

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

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

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CALL TO ORDER/PLEDGE OF ALLEGIANCE

Chairman Owens called the meeting to order. Commissioner Holland led in the pledge of allegiance.

AGENDA APPROVAL

Commissioner Richard made a motion to remove the name of "Tim Ferris" from the the TDA Appointment agenda item. Commissioner Crowe seconded the motion.

After discussion, the motion failed 2-3 with Commissioners Crowe and Richard voting aye; Commissioners Owens, Eckler, and Holland voting no; no Commissioners excused; and no Commissioners absent.

County Manager Carl Classen recommended that the discussion regarding the business personal audit services be removed from the agenda as legislation passed by the General Assembly only allowed contingency fee audits until October of 2013. Commissioner Richard made a motion to leave discussion regarding the business personal property audit services contract on the agenda as he believed there was unfinished business regarding this matter. Commissioner Crowe seconded the motion. Manager Classen stated that he would give an update to the Board regarding legislation which would have an impact on this issue for the county. Commissioner Richard withdrew his motion.

A motion was made by Vice Chairman Eckler to approve the agenda. Following a second by Commissioner Holland, the motion passed with Commissioners Owens, Eckler, and Holland voting aye; Commissioners Crowe and Richard voting no; no Commissioners excused; and no Commissioners absent.

PUBLIC HEARING/COMMUNITY DEVELOPMENT BLOCK GRANT/SCATTERED SITE HOUSING

6:10 P.M. - Chairman Owens opened the public hearing to hear comments regarding the submission of a 2012 Community Development Block Grant Scattered Site Housing application to the NC Department of Commerce. The County is considering applying for \$225,000 through the

NCDOC grant/loan program that will assist a selected number of income qualified homeowners with various home and emergency repair needs.

Beth Pollard from Isothermal Planning and Development Commission spoke about the project.

6:12 P.M. - When no others wished to speak, the Chairman declared the public hearing closed.

PUBLIC COMMENTS

Bobby Jones (883 Toms Lake Road, Forest City) commended the work of Holland House and asked that the Board allow this work to continue.

Dan Hegeman (255 North Main Street, Rutherfordton) asked that the Board consider the impact of appointing the right person to the TDA.

Sally Leshar (447 North Washington Street, Rutherfordton) told the Board that Tim Ferris would be a great asset to the TDA.

Henry Edwards (722 Duncan Road, Rutherfordton) said it is a bad idea to stop the Transmed Service in Rutherford County and build another county building.

APPOINTMENT/VOTING DELEGATE/NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS

The annual North Carolina Association of County Commissioners Conference will be held in Wake County on August 16 – 19. A request has been received that the Board appoint a voting delegate to this conference.

After discussion by the Board, a motion was made by Commissioner Holland to appoint Chairman Owens as the voting delegate. There was a second to the motion by Vice Chairman Eckler, and the motion passed with Commissioners Owens, Eckler, and Holland voting aye; Commissioners Richard and Crowe voting no; no Commissioners excused; and no Commissioners absent.

MANAGER/MAYORS/CHAIRMAN/BI-MONTHLY MEETINGS

Chairman Owens told the Board that he would like to re-establish the manager/mayor bi-monthly meetings with the Chairman of the County Commissioners and the County Manager. This would foster information among the governmental entities in the county.

After clarifying that this would only include the Chairman of the Commissioners and the County Manager, Commissioner Crowe made a motion to approve re-establishing these meetings with the mayors and managers/clerks of the municipalities in Rutherford County. The motion passed with a

second by Commissioner Richard and Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

APPOINTMENT TO TOURISM DEVELOPMENT AUTHORITY

Mr. Bob Singer, a member of the Tourism Development Authority, had resigned from this authority. Two applications had been received for this appointment. The applicants were Mr. Tim Ferris and Mr. Keith Price.

Commissioner Richard made a motion to appoint Keith Price to the Tourism Development Authority. There was a second by Commissioner Crowe. The motion failed with Commissioners Crowe and Richard voting aye; Commissioners Owens, Eckler, and Holland voting no; no Commissioners excused; and no Commissioners absent.

Discussion was held regarding the appointment procedure. County Attorney Richard Williams advised that it is within the grounds of the Board of Commissioners to decide how it wishes to handle the appointments to the TDA.

Commissioner Crowe moved to leave this appointment vacant until Commissioner Richard has an opportunity to find a replacement for Mr. Singer. The motion was seconded by Commissioner Richard. Following discussion Commissioner Crowe amended her motion to state that a replacement would be presented at the September meeting. The motion failed with Commissioners Crowe and Richard voting aye; Commissioners Owens, Eckler, and Holland voting no; no Commissioners excused; and no Commissioners absent.

Vice Chairman Eckler moved to appoint Mr. Tim Ferris to the TDA to replace Bob Singer. The motion was seconded by Commissioner Holland. The motion passed with Commissioner Owens, Eckler, and Holland voting aye; Commissioners Crowe and Richard voting no; no Commissioners excused; and no Commissioners absent.

BUSINESS PERSONAL PROPERTY AUDIT SERVICES

County Manager Classen reported on legislation passed by the General Assembly regarding contingency fee audits and his decision not to execute the contract with Tax Management Associates due to this legislation. An additional staff person was approved by the Board and plans were to train this person while Tax Management Associates was performing the required audits. However, the county will move forward with the additional employee and only use the services of TMA, if needed, in a fee for service arrangement. Hearing no action, the Chairman continued with the agenda..

LEASE AGREEMENT/PEER SUPPORT SERVICES EXCHANGE

At the July 2 meeting, the Board had authorized the County Attorney and County Manager to work with Peer Support Services to draft a lease for Rutherford County property located at 475 West Main Street in Forest City. A lease had been prepared by the County Attorney and had been included in the agenda. However, County Attorney Richard Williams stated that neither a representative of Peer Support Services nor the County Manager had had the opportunity to review the proposed lease. Therefore he recommended that the present lease be extended until such time as a final version can be prepared.

Commissioner Crowe moved to authorize an extension of the lease agreement from the county to Peer Support Services Exchange for the property located at 475 W. Main Street, Forest City, for a period to expire October 10, 2012 upon the same terms and conditions of that lease agreement dated February 28, 2012. The motion was seconded by Vice Chairman Eckler. The motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

MINUTES

Commissioner Crowe moved to approve the minutes of July 2, 2012. Following a second by Vice Chairman Eckler, the motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Commissioner Crowe moved to approve the minutes of July 13, 2012. Following a second by Vice Chairman Eckler, the motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

TAX REFUNDS AND RELEASES

Commissioner Crowe moved to approve the tax refunds totaling \$771.14 and tax releases greater than \$100 totaling \$6,689.26. Tax releases less than \$100 totaling \$3,472.71 were presented by the Finance Office. Following a second by Vice Chairman Eckler, the motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent. (A copy of these tax refunds and releases is typed in the Minute Book.)

BUDGET AMENDMENTS

Manager Classen told the Board that the budget amendments presented included several that were carried forward from the 2011-2012 budget year. Also, the Board of Education had requested funds from the Capital Outlay Building Fund to replace a chiller at Forest City Dunbar School at a cost of \$95,450.

Minutes of Rutherford County Commissioners' Meeting of August 6, 2012

Commissioner Crowe moved to approve the budget amendments as presented. The motion was seconded by Vice Chairman Eckler and passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

	Expense	Revenue
GENERAL FUND		
Sheriff - Equipment purchased with Seizure Funds	\$ 3,653	
Sheriff Drug Seizure Funds		\$ 3,653
*unauthorized substance tax distribution		
Sheriff - Part Time Salaries (Chimney Rock)	\$ 980	
Sheriff - Chimney Rock Security Reimbursement		\$ 980
*reimbursement received for services provided		
Sheriff - Part Time Salaries	\$ 1,773	
Fund Balance Appropriated		\$ 1,773
*carry forward FY11-12 United Way pill drop grant		
Sheriff Project Lifesaver	\$ 3,600	
Project Lifesaver Donations		\$ 3,600
*donations received		
Harris Gym - Repairs/Maintenance	\$ 1,247	
Donations - Harris Gym/Linders Park		\$ 545
Fund Balance Appropriated - reappropriate FY11-12 donations		\$ 702
*donations received		
Contribution to Grant Fund - local match	\$ 14,400	
Fund Balance Appropriated		\$ 14,400
*local match for Rural Center Grant - Project Quilt		
Public Schools - Capital Outlay	\$ 95,450	
Fund Balance Appropriated		\$ 95,450
*chiller replacement at Forest City-Dunbar; see attached letter from Dr. Mason		
College - Capital Outlay - lawn mower and doors	\$ 33,100	

Minutes of Rutherford County Commissioners' Meeting of August 6, 2012

	Expense	Revenue
College - Capital Outlay (Rutherfordton Elem Project-FY11-12 carry forward)	\$ 150,000	
Contribution from ICC Capital Fund		\$ 183,100
*lawn mower \$8,650 and door in swimming pool area \$24,450		
Library - LSTA EZ Technology Grant (E Books) Expenditures	\$ 20,000	
Library - LSTA EZ Technology Grant (Hardware/Software) Expenditures	\$ 3,144	
Library - Office Supplies (reclass matching funds to grant line)	\$ (819)	
LSTA Grant - Strengthening Public Collections		\$ 20,000
LSTA Grant - EZ Technology Grant		\$ 2,325
*Library Services and Technology Act (LSTA) grants received		
Courthouse - Repairs/Maintenance - arborist/pruning	\$ 1,250	
Courthouse - Capital Outlay Improvements - cabinets/carpet Clerks Office	\$ 2,909	
Fund Balance Appropriated - Court Facilities		\$ 4,159
*carryforward FY11-12 projects not complete as of June 30th		
Information Technology - Capital Outlay Hardware	\$ 4,064	
Annex - Communications Entrance - paint exterior of building	\$ 2,290	
Farmers Market - Repairs and Maintenance	\$ 600	
-install water line and outdoor spigot at new site		
Farmers Market (Block Bldg) - Repairs Maint Bldg - roof (hail damage/ins)	\$ 4,331	
Parks - Frank West Park - Repairs/Maintenance-move playground equip	\$ 3,500	
Parks - Walking Trail Improvements (donations)	\$ 11,094	
Sheriff - Project Lifesaver (donations)	\$ 3,410	
Sheriff - Advertisement/Foreclosures	\$ 364	
Sheriff - Equipment Purchased with Seizure Funds	\$ 87,198	
Sheriff - Capital Outlay Equipment	\$ 731	
Sheriff - Capital Outlay Furniture (donation)	\$ 787	
EMS - Arson Detection Supplies	\$ 605	
Airport - Repairs Maintenance Bldg - roof repairs (hail damage/ins proceeds)	\$ 9,000	
EDC - Professional Services Andale/Facebook -IPDC/legal	\$ 27,515	
EDC - Professional Services Chrysalis/Horsehead -legal	\$ 35,799	
Drug Courts (ABC funds)	\$ 14,687	
Library - Office Supplies -shelving	\$ 1,853	

Minutes of Rutherford County Commissioners' Meeting of August 6, 2012

	Expense	Revenue
Library - Facebook Grant Expenditures	\$ 2,163	
Fund Balance Appropriated		\$ 209,991
*carryforward FY11-12 projects not complete as of June 30th		
Firing Range - Capital Outlay Improvements - bldg mtl	\$ 2,421	
Mountains Library - HVAC unit	\$ 5,645	
Sheriff's Annex Bldg Repairs and Maintenance - HVAC unit at the little house	\$ 4,998	
-both units failed last week of June and were replaced in July		
Rutherford Center - Capital Outlay Improvements - flat roof project	\$ 36,411	
Senior Center - Capital Outlay Improvements - tile installation	\$ 695	
Contribution from Debt Service Fund - County Building Reserve		\$ 50,170
*carryforward FY11-12 projects not complete as of June 30th		
GRANT FUND		
Rural Center - Building Reuse Grant Expenditures	\$ 302,400	
Rural Center Grant		\$ 288,000
Contribution from General Fund - local match		\$ 14,400
*building reuse grant for Project Quilt		
One NC Grant Expenditures - Project Quilt	\$ 75,514	
One NC Grant - Project Quilt		\$ 75,514
*grant awarded		
ICC CAPITAL FUND		
Transfer to General Fund - Capital Outlay College	\$ 183,100	
Fund Balance Appropriated (FY11-12 carry forward)		\$ 150,000
Reserve for Future Projects	\$ (33,100)	
*lawn mower, doors and carry forward Rutherfordton Elementary School Project		
DEBT SERVICE FUND		
Contribution to General Fund	\$ 50,170	
Fund Balance Appropriated - County Building Projects		\$ 50,170
*carryforward FY11-12 projects not complete as of June 30th		
TRANSIT FUND		
Capital Outlay - Equipment - Fed/State Share	\$ 28,142	

	Expense	Revenue
Capital Outlay - Equipment - County Share	\$ 10,629	
NCDOT Equipment Grant		\$ 28,142
Fund Balance Appropriated-local match equip & addtl funds for GPS on radios		\$ 10,629
*carry forward FY11-12 projects not complete as of June 30, 2012; Radios and Vehicle Lettering		
Capital Outlay - Vehicles - Fed/State Share	\$ 91,177	
Capital Outlay - Vehicles - County Share	\$ 15,392	
Highway Use Tax	\$ 3,906	
NCDOT Vehicle Replacement Grant		\$ 91,177
Fund Balance Appropriated		\$ 19,298
*carry forward FY11-12 projects not complete as of June 30, 2012; LTV's (2)		
SOLID WASTE FUND		
White Goods Pad Construction	\$ 22,541	
NCDENR - White Goods Grant		\$ 22,541
*additional funding received July 16th to complete the construction project; revised project ordinance attached		
SWEEP Expenditures	\$ 3,070	
Fund Balance Appropriated		\$ 3,070
*reappropriate donations/grants received by SWEEP		

RUTHERFORD COUNTY MEDICAL PLAN STANDARD OPERATING PROCEDURES

Chief Deputy Jeff Buchanan reported that the medical plan for the detention center has been reviewed and updated as required. The medical plan requires that the Governing Body, pursuant to G.S. 153A-225.1(a) must adopt this plan. A copy had been provided to the Board.

Commissioner Crowe moved to approve the Rutherford County Medical Plan Standard Operating Procedures. Following a second by Vice Chairman Eckler, the motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent

GREY ROCK PROJECT BIDS

County Manager Carl Classen reported that bids were received July 24, 2012 at 10:30 AM at the Rutherford County Office Building for Grey Rock Development Project 2 – Paving. The bids were:

Harrison Construction Company	\$325,479.00
Rogers Group, Inc.	\$356,895.00

Commissioner Crowe moved to approve the low bid of Harrison Construction Company. Following a second by Vice Chairman Eckler, the motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent

Also, bids were received on July 24, 2012 at the Rutherford County Office Building for the Grey Rock Development Project 3. Bids were:

Sisk Grading	\$ 995,478.00
Harrison Construction Company	\$1,287,225.50
CC Strickland Grading	\$1,319,608.54

Commissioner Crowe moved to approve the low bid of Sisk Grading for Grey Rock Development Project 3. Following a second by Vice Chairman Eckler, the motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent

FIRE DISTRICT UPDATE

Public hearings will be held at the September 10 meeting of the County Commissioners regarding Rutherford County Fire Protection Service Districts. Fire Marshal Roger Hollifield had provided preliminary information for the Board's review. These included a report concerning the creation of service districts for fire protection and the effects of this on property owners and fire departments along with resolutions which the Board will be asked to consider at the September 10 meeting. An addendum which included data regarding the districts was included in the agenda notebook.

Following a lengthy discussion, Vice Chairman Eckler moved to acknowledge receipt of the fire protection service district report as amended pursuant to North Carolina General Statutes Section 153A-302(b) and directed that a copy be available for public inspection in the Office of the Clerk to the Board. Commissioner Holland seconded the motion. The motion passed with Commissioners Owens, Eckler, Crowe, and Holland voting aye; Commissioner Richard voting no; no Commissioners excused; and no Commissioners absent

CLOSED SESSION

Commissioner Crowe made a motion that the Board go into closed session under N.C.G.S. 143-318.11(a)(6) and that Human Resources Director Judy Toney be included in the closed session.

7:12 P.M.	-	The Board went into Closed Session
7:40 P.M.	-	The Board returned to regular session

ADJOURNMENT

Commissioner Crowe moved to adjourn the meeting. Vice Chairman Eckler seconded the motion. The motion passed with Commissioners Owens, Eckler, Crowe, Holland, Crowe, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

Attest:

Clerk, Board of Commissioners