

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON SEPTEMBER 10, 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 Crowe led in the pledge of allegiance.

Chairman Owens thanked the Rutherford County Relay for Life Team for their efforts at the Relay for Life Event held on September 7 and for their efforts during the year.

AGENDA APPROVAL

Commissioner Richard moved that *Item IV. Commissioners, F. Appointment – Planning Commission* be removed from the agenda as no name had been submitted for this appointment. Vice Chairman Eckler advised that the person whom he planned to nominate had filed an application and had been vetted.

The motion failed with Commissioner Richard voting aye; Commissioners Owens, Eckler, Crowe, and Holland voting no; no Commissioners excused; and no Commissioners absent.

County Manager Carl Classen asked that a closed session for consultation with the attorney (ATTORNEY CLIENT NCGS 143-318.11(a)(3)) be added to the agenda.

Vice Chairman Eckler moved the approval of this request. 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 Richard also made a motion to add to the agenda the Enabling Act of the Ellenboro Fire District, all resolutions referenced in the September 9, 2012 publication of the Daily Courier that would allow by statute the creation of the fire service district, and any demonstrable record of the demand from citizens that the fire services districts be created.

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 approve the agenda with the changes as approved. The motion passed with Commissioners Owens, Eckler, Holland, and Crowe voting aye; Commissioner Richard voting no; no Commissioners excused; and no Commissioners absent.

PUBLIC HEARING/POLICY

Chairman Owens moved that comments from citizens during the public hearings be limited to three minutes. 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 PROJECT

Isothermal Planning Commission Director Jim Edwards told the Board that the purpose of the hearing was to receive comments from the citizens concerning the County closing out a 2009 Community Development Block Grant Scattered Site Housing Project. In 2009 Rutherford County received \$400,000 in CDBG funds for the purpose of completing housing activities. The County completed substantial repairs on 5 homes; emergency repairs on 7 units; and cleared and replaced one single-wide mobile home with a new 2009 model. All of the units that were completed were owned and occupied by low to moderate income citizens who reside in Rutherford County. All activities have been completed as proposed or amended with application. Any remaining funds will be de-obligated.

6:11 P.M. - Chairman Owens declared the public hearing to be open.

No one wished to speak.

6:12 P.M. - Chairman Owens declared the public hearing to be closed.

Vice Chairman Eckler moved to approve closing the 2009 Community Development Block Grant Scattered Site Housing Project. The motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

PUBLIC HEARING/COUNTY SERVICE DISTRICTS FOR FIRE PROTECTION

Fire protection in Rutherford County is provided by 14 volunteer and 4 municipal fire departments. A public hearing had been scheduled to hear comments on the proposal of establishing newly created service districts for fire protection as outlined in GS 153A-301. This proposed change would allow for insurance, tax, and service districts to be synonymous. Notices of the public hearing along with a map of the proposed districts have been mailed to the residents of Rutherford County.

Fire Marshal Roger Hollifield spoke providing details of the project which been in progress for over eight years.

6:22 P.M. - Chairman Owens declared the public hearing to be open.

Mr. Mike Rhyne from Ellenboro stated he was in favor of extending fire service districts to six miles, but he resented the way it had been presented to the Town of Ellenboro.

Mr. Tom Helton of Ellenboro spoke in opposition to the abolishment of the fire districts in the county. He did not agree with the contention that everyone within a fire service district would be eligible for a reduction in their insurance rates. There will also be the increase in the tax rates for some citizens. He questioned whether the Board could vote to abolish districts if a debt exists.

Mr. Norman McDaniel said he was a charter member of the Ellenboro Fire Department. He wanted the local control that is in place at present to be maintained.

Mr. Mike Jennings of Ellenboro stated his theory that there is a conspiracy to destroy the way Ellenboro's Fire Department was established.

Mr. Titus Kinney of Haynes #2 said insurance rates for property owners in this area had increased dramatically. These residents want to be in a fire service district.

Mr. Wilbur Burgin spoke representing the Hollis Fire District which has been seeking certification in order for insurance rates to be reduced. Mr. A.C. Daniels of the North Carolina State Fire Marshal's Office who was in attendance at the meeting had indicated that the certification for the Hollis Fire District would be approved in October.

Mr. Stanley Krishak said his insurance rates had increased because no fire hydrants were within 100 feet of his property. He asked that hydrants be installed in order to reduce his insurance rates.

Mr. Harmon Prince of Spindale said his residence is within ½ mile of the Spindale Fire Department; however, he is listed in the Hudlow Fire District. County Manager Carl Classen stated that he would work with Mr. Price to an attempt to fix this problem.

Mr. Joe Stockton of 1718 Oak Grove Church Road, Ellenboro told the Board that he had set up the Enabling Act for the Ellenboro Fire Department. He asked if the Board could override state law since this act was voted on and approved by the House of Representatives. A petition signed by 35% of the resident freeholders could call for an election that could override the act. Presently, the fire department owes \$232,666 and this debt will have to be assumed by someone.

Mr. John Kilby, agent manager of Farm Bureau Insurance, stated that the new fire districts and the new technology tools supporting this would be an asset for insurance agents in determining whether a resident is in a fire district.

6:51 P.M. - Chairman Owens declared the public hearing to be closed.

Vice Chairman Eckler moved to approve the Resolution of the Rutherford County Board of Commissioners Abolishing Existing Fire Protection Service Districts. The motion passed with Commissioners Owens, Eckler, and Holland voting aye; Commissioners Crowe and Richard voting no; no Commissioners excused; and no Commissioners absent.

**RESOLUTION OF THE RUTHERFORD COUNTY BOARD OF COMMISSIONERS
ABOLISHING EXISTING FIRE PROTECTION SERVICE DISTRICTS**

WHEREAS, Rutherford County currently has a combination of service districts created pursuant

to North Carolina General Statute 153A-301 and rural fire protection districts created pursuant to North Carolina General Statute 69-25, et. seq.; and

WHEREAS, because fire protection service districts and rural fire protection districts abut each to the other, to extend, reduce or consolidate the various district boundaries is impractical and prohibitive under the existing circumstances pursuant to the North Carolina General Statutes; and

WHEREAS, Rutherford County Commissioners agree to proceed with a proposal to abolish existing fire protection service districts within Rutherford County, assess a zero tax levy for the rural fire protection districts, and to create new fire protection service districts within Rutherford County; and

WHEREAS, North Carolina General Statute 153A-306 provides that the Board of Commissioners, may, by resolution, abolish a particular service district and that there are no outstanding bonds or notes issued to finance projects in the district; and

WHEREAS, the existing fire protection service districts are not longer needed as the Rutherford County Board of Commissioners will create new fire protection service districts to fund the full cost of fire protection service through individual service district tax levy; and

WHEREAS, Rutherford County has no outstanding bonds or notes issued to finance fire protection projects in the existing fire protection service districts; and

WHEREAS, Rutherford County Board of Commissioners conducted a public hearing pursuant to North Carolina General Statute 153A-306 providing an opportunity for citizens to appear and be heard concerning the subject proposal.

NOW THEREFORE, BE IT RESOLVED BY THE RUTHERFORD COUNTY BOARD OF COMMISSIONERS, that all existing fire protection service districts are hereby abolished effective June 30, 2013 at 11:59 p.m.

ADOPTED this the 10th day of September, 2012.

Vice Chairman Eckler moved to approve the Resolution Approving Insurance District Boundaries. The motion passed with Commissioners Owens, Eckler, and Holland voting aye; Commissioners Crowe and Richard voting no; no Commissioners excused; and no Commissioners absent.

**RUTHERFORD COUNTY BOARD OF COMMISSIONERS
R E S O L U T I O N
APPROVING INSURANCE DISTRICT BOUNDARIES**

WHEREAS, Chapter 153A-233 of the North Carolina General Statutes authorizes the Board of Commissioners of any County to designate the boundaries of fire insurance districts for the purpose of insurance grading; and

WHEREAS, the fire district boundaries in the unincorporated portion of Rutherford County need to be revised to change the way they have historically been described by a point to point description, to maps created using the GIS system, and to reflect annexations by municipalities in the County; and

WHEREAS, the Rutherford County Fire Marshal has caused to be created new fire insurance district maps using the GIS system as shown in Exhibit "A"; now, therefore, be it

RESOLVED that the Rutherford County Board of Commissioners approves the boundary lines of the fire insurance districts as shown in Exhibit "A", exclusive of current or future municipal town limits, and as represented in the GIS produced maps certified by the County Fire Marshal.

ADOPTED this the 10 day of September, 2012.

Vice Chairman Eckler moved to approve the Resolution Approving Service District Boundaries with amended language. The motion passed with Commissioners Owens, Eckler, Crowe, and Holland voting aye; Commissioner Richard voting no; no Commissioners excused; and no Commissioners absent.

Commissioner Crowe made a motion to reconsider. The motion passed with Commissioners Owens, Eckler, Crowe, Richard and Holland voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Vice Chairman Eckler moved to approve the Resolution Approving Service District Boundaries as amended. The motion passed with Commissioners Owens, Eckler, and Holland voting aye; Commissioners Crowe and Richard voting no; no Commissioners excused; and no Commissioners absent.

**RUTHERFORD COUNTY BOARD OF COMMISSIONERS
R E S O L U T I O N
APPROVING SERVICE DISTRICT BOUNDARIES**

WHEREAS, Chapter 153A-301 of the North Carolina General Statutes authorizes The Board of Commissioners of any County to define any number of Service Districts in order to finance, provide, or maintain for the Districts Fire Protection services, facilities, and functions in addition to or to a greater extent than those financed, provided or maintained for the entire County.

WHEREAS, fire district boundaries in the unincorporated portion of Rutherford County need to be revised to change the way they have historically been described by a point to point description, to maps created using the GIS system, and to reflect annexations by municipalities in the County; and

WHEREAS, accurate mapping through the County GIS system has revealed overlapping areas of coverage for some rural fire protection districts and has further revealed other areas in which the rural fire protection district boundaries are not consistent with the fire insurance district boundary lines, and

WHEREAS, the boundaries of the existing rural fire protection districts in the unincorporated portion of Rutherford County need to be revised to correct discrepancies in the maps of such districts and to reconcile such districts with fire insurance district lines; and

WHEREAS, there is a demonstrable need for providing fire protection in the several districts comprising Rutherford County and it is impracticable to provide those services on a countywide basis; however, it is economically feasible to provide the proposed services in the district without unreasonable or burdensome annual tax levies through the creation of Fire Service Districts as described in G.S. 153A -301 *et seq.* and as there presently exists demonstrable

demand for the proposed fire protection services to those persons residing in the districts. Further, it is concluded that a plan for providing fire protection in this area shall be through contracts with various departments and paid for through an annual tax levy not to exceed .15 per \$100 valuation to be levied upon property in the district; and

WHEREAS, notice of the public hearing for the creation of such Fire Service Districts has been provided by publication of notice of hearing and also provided by U.S. mail to the owners as shown by the County tax records of all property within the proposed fire service districts and that such public hearing has been conducted;

WHEREAS, the Rutherford County Fire Marshal has caused to be created new fire service district maps using the GIS system as shown in Exhibit "B"; now, therefore, be it

RESOLVED that the Rutherford County Board of Commissioners approves the boundary lines as shown in Exhibit "B", and as represented in the GIS produced maps certified by the County Fire Marshal, with the effective date for the creation of such districts to be July 1, 2013.

ADOPTED this the 10 day of September, 2012.

PUBLIC COMMENTS

Mr. Tom Helton, 601 Huskey Road, Ellenboro, told the Board that an EMS station located in Henrietta is long overdue. However, he noted that the donation of the property which is the proposed site for this station does have strings attached at any estimated cost between \$12,000 and \$15,000. He recommended that the Board use the property donated by Commissioner Holland and his wife and decline the recent donation offer.

Ms Phyllis Washburn, 1440 Doggett Road, Forest City, gave the Board information regarding Rev. Milton Robinson and asked that the Board support naming the bridge over Floyd's Creek in Harris as the Rev. Milton Robinson Bridge.

Ms. Frankie McWhorter, 190 Fairforest Drive, Rutherfordton, invited those present to the premiere of the documentary, *Gold Fever and the Bechtler Mint*, by UNC-TV which will be held September 29.

Mr. Mike Dalton, 174 Bluebell Ct., Rutherfordton, expressed his appreciation for the help he had received regarding his fire district concerns. He also asked that a moment of silence be observed for Mr. Thomas J. Gaizick who had attended County Commissioners' meetings.

PROCLAMATION/DR. DAVID DICKEY DAY

Chairman Owens presented a proclamation for the Board's consideration which would declare September 29, 2012 as Dr. David Dickey Day.

Commissioner Crowe moved to approve the proclamation declaring September 29, 2012 as Dr. David Dickey Day. The motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Proclamation

Dr. David Dickey

Whereas, Dr. David Dickey was an early Patriot of old Tryon County; and

Whereas, Dr. Dickey served under Gen. Francis Marion in the Black Swamp; and

Whereas, Dr. Dickey early on defended this county against the British serving in the defense of Graham's Fort and in the Battle of King's Mountain; and

Whereas, Dr. Dickey served the County as Clerk of the Court, Deputy Surveyor, and Surveyor; and

Whereas, Dr. Dickey represented the County at the General assembly at Hillsboro; and

Whereas, Dr. Dickey served the County many years as Justice of the Peace and County Trustee; and

Whereas, Dr. Dickey was appointed to procure standards of weights and measures and was made responsible to administer such Standards of Trade; and

Whereas, Dr. Dickey was tasked to survey and plot "Rutherford Towne"; and

Whereas, Dr. Dickey served as the first town clerk and sold many lots thru 1800; and

Whereas, Dr. Dickey was described in "The North Carolina Spectator and Western Advertiser" of Rutherfordton, 1830: "Dr. David Dickey was one of the earliest practitioners of medicine in this part of the country; the reputation he acquired, and the success he had in the treatment of disease in children and various other diseases which required a tonic, and renovation plans of treatment, rarely attends the practice of any profession."; and

Whereas, Dr. Dickey not only displayed a physical but also a religious side to his being as displayed by Bishop Francis Asbury who was a welcome guest at the Doctor's house as the Bishop made his rounds to establish Christianity in the state; and

Therefore let September 29, 2012 be proclaimed as Dr. David Dickey Day throughout Rutherford County in honor of his service to Rutherford County and humanity in general.

Adopted this the 10th day of September, 2012.

Bridge/Naming/Floyd's Creek/Rev. Dr. M.B. Robinson

Commissioner Holland discussed with the Board the naming of the bridge across Floyd's Creek on US Highway 221 in Harris. Petitions had been provided to the Board requesting that the bridge be named the Milton B. Robinson Bridge because of Rev. Dr. Robinson's service to his county and this region. If approved by the Board, a letter of support will be sent to the North Carolina Department of Transportation. This will be presented to the Transportation Board for their consideration.

Commissioner Holland made a motion to direct and authorize the County Manager to prepare

and execute appropriate documentation in support of naming the bridge across Floyd's Creek on US Hwy 221 in Harris as the Milton B. Robinson Bridge. The motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Resolution Requesting the North Carolina Department of Transportation Dedicate and Name the Bridge Across Floyd's Creek on US Highway 221 in Rutherford County, North Carolina in Honor of Rev. Dr. M.B. Robinson

WHEREAS, Rev. Dr. M.B. Robinson and his wife raised eleven children near the bridge over Floyd's Creek; and

WHEREAS, Rev. Dr. Robinson and his wife made such that each of their children had the opportunity to gain a higher education; and

WHEREAS, Rev. Dr. Robinson was a member of the Isothermal Community College Board of Trustees and also a member of the Board of trustees of Winston Salem State University; and

WHEREAS, Rev. Dr. Robinson created a newspaper call "The Harris Harold" which was the first black newspaper published in Western North Carolina; and

WHEREAS, Rev. Dr. Robinson a General Officer as editor of "The Star of Zion", the national organ, of the AME Zion Church, whose membership totals more than 7 million people throughout the world; and

WHEREAS, Rev. Dr. Robinson served as pastor and presiding elder of churches and districts in Western and Eastern North and South Carolina; and

WHEREAS, Rev. Dr. Robinson taught brick masonry at Carver High School in Rutherford County which enabled many of the men to develop thriving careers; and

WHEREAS, these are only a few of the accomplishments of Rev. Dr. M.B. Robinson.

NOW, THEREFORE, BE IT RESOLVED that the Rutherford County Board of Commissioners hereby recommend honoring Rev. Dr. M.B. Robinson by requesting that the North Carolina Department of Transportation dedicate and name the bridge across Floyd's Creek on US Highway 221 in Rutherford County, North Carolina in honor of Rev. Dr. M.B. Robinson.

Adopted this the 10th day of September, 2012.

DONATION/EMS/PROPERTY/MIKE HARMON AND ASSOCIATES

At the July 2 meeting the Board authorized the County Manager to work with the County Attorney to accept the donation of land from Mike Harmon and Associates for an EMS site in Henrietta. Mr. Harmon had offered the land to the County in exchange for landfill fees which he would be charged for disposing of waste at the county landfill. It has been determined that the landfill fees will total between \$12,000 and \$15,000.

Commissioner Holland made a motion to authorize the County Manager to waive the C&D landfill fees up to \$15,000 for acceptance of this property and seek to recover the waived fees as part

of the EMS building construction project. The motion passed with Commissioners Owens, Eckler, and Holland voting aye; Commissioners Crowe and Richard voting no; no Commissioners excused; and no Commissioners absent.

<p style="text-align: center;">BOARD OF EQUALIZATION AND REVIEW 2012/THREE CREEKS SUBDIVISION/TAX APPEAL/CONTRACTS</p>

On August 13, 2012, the Board of Equalization and Review (E&R Board) voted to request that the County Commissioners retain qualified, independent legal counsel and a tax appraisal specialist to assist the E&R Board with its review of an appeal submitted by a property owner in the Three Creeks subdivision. This subdivision has unique ownership characteristics that the E&R Board believe warrants outside assistance. The County Manager spoke with Bob Pearson of Pearson Appraisal Services which has extensive local government appraisal service experience in North Carolina.

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

Commissioner Richard made a motion to authorize and direct the County Manager to work with the County Attorney to negotiate and execute a contract with Pearson Appraisal Services to assist the Board of Equalization and Review with its deliberations on matters relating to the Three Creeks Subdivision. 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 Richard moved to authorize and direct the County Manager to work with the County Attorney to negotiate and execute a contract with a qualified, independent counsel to assist the Board of Equalization and Review with its deliberations on matters relating to the Three Creeks subdivision. 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 INSPECTIONS/AIRPORT

Commissioner Richard moved to approve billing airport hangar owners whose hangars had recently had fire inspections performed without charge. The motion failed with Commissioners Crowe and Richard voting aye; Commissioners Owens, Eckler, and Holland voting no; no Commissioners excused; and no Commissioners absent.

APPOINTMENT/PLANNING COMMISSION

Mr. Aaron Hutchinson resigned from the Rutherford County Planning Commission. Section 4 of the Rutherford County Ordinance to Establish a Planning Commission for Rutherford County states, *"The Rutherford County Planning Commission shall consist of ten (10) members, each of whom shall serve for a term of one (1) year expiring on June 30 of each year. The ten (10) members shall consist of two (2) persons from each of the five (5) County Commissioners' districts. Any vacancy shall be filled for the unexpired term in the same manner as the initial appointment."*

Vice Chairman Eckler moved to appoint Douglas Atchley to the Rutherford County Planning Commission to fill the unexpired term of Aaron Hutchinson. The motion passed with Commissioners Owens, Eckler, Crowe, and Holland voting aye; Commissioner Richard voting no; no Commissioners excused; and no Commissioners absent.

AIRPORT/UPDATE

Airport Authority Chairman Bob Howard gave an update to the Board regarding the Airport and the significant progress regarding the financial picture of the Airport.

COMMUNITY DEVELOPMENT BLOCK GRANT/SCATTERED SITE HOUSING

A public hearing was held at the August 6 regular meeting to hear comments regarding the 2012 Community Development Block Grant (CDBG) Scattered Site Housing application to the North Carolina Department of Commerce. The application is 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. Following the public hearing, there was no action requested. However, a vote of approval by the Board of Commissioners is needed to move forward with the application. It is requested that the Board approve the plan.

Commissioner Crowe made a motion to approve the application for the 2012 Community Development Block Grant (CDBG) Scattered Site Housing and authorize the Chairman, County Manager, Clerk, and other county officials to sign and execute all documents necessary in support of this action. The motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

PROPERTY/FOOTHILLS CONNECT/LEASE/LANDFILL

County Attorney Richard Williams asked to be excused from the meeting. The Board concurred.

The Board authorized the Foothill Connect attorney and the Special Counsel for Rutherford County to draft a lease for several parcels of Rutherford County property that had been combined. In preparing the lease, Special Counsel for Rutherford County Beth Miller found that one of the parcels was owned by the Firefighters' Association. Since it is not possible to recombine lots into a single parcel unless they are under the same ownership, discussion was held with the Firefighters' Association to resolve the problem. Two options were proposed which were a land swap to add to the larger parcel owned by the Firefighters' Association or the purchase of the property by the county at the current tax value of \$5,800. The Firefighters' Association was in favor of the purchase of the property by the county.

Commissioner Crowe made a motion to direct and authorize the County Manager to work with the Special Counsel to draft a deed for the aforementioned property and authorize the Chairman, Clerk, and other County Officials to execute the deed and approve a budget amendment in the amount of \$5,800 plus legal and other related expenses from unassigned reserves in the Solid Waste Fund to pay for the property. The motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

DANIEL ROAD PROPERTY

The Board received a request from Mr. Kevin Jackson to lease a portion of the Daniel Road property. This was discussed at the July meeting and tabled.

Commissioner Crowe made a motion to direct the County Manager to work with the Economic Development Director to evaluate the entire Daniel Road property for its economic development potential or for sale. The motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

RULES OF PROCEDURE

The County Manager, the County Attorney, and the Clerk to the Board have been reviewing and comparing the Rules of Procedure for Rutherford County Commissioners and the General Statutes of North Carolina. Their goal was to update the Rules to make them consistent with State law and current policy/practice. A copy of a possible revision had been provided to the Board.

Commissioner Richard moved to hold a special meeting at 4:00 PM on October 1 to review recommended changes in the Rules of Procedure. The motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

BUDGET AMENDMENTS

Commissioner Crowe made a motion to approve the budget amendments as presented. The motion 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		
Airport - AV Fuel Purchases	\$ 63,000	
Airport - Part Time Salaries	\$ 13,564	
Airport - Departmental Supplies	\$ 2,436	
Fund Balance Appropriated		\$ (5,000)
Airport Fuel Sales		\$ 84,000
*budget adjustment requested based upon current operations; Airport Chairman Bob Howard will also be giving an update at the September 10th meeting (through Nov 30th based upon current sales)		
Sheriff - Project Lifesaver Expenditures	\$ 80	
Project Lifesaver Donations		\$ 80
*donations received		
Sheriff - Firing Range Supplies	\$ 500	
Sheriff Miscellaneous Revenues		\$ 500
*reimbursement received from Henderson County Sheriff's Office		
Sheriff - Advertisement/Foreclosures	\$ 43	
Sheriff - Miscellaneous Revenues		\$ 43
*received from attorney offices to be used for possible future advertising on foreclosures		
Sheriff - Employee Evaluation/Testing	\$ 25	
Sheriff Miscellaneous Revenues		\$ 25
*reimbursement received from reserve officer		
Repairs/Maintenance - County Annex Building (IT Department)	\$ 4,978	
Fund Balance Appropriated		\$ 4,978
*HVAC unit in Information Technology		
GRANT FUND		
Urgent Repairs Program 2012 Expenses	\$ 75,000	
NC Housing Finance Grant - Urgent Repairs Program 2012		\$ 75,000
*grant awarded; no local match; Rutherford Housing Partnership Service Agreement, 2012 URP Assistance Policy and Procurement Policy attached for Commissioner Approval.		

	Expense	Revenue
CONTRACTED FIRE DISTRICT		
Capital Outlay - Fire Advisory Training Ground	\$ 5,800	
Sale of Land - Laurel Hill Drive		\$ 5,800
*appropriate proceeds from sale of land for training ground costs		
SOLID WASTE FUND		
Land acquisition - Laurel Hill Property	\$ 5,800	
Professional Services/Closing Costs	\$ 700	
Fund Balance Appropriated		\$ 6,500
*purchase land from Fire Advisory which is adjacent to the landfill		
SWEEP Expenditures		
Donations - Walmart	\$ 1,000	
*grant /donation received for SWEEP program expenses		\$ 1,000
Electronics Recycling Expenditures		
Fund Balance Appropriated	\$ 5,270	
*appropriate electronic recycling distribution received Spring 2012		\$ 5,270

MINUTES

A motion was made by Commissioner Crowe to approve the minutes of the June 19, 2012 meeting. 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 motion was made by Commissioner Crowe to approve the minutes of the June 27, 2012 meeting. 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 motion was made by Commissioner Crowe to approve the minutes of the July 30, 2012 meeting. 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 motion was made by Commissioner Crowe to approve the minutes of the August 6, 2012 meeting. The motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY

Jim Edwards, Executive Director of IPDC, had provided a copy of the proposed Comprehensive Economic Development Strategy (CEDS) for the Isothermal region. As IPDC prepares to finalize the strategy for submission to the Economic Development Administration (EDA), IPDC is requesting that each County review and accept the document.

CEDS is part of the EDA requirements for grant eligibility. After the CEDS is approved by the EDA, it will meet the economic development planning requirement for EDA grant applications during the coming year. If the county develops a project that would be a good candidate for EDA funding, an approved CEDS should make the application process much faster.

The draft CEDS was provided to the Commissioners and economic development directors in each county in the region. The Workforce Development Board has also reviewed an earlier draft of the CEDS.

Commissioner Crowe made a motion to approve the Comprehensive Economic Development Strategy. 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

A motion was made by Commissioner Crowe to approve the tax refunds totaling \$655.43 and tax releases greater than \$100 totaling \$82,631.22. 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 releases less than \$100 totaling \$4,228.23 were provided by the Finance Officer. (A copy of the tax refunds and releases is typed in the Minute Book.)

BROADBAND/AGREEMENT/PANGAEA

A Broadband Service Agreement between Rutherford County and PANGAEA was submitted for the Board's consideration. This agreement stipulates that PANGAEA will provide internet service to the Rutherford County Office Building at a cost of \$300 per month for the next three years which is a reduced rate from the former agreement between Rutherford County and PANGAEA. The agreement gives the County the right to use the fibers, between the Rutherford County Business Offices Building and the Woodrow Jones Building for internet service. These fibers are owned by PANGAEA.

A motion was made by Vice Chairman Eckler to approve the Broadband Service Agreement between Rutherford County and PANGAEA subject to review and amendment by the County Attorney. After review and amendment by the County Attorney, the County Manager was authorized to execute the agreement. The motion passed with Commissioners Owens, Eckler, Crowe, and Holland voting aye; Commissioner Richard voting no; no Commissioners excused; and no Commissioners absent.

TECHNOLOGY USE POLICY

The revised Technology Use Policy was submitted for Commissioner approval. This policy which was created in 2008 had been updated in 2012 by the county department heads. The additions discuss social media and how Facebook, Twitter, and other social sites may be used by county employees whether they are full-time, part-time, temporary, or volunteers on county owned, rented, or leased equipment.

Commissioner Crowe moved to approve the updated Rutherford County Technology Use Policy. The motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

TRANSFER STATION PROJECT/BIDS

Bids were opened on August 31, 2012 for the Transfer Station Repair and Improvement Project.

Commissioner Crowe made a motion to approve the bid tab and the recommendation. 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 amendments to the Solid Waste Transfer Station Project, Ordinance No. 2012-06-04-3. The motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

COUNTY OF RUTHERFORD
SOLID WASTE TRANSFER STATION PROJECT
Ordinance No. 2012-06-04-3
Amended September 10, 2012

Be it hereby ordained by the Board of Commissioners of Rutherford County, North Carolina, that pursuant to Section 13.2, Chapter 159 of the General Statutes of North Carolina, the following project ordinance is adopted.

SECTION 1: The project authorized is the Solid Waste Transfer Station Project.

SECTION 2: The Rutherford County staff is hereby directed to proceed with the project within the terms of the budget contained herein.

SECTION 3: The following revenues and resources are anticipated to be available to complete the project activities:

Rutherford County Solid Waste Transfer Station	
Solid Waste Enterprise Fund	\$559,625

SECTION 4: The following amounts are appropriated for the project activities:

Rutherford County Solid Waste Transfer Station

Construction and Design:	
Construction	\$ 469,750
Design, Engineering, and Permitting	66,387
Construction Contingent (5%)	23,488
Rutherford County Solid Waste Transfer Station Project –	
Total	\$559,625

Section 5. The Finance Officer is hereby authorized to set up and maintain a Special Revenue Fund for this project.

Section 6. The Finance Officer is hereby directed to report quarterly on the financial status of each project element in Section 4 and on the total revenues received or claimed.

Section 7. The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this project in every budget submission made to this board.

Section 8. Copies of this project ordinance shall be made available to the Finance Officer for direction in carrying out this project.

Adopted this the 10 day of September, 2012.

Commissioner Crowe moved to direct the County Manager to work with the County Attorney to negotiate a contract for the Transfer Station Repair and Improvement Project and to authorize the Chairman, County Manager, Finance Officer and other necessary county officials to sign and execute the contract for the Transfer Station Repair and Improvement Project.

DETENTION CENTER/KIMBLE'S COMMISSARY/CONTRACT
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The Sheriff's Office recommended approval of a contract with Kimble's Commissary Services to continue commissary services to the inmates housed at the Rutherford County Detention Center and provide related equipment and software service. The Detention Center had used this company for several years and had been satisfied with their service.

A motion was made by Commissioner Crowe to approve the agreement with Kimble's Commissary Services subject to review and amendment by the County Attorney. After review and amendment by the County Attorney, the County Manager was authorized to execute the document. 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

Bids were opened on August 28 for Grey Rock Project 3 Paving and Grey Rock Development Project 4 Grading. Copies of the bids and the engineer's recommendations were provided to the Board.

Commissioner Crowe moved to approve the recommended low bid for Grey Rock Project 3 Paving from Rogers Group at \$201,558.50 and to authorize the County Manager to execute contracts and other documents in support of the Board's action. The motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Bids received were:

Rogers Group	\$201,558.50
Harrison Construction Company	\$205,524.00

Commissioner Crowe also moved to approve the recommended low bid for Grey Rock Development Project 4 Grading from Sisk Grading and to authorize the County Manager to execute contracts and other documents in support of the Board's action. The motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Bids received were:

Sisk Grading	\$932,310.50
CC Strickland Grading	\$974,996.00
Harrison Construction Company	\$1,106,309.60

**URGENT REPAIR PROGRAM '12/ASSISTANCE POLICY/PROCUREMENT AND
DISBURSEMENT POLICY/SERVICE AGREEMENT MEMORANDUM,**

Rutherford County recently received a grant of \$75,000 from the N.C. Housing Finance Agency to provide urgently needed repairs for low-income homeowners with special needs in Rutherford County. The grant would be administered by Rutherford Housing Partnership. The County Commissioners were asked to approve the Assistance Policy, the Procurement and Disbursement Policy, and the Service Agreement Memorandum in order to receive the grant. There was no local match as in-kind services will provide the match required.

Vice Chairman Eckler made a motion to approve the Assistance Policy, the Procurement and Disbursement Policy, and the Service Agreement Memorandum for the N.C. Housing Finance Agency grant to Rutherford County and to authorize the County Manager to execute all documents in support of this action. The motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; Commissioners voting no; no Commissioners excused; and no Commissioners absent.

CLOSED SESSION/ATTORNEY CLIENT NCGS 143-318.11(a)(3)

A motion was made by Commissioner Crowe to go into Closed Session for consultation with the attorney. She further moved that the County Attorney, the County Manager, the County Clerk, the Social Services Director, and the Human Resources Director be included in the Closed Session. The motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

ADJOURNMENT

Chairman Owens made a motion to adjourn. The motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

10:04 P.M. - Adjourned.

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

Attest:

Clerk, Board of Commissioners