

Mr. Searcy again addressed those present. Hicks Grove Road will be a state-maintained road so school buses should still be able to travel the road.

Mr. Darrell Murray said until the cul de sac is completed, a place for a bus to turn around would need to be put in place.

Mr. Ali Alavi of Horsehead spoke stating that the road runs through the middle of the project property. Safety reasons would preclude a road running through the middle of their facility.

Mr. Alavi also said the bulk of the employees at this plant will be from the community. Only ten persons will be relocated from another facility.

Mr. Darrin Cooper, the plant manager of the new plant, said certain requirements prevented the company from communicating with the community until specific processes had been completed. He assured that the new road will be completed because the company will need this to be in place in order to operate. Horsehead has been addressing problems on the road such as the road hump. A cul de sac should be in place rapidly in order for buses to travel the road.

Commissioner Richard said he had requested that the Department of Transportation have representatives at the meeting. He asked for information on the realignment of the road, but Mr. Searcy said he did not have this available. Attorney Beth Miller explained that this was a part of the Highway 221 widening which was not impacted by the new road.

There was no one else who wished to speak.

Commissioner Crowe made a motion to close the public hearing. The vote of approval was unanimous.

Vice Chairman Owens made a motion to approve the resolution to close a portion of Hicks Grove Road, SR 1113. Commissioner Holland seconded the motion.

Commissioner Richard moved to amend the motion to include that the passage of this motion will have to incorporate an agreement with the North Carolina Department of Transportation about the realignment of Highway 221.

The vote on the amendment was:

Ayes: Commissioners Crowe and Richard.

Noes: Commissioners Eckler, Owens, and Holland.

Commissioner Richard advised that he was not opposed to the jobs provided by Horsehead, but due to the fact that the process had been handled poorly and that it was fast tracked, he would be voting against the motion. Commissioner Crowe said she was in favor of the jobs but would be voting against the motion due to the fact that the North Carolina Department of Transportation was not present.

The vote on the motion was:

Ayes: Commissioners Eckler, Owens, and Holland.

Noes: Commissioners Crowe and Richard.

RESOLUTION 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 was 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 the location of Horsehead Corporation in Rutherford County; and

WHEREAS, pursuant to the request submitted by Sanford Holshouser Economic Development Consulting, LLC and concurred with by the County of Rutherford, the North Carolina Department of Transportation abandoned the portion of Hicks Grove Road as shown as Exhibit

A for maintenance and removed said portion of said roadway from the state highway system pursuant to N.C. G.S 136-63; and

WHEREAS, pursuant to the requirements of N.C.G. S. 153A-241, at its September 12, 2011 meeting, the County adopted a resolution indicating its intent to close the subject portion of Hicks Grove Road, SR 1113 and calling for a public hearing; and

WHEREAS, pursuant to N.C.G.S. 153A-241, notice of the public hearing was published on September 20, 2011, September 27, 2011 and October 4, 2011, a copy of the Resolution of Intent to Close A Portion of Hicks Grove Road, SR 1113 was provided by certified mail to each owner of property adjoining Hicks Grove Road, SR 1113, as shown on the county tax records, a notice of the closing and public hearing was posted at two places along Hicks Grove Road, SR 1113 and a public hearing was held on October 10, 2011.

NOW THEREFORE, BE IT RESOLVED that in accordance with N.C.G.S. 153A-241 the Rutherford County Board of Commissioners hereby finds that the requirements of N.C.G.S. 153A-241 have been satisfied and does hereby close the portion of Hicks Grove Road, SR 1113 as shown on Exhibit A attached hereto and abandons, quitclaims, and releases any property right, title, or interest Rutherford County may have in the right of way constituting the closed portion of Hicks Grove Road, SR 1113 shown on Exhibit A. A certified copy of this Resolution shall be filed in the office of the register of deeds of Rutherford County.

Adopted this the 10th day of October, 2011.

RECESS

7:02 P.M. - Recess
7:16 P.M. - Reconvene

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

The Board voted unanimously to go into Closed Session following a motion by Commissioner Richard and a second by Commissioner Crowe. Included in the session would be Tshenea Royalty, Representative Mike Hager, Paula Roach and Judy Toney.

7:16 P.M. - The Board went into Closed Session.
8:26 P.M. - The Board returned to regular session.

ECONOMIC DEVELOPMENT COMMISSION DIRECTOR/SALARY

Commissioner Crowe moved to establish the salary for Interim Economic Development Commission Director Jim Lancaster at \$75,000 per year with no benefits. Commissioner Holland seconded the motion. The vote on the motion was:

Ayes: Commissioners Eckler, Owens, Holland, and Crowe.
Noes: Commissioner Richard.

ADJOURNMENT

The Board voted unanimously to adjourn the meeting after a motion was made by Vice Chairman Owens.

8:29 P.M. - Adjourned.

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

Attest:

Clerk, Board of Commissioners