

**MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON DECEMBER 5, 2011, AT 6:00 P.M.**

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

\* \* \* \* \*

**CALL TO ORDER/PLEDGE/ANNOUNCEMENTS**

Commissioner Holland led in the Pledge of Allegiance to the Flag, and Chairman Eckler called the meeting to order. The Chairman introduced Richard Williams, newly appointed county attorney, and announced that Paula Roach, had been named Finance Director..

**ELECTION\CHAIRMAN**

Chairman Eckler nominated Commissioner Julius Owens to serve as chairman. Commissioner Richard nominated Commissioner Crowe. Commissioner Holland seconded the nomination of Julius Owens. The vote on the nominations was as follows:

- For Susan Crowe: Ayes, Commissioners Crowe and Richard  
Noes, Commissioners Eckler, Holland and Owens
- For Julius Owens: Ayes, Commissioners Eckler, Holland and Owens  
Noes, Commissioners Crowe and Richard

Julius Owens was duly elected and took the chair. He expressed appreciation for the service provided by outgoing Chairman Eckler.

**ELECTIONVICE CHAIRMAN**

Chairman Owens nominated Commissioner Bill Eckler to serve as Vice Chairman. Commissioner Holland seconded the nomination.

The vote on the nomination was as follows:

- Ayes, Commissioners Eckler, Holland and Owens
- Noes, Commissioners Crowe and Richard

Commissioner Eckler was duly elected vice chairman.

**ADOPTION OF AGENDA**

Commissioner Crowe made a motion to remove the item regarding Transit preventative maintenance from the agenda. Vice Chairman Eckler seconded the motion. The motion was unanimously approved.

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

**PUBLIC COMMENTS**

No one wished to speak.

**CONSENT AGENDAMINUTES**

Commissioner Crowe made a motion to approve the minutes of the October 25, October 31, November 1, November 7, November 9 and November 16, 2011, meetings. The motion was unanimously adopted.

**SURETY BONDS/COUNTY OFFICIALS**

Commissioner Crowe pointed out that the job title for the Social Services Director is listed Assistant Finance Director. She also questioned why the bond for the Finance Director was set at \$100,000 when the legislation requires only \$50,000.

County Attorney Williams advised that the bonds must be approved at this meeting.

Commissioner Richard made a motion to approve the bonds for county officials with the exception of the bond for the Social Services Director. Commissioner Crowe seconded the motion and expressed her concern that the bonding agency might not be willing to pay if the job title had been misidentified. Finance Director Roach said that the application for the coverage includes details of the responsibilities of each position covered.

Commissioner Richard withdrew his motion.

Commissioner Richard made a motion to approve the bonds as listed. Commissioner Crowe seconded the motion with the stipulation that information be obtained to explain the apparent error in job title. The motion was unanimously approved.

Bonds approved were:

- Sheriff \$10,000
- Social Services Director \$100,000
- Tax Administrator \$100,000
- Finance Director \$250,000
- Register of Deeds \$10,000

**APPOINTMENTS\TOURISM DEVELOPMENT AUTHORITY CHAIRMAN**

Vice Chairman Eckler made a motion to appoint Sally Leshner to serve as Chairman of the Tourism Development Authority, as recommended by the TDA Board. Commissioner Holland seconded the motion. The motion was unanimously approved.

**APPOINTMENTS\FARMLAND PRESERVATION BOARD**

Commissioner Crowe made a motion to appoint Rodney Robbins and to re-appoint Jerry Brantley to the Rutherford County Voluntary Farmland Preservation Board, as recommended by the Preservation Board. Commissioner Richard seconded the motion. The motion was unanimously approved.

**APPOINTMENTS\BOARD AND COMMISSIONS**

Chairman Owens added the following names to the list of appointees to be approved:

Domiciliary Home Advisory Committee Lisa Smith and Jordan Barnes  
Criminal Justice Advisory Board Billy Scoggins, David Roper and Brian Brance  
Jury Commission Margaret Helton

Commissioner Crowe made a motion to approve the appointments to board and commissions as presented in the agenda with the additional names listed by the Chairman. Commissioner Holland seconded the motion. The motion was unanimously approved.

The appointments listed in the agenda were:

<b>Board/Commission Name</b>	<b>Appointee</b>
Domiciliary Home Advisory Committee	Jeanette Klutts
"	Ramona Hall
Nursing Home Advisory Committee	Thomas Hackett
"	Bonnie Sayers
Capital Planning and Finance Advisory Committee.	Kevin Rogers
"	Jim Rhyne
"	Cameron McHargue
Watershed Review Board	Linwood Perry

<b>Board/Commission Name</b>	<b>Appointee</b>
"	Bob Owens
Bill's Creek Volunteer Fire Department Board of Trustees for Firemen's Relief Fund	Reggie Vess
Cherry Mountain Volunteer Fire Department Board of Trustees for Firemen's Relief Fund	Richard Price Darrell Toney
Chimney Rock Volunteer Fire Department Board of Trustees for Firemen's Relief Fund	Peter O'Leary Brian Gill
Cliffside Volunteer Fire Department Board of Trustees for Firemen's Relief Fund	Monroe Ensley Tommy Phillips
Ellenboro Volunteer Fire Department Board of Trustees for Firemen's Relief Fund	Charles Vassey
Fairfield Mountains Volunteer Fire Department Board of Trustees for Firemen's Relief Fund	Tom Pawelko Gary Wilson
Green Hill Volunteer Fire Department Board of Trustees for Firemen's Relief Fund	Coy Morgan Eddie Parker
Hudlow Volunteer Fire Department Board of Trustees for Firemen's Relief Fund	Frank Hodge
Rutherfordton Fire Department Board of Trustees for Firemen's Relief Fund	Fred Burgin, Junior. Calvin McGinnis
SDO Volunteer Fire Department Board of Trustees for Firemen's Relief Fund	Scott Morrow Dennis Matheny
Sandy Mush Volunteer Fire Department Board of Trustees for Firemen's Relief Fund	Brandon Greene Bryan Melton
Shingle Hollow Volunteer Fire Department Board of Trustees for Firemen's Relief Fund	Allen Bowen Alan Duncan
Union Mills Volunteer Fire Department Board of Trustees for Firemen's Relief Fund	Wanda Conner Beyton
Transit Administration	Debbie Buchanan
"	Paula Gerrard

**POLLNG BOARD/CONTRACTS**

Commissioner Richard questioned the practice of the signing of contracts on behalf of the county when the Board of Commissioners had not approved the contract.

Attorney Williams asked for time to research the question of whether the responsibilities of the county manager extend to signing contracts.

Commissioner Richard agreed to have the matter put on the agenda of the next meeting.

**RESOLUTION TDA\TERMS OF OFFICE/DESIGNATING SERVICES AND FEES PROVIDED BY  
RUTHERFORD COUNTY**

Michelle Whitaker of the TDA office explained that the new legislation requires commissioner approval of the policies under which the TDA board operates. The proposed resolution confirms the procedures that the TDA has been following.

Vice Chairman Eckler made a motion to approve the resolution specifying TDA terms of office and designating services and fees. The vote on the motion was unanimous.

**RESOLUTION  
BOARD OF COMMISSIONERS, RUTHERFORD COUNTY**

*Establishing the Composition of the Tourism Development Authority Board pursuant to  
Session Law 2011-115, House Bill 414*

**WHEREAS**, Session Law 2011-115, House Bill 414, An Act to Modify the Rutherford County Occupancy Tax was enacted on June 9, 2011 (the "Act"); and

**WHEREAS**, pursuant to Section 3 of said legislation, the Board of Commissioners of Rutherford County is required to adopt a resolution providing for the membership of the Authority, including the terms of office and provisions for the filling of vacancies on the Board; and

**WHEREAS**, the Board of Commissioners has previously adopted a resolution establishing the Tourism Development Authority and levying the occupancy tax pursuant to the previous legislation.

**NOW, THEREFORE, BE IT RESOLVED** that the Tourism Development Authority shall consist of ten (10) members to be appointed by the Rutherford County Board of Commissioners consistent with the requirements of Session Law 2011-115, House Bill 414.

**BE IT FURTHER RESOLVED** that the terms of office shall be three (3) years, not to exceed two (2) consecutive terms. Any portion of a term will count as a full term for term limits. Members who have served two consecutive terms may not be re-appointed to the board for three (3) years. Terms shall be from July 1 to June 30. The initial Board members appointed pursuant to Session Law 2011-115, House Bill 414 will have staggered terms of office as follows:

- One (1) year – Ann Hutchins, Bob Singer and Denise Holland
- Two (2) year – Jeff Bradley, Dawn Hemmelgarn and Sally Leshner
- Three (3) year – Adrienne Wallace, Lisa Sullivan, Dwayne Harris and Dan Hegeman

**BE IT FURTHER RESOLVED** that vacancies on the Tourism Development Authority Board shall be filled by the Rutherford County Board of Commissioners.

**BE IT FURTHER RESOLVED** that the staff of Rutherford County is hereby authorized to designate with the Tourism Development Authority the services to be provided by Rutherford County for the fees assessed pursuant to Section 2 (d) of Session Law 2011-115, House Bill 414.

This 5<sup>th</sup> day of December, 2011.

### **TRANSIT AUTHORITY/POLICY/DRUG AND ALCOHOL TESTING**

Kerry Giles of the Transit Authority described some minor changes in the wording of the policy for drug and alcohol testing as required by the NC DOT.

Commissioner Crowe made a motion to approve the revisions to the Transit Authority Drug and Alcohol Testing Policy. Commissioner Richard seconded the motion. The vote on the motion was unanimous.

### **TAX REFUNDS AND RELEASES**

Commissioner Crowe made a motion to approve tax refunds of \$1,181.40 and tax releases greater than \$100 totaling \$10,165.64 as outlined by Interim Tax Collector Rheba Ward. Tax releases of amounts less than \$100, which totaled \$1,833.57, were submitted by the Finance Office. (A copy of these tax refunds and releases is in the Minute Book.) Vice Chairman Eckler seconded the motion. The motion was unanimously approved.

### **REQUEST/RUTHERFORD COUNTY LIBRARY SOCIETY**

Ms. Kim Conner, president of the new Rutherford County Library Society, described the purposes of the new organization, which has been created to support the Rutherford County Library and the Haynes Library. Their 501(c)(3) application has been submitted. On behalf of the society, she asked that funds from book sales be released to this group. She pointed out that proceeds from the book sales, which are conducted by library staff, currently go into the county's general operating fund and are not earmarked for the library. This includes the sale of books that have been donated and had not been the property of the county. The society intends to use volunteers to manage the book sales.

Chairman Owens said he favored the request but would want to track it for a year.

Commissioner Crowe made a motion to approve the release of funds from book sales to the Rutherford County Library Society and to allow the Society to purchase items as requested by library staff. Commissioner Richard seconded the motion. The motion was unanimously approved.

**SURPLUS EQUIPMENT\OLD PAN MACHINE**

Vice Chairman Eckler made a motion to approve the listing of the old pan machine from the landfill on govdeals.com. Commissioner Richard seconded the motion. The motion was unanimously approved.

**BUDGET AMENDMENTS**

Finance Director Roach presented and explained the budget amendments.

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

	Expense	Revenue
Cooperative Extension - Farm City Activities	\$ 1,200	
Farm City Donations		\$ 1,200
*donations received		
Transfer to Grant Fund - Gourmet Group Rural Center Match	\$ 21,710	
EDC Industrial Incentives	\$ (21,710)	
*matching funds for Rural Center Grant		
<b>GRANT FUND</b>		
NC Housing Finance - Urgent Repairs Program	\$ 20	
Interest Earnings		\$ 20
*interest earned		
Gourmet Group/Geppetto Building Reuse Expenditures	\$ 449,210	
Professional Services - IPDC	\$ 6,700	
Rural Center Grant - Occupied Building Reuse		\$ 434,200
Transfer from General Fund - Local Match		\$ 21,710
*grant received		
Gourmet Group/Geppetto Kitchens - One NC Fund Expenditures	\$ 270,000	
One NC Fund Grant		\$ 270,000
*grant received		
<b>GREY ROCK PROJECT FUND</b>		
Professional Services - Engineering	\$ 165,000	
Grey Rock Infrastructure Project	\$ (165,000)	
*preliminary engineering and data collection for project		
<b>DEBT SERVICE FUND</b>		
2011 Limited Obligation Bonds, Series 2011 - Par Amount		\$ 22,555,000

	Expense	Revenue
Refinancing Premium for 2011 LOBs		\$ 2,276,960
Distribution to Escrow Fund	\$ 15,835,413	
Distribution to Project Fund for Discharge of Contracts	\$ 8,576,942	
Cost of Issuance	\$ 149,858	
Bond Insurance Premium	\$ 110,763	
Underwriters Discount	\$ 158,985	
*Record budget for 2011 Refinancing (July 2011)		

**FUTURE MEETING DATE**

Commissioner Crowe made a motion to change the date of the next regular meeting to January 9. Commissioner Richard seconded the motion. The motion was unanimously approved.

**CLOSED SESSION**

Commissioner Crowe made a motion for the Commissioners to go into closed session for industrial location under G.S. 143.318.11(a)(4), attorney client under NC G.S. 143.318.11(a)(5) and personnel under NC G.S. 143.318.11(a)(6). Vice Chairman Eckler seconded the motion. The motion was unanimously approved.

Chairman Owens requested Judy Toney and Jim Lancaster to be available for a portion of the closed session if needed.

6:45 P.M. The Board went into Closed Session.  
7:20 P.M. The Board returned to Open Session.

**ADJOURNMENT**

Vice Chairman Eckler made a motion to adjourn. Commissioner Richard seconded the motion. The motion was unanimously approved.

Meeting adjourned at 7:21 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