

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON JANUARY 9, 2012, AT 6:00 P.M.

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

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CALL TO ORDER/PLEDGE OF ALLEGIANCE

Chairman Owens called the meeting to order. Human Resources Director Judy Toney led in the Pledge of Allegiance to the Flag.

ADOPTION OF AGENDA

Chairman Owens made a motion to add attorney-client discussion to the closed session agenda. Vice Chairman Eckler seconded the motion. The motion was unanimously approved.

Commissioner Richard made a motion to add the report from the county attorney regarding the signing of contracts and polling of the Commissioners as discussed at the last meeting. Commissioner Crowe seconded the motion. The motion failed with Commissioners Richard and Crowe voting in favor. Chairman Owens; Vice Chairman Eckler; and Commissioner Holland voted against.

Chairman Owens made a motion to add discussion on Rules and Procedures at the end of the agenda. Vice Chairman Eckler seconded the motion. The motion was approved on a 3-2 vote, with Chairman Owens, Vice Chairman Eckler and Commissioner Holland voting in favor, and Commissioners Richard and Crowe voting against.

Commissioner Crowe made a motion to consider items under new business, *A. Ariland Proposal* and *J. Proposal for Property at 475 West Main Street, Forest City* consecutively. Commissioner Richard 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

Mr. Duncan Edwards said that he hoped the position of county manager will be filled soon. He acknowledged that there is considerable work required to prepare the county budget, and he recognized the Commissioners for putting forth that effort. Mr. Edwards spoke in favor of having as

many meetings as possible broadcast on the web. He asked whether there is an established rule governing which business matters have to come before the Commissioners and which can be handled by the county manager.

Mr. Stephen Albertino spoke in favor of the use of the former Magnolia House property in Forest City for a program for mental health patients. He said he had previously participated in the program at that site until it was discontinued in 2010. It was a valuable service and one that would benefit the community.

Patricia Kuess provided a brief update of the activities of SWEEP. She cited the volume of waste that is now being recycled. Previously the county was having to pay to have this hauled out of the county. SWEEP is now turning its attention to food waste and hopes to partner with Foothills Connect to work toward making use of this waste in their agricultural projects.

Ms. Kathy Owensby spoke in support of the program at Magnolia House. Based on her own family's experience, she said it would be a valuable resource for those who need help.

PUBLIC HEARING\COMMUNITY TRANSPORTATION PROGRAM GRANT

Chairman Owens opened the public hearing to listen to comments regarding the proposed Fiscal Year 2013 Community Transportation Program Application to be submitted to the North Carolina Department of Transportation

Ms. Kerry Giles of the Transit Department presented information about the grant application to NCDOT for \$196,467 in administrative funding and \$42,774 in capital funding. The local match of \$33,747 required for the grant will come from Transit Department revenue and not from the county's operating funds.

No one else wished to speak.

Chairman Owens declared the public hearing to be closed.

CONSENT AGENDAMINUTES

Commissioner Crowe made a motion to correct the minutes of the December 14, 2011, meeting. The minutes did not reflect that she had called attention to the fact that because a Commissioner was absent, additional items should not be added to the agenda. She would like to have this added. Commissioner Richard seconded the motion. The motion was approved on a 4-1 vote, with Commissioner Holland opposed.

Commissioner Crowe made a motion to approve the minutes of the November 29, December 5, and December 14 (as amended), 2011, meetings. The motion was unanimously adopted.

PROCLAMATION FOR TOWN OF RUTHERFORDTON'S 225TH ANNIVERSARY

Jimmy Dancy, Mayor of the Town of Rutherfordton, spoke on behalf of the Town of Rutherfordton. Councilman Terry Cobb also was present at the meeting representing the Town. Mayor Dancy read a proclamation honoring Rutherfordton on its 225th Anniversary and asked that the Commissioners approve the aforesaid proclamation.

Vice Chairman Eckler made a motion to adopt the proclamation honoring Town of Rutherfordton on its 225th Anniversary. Commissioner Crowe seconded the motion. The motion was unanimously approved.

**Proclamation honoring
Town of Rutherfordton, North Carolina
on its
225' Anniversary**

WHEREAS, the Town of Rutherfordton was formed in 1787 to serve as the seat of government for Rutherford County. Both the County and the Town are the namesakes of General Griffith Rutherford, a popular western North Carolina politician and General during the Revolutionary War period; and

WHEREAS, Rutherfordton replaced the small village of Gilbert Town, located 3 miles north, which served first as the county seat of old Tryon County during the Colonial period and continued to serve in that capacity when Rutherford County was formed in 1779. Because the move from Gilbert Town to Rutherfordton caused no interruption in the official business of the county or the local court, Rutherfordton holds the distinction of being home to the oldest continuing body of government in western North Carolina; and

WHEREAS, Rutherfordton was the location of the first U.S. Post Office in western North Carolina, established in 1798; and

WHEREAS, Rutherfordton was the home to the first school chartered by the state legislature for western North Carolina, the Rutherfordton Academy, which opened in 1806, and also the site of the first newspaper published in the western portion of the state, *The North Carolina Spectator and Western Advertiser*, founded in 1831; and

WHEREAS, In the 1830s and 1840s, Rutherfordton was home to a successful private mint which produced more than \$2.25 million dollars in gold coinage. The mint, founded by Christopher Bechtler, Sr., in 1831, is credited with producing the nation's first \$1 gold coin; and

WHEREAS, Rutherfordton is home to the only remaining cluster of antebellum houses and public structures in the southern foothills of North Carolina; and

WHEREAS, Rutherfordton's downtown historic district and immediate residential neighborhoods encompass more than 150 public, commercial, religious building and homes, most dating from the late 19th or early 20th centuries, that display a wealth of architectural styles and historic periods; and

WHEREAS, the Town of Rutherfordton is proud of its 225 years of contributions to the Old North State and the Nation.

NOW, THEREFORE, BE IT RESOLVED, that the Rutherford County Board of Commissioners declares and recognizes that 2012 will be a year of celebration and commemoration of the 225th Anniversary of Rutherfordton, North Carolina.

Adopted this the day of January, 2012.

COUNTY OFFICIALS/BONDS

Commissioner Richard reminded the Commissioners that they had asked for an explanation of why Social Services Director John Carroll was listed on the surety bonds as Assistant Finance Director. This explanation had been included in the agenda packet. He asked for a vote. Attorney Richard Williams stated that there was no need for a vote.

UPDATE/GREYROCK

David Odom of Odom & Associates reviewed the pre-construction activities on the road project in the Greyrock development and the projected timeline for completing the construction of roads under the bonds awarded to the county for the purpose. He explained that the county's bidding process is set by state statute. Bids will be sought from local contractors where possible. He estimated two and a half years for completion of the \$14.5 million construction.

ARILAND/PROPOSAL/MAGNOLIA HOUSE PROPERTY

Shawn Kuhl, Director of Operations for AriLand Healthcare Service, LLC, described the steps that had been made toward getting a facility up and running at the former Magnolia House in Forest City. He explained the reasons for the various delays associated with obtaining a license, applying for endorsement by the area LME, and upgrading the building to meet required standards. AriLand is willing to start paying rent in January in accordance with the lease agreement with the county. However, Mr. Kuhl asked for the Commissioners' consideration in delaying this rent payment until May 2012. He also asked for a 5-year lease.

Chairman Owens expressed concern about the lack of substantive progress, with the lease being agreed to in October 2010 and extended in June 2011. He recommended that the Commissioners hear from another group who is interested in the building before making a decision on the AriLand proposal.

PROPOSAL/DROP-IN CENTER/MAGNOLIA HOUSE PROPERTY

Rosemary Weaver presented a proposal requesting lease of the former Magnolia House property for a drop-in center to be operated by the Peer Support Resource Exchange, a not-for-profit corporation. She explained that the operations of the proposed center would be supported by grant funding and that she has identified potential funders for specific aspects of the service. This type of program does not require licensing or endorsement from the LME.

Chairman Owens made a motion to lease the former Magnolia House property at 475 West Main Street, Forest City, to Peer Support Resources for a term of six months, subject to review in June 2012. Vice Chairman Eckler seconded the motion. The motion was unanimously approved.

Chairman Owens pointed out that if there are county buildings that are available for Ariland's use, the Board would consider their request.

AGREEMENT/GREEN ELECTRONIC ASSET RECYCLING ("GEAR")

Vice Chairman Eckler presented a proposed agreement with a company who employs persons with developmental disabilities and mental illness to collect and process discarded computers, televisions and similar e-waste. GEAR (Green Electronic Asset Recycling) proposes to begin cleaning up the items that have been collecting at the convenience centers immediately.

Commissioner Crowe made a motion to approve the agreement with Green Electronic Asset Recycling of Shelby, NC, for the collection of e-waste at Rutherford County convenience centers at no cost to the county. Commissioner Richard seconded the motion. The vote on the motion was unanimous.

DEMOLITION/GAS-TO-GREEN PROJECT SITE

Jason Ruff of the Building Inspections Department reported that at the request of Foothills Connect, he has inspected an abandoned structure at the site of the gas-to-green project. The building has been vandalized and is in a state of general disrepair.

Commissioner Crowe made a motion to approve the demolition of the abandoned structure at the site of the gas-to-green project. Vice Chairman Eckler seconded the motion.

Commissioner Richard offered an amendment to the motion stipulating that the county will not be held liable for environmental requirements. He further moved in his amendment that the demolition meet all state and federal guidelines. Vice Chairman Eckler seconded the amendment. The amendment was unanimously approved.

The motion was unanimously approved.

TAX REFUNDS AND RELEASES

Commissioner Crowe made a motion to approve tax refunds of \$1,125.92 and tax releases greater than \$100 totaling \$7,538.10 as outlined by Interim Tax Collector Rheba Ward. Tax releases of amounts less than \$100, which totaled \$1,557.10, 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.

RESOLUTION\COMMUNITY TRANSPORTATION PROGRAM GRANT FUNDING

Commissioner Crowe made a motion to approve the resolution authorizing the application to the NCDOT for FY 2012-2013 Community Transportation Program funding and committing the county to provide the required local matching funds. Vice Chairman Eckler seconded the motion. The motion was unanimously approved.

COMMUNITY TRANSPORTATION PROGRAM RESOLUTION

Section 5311

FY 2013 RESOLUTION

Applicant seeking permission to apply for Community Transportation Program funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match. A motion was made by Commissioner Crowe and seconded by Vice Chairman Eckler for the adoption of the following resolution and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, Rutherford County hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project, prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the County Manager of Rutherford County Board of Commissioners is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

FINANCIAL AUDIT REPORT

Mr. Dan Mullinax of Gould Killian CPA presented and discussed the audit report. He reported that there were no major findings.

Commissioner Richard made a motion to approve the 2010-2011 Comprehensive Annual Financial Report. Vice Chairman Eckler seconded the motion. The motion was unanimously approved.

BUDGET AMENDMENTS

Finance Director Roach presented and explained the budget amendments.

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

	Expenditures	Revenues
GENERAL FUND		
Sheriff - Equipment/Supplies purchased with Seizure Funds	\$ 653	
Federal/State Forfeited Funds		\$ 653
*US Marshal distribution received		
NC DOC Safekeeping	\$ 7,000	
Detention Fees - Other County Inmates		\$ 7,000
*housing fees for Rutherford Inmate housed at DOC		
Detention Center - Washer	\$ 10,995	
Detention Fees - Other County Inmates		\$ 10,995
*current washer 2004 model; needed repairs would be \$4,124 (motor & inverter); recommended to purchase new rather than repair existing		
Animal Shelter - Cleaning Supplies	\$ 100	
Animal Shelter Donations		\$ 100
* donations received		
Building Inspections - Unemployment Insurance	\$ 3,447	
NCACC Insurance Pool	\$ (3,447)	
*additional unemployment charges		
Special Appropriations - Cliffside Sanitary District	Linda Jenkins to send letter	
Fund Balance Appropriated		
*funding needed for operations		

Minutes of Rutherford County Commissioners' Meetings January 9, 2012

	Expenditures	Revenues
ICC Capital Outlay	\$ 13,500	
Transfer from ICC Capital Fund		\$ 13,500
* purchase copier for maintenance \$4,269 and costs of completing the Whelen Mass Notification System \$9,231		
DSS FUND		
Low-Income Home Energy Assistance (LEIAP) Program Expenses	\$ 106,385	
LEIAP Program Revenues		\$ 106,385
*funding authorization received; 100% federal		
GRANT FUND		
Rural Center - Water Project/Daniel Morgan	\$ 130,925	
Rural Center Supplemental Grant		\$ 130,925
* expansion of water lines to relieve contaminated wells; matching funds include \$32,731 from Daniel Morgan and \$32,731 Rutherford County Water Sewer Projects		
ICC CAPITAL FUND		
Transfer to General Fund	\$ 13,500	
Future Projects	\$ (13,500)	
* transfer for copier and notification system as requested by ICC		
GREY ROCK PROJECT FUND		
Stabilization and Erosion Control	\$ 23,222	
Grey Rock Infrastructure Project	\$ (23,222)	
*stabilization and erosion control needed prior to winter		
TRANSIT FUND		
Transit - Part Time Salaries	\$ (45,396)	
DOT - State Elderly and Handicap Grant		\$ (15,593)
DOT - Rural General Public Grant		\$ (29,803)
*adjust budget based upon reduced Rural Operating Assistance Program revenues		

BUDGET CALENDAR/2012-2013 BUDGET

Finance Director Paula Roach presented the proposed budget calendar for the Fiscal Year 2012-2013 Budget.

A motion was made by Commissioner Crowe to approve the budget calendar as presented. The vote of approval was unanimous.

FIRE DISTRICT/AUDITS

Crystal Hamrick reported that the audits of the fire districts went well and that overall the departments are in good financial shape. She recommended that the departments use outside accounting services.

Vice Chairman Eckler made a motion to accept the report of the fire district audits. Commissioner Holland seconded the motion. The motion was unanimously approved.

SHERIFF'S DEPARTMENT/VEHICLE/YOUTH EMPOWERMENT

Commissioner Crowe made a motion to transfer a 1992 Chevy Box Truck 5000 that the Sheriff's Office is removing from service to Youth Empowerment. Vice Chairman Eckler seconded the motion.

Finance Director Roach asked that in the event Youth Empowerment no longer needs the vehicle it would be returned to the county. Both Commissioner Crowe, who made the motion, and Vice Chairman Eckler, who seconded it, agreed to the stipulation.

The motion was unanimously approved.

TERMINATION/LEASE/ THOMAS JEFFERSON CLASSICAL ACADEMY/CAROLEEN SCHOOL PROPERTY

Vice Chairman Eckler made a motion, in accordance with a request from Thomas Jefferson Classical Academy, to terminate the lease for the 14.5 acre tract located on Henrietta Street in Caroleen that Thomas Jefferson has been using for a sports field. Commissioner Crowe seconded the motion. The motion was unanimously approved.

PARKS AND RECREATION TRUST FUND GRANT/APPLICATION

Jerry Stensland, Recreation, Culture and Heritage Planner, provided information about an opportunity to partner with Carolina Mountain Land Conservancy and the Town of Lake Lure to pursue grant funding for the purchase of property on Youngs Mountain. Lake Lure would manage the property as a nature preserve and trail.

Commissioner Crowe made a motion to approve the application for grant funding with the stipulation that, if successful, the Memorandum of Understanding between the county and Lake Lure for the management of the property be brought back to the commissioners for their review and that this be turned over the Town of Lake Lure as quickly as possible. Vice Chairman Eckler seconded the motion. The motion was approved on a 4-1 vote, with Commissioner Richard voting against.

REVIEW OF COMMISSIONERS' RULES AND PROCEDURES

Chairman Owens made a motion to charge the county attorney to review the Rules and Procedures under which the Board of Commissioners operates to conform to existing General Statutes that pertain to open meetings and to specify instances of deviation from Robert's Rules of Order and to bring the proposed revisions to the Commissioners. Vice Chairman Eckler seconded the motion.

Chairman Richard objected, saying that the Rules and Procedures had been updated in April 2011 and at that time had been unanimously approved.

The motion was approved on a 4-1 vote, with Commissioner Richard voting against.

CLOSED SESSION

Vice Chairman Eckler 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) and to include Human Resources Director Judy Toney and Economic Development Commission Interim Director Jim Lancaster under appropriate portions of the closed session.. Commissioner Crowe seconded the motion. The motion was unanimously approved.

8:15 P.M. The Board went into Closed Session.

9:26 P.M. The Board returned to Open Session.

ADJOURNMENT

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

Meeting adjourned at 9:27 P.M.

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

Attest:

Clerk, Board of Commissioners