

MINUTES OF THE REGULAR MEETING OF THE RUTHERFORD COUNTY BOARD OF COUNTY COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON May 7, 2012, AT 6:00 P.M.

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

CALL TO ORDER/ADOPTION OF AGENDA

Chairman Owens called the meeting to order. Clerk to the Board Hazel Haynes led the Pledge of Allegiance to the American Flag.

As requested by County Manager Carl Classen, Commissioner Crowe made a motion to move the Airport TIP to the first item of new business to accommodate the Chairman of the Airport board. Vice Chairman Eckler seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Commissioner Crowe made a motion to approve the agenda. Commissioner Richard seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

MINUTES

Commissioner Richard made a motion to approve the minutes of the April 2, 2012 meeting. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

PUBLIC HEARING\EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

Chairman Owens declared the public hearing open to receive public input regarding a grant application being submitted to the Edward Byrne Memorial Justice Assistance Grant (JAG) which had been made available through the Bureau of Justice Assistance.. Chris Adkins of the Sheriff's Department presented the grant application, and told the Board that the funds will be used to purchase equipment for patrol vehicles. The grant application had been approved at the previous Commissioners' meeting. There is no local match required.

No one else wished to speak. Chairman Owens declared the public hearing closed. No action was required.

PUBLIC COMMENTS

Ms. Patricia Kuess of the SWEEP committee reported that there was much enthusiasm in the elementary schools' competition for the collection of recyclables. The winning school will receive passes for all family members to Chimney Rock State Park. Three schools (Mt Vernon-Ruth, Cliffside, and Forrest Hunt) were the top performers and are in a tie. They collected 6 tons of recyclables. A way to break the tie has not been announced.

AIRPORT/TIP PACKAGE

Chairman Richard made a motion to excuse Chairman Owens at his request in the discussion and deliberation of the Airport Transportation Improvement Plan. Commissioner Crowe seconded the motion. The motion passed 4-0 with Commissioners Crowe, Eckler, Holland, and Richard voting aye; no Commissioners voting no; Commissioner Owens excused; and no Commissioners absent.

Vice Chairman Eckler assumed the chair.

Mr. Bob Howard, Chair of the Airport Authority Board, discussed the Rutherford County Airport Transportation Improvement Program for 2013-2017, which is a report that is required yearly by the NC Department of Aviation. The airport is working on acquiring a 52-acre track of land and has \$166,000 in grant funds toward that goal. Manager Classen noted that this grant funding is allowed to accumulate over several years, which permits the airport to build a fund toward major expenditures.

Commissioner Richard made a motion to approve the Rutherford County Airport Transportation Improvement Program for 2013-2017. Commissioner Holland seconded the motion. The motion passed 3-1 with Commissioners Eckler, Holland, and Richard voting aye; Commissioner Crowe voting no; Commissioner Owens excused; and no Commissioners absent.

Chairman Owens resumed the chair.

Manager Classen informed the Commissioners that the current fixed based operator at the airport does not wish to continue and that discussions are underway to allow the Airport Authority to assume some operational functions under an administrative agreement with the county.

PROCLAMATION\EMERGENCY MEDICAL SERVICES WEEK

Commissioner Crowe made a motion to adopt the proclamation designating the week of May 20-26, 2012, as "Emergency Medical Services Week." Vice Chairman Eckler seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Emergency Medical Services Week Proclamation

To designate the Week of May 20 - 26, 2012, as Emergency Medical Services Week

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; now

THEREFORE, I, Julius Owens, Chairman of the Board of County Commissioners, Rutherford County, North Carolina in recognition of this event do hereby proclaim the week of May 20 - 26, 2012, as

EMERGENCY MEDICAL SERVICES WEEK

With the theme, EMS: Anytime, Anywhere, We'll Be There, I encourage the community to observe this week with appropriate programs, ceremonies and activities.

Adopted this the 7th day of May, 2012.

APPOINTMENT BROAD RIVER WATER AUTHORITY

Commissioner Richard made a motion to approve the appointment of Commissioner Susan Crowe to the Broad River Water Authority through the end of her term in December 2012. Vice Chairman Eckler seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

**RESOLUTION ON THE MAINTENANCE OF EFFORT FOR THE
RELEASE OF HAVA (HELP AMERICA VOTE ACT) FUNDS**

Manager Classen explained that HAVA (Help American Vote Act of 2002 – HR 3295) funds are a federal grant to the state for maintaining electronic voting equipment that local governments

were mandated to purchase. North Carolina has declined to provide the required matching state share causing the funds to be withheld.

Vice Chairman Eckler made a motion to approve the resolution requesting the Governor and the General Assembly to appropriate matching funds so that HAVA funds can be released. Commissioner Richard seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

**A RESOLUTION OF THE
RUTHERFORD COUNTY BOARD OF COMMISSIONERS
TO THE
HONORABLE GOVERNOR BEVERLY PERDUE
AND**

MEMBERS OF THE NORTH CAROLINA GENERAL ASSEMBLY

WHEREAS, the members of the Rutherford County Board of Commissioners met on May 7, 2012 and voted to request that an appropriation be included in the Governor's budget and in the General Assembly's budget to meet the "maintenance of effort" requirement for the release of HAVA funds; and

WHEREAS:

- A. the HAVA funds are vital to county budgets to administer elections; and
- B. the HAVA funds are needed to maintain voting equipment; and
- C. the HAVA funds are needed to be used as operational funds to operate absentee voting; and

WHEREAS, Rutherford County's cost if HAVA funds are not available would be \$42,000 which is 20% of the total budget for the Board of Elections in Rutherford County and could pay for two small elections in Rutherford County.

NOW, THEREFORE, BE IT RESOLVED, that the Rutherford County Board of Commissioners request that the HAVA funds be included in this year's budgets and that said funds be provided to the State Board of Elections for the counties to improve the elections process.

ADOPTED this 7th day of May, 2012.

BUDGET AMENDMENTS

Manager Classen presented and explained the budget amendments.

Commissioner Crowe made a motion to approve three of the budget amendments as follows: to erect a temporary structure at the Daniel Road property for use as a farmer's market through November 2012 but no longer; to approve a reduced amount proposed for Bechtler site development from 77,000 to 50,000; and to construct restrooms at Frank West Park; with these items to be drawn from the Capital Reserve Building Fund. There was a second by Commissioner Richard. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

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Commissioner Crowe made a motion to approve the remaining budget amendments for the general fund. Commissioner Richard seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Mr. Stephen Matheny of Isothermal Community College explained the proposed use of monies from the ICC Capital Fund for renovations at the former Rutherfordton elementary school for use by the nursing program.

Commissioner Richard made a motion to approve the transfer of \$150,000 from the ICC Capital Fund to the General Fund to be used for renovations at the former Rutherfordton elementary school. Commissioner Crowe seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

	Expenditures	Revenues
GENERAL FUND		
Farmers Market - Capital Outlay Building	\$ 8,620	
Property Tax Transfer to Debt Service Fund	\$ (8,620)	
*FY11-12 budget included funds for structural and other repairs needed at the site; \$13,380 remains to be used for the construction of a pole barn at the alternate location - Total Budget \$22,000		
Bechtler Site Development	\$ 77,335	
Frank West Park Restrooms	\$ 25,000	
Property Tax Transfer to Debt Service Fund	\$ (102,335)	
*projects as presented for Bechtler Site Improvements and Restrooms at Frank West Park		
Professional Services - Legal	\$ 55,000	
Fund Balance Appropriated		\$ 55,000
*additional funds needed for legal		
Recreation Program Expenses	\$ 280	
Linder Park - Donations		\$ 280
*donations received		
Sheriff - Part Time Salaries	\$ 504	
Sheriff - Forensics Supplies	\$ 130	
Sheriff Donations		\$ 634
* grant received to assist with the Pill Drop Program		
Sheriff - Project Lifesaver	\$ 10	
Project Lifesaver Donations		\$ 10
*donations received		
Sheriff - Advertisement/Foreclosures	\$ 1,000	
Sheriff - Miscellaneous Revenues		\$ 1,000
*received from attorney offices to be used for possible future advertising on foreclosures		

	Expenditures	Revenues
Senior Center - General Purpose Program	\$ 11,273	
General Purpose Grant		\$ 12,205
Fund Balance Appropriated		\$ (932)
*record grant funds received		
ICC Capital Outlay	\$ 150,000	
Transfer from ICC Capital Fund		\$ 150,000
* renovations at the old Rutherfordton Elementary; Isothermal plans to expand programs at the Rutherfordton campus with classrooms ready in the Fall		
DEBT SERVICE FUND		
Property Tax Transfer from General Fund		\$ (110,955)
Fund Balance Appropriated - County Building Projects		\$ 110,955
* funds for the Farmers Market, Bechtler Site and Frank West Restrooms		
ICC CAPITAL FUND		
Transfer to General Fund	\$ 150,000	
Future Projects	\$ (149,100)	
Fund Balance Appropriated		\$ 900
* renovations at the old Rutherfordton Elementary; Isothermal plans to expand programs at the Rutherfordton campus with classrooms ready in the Fall		
SOLID WASTE FUND		
Collections - Safety Program/Uniforms	\$ 8,947	
Disposals - Safety Program/Uniforms	\$ 4,473	
Tipping Fees - On Site		\$ 13,420
*start up costs for the safety/uniforms program to begin this Spring		
GENERAL FUND		
Annex - HVAC unit	\$ 6,533	
Property Tax Transfer to Debt Service Fund	\$ (6,533)	
*HVAC unit for Rutherford Center; gas pack unit to be replaced		
DEBT SERVICE FUND		
Property Tax Transfer from General Fund		\$ (6,533)
Fund Balance Appropriated - County Building Projects		\$ 6,533

TAX REFUNDS AND RELEASES

Commissioner Richard made a motion to approve tax refunds of \$1,112.32 and tax releases greater than \$100 totaling \$32,415.81 as outlined by Sherry Lavender of the Tax Department. Tax releases of amounts less than \$100, which totaled \$1,707.95, were submitted by the Finance Office. Commissioner Crowe seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners

excused; and no Commissioners absent. (A copy of these tax refunds and releases is in the Minute Book.)

BUSINESS PERSONAL PROPERTY AUDIT SERVICES

Manager Classen and Interim Tax Collector Rheba Ward presented a proposed contract with a service company that will perform business personal property audits on a contingency fee basis. Audits are required by state law but the Tax Office does not currently have sufficient staff to comply with the statute. Under the proposed contract the outside service would work with county staff, and in the future a full time person in the tax office would be trained in the procedures. The contract provides that 30% of new collections will constitute the contractor's fee. The Tax Office is contacting the municipalities to partner with the county to help cover the fee out of their portion of the taxes collected.

Commissioner Richard made a motion to approve the contract with Tax Management Associates, Inc for business personal property audit services; direct the Tax Office to report monthly to the Commissioners; direct County Attorney to review; and authorize County manager to execute contract and other documents in support of the Board's action. Commissioner Crowe seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

PROPERTY LEASE\SITE OF OLD LANDFILL

Vice Chairman Eckler made a motion to extend the current lease with Mr. Darrell Conley for property at the site of the old landfill to July 15 and to authorize the county manager and county attorney to negotiate a five year lease with Darrell Conley for the property at the old landfill with the stipulation that the county reserves the right to terminate the lease on short notice. Commissioner Richard seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

POLICY/WEBCASTING

Manager Classen presented a proposed policy, developed with the assistance of Hazel Haynes, Clerk to the Board, and Rhonda Owens, IT Director, outlining the circumstances under which county meetings will be webcast. The Commissioners made comments and suggestions and will be provided with a revised policy statement at the next meeting.

BUDGET PRESENTATION FOR 2012-2013

Manager Classen presented the Fiscal Year 2012-2013 recommended budget and discussed the philosophy underlying the recommendations. He recommends that no funds be drawn from the fund balance and that expenses be held constant. The budget is based on a revenue neutral formula. Following the tax revaluation, to achieve tax income equal to expenses, the tax rate would

be set at 60.7 cents. He described a typical taxpayer's situation and showed that with a decrease in value and an increase in rate, the taxes due will be unchanged for the taxpayer as compared to last year.

The Commissioners will hold a series of budget workshops and a public hearing on the proposed budget will be held at the next regular Commissioners' meeting on June 4.

GREY ROCK PROJECT I/BIDS

David Odom, consultant for the Grey Rock road construction project, presented the bids that were received.

Commissioner Crowe made a motion to approve the bid of \$389,609 from Sisk Grading for road construction at Grey Rock, to be paid from the bond funds awarded to the county, with the requirement that the names of all employees and all subcontractors and their employees be provided to the county. Commissioner Richard seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Bids on the project were:

- o Sisk Grading - \$389,609
- o CC Strickland Grading - \$458,598.36

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

Commissioner Crowe made a motion to go into closed session for Industrial Location under NC G.S. 143-318.11(a)(4). Vice Chairman Eckler seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

7:30 P.M. The Board went into Closed Session.

7:53 P.M. The Board returned to Open Session.

ADJOURNMENT

Commissioner Crowe made a motion to adjourn. Commissioner Richard seconded the motion. The motion passed 5-0 with Commissioners Crowe, Eckler, Holland, Owens and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Meeting adjourned at 7:55 P.M.

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

Attest:

Clerk, Board of Commissioners