

**MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON DECEMBER 3, 2012 AT 6:00 P.M.**

**PRESENT: CHAIRMAN JULIUS OWENS  
VICE CHAIRMAN WILLIAM ECKLER  
EDDIE HOLLAND  
GREG LOVELACE  
ROGER RICHARD**

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**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

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

**AGENDA APPROVAL**

Vice Chairman Eckler made a motion to approve the agenda. The motion passed with Commissioners Owens, Eckler, Holland, Lovelace, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

**PUBLIC HEARING/COMMUNITY TRANSPORTATION PROGRAM\RESOLUTION**

6:03 P.M. - Chairman Owens opened the public hearing to hear comments from the public on the NCDOT Community Transportation Grant. NCDOT provides annual funds to community transit systems for administrative and capital expenditures. The application is for the 2013-2014 fiscal year.

Transit Director Kerry Giles told the Board that the total estimated amount requested in the application for the period July 1, 2013 through June 30, 2014 was \$196,467 for administrative funds with a 15% local match of \$29,470 and \$38,343 for capital funds with a 10% local match of \$3,834. She presented a resolution authorizing the application for the Board's consideration.

There were no others who wished to speak.

6:05 P.M. - Chairman Owens declared the public hearing to be closed.

Vice Chairman Eckler moved to approve the resolution and authorize the County Manager to execute on behalf of the Commissioners. The motion passed with Commissioners Owens, Eckler, Holland, Lovelace, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

**COMMUNITY TRANSPORTATION PROGRAM RESOLUTION  
SECTION 5311  
FY 2014 RESOLUTION**

Applicant seeking permission to apply for Community Transportation Program funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match.

A motion was made by Vice Chairman Eckler and seconded by N/A for the adoption of the following resolution, and upon being put to a vote was duly adopted.

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

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

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

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

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

Adopted this the 3<sup>rd</sup> day of December, 2012.

<b>PUBLIC COMMENTS</b>
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There were no public comments.

**AWARD/FINANCE OFFICE**

Chairman Owens presented a Certificate of Achievement for Excellence in Financial Reporting to the Rutherford County Finance Office and offered congratulations for achieving this highest form of recognition in government and financial reporting for the 23<sup>rd</sup> consecutive year.

**APPOINTMENTS/BOARDS AND COMMISSIONS**

County Manager Carl Classen told the Board that former Commissioner Susan Crowe had served on the Rutherford-Polk-McDowell Health Board, the Juvenile Crime Protection Committee, and the Broad River Water Authority. Commissioner Lovelace had indicated that he is willing to serve on the Health Board, the Juvenile Crime Protection Committee, and Partnership for Children on which Commissioner Holland is currently serving. County Manager Carl Classen volunteered to serve on the Broad River Water Authority.

Vice Chairman Eckler moved to appoint Commissioner Lovelace to the Rutherford-Polk-McDowell Health Board, the Juvenile Crime Protection Committee, and Partnership for Children and to appoint County Manager Carl Classen to the Broad River Water Authority. The motion passed with Commissioners Owens, Eckler, Holland, Lovelace, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

**APPOINTMENTS/AIR APPEALS BOARD/CAPITAL PLANNING AND FINANCE ADVISORY COMMITTEE/WATERSHED REVIEW BOARD/FARMLAND PRESERVATION ADVISORY BOARD/ELLENBORO FIRE PROTECTION DISTRICT COMMISSION/ELLENBORO FIRE DEPARTMENT BOARD OF TRUSTEES FOR FIREMEN'S RELIEF FUND/HUDLOW FIRE DEPARTMENT BOARD OF TRUSTEES FOR FIREMEN'S RELIEF FUND**

**Commissioner Richard moved to approve the following appointments.** The motion passed with Commissioners Owens, Eckler, Holland, Lovelace, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

<b>Board/Commission and Description</b>	<b>Member</b>
Airport Appeals Board	Sammy Green
	Rev. Wayne Blackwood
	Phillip Byers
	Phillip Miller
Capital Planning and Finance Advisory Committee	Matt Blackwell
	Keith Dobbins
	Joe Joplin
	Russ Scherer
	Maria Honeycutt
Watershed Review Board	Linwood Perry
	Bob Owens

<b>Board/Commission and Description</b>	<b>Member</b>
Farmland Preservation Advisory Board	Bill McKinney
	Javan Calton
	Reid Helton
Ellenboro Fire Protection District Commission	Wilbur Wright
Ellenboro Fire Department Board of Trustees for Firemen's Relief Fund	Charles T. Horn
Hudlow Fire Department Board of Trustees for Firemen's Relief Fund	Floyd R. Samuel

**NCACC/LEGISLATIVE GOALS/VOTING DELEGATE**

The NCACC Legislative Goals Conference will be held at the Research Triangle Park on January 23 and 24, 2013. A request had been received that the Board make an appointment of a Voting Delegate to this conference.

Vice Chairman Eckler moved to appoint Chairman Owens as the Voting Delegate. The motion passed with Commissioners Owens, Eckler, Holland, Lovelace, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

**COMMISSIONER RICHARD/REQUEST FOR INFORMATION**

Commissioner Richard had made a request to inspect and examine any and all communication from any employee of Rutherford County Government relating to Foothills Connect beginning September 1, 2012. He stated that he wished to receive background history of Foothills Connect, and he moved that his request be approved by the Board.

Commissioner Lovelace stated that he would like to have information available as to the cost of providing this request. Therefore, he made a motion to table the request until the January meeting so that the cost could be provided. The motion passed with Commissioners Owens, Eckler, Holland, and Lovelace voting aye; Commissioner Richard voting no; no Commissioners excused; and no Commissioners absent.

**AIRPORT AUTHORITY**

Airport Authority Chairman Bob Howard provided an update to the Board regarding activities at the Rutherford County Airport. He cited a recent meeting with members of the Tourism Development Authority and the Economic Development Commission regarding leveraging business for Rutherford County. County Manager Carl Classen said a meeting would be held in the new year that could take this concept to the next level.

Commissioner Lovelace asked that information be provided as to the property tax revenue generated by those who have a location at the Rutherford County Airport.

**METHANE GAS/RATE/AGREEMENT**

County Manager Carl Classen reported that he had spoken with Representative Hager about the proposed Power Purchase Agreement with Duke Energy. Further, he convened a County Methane Gas Users Group conference call on November 14, and he is following up with several counties that have existing power purchase agreements. The power purchase agreement is still pending and will be provided to the Board at the January meeting.

**MINUTES OF NOVEMBER 5, 2012**

Vice Chairman Eckler moved to approve the minutes of the November 5, 2012 meeting. The motion passed with Commissioners Owens, Eckler, Holland, Lovelace, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

**MINUTES OF NOVEMBER 5, 2012 SPECIAL MEETING**

Commissioner Holland made a motion to approve the minutes of the November 5, 2012 Special Meeting. The motion passed with Commissioners Owens, Eckler, Holland, Lovelace, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

**TAX REFUNDS AND RELEASES**

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

**BUDGET AMENDMENTS**

Chairman Owens told the Board that two items on the budget amendments which related to property at the airport may or may not affect him. He asked that the Board excuse him from participating in the discussion on these two items. Vice Chairman Eckler made a motion to approve excusing Chairman Owens as he had requested. The motion passed with Commissioners Owens, Eckler, Holland, Lovelace, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

6:32 P.M. Chairman Owens left the meeting. Vice Chairman Eckler assumed the Chair.

Commissioner Holland made a motion to approve to approve the following budget amendments. The motion passed with Commissioners Eckler, Holland, Lovelace, and Richard voting aye; no Commissioners voting no; Commissioner Owens excused; and no Commissioners absent.

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<b>GRANT FUND</b>		
State Aid to Airports Expenditures	\$200,000	
NC DOT State Aid to Airports Grant		\$180,000
Contribution from General Fund		\$20,000
*grant received for land acquisition/expand for potential hangar and business development		
Federal Funds Airport Grant Expenditures	\$234,476	
NC DOT Federal Funds Airport Grant		\$211,028
Contribution from General Fund		\$23,448
*grant received for land acquisition -Runway Protection Zone (Runway 19 RPZ)		

6:35:06 PM Chairman Owens returned to meeting

Commissioner Lovelace made a motion to approve the remaining budget amendments presented. The motion passed with Commissioners Owens, Eckler, Holland, Lovelace, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

	<b>Expense</b>	<b>Revenue</b>
<b>GENERAL FUND</b>		
Sheriff - Equipment/Supplies Purchased with Seizure Funds	\$ 4,404	
Sheriff - Drug Seizure Funds		\$ 4,404
*unauthorized substance tax distribution		
Sheriff - Equipment/Supplies Purchased with Seizure Funds	\$ 36,400	
Sale of County Property - Weapons be sold pursuant to G.S. 160A-266 and 160A-267 to a class III firearms dealer; copy of the advertisement is attached		\$ 36,400
ICC Capital Outlay	\$ 150,000	
Transfer from ICC Capital Fund		\$ 150,000
* additional funds requested for the renovations at the old Rutherfordton Elementary; bids opened November 20th at 4 pm		
Library - Facebook Grant Expenditures	\$ 1,900	
Facebook Grant		\$ 1,900
*grant received for library		
Contribution to DSS	\$ 20,411	

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	<b>Expense</b>	<b>Revenue</b>
Fund Balance Appropriated		\$ 20,411
*county funds for HVAC unit at DSS Services Building		
<b>DSS FUND</b>		
Building - Capital Outlay/Improvements	\$ 24,213	
Contribution from General Fund - Administrative		\$ 20,411
Aid to Administration - General		\$ 3,802
*HVAC unit at DSS Services Building; will be eligible for State reimbursement over a seven year life		
<b>GRANT FUND</b>		
State Aid to Airports Expenditures	\$ 200,000	
NC DOT State Aid to Airports Grant		\$ 180,000
Contribution from General Fund		\$ 20,000
*grant received for land acquisition/expand for potential hangar and business development		
Federal Funds Airport Grant Expenditures	\$ 234,476	
NC DOT Federal Funds Airport Grant		\$ 211,028
Contribution from General Fund		\$ 23,448
*grant received for land acquisition -Runway Protection Zone (Runway 19 RPZ)		
<b>ICC CAPITAL FUND</b>		
Transfer to General Fund	\$ 150,000	
Reserved for Future Projects	\$ (129,114)	
Fund Balance Appropriated		\$ 20,886
* additional funds requested for the renovations at the old Rutherfordton Elementary; bids opened November 20 <sup>th</sup> at 4PM		
<b>QUEENS GAP INFRASTRUCTURE FUND</b>		
Legal/Engineering/Administration	\$ 350,000	
Construction/Design/Engineering/Administration	\$ 11,750,000	
Bond Settlement Proceeds		\$ 12,100,000
*Settlement proceeds received; a Project Ordinance will be presented in the Spring 2013; approximately \$95,000 has been spent to date on legal and engineering.		

	Expense	Revenue
<b>SOLID WASTE FUND</b>		
Waste Disposal - Recycling Enhancement Project	\$ 100,000	
NC DENR - Solid Waste Trust Fund Grant		\$ 100,000
*grant awarded; local matching funds \$40,000 included in current Solid Waste budget		

**VEHICLES/REPLACEMENT PLAN**

County Manager Carl Classen told the Board that as part of the FY 2012-2013 Budget, the Board adopted a Vehicle/Equipment Replacement Plan. The plan established vehicle/equipment replacements and their maintenance. It also created an understanding of the sharing of the assets' use and value.

The General Fund Vehicle Replacement/Revolving Loan Plan is expected to have a first year cost of approximately \$368,000 and is expected to peak in FY 2014-2015. It will then level off to approximately \$625,000 thereafter.

The General Fund and DSS Vehicles/Equipment will be funded through a 36-month lease purchase financing. Six months of debt service was budgeted in the General Fund and the DSS budget. The Solid Waste Fund Vehicles/Equipment will not be financed.

A Request for Proposal will be sent to banks and a recommendation for the financing will be included on the agenda for the January 7 meeting.

**SURPLUS/VEHICLES/WEAPONS/RESOLUTION/SHERIFF'S DEPARTMENT**

Based upon work emanating from the Vehicle Replacement Plan, Finance Officer Paula Roach recommended that the following list of vehicles and rolling stock be declared surplus and be put up for electronic auction per G.S. 153A-76 and G.S. 160A-270.

Vehicle	Mileage	VIN
1996 Ford Crown Victoria #330	146,618 miles	2FALP71W1TX152899
1999 Jeep Cherokee #389	123,126 miles	1J4FF28S7XL600558
2000 Ford Crown Victoria #407	211,795 miles	2FAFP73W8YX105127
2001 Ford Crown Victoria #433	142,174 miles	2FAFP71W01X165881
2002 Dodge Ram Van #457	135,620 miles	2B7LB31Z12K129257
2004 Chevrolet Impala #488	183,606 miles	2G1WF52K149284716
2004 Chevrolet Impala #489	137,668 miles	2G1WF52K649283805

The Sheriff recommended that 12 Sig Sauer P220 Handguns be declared surplus. With the purchase of new Glock handguns, the County has 12 handguns that are County owned property. The Sheriff will seek selling these weapons to a federal licensed firearms dealer. The value of these weapons is less than \$30,000; and therefore qualifies for the negotiated sale. A resolution would

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need to be adopted by the Board of Commissioners and a Notice would need to be published in the paper.

Vice Chairman Eckler made a motion to approve the sale of surplus vehicles on gov.deals. The motion passed with Commissioners Owens, Eckler, Holland, Lovelace, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

Commissioner Holland made a motion to approve the resolution relating to the sale of the specified weapons. The motion passed with Commissioners Owens, Eckler, Holland, Lovelace, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

**Resolution**

**WHEREAS**, Rutherford County has 12-Sig Sauer P220 handguns that are County owned property;

**WHEREAS**, the Rutherford County Sheriff's Department has requested and the Rutherford County Board of Commissioners have approved that these weapons be declared surplus property; and

**WHEREAS**, the Sheriff's Department will seek selling these weapons to a federal licensed firearm dealer as these weapons cannot be sold to the public;

**NOW, THEREFORE BE IT RESOLVED** that the Rutherford County Board of Commissioners, pursuant to General Statutes 160A-266 and 160A-267, proposes to sell these weapons to a federal licensed firearm dealer based on a negotiated price negotiated and recommended by the Sheriff's Department and approved by the County Manager; and

**BE IT ALSO RESOLVED** that a notice shall be published in accordance with law. No sale of assets as contemplated herein shall occur prior to 10 days notice by publication.

Adopted this 3<sup>rd</sup> day of December, 2012

**AMBULANCE/BIDS**

Rutherford County requested sealed bids for two (2) Type III Ambulance vehicles for the EMS Department. Bids were opened November 29<sup>th</sup>, 2012. The following bids were received:

<b>Vendors</b>	<b>Equipment</b>	<b>Sales Price – Bid Opening (2 Vehicles)</b>
First Class Emergency Vehicles	2013 GMC – G4500	\$243,970 (2 Ambulances) \$121,985 Each
Northwestern Emergency Vehicles	2012 Chevrolet – G4500	\$259,928 (2 Ambulances) \$129,964 Each

Manager Classen told the Board the low bidder was not being recommended as this bid was not submitted in accordance with the specifications. He recommended that the bid from Northwestern Emergency Vehicles be approved and advised that is within the amount budgeted.

Commissioner Holland made a motion to approve the bid from Northwestern Emergency Vehicles and to authorize the County Manager to issue a purchase order for the approved bid. The motion passed with Commissioners Owens, Eckler, Holland, and Lovelace voting aye; Commissioner Richard voting no; no Commissioners excused; and no Commissioners absent

**GREY ROCK/BIDS**

Bids were opened for Grey Rock Development Project 6. A tabulation was completed for the bids received, and the bid results were as follows:

Sisk Grading.....	\$797,77500
CC Strickland Grading.....	\$812,515.00
Harrison Construction Company .....	\$1,119,2211.50

Vice Chairman Eckler moved to approve the recommended bid from Sisk Grading for Grey Rock Project 6 and authorize the County Manager to execute contracts and other documents in support of the Board's actions. The motion passed with Commissioners Owens, Eckler, Holland, Lovelace, and Richard voting aye; no Commissioners voting no; no Commissioners excused; and no Commissioners absent.

County Manager Carl Classen and Engineer David Odom reported that some Grey Rock projects had been bid and then put on hold due to permitting issues, but the final permit had been received. Mr. Odom had been in touch with the contractors and there was no need to rebid the projects.

**VICE CHAIRMAN ECKLER/THANKS**

Vice Chairman Eckler thanked County Manager Carl Classen and staff for all their hard work during this past year. He wished everyone a Merry Christmas and thanked the audience for participating in local government.

**ADJOURNMENT**

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

6:57 P.M. - Adjourned.

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Chairman, Board of Commissioners

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Vice Chairman, Board of Commissioners

Attest:

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Clerk, Board of Commissioners