

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON OCTOBER 1, 2012 AT 6:00 P.M.

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

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Chairman Owens called the meeting to order. Commissioner Holland led in the Pledge of Allegiance.

AGENDA

Commissioner Crowe made a motion to approve the agenda for the October 1, 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.

**PUBLIC HEARING/COMMUNITY DEVELOPMENT BLOCK GRANT SCATTERED SITE HOUSING
2012**

A public hearing was held at the August 6 regular meeting to allow residents the opportunity to express their views concerning the County submitting a 2012 Community Development Block Grant Scattered Site Housing application to the North Carolina Department of Commerce. The County is 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. A second public hearing is required for the application.

At 6:03 P.M. Chairman Owens declared the public hearing to be open to allow residents the second opportunity to express their views concerning the County of Rutherford submitting a 2012 Community Development Block Grant Scattered Site Housing application to the North Carolina Department of Commerce.

Ms. Paula Kempton from Isothermal Planning and Development Commission provided information to the Board regarding the potential application. Plans for the CDBG funds include providing substantial housing repairs for approximately three low to moderate income homeowners and \$20,000 for four low to moderate income homeowners with emergency repair needs. The county proposes to expend \$22,500 for grant administration and \$5,400 for temporary relocation expenses. This is a thirty month project.

When no one else wished to speak, the Chairman declared the public hearing to be closed.

6:05 P.M. - The public hearing was closed.

Commissioner Crowe moved to approve the application to the North Carolina Department of Commerce for the 2012 Community Development Block Grant Scattered Site Housing. The motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

<p style="text-align: center;">PUBLIC HEARING/NORTH CAROLINA PARKS AND RECREATION TRUST FUND GRANT/RESOLUTION</p>
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At 6:06 P.M. Chairman Owens declared the public hearing to be open to hear comments regarding the termination/withdrawal of the North Carolina Parks and Recreation Trust Fund Grant in the amount of \$500,000.

In 2009 Rutherford County received a grant from the North Carolina Parks and Recreation Trust Fund (PARTF) in the amount of \$500,000 to be used for a soccer complex which would cost the County \$5,000,000 to construct and required an \$800,000 cash match. The additional \$4,500,000 for construction was allocated with a 2009 bond initiative that was not executed. A letter was sent in April, 2012 withdrawing from the grant. In September, the County was told a public hearing and resolution were required prior to withdrawal from the grant. If the resolution is not passed, the County will need to identify the source of the \$800,000 local match and come up with plans/funding for the soccer fields.

Ms. Jenny McFadden, a parent, said her children are very active in soccer and she believed the return would far outweigh the investment of a soccer complex.

Ms. Tristan Gentry asked on behalf of the 98-member soccer teams that the Board find a place for these teams to play soccer.

Mr. Avery McFadden hoped the Board would invest in a soccer complex.

Mr. Gage McFadden plays for the Rutherfordton Raiders and wants the county to have a soccer field.

Mr. Nube Jimenez also plays for the Rutherfordton Raiders and asked for a soccer complex.

Ms. Carmina Jimenez, a mother of four children, thinks a soccer complex could boost the economy of the county.

Mr. Eric Wells, a small business owner and lifelong resident of Rutherford County, said quality of life is a great consideration of folks who are considering locating in Rutherford County. He asked that the grant not be returned.

Ms. Dawn Gentry said the money for the 520 children who are registered in the state soccer association is going out of the county each year. One recent tournament in Hickory grossed \$1,300,000.

Mr. Warren Hamrick spoke in favor of the soccer complex.

Mr. Greg Edwards asked that the Board consider keeping the grant funds and making an investment in the future of the county's children.

Ms. Patricia Hawkins pointed out that her kids notice when they go to a soccer complex that is very nice. Rutherford County needs a better field.

When no one else wished to speak, the Chairman declared the public hearing to be closed.

6:24 P.M. - The public hearing was closed.

Vice Chairman Eckler made a motion to approve *A Resolution Authorizing Rutherford County To Request Termination/Withdrawal of a North Carolina Parks and Recreation Trust Fund Grant*. 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 RESOLUTION AUTHORIZING RUTHERFORD COUNTY TO REQUEST
TERMINATION/WITHDRAWAL OF A NORTH CAROLINA PARKS AND RECREATION
TRUST FUND GRANT**

WHEREAS, Rutherford County applied for and received a grant in 2009 from the North Carolina Parks and Recreation Trust Fund (PARTF) to assist with the Rutherford County Soccer Complex in the amount of \$500,000; and

WHEREAS, Rutherford County and the Department of Environment and Natural Resources entered into a contract (DENR contract number 2644) to complete the PARTF project within a three year period; and

WHEREAS, Rutherford County has decided not to go forward with the PARTF project, and

WHEREAS, Rutherford County has informed the public through a public hearing on Oct. 1, 2012 to accept public comment about the proposed action to request withdrawal of the PARTF grant award.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners, Rutherford County requests that the Department of Environment and Natural Resources withdraw the PARTF grant award and terminate the contract (DENR contract number 2644); and Rutherford County shall absorb all current, past and future expenses incurred with the project and will absolve the Department of Environment and Natural Resources of any past or future liability from the project.

Adopted this the 1st day of October, 2012.

Vice Chairman Eckler made a motion that a committee be formed to search out some property which might allow the county to move forward with a soccer complex.

After some discussion, Vice Chairman Eckler withdrew his motion. He then moved that the County Manager be allowed to research the possibility of an ad hoc committee including persons who spoke during the Public Hearing and also to study different options for a possible soccer complex. The vote of approval was unanimous.

PUBLIC COMMENTS

Ms. Jamie Lou Padgett spoke in opposition to the public records request by Commissioner Richard. She said the request is unreasonable and the scope of the request is not known. She could see county government expanding rather than decreasing.

Commissioner Richard invited Ms. Padgett to meet with him to discuss this request.

Mr. David Reno said the previous Board of Commissioners had proposed constructing a soccer complex which would cost approximately \$4,300,000. He suggested that the folks who favor building a soccer complex work with Isothermal Community College which has land available for this.

Mr. Chivous Bradley invited the Board to a historically significant event that would take place in Rutherford County on October 4. A program on the heroes of the Battle of Kings Mountain will be presented.

REQUEST FOR INFORMATION

Chairman Owens moved that the Board of Commissioners deny the unreasonable and overburdensome public records request of Commissioner Richard and that the County Manager be directed to take such actions in coordination with the County Attorney as are necessary in support of this action. The motion passed with Commissioners Owens, Eckler, Crowe, and Holland voting aye; Commissioner Richard voting no; no Commissioners excused; and no Commissioners absent.

Chairman Owens then moved that Commissioners bring their information requests to the Board during "Commissioners Items," which shall be on each Regular meeting agenda. If the Board feels the requests are appropriate to spend County resources answering, then the County Manager shall provide a response to the Board. The motion passed with Commissioners Owens, Eckler, and Holland voting in favor; Commissioners Crowe and Richard voting no; no Commissioners excused; and no Commissioners absent.

Lastly, Chairman Owens moved that Commissioners write their own correspondence unless it is an official correspondence written on behalf of the Board. The motion passed with Commissioners Owens, Eckler, and Holland voting in favor; Commissioners Crowe and Richard voting no; no Commissioners excused; and no Commissioners absent.

**APPOINTMENT/CHIMNEY ROCK VOLUNTEER FIRE DEPARTMENT BOARD OF TRUSTEES
FOR FIREMEN'S RELIEF FUND**

The Chimney Rock Volunteer Fire Department had requested that Mr. Bruce Godzik be appointed to the Chimney Rock Volunteer Fire Department Board of Trustees for Firemen's Relief Fund.

A motion was made by Commissioner Crowe to appoint Mr. Bruce Godzik to the Chimney Rock Volunteer Fire Department Board of Trustees for Firemen's Relief Fund as requested by the Chimney Volunteer Fire Department. The motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

APPOINTMENT/DIRECTOR/NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS

Each district in North Carolina selects a director of the North Carolina Association of County Commissioners (NCACC). Rutherford County is in the 15th District along with Cleveland, Polk, and McDowell Counties. Directors are appointed to serve two year terms and these terms rotate among the counties. Mr. Andrew Webb from McDowell who is the current director from this district was appointed to a term that will expire in 2013. Mr. Webb has chosen not to serve another term on McDowell's Commission Board so his term as director will expire in December, 2012. It will be Rutherford County's turn to appoint a director in 2013; however, McDowell County Commissioners will be discussing this and will probably make a decision to allow Rutherford County to make that appointment at this time so that Rutherford County's appointment will serve the remainder of Mr. Webb's term and then the full two-year term. Chairman Owens has expressed a desire to serve on the NCACC Board.

A motion was made by Vice Chairman Eckler to recommend that Chairman Julius Owens serve the remainder of Mr. Andrew Webb's term as a Director of the North Carolina Association of County Commissioner and then serve a full two-year term. The motion passed with Commissioners Owens, Eckler, Crowe, and Holland voting aye; Commissioner Richard voting no; no Commissioners excused; and no Commissioners absent.

MINUTES

Commissioner Crowe moved to approve the minutes of the September 10, 2012 minutes. 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

Dr. James Sappenfield and wife had submitted a request for tax refunds which they assert was illegally collected on acreage and a residence which they own. County Attorney Richard Williams submitted an opinion that the refund did not meet the guidelines for refunds set forth in the General

Statutes. Therefore, he recommended that it be denied. However, he advised that the Board had 90 days from September 18 to make a ruling on this matter.

Commissioner Crowe made a motion to table this until the November monthly 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.

Due to the fact that some information was omitted on the tax releases, Commissioner Crowe made a motion to table these until the November monthly 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.

Commissioner Richard made a motion to also table the tax refunds totaling \$12,338.24 until the monthly November meeting. The motion failed with Commissioner Richard voting aye; Commissioners Owens, Eckler, Crowe, and Holland voting no; no Commissioners excused; and no Commissioners absent.

Commissioner Crowe moved to approve the tax refunds. The motion passed with Commissioners Owens, Eckler, Crowe, and Holland voting aye; Commissioner Richard voting no; no Commissioners excused; and no Commissioners absent. (A copy of the tax refunds is typed in the Minute Book.)

BUDGET AMENDMENTS

County Manager Carl Classen presented budget amendments for the Board's consideration. Listed in these budget amendments were costs for the following projects which will be funded from the County's General Fund.

1. Economic Development - Strategic Plan/Target Market Analysis

The Economic Development Commission had requested the County Commissioners' support in an effort to make Rutherford County more competitive in retaining and recruiting quality jobs. Following Board approval, a RFP for a Strategic Plan/Target Market Analysis which has been prepared will be issued to qualifying firms. Partners have contributed \$3,000 toward this project. A fund balance appropriation of \$55,000 is needed for the total cost of \$58,000.

Vice Chairman Eckler moved that the budget amendment of \$55,000 be approved. The motion passed with Commissioners Owens, Eckler, Crowe, and Holland voting yes; Commissioner Richard voting no; no Commissioners excused; and no Commissioners absent.

	Expense	Revenue
General Fund		
Economic Development – Prof Svc/Strategic Plan	\$58,000	
Utility Partners Grant		\$3,000
Fund Balance Appropriated		\$55,000

Chairman Owens moved to authorize and direct the County Manager to investigate grants to perform the study referenced by the Economic Development Commission and report back to the Board before funds are expended for the study. The motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

2. Website Upgrade

The county website was hacked several times in the past months. The Information Technology Department has been looking into a new website host for the County. Simultaneously, the Tax Office has been working to find a website that allows citizens to get information online regarding their taxes. It was recommended that the County contract with Sturgis Web Services to host both the County website and the Tax Office Website.

Commissioner Crowe made a motion to approve the budget amendment for the website upgrade. 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		
Information Technology – Prof Services Website Design	\$12,000	
Information Technology – Website Maintenance (8 mths)	\$ 4,000	
Fund Balance Appropriated		\$16,000

3. Sign Maintenance

The County Manager had recommended that existing personnel, supplies, equipment, vehicles and other related costs of Sign Maintenance be transferred from the Tax Office to the Public Works and Planning Department. The data maintenance and mapping function would remain with the Tax Office. No additional funds were requested.

Commissioner Crowe made a motion to approve the budget amendment for Sign Maintenance. 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		
Mapping/GIS-Part Time Salaries	-\$6,459	
Mapping/GIS – Fuel	-\$800	
Mapping/GIS – Tires	-\$824	
Mapping/GIS – Private Road Signs	-\$16,322	
Mapping/GIS – Vehicle Maintenance	-\$711	
Public Works/Planning – Part Time Salaries	\$6,459	
Public Works/Planning – Fuel	\$800	
Public Works/Planning – Tires	\$824	
Public Works/Planning – Private Road Signs	\$16,322	
Public Works/Planning – Vehicle Maintenance	\$711	

4. Public Records Request

County Manager Carl Classen said due to actions of the Board earlier in the meeting, the budget amendment for the Public Records Request would be removed.

Commissioner Crowe made a motion to remove budget amendments relating to the Airport from the list and approve the balance of the budget amendments 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		
Hickory Nut Gorge EMS/Library - Roof Replacement	\$ 30,400	
Fund Balance Appropriated		\$ 30,400
*replace failing roof with 30-year architectural shingles		
Farmers Market - Fairground Road Site	\$ 5,975	
Fund Balance Appropriated		\$ 5,975
*demolish Farmers Market shed area on Fairground Road and remove saw dust material on floor		
Sheriff - Equipment Purchased with Seizure Funds	\$ 1,541	
Federal/State Forfeited Funds		\$ 1,541
*US Marshal equitable sharing distribution received		
Sheriff - Advertisement/Foreclosures	\$ 40	
Sheriff - Miscellaneous Revenues		\$ 40
*received from attorney offices to be used for possible future advertising on foreclosures		
Sheriff - Forensics Supplies	\$ 100	
Sheriff - Miscellaneous Revenues		\$ 100
*refund received for forensic equipment		
EMS - Vehicle Repairs & Maintenance	\$ 4,618	
Insurance Claims & Dividends		\$ 4,618
*insurance reimbursement received for EM Truck		
Economic Development - Facebook Environmental Set Aside	\$ (148,840)	
Economic Development - Facebook Tipping Fees	\$ 148,840	
* pay Solid Waste Fund for demolition materials accepted Nov 2010 through Sept 15, 2012 at Rutherford County Landfill (tipping fees waived as part of incentive)		
DEBT SERVICE FUND		
2012 Limited Obligation Bonds, Series 2012		\$ 8,425,000
Distribution to Project Fund for Discharge of Contracts	\$ 8,349,333	
Cost of Issuance	\$ 75,667	
*Record budget for 2012 Refinancing (August 2012)		

	Expense	Revenue
Debt Service Expenditures - 2002 COPS School Portion	\$ (10,805)	
Debt Service Expenditures - 2002 COPS County Bldgs Portion	\$ (5,622)	
Debt Service Expenditures - 2002 COPS Economic Dev Portion	\$ 164,301	
Debt Service Expenditures - 2009 Installment Purchase	\$ (8,390)	
Fund Balance Appropriated - Industrial Facilities/Economic Development		\$ 164,301
Fund Balance Appropriated - County Buildings		\$ (14,012)
Fund Balance Appropriated - Schools		\$ (10,805)
*adjustments to FY12-13 debt service payments as a result of 2012 Refinancing		
SOLID WASTE FUND		
Solid Waste - Tipping Fees		\$ 148,840
Fund Balance Appropriated		\$ (148,840)
* demolition materials accepted Nov 2010 through Sept 15, 2012 at Rutherford County Landfill		

RECESS

7:40 P.M. - Recess
 7:53 P.M. - Reconvene

BUDGET AMENDMENTS/AIRPORT/POINT OF ORDER

County Manager Carl Classen reported that he had spoken with the Chairman of the Airport Authority regarding the budget amendments relating to the Airport. This will be removed from the agenda due to several questions that need to be answered.

Commissioner Richard called a point of order. He did not believe the County Manager had the authority to remove an item from the agenda.

County Attorney Richard Williams said the County Manager had presented the budget amendment so he had the authority to remove it.

Commissioner Richard asked for clarification to which County Attorney Richard Williams reported that he would provide this.

NC FAST/SOCIAL SERVICES

Social Services' Director, John Carroll, told the Board that North Carolina Families Accessing Services through Technology (NC FAST) is a program designed to improve the way NC Departments of Social Services do business. It will provide technological tools and business processes that will enable workers to spend less time on administrative tasks and more time assisting families. While the first phase only includes the Food and Nutrition Program, other service areas are in the development stages and will be phased in over the next several years.

Rutherford County will begin the first phase of NC FAST in Food and Nutrition Services in October. While this statewide initiative will offer many long range benefits to both staff and consumers, it will take much time and effort to train staff and convert information from the state's current system to the new system, and many challenges will be encountered. Mr. Carroll briefed the Commissioners on the new system and on the impact that the transition will have on both staff and consumers.

APPOINTMENT/RESOLUTION/PLAT REVIEW OFFICER

North Carolina General Statute 47-30.2 requires the Board of Commissioners to appoint plat review officers whose responsibilities include reviewing land plats to determine whether these plats meet recording requirements. Ms. Rachel Bland is replacing Ms. Pat Workman who retired as a Review Officer.

Commissioner Crowe made a motion to approve the resolution appointing Ms. Rachel Bland as Plat Review Officer. 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

WHEREAS, new North Carolina General Statute 47-30.2 transfers from the Register of Deeds to a review officer the responsibility for reviewing land plats to determine whether they meet recording requirements; and

WHEREAS, NCGS 47-30.2 requires the Board of Commissioners to, by resolution, appoint one or more persons as the review officer(s); and

NOW THEREFORE, BE IT RESOLVED that the Rutherford County Board of Commissioners appoints Rachel Bland pursuant to G.S. 147-54.4 as plat review officer.

BE IT FURTHER RESOLVED that the officer shall review all plats (except as exempted by the statute) prior to recording, and if the plats meet the statutory requirements for recording, affix to the plats the following certificate:

State of North Carolina
County of Rutherford

I, _____, Review Officer of Rutherford County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Date: _____

Adopted this the 1st day of October, 2012.

2-1-1 SERVICE/UNITED WAY

Ms. Faye Hassell of Rutherford County's United Way presented a request to begin the 2-1-1 service in Rutherford County. 2-1-1 is a community service information line that connects people with health and human services. A Local Partner Entity must be identified. Rutherford County United Way has requested that this organization be named as the Local Partner Entity which will contract with United Way of Asheville and Buncombe County for the delivery of the 2-1-1 service. The cost is expected to be \$16,952.50 annually plus a one-time start up cost of \$5,000. The Workforce Development Board will fund the start-up cost, and the Local Partner Entity is contracting for the ongoing cost of the service. United Way of Rutherford County is requesting that the Rutherford County Commissioners be a co-sponsor in providing the 2-1-1 service to Rutherford County.

Since the 2-1-1 service will benefit people across a broad spectrum, a funding allocation for the first year cost of \$16,952.50 was proposed as follows:

- Workforce Development Board \$2,500
- DSS \$7,476
- Health Department \$1,976
- County General Fund \$2,500
- United Way \$2,500

Commissioner Holland moved to approve participation in the 2-1-1 system subject to written approval of funding from IPDC, the DSS Board, the Health Board, and United Way and authorize and direct the County Manager to execute budget amendments and agreements in support of this action. The motion passed with Commissioners Owens, Eckler, and Holland voting aye; Commissioners Crowe and Richard voting aye; no Commissioners excused; and no Commissioners absent.

BIDS/SOLID WASTE/TRUCK

Bids were opened for a roll-off truck for the Solid Waste Department on September 20. After reviewing the bids, it was learned that an option which had been in the specifications was not required. The specs included a Diesel Exhaust Fluid tank system; however, this is not a requirement until 2013. The DEF tank system is projected to increase operating costs over the life of the truck. The Finance Department recommends that all bids be rejected and that the county re-bid the roll-off truck.

Commissioner Crowe moved to reject all bids received on September 20 for the roll-off truck for the Solid Waste Department and re-bid. The motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

HORSEHEAD CORPORATION/RAIL EXPANSION/BIDS

Bids were received by Rutherford County on September 11 for the rail expansion project at Horsehead Corporation. The low bid of STX Corporation at \$3,130,600 was recommended by Civil Smith Rail Design and Engineering Services. The bid was reviewed by David Odom of Odom Engineering who concurs with the recommendation of Civil Smith that the contract should be awarded to STX Corporation. A letter recommending the awarding of the contract to STX Corporation will need to be mailed to the North Carolina Department of Transportation to the attention of Mr. John Dees.

A motion was made by Commissioner Crowe to authorize the bid tab and contract award as recommended by David Odom. The motion passed with Commissioners Owens, Eckler, Crowe, Holland, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

The bids were:

STX	\$3,130,600.00
HRI Bridge Company	\$3,440,271.00
Queen City	\$3,139,355.95
Railworks Track Systems	\$3,184,824.00
Balfour Beatty Rail Company	\$3,379,655.50

Commissioner Crowe made a motion to authorize the County Manager to send a letter to Mr. John Dees of the North Carolina Department of Transportation recommending the awarding of this contract to STX Corporation. 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

The Board voted unanimously to adjourn the meeting after a motion was made by Commissioner Crowe.

8:46 P.M. - Adjourned.

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

Attest:

Clerk, Board of Commissioners