

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON APRIL 7, 2008, AT 5:30 P.M.

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

* * * * *

PLEDGE OF ALLEGIANCE/INVOCATION

Chairman Bradley called the meeting to order. He called attention to a letter from County Historian Nancy Ellen Ferguson highlighting April 14 as the anniversary of the founding of Rutherford County in 1779.

Vice Chairman McIntosh led in the Pledge of Allegiance. Chairman Bradley gave the invocation.

PUBLIC HEARING\SECONDARY ROAD IMPROVEMENT PROGRAM

Chairman Bradley declared the public hearing open to listen to comments regarding the secondary road construction program for the upcoming year. Mr. Ed Green, Division Maintenance Engineer for Division 13, introduced other staff from DOT who were on hand to present program details for the twelve months July 1, 2008, through June 30, 2009, as required by state statute. Mr. Matt Taylor, County Maintenance Engineer, explained how the priority system enacted in 1973 is used to determine the order of road projects. This year 3.1 miles in Rutherford County were paved. The paving serves 60 homes, one business, and one church.

There currently are no subdivision roads on the list. There are 31.24 miles of rural roads yet to be paved. He read the list of roads in priority order.

Mr. Jerry Stensland of Arts Parks and Recreation asked that expanded road shoulders be considered where possible to accommodate cyclists.

No one else wished to speak. Chairman Bradley declared the public hearing closed.

PUBLIC COMMENTS

Mr. Henry Edwards followed up his earlier questions about Mr. Eddie Parker's right-of-way. At the direction of Chairman Bradley, Attorney Miller had looked into the language of the transaction and has concluded it is an easement. Mr. Edwards emphasized that Tax Administrator Rick Johnson had been wrong when he referred to it as a purchase.

Mr. David Reno stated that he had not been able to get answers to two questions about RC Motorsports: (1) what is the status and timeframe of their obligation and (2) what action will be taken to retrieve county funds. On a second matter, he objected to the well permit fee, which he said is not needed and is not wanted by the residents. He pointed out that the Health Department has no action available to them even if a well sample is bad. He asked the Commissioner to reject the fee.

Mr. Bill Eckler read from the well permit information. He objected to the government intruding on people's private property. He also stated that the Health Department has no authority to stop use of a well even if it is found to be unsafe. He said he would like to recognize Commissioner Helton for standing tall in serving the citizens of Rutherford County.

CONSENT AGENDA

Commissioner Helton 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 March 3, 2008 meeting were approved.

Tax Refunds and Releases

By consent, tax refunds of \$3,508.61 and tax releases greater than \$100 totaling \$4,433.32 as outlined by Clair Hubbard of the Tax Office were accepted. Tax releases of amounts less than \$100, which totaled \$5,502.76, were submitted by the Finance Office. (A copy of these tax refunds and releases is in the Minute Book.)

Consent Order/Tax Appeal

The Tax Office had presented a Consent Order from the Property Tax Commission in reference to a tax appeal by James M. and Penelope Keys. The valuation of Parcel 16-33915 was reduced from \$257,600 to \$199,700. The Tax Office and the property owners had agreed to the value.

FLOOD DAMAGE PREVENTION ORDINANCE AND MAP AMENDMENTS/PUBLIC HEARING

County Planner Danny Searcy presented information on updated data and revised maps relating to the Flood Damage Prevention Ordinance and asked the Commissioners to schedule a public hearing in May to hear comments on the ordinance and maps.

Commissioner Washburn made a motion to hold a public hearing on the Flood Damage Prevention Ordinance and Map Amendments at the meeting on May 5. Commissioner Hill seconded the motion. The motion was unanimously approved.

....

SALES TAX/TOWN OF FOREST CITY

Forest City Mayor Jimmy Gibson introduced the subject of the method of distribution of sales tax by the county to the municipalities. He noted that changing from an ad valorem distribution to a per capital distribution will provide money to the municipalities for investment in infrastructure.

Forest City Finance Director Pruett Walden said while this subject has come up before, he felt that the timing is different now. He outlined how a change in the distribution would affect each of the municipalities. All municipalities except Lake Lure would gain by the change. He complimented the Board of Commissioners on their management of county resources and stated that the financial situation of the county is excellent. He felt the change Forest City was proposing could be made without significant impact on the county and that it would not require a tax increase. He said the sales tax was intended for the municipalities to help them provide services. In the case of Forest City, 34% of the sales tax is collected there but only 5% is returned. He presented data on other cities and towns across North Carolina and observed that 99% get less than Lake Lure presently does and that 97% get less than one-half of what Lake Lure does. He asked the Commissioners to change the sales tax distribution from the property tax to a population basis.

Mayor Jim Proctor of Lake Lure noted that more than 80% of property owners in Lake Lure are not fulltime residents. On average, each person in the county pays \$435 to the county while each person in Lake Lure pays \$4955. He posed the question of whether the Commissioners want to raise taxes on 100% of the county in order to give 26% a tax decrease.

County Finance Director Julie Scherer made a presentation illustrating that 45% of the sales tax received back to the county goes to specific functions that benefit the entire county, including fire departments, schools, community college and water and sewer projects. She pointed to the \$100 million in school construction and expanded water service to 1100 persons. The loss to the county from a change in method of distribution would amount to one cent of property tax. Property owners in other areas of the county enjoy a much lower tax rate due to the higher values in Lake Lure and Chimney Rock.

Chairman Bradley asked for any comment or response from the Commissioners. There was none.

APPOINTMENTS

Commissioner Washburn made a motion to approve the terms of appointment or reappointment of the following persons to serve on the Recreation, Culture and Heritage Commission. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

Ann Almond
Wilfred McDowell
Gerry Luckenbach
Stanley McEntire
Gordon Pendarvis
Matt Rees
Beth Wheeler
Frankie McWhorter
Ashley Adams

THERMAL BELT RAIL TRAIL

Jerry Stensland presented a proposal for the county to assume the responsibility for maintenance and collection of encroachment fees for the Thermal Belt Rail Trail. The Bechtler Development Corporation has handled this up to the present. Eight miles of trail from Gilkey to Spindale have been developed largely using state grant money and local matching funds. Funding for additional improvements and expansion of the trail would be available to the county. The Rutherford County Recreation, Culture and Heritage Commission has unanimously endorsed the idea of county management of the trail. Mr. Stensland asked for approval by the Commissioners for him to pursue a contract with Bechtler Development Corporation for this purpose.

Commissioner Helton asked whether this would require an additional county employee. She objected that the trail serves only a minor part of the county and should not become a tax burden for the citizens. Mr. Stensland reported that the maintenance is currently contracted and that volunteers also work on the trail. Commissioner Washburn felt the trail represents an opportunity for youth as well as older people in the county.

Commissioner Hill made a motion to authorize Jerry Stensland to pursue a possible contract with Bechtler Development Corporation for management of the Thermal Belt Rail Trail. Commissioner Washburn seconded the motion. The motion was approved on a 4-to-1 vote with Commissioner Helton voting no.

WELL ORDINANCE AND FEES

Kevin Rogers from the Rutherford-Polk-McDowell Health Department reported that the State of North Carolina is requiring all Health Departments to provide well permits for all new wells beginning July 1, 2008. He asked the Commissioners to approve a fee of \$250 to provide this mandated service. For a second inspection trip the fee would be \$50. The ordinance has been approved by the RPM Board of Health. It also outlines a well abandonment process. By agreeing to start the program early, Rutherford County will receive start-up money from the state in the amount of \$81,000.

Mr. Rogers and Health Director Buck Wilson responded to questions from the Commissioners about how the ordinance would affect specific situations.

Commissioner Washburn made a motion that the \$250 fee for new well inspections by the Health Department be approved. Vice Chairman McIntosh seconded the motion.

Commissioner Helton made a motion to add an amendment to the motion to limit the fees to the \$250 original fee without additional cost for a return visit to the site. There was no second to the amendment. Chairman Bradley called for a vote on the proposed amendment. The motion to amend failed on a 1-to-4 vote, with Commissioner Helton voting in favor.

The original motion was approved on a 4-to-1 vote with Commissioner Helton voting no.

AIR LINKS PROJECT GRANT

Mr. David Thomas, Air Service Program Manager of the NC DOT Aviation Division, outlined a proposed program under federal and state grants for a three-year test project to develop on-demand air travel service in eleven North Carolina communities and described the advantages to Rutherford County of participation in the program, which he said would drive economic development. NC Airlinks would provide a reservations and dispatch system to serve individual travelers who wish to use the service and would direct a marketing campaign to promote the program.

David Reno said this is a concept that has never worked and that it will not work now. He described the limits to the service, the costs associated with it, and the regulations that apply to it.

Michael Price, Vice Chairman of the Rutherford County Airport Authority, said that new technology and lighter aircraft make a service of this kind more feasible.

Dr. Rusty Washburn, Chairman of the Rutherford County Airport Authority, said he believed the service should be given a test period.

Vice Chairman McIntosh made a motion to approve the grant and the matching Rutherford County portion of \$10,360. Commissioner Hill seconded the motion.

Commissioner Helton objected that most of the citizens of Rutherford County would not be able to afford to use the service.

The motion was approved on a 4-to-1 vote, with Commissioner Helton voting no.

BUDGET AMENDMENTS

Ms. Paula Roach of the Finance Department presented and explained the budget amendments.

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

Budget Amendments April 7, 2008		
	Expense	Revenue
GENERAL FUND		
Project Lifesaver Expense	\$ 210	
Project Lifesaver Donations		\$ 210
*donations received		
Sheriff - equipment/supplies purch with seizure funds	\$ 1,317	
Sheriff Drug Seizure Funds		\$ 1,317
*forfeited/seizure funds received		
Emergency Services - Performance Supplemental Grant Expenditures	\$ 4,929	
NC Dept of Crime Control & Public Safety - Performance Supplemental Grant		\$ 4,929
*grant received for radio equipment		
Senior Games	\$ 3,203	
Senior Games Donations		\$ 3,203
*donations received		
GRANT FUND		
Urgent Repairs Grant Expenditures - URP08	\$ 75,000	
NC Housing Finance Urgent Repairs Grant		\$ 75,000
*grant to be used by Rutherford Housing Partnership for urgent repairs		
Ultracoat - Building Reuse Expenditures	\$ 400,000	
Rural Center Building Reuse Grant		\$ 400,000
*grant received; award letter was presented previously with the March agenda		
SOLID WASTE FUND		
SWEEP Committee Expenditures	\$ 3,200	
Walmart Grant		\$ 3,200
*grant received - SWAP shop		

RECORDS RETENTION SCHEDULE

Manager Condrey presented information on new schedules for certain department from the state of North Carolina for the retention and disposition of records.

Vice Chairman McIntosh made a motion to approve the records retention schedule for the specific departments in accordance with requirements of the state of North Carolina. Commissioner Hill seconded the motion. The motion was unanimously approved. The departments were: County Manager, Sheriff's Department, Register of Deeds, Tax Administrator, and Veterans' Office.

COMMUNITY CHILD PROTECTION TEAM/CHILD FATALITY PREVENTION TEAM/ANNUAL REPORT

Commissioner Washburn made a motion to accept the report of the Community Child Protection Team and to approve the re-appointment of the current members of the team to continue to serve. Commissioner Hill seconded the motion. The motion was unanimously approved.

TAX ADMINISTRATOR

County Manager Condrey reported that Rick Johnson had resigned his position as Tax Administrator of Rutherford County to accept this same position in Stanly County. Mr. Condrey had recommended to the Board that the County Manager, the Human Resources Director, the Finance Director, the Information Technology Director, and the Register of Deeds select applicants who would be recommended to the Board. The Chairman said he would appoint two commissioners who had expressed an interest in being a part of the selection.

SECONDARY ROAD IMPROVEMENT PROGRAM

Commissioner Washburn made a motion to approve secondary road program as presented by NC DOT. Commissioner Hill seconded the motion. The motion was unanimously approved.

**RESOLUTION
Rutherford County 2008-2009 Paving Priority
Fiscal Year 7/1/08 to 6/30/09**

**LIST OF ROADS WITH UNAVAILABLE RIGHT OF WAY
2008-2009
RUTHERFORD COUNTY
RURAL ROADS**

Priority	SR Number	Name	Length
1	1746	Missionary Plantation	0.55
2	1564	Corbin Dairy Road	0.82
3	1773	Shires Road	0.47
4	1706	Mt. Lebanon Church Road	0.32
5	1740	Suttles Road	2.13

6	1774	Robert Church Road	0,82
7	1335	Old Cove Road	1.59
8	1349	Owensby Road	1.64
9	1137	Arthur Henson Road	0.95
10	17186	Harrison Road	0.39
11	1121	Rosemont Farm Road	0.72
12	1317	Melrose Road	0.54
13	1354	Edwards Road	0.53
14	1500	Box Creek Road	2.57
15	1333	Hardin Store Road	0.36
16	1738	Ramey Campbell Road	1.32
17	1311	Searcy Road	0.66
18	1522	Rob Long Road	0.72
		Total	17.10

SUBDIVISION/RESIDENTIAL ROADS

Priority	SR Number	Name	Length
1	1304	Nelon Exxon Road	0.10
2	2126	Peppertown Road	.30
3	1588	Cable Tower Road	.30
4	1517	Clements Circle	0.21
		Total	0.91

SUMMARY

Number of Roads on List	22
Total Length of Roads	18.01

**RUTHERFORD COUNTY 2008-2009 PAVING PRIORITY
FISCAL YEAR 7/1/08 TO 6/30/09**

PAVING PRIORITY	SR#	DESCRIPTION	LENGTH	EST. COST
<u>RURAL ROADS</u>				
POP	1179	THOMPSON LAKE ROAD - POP From SR 1167 for a distance of 2799'.	0.53	\$250,000.00
18	1788	BLACK RD From SR 1762 to EOM	0.6	\$210,000.00
19	1918	SUNSHINE LAKE RD From US 74 Bus. to existing pavement	0.76	\$295,000.00
20	1146	ZION RD From SR 1153 to EOM	0.92	\$320,000.00
21	1725	SOUTH CREEK RD From SR 1723 to SR 1726	0.95	\$395,000.00
22	1731	MELTON RD From SR 1732 to EOM	0.48	\$190,000.00
23	2170	MORROW ROAD From SR 2169 to EOM	0.38	\$140,000.00
24	1799	QUINCE ROAD From NC 226 to EOM	0.51	\$200,000.00
		RURAL TOTAL =	5.13	\$ 2,000,000.00

SAFETY PROJECT

Widen and Resurface SR 1151 Bob Hardin Road from SR 1005 to SR 1153 and improve intersections	\$220,000.00
GRAND TOTAL =	5.13 \$ 2,220,000.00

CONTINUE DOWN PRIORITY LIST UNTIL ALL FUNDS ARE EXHAUSTED

PROGRAM SUBJECT TO AVAILABILITY OF FUNDING. RIGHT-OF-WAY. AND ENVIRONMENTAL REVIEW

TOTAL SECONDARY CONSTRUCTION PROGRAM	\$ 2,220,000.00
RESERVED FOR CONTINGENCIES AND ROW ACQUISMON	\$291,404.00
TOTAL ALLOCATION	\$ 2,511,404.00

Subdivision Paving Alternates

There are no Subdivision Roads Remaining on this list.

Rural Paving Alternates

Priority Number	SR Number	Length (Miles)	Road Name and Description	Estimated Cost
25	1307	0.59	0. Messersmit Road - From SR 1306 to the E.O.M.	\$ 250,000.00
26	1943A	0.61	Ferree Road - From SR 1981 to SR 1935	\$ 230,000.00
27	1156	0.75	Martin Road - From SR 1155 to E.O.M.	\$ 295,000.00
28	1910	0.87	Low Bridge Road - From SR 1911 to the E.O.M.	\$ 325,000.00
29	1189	1.31	Sugar Loaf Mtn Road - From the Rutherford Co. Line to the Rutherford Co. Line	\$ 695,000.00
30	1732B	2.96	Old CC Road - From SR 1731 to the E.O.M.	\$ 1,600,000.00
31	1580	0.34	Glenwood Church Road - From SR 1006 to the E.O.M.	\$ 130,000.00
32	1366	0.1	Roper Loop - From US 221 to SR 1532	\$ 40,000.00
33	1711	0.32	Logan Road - From SR 1007 to SR 1712	\$ 120,000.00
34	1735	2.34	Briar Creek Road - From SR 1733 to the E.O.M.	\$1,200,000.00
35	1324	0.7	Aylene Koone - From SR 1323 to the E.O.M.	\$ 260,000.00

Adopted this the 7th day of April, 2008.

CLOSED SESSION/Industrial Location/G.S. 143-318.11(a)(4)

Vice Chairman McIntosh made a motion to go into closed session to discuss industrial relocation. Commissioner Hill seconded the motion. The motion was unanimously approved.

- 8:15 P.M. - The Board went into Closed Session.
- 8:50 P.M. - The Board returned to regular session.

ADJOURNMENT

Chairman Bradley declared the meeting adjourned.

Adjournment at 8:50 p.m.

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

Attest:

Clerk, Board of Commissioners