

**MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON MARCH 3, 2008, AT 6:00 P.M.**

**PRESENT: CHIVOUS BRADLEY, CHAIRMAN  
PAUL MCINTOSH, VICE CHAIRMAN  
MARGARET HELTON  
CHARLES HILL  
BRENT WASHBURN**

\* \* \* \* \*

**INVOCATION/PLEDGE OF ALLEGIANCE**

Chairman Bradley called the meeting to order and gave the invocation. Commissioner Washburn led in the Pledge of Allegiance.

**ADOPTION OF AGENDA AND AMENDMENTS**

Chairman Bradley read the items from the supplemental agenda. Commissioner Helton made a motion to adopt the agenda as amended. Commissioner Washburn seconded the motion. The motion was unanimously approved.

Additions to the agenda:

- Property Purchase

**PUBLIC COMMENTS**

Mr. David Reno spoke about the proposed revision of the airport charter. He said Commissioner Helton's request that someone without a conflict of interest be appointed to the work group had not been followed. If the meetings of the work group had not been properly advertised, he said, the group would have to reconvene. According to Mr. Reno, there are numerous grammatical errors and inconsistencies in the proposed document, and changes to the charter have to be approved by the Airport Authority before being presented to the Board of Commissioners. New language in the charter allows for removal of an authority board member on a whim. Mr. Reno asked that no action be taken on the revisions until a decision has been made on the pending lawsuit against members of the Airport Authority.

Mr. Henry Edwards spoke about taxes collected on highway easements for rights-of-way and compared the easement of Mr. Eddie Parker to his own. He pointed out that the Tax Administrator had erroneously referred to the purchase of Mr. Parker's "land", when, in fact, it is a "right of way". He advised that the Tax Administrator had previously agreed that Mr. Edwards could re-visit the right of way issue at any time. He is ready to re-visit it.

Chairman Bradley asked Attorney Miller to look into the language regarding rights-of-way.

Mr. Boyce Abernathy informed the Commissioners that the board of directors of the SDO Fire Department had cancelled the election of directors that was scheduled to take place in December.

This was in violation of the bylaws and charter that call for nominations of directors to be submitted in November, and election by the members of the corporation to be held in December.

Mr. Duncan Edwards spoke about a possible nuisance ordinance that had been discussed at the Planning Commission the previous week. He asked the Commissioners to make accommodations for the audience when large numbers of people come to public meetings. Mr. Edwards stated that the public had made its wishes known with regard to zoning, and he objected that the discussion of the nuisance ordinance was held at a meeting that was out of public view.

Chairman Bradley emphasized that many things were discussed informally at the Board retreat; among these the complaints Commissioners receive from citizens about unsightly properties. He mentioned, in particular, former plant sites where the buildings have been demolished but piles of debris remain. Also, there is a certain property in the county where junk and wastes have accumulated over the years. The Commissioners would like to find a way to deal with such eyesores and health hazards. In this case, the Planning Commission has not recommended any action. The Board of Commissioners is required to advertise and hold public hearings when an ordinance such as this is considered.

### **CONSENT AGENDA**

Vice Chairman McIntosh made a motion to approve the consent agenda. Commissioner Hill seconded the motion. The motion was unanimously approved.

### **Minutes**

By consent, the minutes of the February 4, 2008 meeting were approved.

### **Tax Refunds and Releases**

By consent, tax refunds of \$1,662.94 and tax releases greater than \$100 totaling \$7,480.85 as outlined by Tax Administrator Rick Johnson were accepted. Tax releases of amounts less than \$100, which totaled \$2,767.99, were submitted by the Finance Office. (A copy of these tax refunds and releases is in the Minute Book.)

### **PROCLAMATION – SPRING CLEAN SWEEP**

Chairman Bradley presented a proclamation from Governor Easley declaring April 19 – May 3, 2008 as Litter Sweep Time in North Carolina and recommended that Rutherford County adopt a similar proclamation. Commissioner Helton Vice made a motion to approve a proclamation designating April 19 – May 3 as Litter Sweep Time. Chairman McIntosh seconded the motion. The motion was unanimously approved.

**SPRING LITTER SWEEP 2008**

**BY THE RUTHERFORD COUNTY BOARD OF COMMISSIONERS**

**A PROCLAMATION**

**Whereas**, the North Carolina Department of Transportation organizes an annual spring statewide roadside cleanup to ensure clean and beautiful roads in North Carolina; and

**WHEREAS**, the spring 2008 LITTER SWEEP roadside cleanup will take place April 19 through May 3, 2008, and encourages local governments and communities, civic and professional groups, businesses, churches, schools, families and individual citizens to participate in the Department of Transportation cleanup by sponsoring and organizing local roadside cleanups; and

**WHEREAS**, Adopt-A-Highway volunteers, Department of Transportation employees, Department of Correction inmates and community service workers, local government agencies, community leaders, civic and community organizations, businesses, churches, schools, and environmentally concerned citizens conduct annual local cleanups during LITTER SWEEP and may receive certificates of appreciation for their participation; and

**WHEREAS**, the great natural beauty of our state and a clean environment are sources of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and

**WHEREAS**, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and

**WHEREAS**, the 2008 spring cleanup will celebrate the 20th anniversary of the North Carolina Adopt-A-Highway program and its 6,000 volunteer groups that donate their labor and time year round to keep our roadsides clean; and

**WHEREAS**, the LITTER SWEEP cleanup will be a part of educating the children of this great state regarding the importance of a clean environment to the quality of life in North Carolina;

**NOW, THEREFORE**, the Rutherford County Board of Commissioners, do hereby proclaim April 19 - May 3, 2008, as LITTER SWEEP time in Rutherford County and encourage Rutherford County Citizens to take an active role in making their communities cleaner.

Adopted this the 3<sup>rd</sup> day of March, 2008

**APPOINTMENTS**

Chairman Bradley read appointments or re-appointments which had been recommended by the respective boards and commissions. Commissioner Hill made a motion to approve the appointments as recommended. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

### Capital Planning and Finance Advisory Committee

Reappointment	New Appointment	Replacing
	Kevin Rogers	Jason Lewis
	Maria Hunnicutt	Jim Goode
	Chad Conner	Alan Black
John Lewis		

### Community Child Protection Team

Reappointment	New Appointment	Replacing
	Lorie Horne	Karen Adams
John Carroll		
Lannell Ramsey		
Jan Matthisen		
Ken Suave		
Inez Spratt		
Helen White		
Chris Francis		
Donna Gill		
Dr. Jerald De Lay Garza		
Franklin Goode		
Sherry Bright		
Dr. George Finch		
Robin York		
Karen Lawing		
Barry Davis		
David Reno		

### Juvenile Crime Protection Team

Reappointment	New Appointment	Replacing
Reed Russell		
Monica Crain		

### Transit Administration

Reappointment	New Appointment	Replacing
Sandra Miller		
Bill Roberson		
Phillip Melton		
Myra Geer		
Barry Davis		

**Bill's Creek Fire Department Board of Trustees for Firemen's Relief Fund**

<b>Reappointment</b>	<b>New Appointment</b>	<b>Replacing</b>
Reggie Vess		
	Kelly Flynn	Clifford Murphy

**Ellenboro Fire Department Board of Trustees for Firemen's Relief Fund**

<b>Reappointment</b>	<b>New Appointment</b>	<b>Replacing</b>
Keith Lowery		
Charles Vassey		

**Fairfield Mountains Fire Department Board of Trustees for Firemen's Relief Fund**

<b>Reappointment</b>	<b>New Appointment</b>	<b>Replacing</b>
Tom Pawelko		
Gary Wilson		

**Green Hill Fire Department Board of Trustees for Firemen's Relief Fund**

<b>Reappointment</b>	<b>New Appointment</b>	<b>Replacing</b>
Eddie Parker		
W. Coy Morgan		

**Rutherfordton Fire Department Board of Trustees for Firemen's Relief Fund**

<b>Reappointment</b>	<b>New Appointment</b>	<b>Replacing</b>
Fred Burgin, Jr.		
Calvin McGinnis		

**Sandy Mush Fire Department Board of Trustees for Firemen's Relief Fund**

<b>Reappointment</b>	<b>New Appointment</b>	<b>Replacing</b>
Bryan Melton		

**Cherry Mountain Fire Department Board of Trustees for Firemen's Relief Fund**

<b>Reappointment</b>	<b>New Appointment</b>	<b>Replacing</b>
Richard Price		
Darrell Toney		

**Chimney Rock Fire Department Board of Trustees for Firemen's Relief Fund**

<b>Reappointment</b>	<b>New Appointment</b>	<b>Replacing</b>
Bobby K. Smith		
Peter O'Leary		

**Cliffside Fire Department Board of Trustees for Firemen's Relief Fund**

<b>Reappointment</b>	<b>New Appointment</b>	<b>Replacing</b>
Monroe Ensley		
Mike Sprouse		

**Hudlow Fire Department Board of Trustees for Firemen's Relief Fund**

<b>Reappointment</b>	<b>New Appointment</b>	<b>Replacing</b>
Frank Hodge		
Ray Carpenter		

**SDO Fire Department Board of Trustees for Firemen's Relief Fund**

<b>Reappointment</b>	<b>New Appointment</b>	<b>Replacing</b>
Paul Chapman		
Ron Dodson		

**Shingle Hollow Fire Department Board of Trustees for Firemen's Relief Fund**

<b>Reappointment</b>	<b>New Appointment</b>	<b>Replacing</b>
Alan Duncan		

**Union Mills Fire Department Board of Trustees for Firemen's Relief Fund**

<b>Reappointment</b>	<b>New Appointment</b>	<b>Replacing</b>
Wanda Beyton (name change)		

**SWEEP**

<b>Reappointment</b>	<b>New Appointment</b>	<b>Replacing</b>
	Anna Levitsky	
	Todd Elliott	

**AIRPORT CHARTER**

Vice Chairman McIntosh reported that in response to a request from the Airport Authority Chairman, the Commissioners had directed that the airport charter be reviewed. The charter has been in effect since 1971 and has not been updated during that time. Copies of the charters of other county-operated airports were obtained for the purpose of comparison. Vice Chairman McIntosh, Attorney Miller and Airport Authority Member Alan Guffey had reviewed the wording of the charter and

made recommendations to bring it up to date, several of which Vice Chairman McIntosh described. He said if the Commissioners approve, the revised charter will go to the Airport Authority, and if the Airport Authority concurs, it will be referred to the state legislature for action in the short session.

Vice Chairman McIntosh made a motion to approve the revisions to the Airport Authority charter. Commissioner Washburn seconded the motion.

Commissioner Helton stated that she agreed with Mr. Reno that the appointment of Mr. Guffey to serve on the work group did not meet her request that a member of the Airport Authority member without a conflict of interest be appointed. She said for that reason she could not support the group's recommendations.

The vote on the motion was as follows:

Ayes: Chairman Bradley, Vice Chairman McIntosh, Commissioner Washburn, Commissioner Hill

No: Commissioner Helton

### **NURSE FAMILY PARTNERSHIP**

Barry Gold, executive director of the Rutherford-Polk Smart Start, described a grant opportunity for a home visitation program for first-time, low-income mothers. He said that nationally the program has proven to make a real difference. The visiting nurse follows the family until the child is two years old. This is a multi-year grant at \$550,000 per year and would cover Rutherford, Polk and McDowell Counties. Smart State and the Health Department are working together on the program. He asked for a letter of support from the Commissioners.

Commissioner Washburn made a motion that a letter of support be provided for the grant application for the Nurse Family Partnership Grant. Commissioner Helton seconded the motion. The motion was unanimously approved.

### **APPOINTMENT\BOARD OF EQUALIZATION AND REVIEW 2008**

Mr. Eddie Parker had advised that he will be unable to serve on the 2008 Board of Equalization and Review. Commissioner Hill made a motion that Mr. Herb Ackroyd be appointed to serve as chairman of the 2008 Board of Equalization and Review. Commissioner Washburn seconded the motion.

Commissioner Helton asked to be excused from voting on the motion, because she said she felt there should have been more than one name submitted for consideration. No one objected to Commissioner Helton's being excused.

The remaining commissioners voted unanimously to approve the motion.

**BUDGET AMENDMENTS**

Finance Director Julie Scherer presented and explained the budget amendments.

Commissioner Washburn made a motion to approve the budget amendments. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

<b>Budget Amendments</b>		
<b>March 3, 2008</b>		
	<b>Expense</b>	<b>Revenue</b>
<b>GENERAL FUND</b>		
Project Lifesaver Expense	\$ 1,285	
Project Lifesaver Donations		\$ 1,285
*donations received		
Sheriff - equipment/supplies purch with seizure funds	\$ 3,224	
Fed/State Forfeited Funds - US Marshalls Equitable Sharing		\$ 1,109
Sheriff Drug Seizure Funds		\$ 2,115
*forfeited/seizure funds received		
Sheriff - Uniforms/Equipment	\$ (3,736)	
Transfer to Grant Fund	\$ 3,736	
*50% match for bulletproof vests grant		
<b>GRANT FUND</b>		
Bulletproof Vests	\$ 3,736	
Contribution from General Fund		\$ 3,736
*transfer local match to grant fund		
<b>SOLID WASTE FUND</b>		
SWEEP Committee Expenditures	\$ 500	
Walmart Grant		\$ 500
*grant received		

**CRIMINAL JUSTICE PARTNERSHIP PROGRAM APPLICATION/APPOINTMENTS**

Mr. Chad Huffstickler presented a request from the Criminal Justice Partnership Program for Commissioner approval of their annual operations funding request.

Commissioner Helton made a motion to approve the 2008-2009 Application for Continuation of Implementation Funding, budget summary, and proposed contract for services with Universal Mental Health and Swain Recovery Center. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

Commissioner Hill made a motion to approve the appointments and re-appointments to the advisory board as recommended. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

Appointments – Margaret Helton, John Condrey, Jack Conner, Chad C. Huffstickler, Laura Bridges, Karen Long-Moore, Dewey Webb, Laura Powell, Donna Aldridge, and Maurice Watson.

Reappointments – Sheila Byers, David Herndon, Lamonda Davis, Brad Greenway, Olivia Burleson, Maggie Flynn, Lynn Hoppes, Jeffery Wells, and Jeffery S. Appling.

**RESOLUTION/100<sup>TH</sup> BIRTHDAY/NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS**

Commissioner Hill made a motion to approve the resolution recognizing the centennial year of the North Carolina Association of County Commissioners. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

**Joint Resolution Celebrating 100 Years of County Unity in  
Recognition of Our Association's Centennial**

**WHEREAS**, the North Carolina Association of County Commissioners is an advocacy and service organization made up of all one-hundred (100) North Carolina counties; and

**WHEREAS**, the active participation and engagement of all 100 counties have directed, strengthened and enhanced our Association; and

**WHEREAS**, the dedication and talents of individual county commissioners and county staff have led our Association's success in advocacy, county-centered services and educational programs; and

**WHEREAS**, an informal agreement to form our Association was made by a handful of county commissioners who, at the behest of Craven County Commissioner C.E. Foy, met in New Bern in 1908, to discuss county issues of common interest; and

**WHEREAS**, the first session of our unofficial Association was held at the Atlantic Hotel in Morehead City on August 19, 1908, where C.E. Foy was elected as president; and

**WHEREAS**, the North Carolina General Assembly passed an act on March 8, 1909 establishing our Association on behalf of counties;

**NOW, THEREFORE BE IT RESOLVED**, that the North Carolina Association of County Commissioners and each Board of County Commissioners jointly recognize and celebrate "100 Years of County Unity" in tribute to our Association's Centennial.

**FURTHER BE IT RESOLVED**, that the Association communicate its copy of this joint resolution to each Board of County Commissioners.

**FURTHER BE IT RESOLVED**, that the Rutherford County Board of County Commissioners communicate its copy of this joint resolution to the North Carolina Association of County Commissioners.

**RESOLUTION/ AWARDING SERVICE REVOLVER TO RETIRING OFFICER**

Commissioner Helton made a motion to approve the resolution awarding his service revolver to Officer Edmond Jones of the Sheriff's Department. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

**Resolution Acknowledging the Service of Officer Edmond Jones and Awarding His Service Revolver to Him**

**WHEREAS**, Officer Edmond Jones has served Rutherford County Sheriff's Department for many years; and

**WHEREAS**, Officer Edmond Jones has dedicated his life to law enforcement and public service; and;

**NOW, THEREFORE BE IT RESOLVED**, the Board of Commissioners of the County of Rutherford, in accordance with NC General Statute 20-187.2, do hereby award Officer Jones his service revolver (Sig Sauer P220, Serial #G269100) in exchange for consideration of \$1.00.

Approved this the 3<sup>rd</sup> day of March, 2008.

**POLICIES/ TRANSIT DEPARTMENT/PROTECTION UNDER TITLE VI AND NOTICE OF COMPLAINT PROCEDURE/LIMITED ENGLISH PROFICIENCY PLAN**

Commissioner Washburn made a motion to approve two policies for the Transit Department as required by the NC Department of Transportation to comply with federal requirements: Protection Under Title VI and Notice of Complaint Procedure and Limited English Proficiency Plan. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

**PURCHASE OF PROPERTY/BUDGET AMENDMENT**

Chairman Bradley requested Board approval of the purchase of the Roger Evans Body Shop property.

Commissioner Washburn asked to be excused from voting as he may have a conflict of interest. Vice Chairman McIntosh made a motion to excuse Commissioner Washburn. Commissioner Hill seconded the motion. The motion was unanimously approved.

Commissioner Hill made a motion to approve the purchase of the Roger Evans Body Shop property at a cost of \$330,000 and to approve the budget amendment to cover the purchase and related costs.

Commissioner Helton questioned why commissioner approval was being sought after the purchase had been finalized. She mentioned that the former Ruth School property might have been used instead of buying another property. Taking property off the tax roles increases the cost to taxpayers.

Manager Condrey said he had acted on procedures that were long-standing and that he was acting on the Board's wishes as expressed in closed session. If the Board wishes to change the procedures and to establish a policy that property closings are not completed until after the Board has formally voted, he would follow their instructions.

The vote on the motion was unanimous.

## GO21 RESOLUTION

Information on the efforts to support increased rail use had been presented at the last meeting by Mr. Dan Gurley.

Vice Chairman McIntosh made a motion to approve the resolution advocating increased use of freight rail transportation. Commissioner Hill seconded the motion. The motion was unanimously approved.

### **Resolution in Support of Rail Solutions to Growing Freight Transportation Needs**

**Whereas**, state and federal transportation officials and others project that United States freight volumes will increase by more than 67 percent over twenty years;

**Whereas**, the nation's highways are *already stretched to capacity*;

**Whereas**, the efficient movement of goods is directly related to the strength of a nation's economy and its citizens' quality of life;

**Whereas**, public policies promoting increased investment in freight rail infrastructure would result in increased freight rail hauling capacity;

**Whereas**, expansion of freight rail hauling capacity would yield impressive public benefits by relieving worsening congestion, reducing highway costs, providing a critical intermodal link to international trade, and improving air quality and fuel efficiency; and

**Whereas**, relatively modest public investments in freight rail infrastructure would yield an impressive return on investment in the form of savings to motorists, businesses, and taxpayers;

**Therefore, Be It Resolved** that the Rutherford County Board of Commissioners endorses the GO21 mission of building a stronger economy, reducing highway congestion, improving air

quality, using tax dollars more efficiently, and improving quality of life by advocating for increased use of freight rail transportation.

**Be It Further Resolved** that a copy of this resolution shall be mailed to Senators Burr and Dole and Representatives Shuler and McHenry.

Adopted this 3<sup>rd</sup> day of February, 2008.

**RESOLUTION\ABANDONMENT OF SR 1552, MCFADDEN ROAD**

Chairman Bradley noted that this item had been postponed from last month's meeting so that all the property owners on McFadden Road could be contacted about the proposed closing. No one had responded to the letters that were sent to them.

Commissioner Washburn made a motion to approve the resolution recommending the abandonment of SR 1552, McFadden Road and submit it to the State Department of Transportation as requested by the property owners. Commissioner Hill seconded the motion. The motion was unanimously approved.

**RESOLUTION OF ABANDONMENT**

**WHEREAS**, it has been requested by the Department of Transportation that McFadden Road, SR 1552, in Rutherford County be abandoned from maintenance; and

**WHEREAS**, property owners on the road have also requested that the length of .50 mile on McFadden Road, SR 1552, be abandoned.

**NOW, THEREFORE, BE IT RESOLVED** that the Rutherford County Board of Commissioners does concur and does approve the abandonment of SR 1552, McFadden Road, which the Department of Transportation has proposed.

**RESOLUTION\LEASE\CAROLEEN SCHOOL PROPERTY**

At the February meeting the Commissioners had approved the lease of the former Caroleen School property to Thomas Jefferson Classical Academy. Following this, it was determined that because the term of the lease exceeds ten years the Commissioners need to approve a resolution stating their intentions. Ten days after notice of the proposed lease has been advertised in the newspaper, the lease can be signed.

Commissioner Helton Vice made a motion to approve the resolution authorizing the lease agreement with Thomas Jefferson Community Education Foundation for the property formerly known as the Caroleen School property. Chairman McIntosh seconded the motion. The motion was unanimously approved.

**Resolution**

**Whereas**, the County of Rutherford is the owner of real property identified as a 14.5 acre tract located on Henrietta Street, Caroleen, NC and the existing structure (Tax PIN 1616902); and

**Whereas**, Rutherford County wishes to lease a portion of this property to Thomas Jefferson Community Education Foundation for a period of ten years with the option to renew the lease for an additional ten year period; and

**Whereas**, pursuant to G.S. 160A-272 Rutherford County must follow procedures set forth in G.S. 160A-267 to execute a lease of county property wherein the term of the lease exceeds ten years.

**Now, therefore, be it resolved** that the Rutherford County Board of Commissioners does hereby authorize the County Manager to enter into a lease agreement with Thomas Jefferson Community Education Foundation for the aforementioned property.

**Be it also resolved** that a notice of this agreement shall be published in accordance with North Carolina General Statute 160A-267 and no lease shall be consummated until ten days after said publication.

This resolution shall be effective March 3, 2008.

**CLOSED SESSION/PROPERTY ACQUISITION [N.C.G.S. 143-318.11(A)(5)]**

Commissioner Washburn made a motion to go into closed session to discuss land acquisition matters. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

6:52 P.M. - The Board went into Closed Session.  
7:18 P.M. - The Board returned to regular session.

**ADJOURNMENT**

Chairman Bradley declared the meeting adjourned.

Adjournment at 7:18 p.m.

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Chairman, Board of Commissioners

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Vice Chairman, Board of Commissioners

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Attest:

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Clerk, Board of Commissioners