

**MINUTES OF THE MEETING OF THE BOARD OF RUTHERFORD COUNTY COMMISSIONERS
HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS'
MEETING ROOM ON MAY 5, 2008, AT 6:00 P.M.**

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

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INVOCATION/PLEDGE OF ALLEGIANCE

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

PUBLIC HEARING/AMENDED FLOOD DAMAGE PREVENTION ORDINANCE AND MAPS

Chairman Bradley declared the public hearing open to hear comments regarding the proposed adoption of the Amended Flood Damage Prevention Ordinance and Maps. Mr. Danny Searcy of the Planning Office presented the amended maps and ordinance with a request that these be approved with an effective date of July 2, 2008. He explained that the ordinance is basically unchanged. Maps have been changed which should eliminate guesswork as they are more precise than those presently in place. The maps and ordinance have to be adopted in order to comply with requirements of the National Flood Insurance Program. If they are not adopted, flood insurance will not be available to Rutherford County citizens.

Mr. Duncan Edwards asked several questions about definitions relating to the ordinance and maps. He asked Mr. Searcy to respond to a hypothetical instance when damage has occurred that requires work to restore the property. Would the landowner be required to purchase a permit? Mr. Searcy said the ordinance addresses requirements that would help to prevent flood damage rather than the restoration afterward.

Mr. Henry Edwards also asked a question of Mr. Searcy about stream banks stabilization and was advised that this does not enter into this.

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

Commissioner Hill made a motion adopt the Flood Damage Prevention Ordinance and Map Amendments effective July 2, 2008. Commissioner Washburn seconded the motion. The motion was unanimously approved. (A copy of the Amended Flood Damage Prevention Ordinance is typed in the Minute Book.)

PUBLIC COMMENTS

Chairman Bradley opened the floor for public comments.

Mr. Roger Richards asked about his requests for an informal review and for an appearance before the Board of Equalization and Review regarding the appraisal of his property. Mr. Claire

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Hubbard of the Tax Office explained that since the E&R review has been scheduled, it had not been thought necessary to have the informal review also. He asked Mr. Richards to come to his office the following day for an informal hearing.

Ms. Lois Byers said that property she bought in 2002 has flooded four times. Since special rates are allowed for forestry and other uses, she thought there should also be a special rate for flood plain land. Chairman Bradley advised that only the state legislature can enact a special tax rate; however, if Ms. Byers made a request, the assessed value of her property could be adjusted by the Tax Office. She said that it had been reduced some, and that she has an appeal before the Board of Equalization and Review.

CONSENT AGENDA

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

Minutes

By consent, the minutes of the April 7, 2008 meeting were approved.

Property Tax Commission Consent Order

By consent, the ruling of the North Carolina Property Tax Commission for 07 PTC 843 appeal was accepted with the total new value of the sixteen parcels being \$1,671,000.

Tax Refunds and Releases

By consent, tax refunds of \$636.97 and tax releases greater than \$100 totaling \$4,764.24 as outlined by Clair Hubbard of the Tax Office were accepted. Tax releases of amounts less than \$100, which totaled \$2,570.19, were submitted by the Finance Office. (A copy of these tax refunds and releases is in the Minute Book.)

APPOINTMENT/HOME AND COMMUNITY CARE BLOCK GRANT COMMITTEE

Commissioner Washburn made a motion to approve the appointment of Ms. Pat Morgan to serve on the Home and Care Block Grant Committee to replace Phil Dunford who has resigned.

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 Hill seconded the motion. The motion was unanimously approved.

Additions to the agenda:

- Resolution in Support of Continuation of Criminal Justice Partnership Program Funding

- Closed Session – Industrial Location/G.S. 143-318.11(a)(4)

PROCLAMATION/EMERGENCY MEDICAL SERVICES WEEK

Commissioner Hill made a motion to adopt the resolution proclaiming May 18-24, 2008 as Emergency Medical Services Week, recognizing the contributions of the men and women who serve on EMS teams. Vice Chairman McIntosh seconded the motion. The vote was unanimous in favor.

EMERGENCY MEDICAL SERVICES WEEK

2008

BY THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

A PROCLAMATION

WHEREAS, Rutherford County's Emergency Medical Services system is a vital public service; and

WHEREAS, the members of the Emergency Medical Services team are ready to provide life sustaining care to those in need twenty-four hours a day, seven days a week; and

WHEREAS, during the past thirty years, the quality of emergency care has dramatically improved the survival and recovery rate of those who experience sudden illnesses or injury; and

WHEREAS, Rutherford Countians benefit daily from the dedicated efforts, knowledge and skills of the emergency medical team: technicians; paramedics; emergency nurses; emergency physicians; rescue squad workers; fire fighters; public safety telecommunicators; public information, education, and relations specialists; emergency vehicle maintenance technicians; administrators, educators, and officers who received specialized training and continuing education to enhance and maintain their lifesaving skills; and

WHEREAS, injury prevention and the appropriate use of the Emergency Medical Services system will help reduce health care costs; and

WHEREAS, to recognize the value and accomplishments of Emergency Medical Services teams, we set aside a special period to observe the contributions of these men and women to our people and county.

NOW, THEREFORE, I, Chivous Bradley, Chairman of the Rutherford County Board of Commissioners, do hereby proclaim May 18 - 24, 2008 as

"Emergency Medical Services Week"

in Rutherford County, and call upon all citizens to observe this period with appropriate programs and activities.

BOARD OF EDUCATION\PURCHASEPROPERTY PURCHASE\BUDGET AMENDMENT

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Mr. Linwood Crawford provided information about available property in Spindale that could be used for the relocation of the school's bus garage and maintenance department. He acknowledged that development of the property would depend on funding; however, the property seemed well suited and could be held until funding was available. Manager Condrey also spoke about potential financing, which he said might be several years out.

Finance Director Julie Scherer advised that funds for the purchase would come from the Schools Capital Reserve Fund and later included in the next financing package for county buildings.

Commissioner Helton made a motion to approve the purchase of the two parcels of property as recommended by the Board of Education and to approve the budget amendment to cover the purchase. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

BUDGET AMENDMENTS

Finance Director Scherer presented and explained the budget amendments.

Budget Amendments		
May 5, 2008		
	Expense	Revenue
GENERAL FUND		
Sheriff - Equipment Purchased with Seizure Money	\$ 9,604	
Sheriff Drug Seizure Funds		\$ 781
Fed/St Forfeited Funds		\$ 8,823
*US Marshal's Equitable Sharing Distribution & Seizure Funds		
Sheriff - Project Lifesaver Equipment	\$ 1,560	
Project Life Saver Donations		\$ 1,560
*donations received		
Court Facilities Furniture	\$ 4,000	
Court Facilities Repairs & Maintenance	\$ 7,500	
Court Facilities Capital Outlay Improvements	\$ 3,700	
Court Facilities Youth Detention	\$ 6,000	
Court Facilities Fund Balance		\$ 21,200
* Due to 1) Delivery, Installation and Maintenance of X-ray machine 2) Renovation of canteen area for drug court offices and furniture for offices, estimated youth detention coverage by June 30. Court facility fund balance is expected to decline \$10,000 this year to \$144,000.		

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Sheriff Vehicle Maintenance	\$ 15,431	
Sheriff Fuel	\$ 25,000	
Insurance Claims		\$ 15,431
Fund Balance Appropriated		\$ 25,000
* Insurance claims and increased fuel costs.		
Professional Services - Legal	\$ 17,000	
Fund Balance Appropriated		\$ 17,000
* Fiber Contract/Property Tax Appeals		
Medical Examiner	\$ 10,000	
Fund Balance Appropriated		\$ 10,000
* Autopsies		
Detention Center Food	\$ 17,000	
Detention Center Part time Salaries	\$ 23,000	
Detention Out of County Housing Revenues		\$ 40,000
* See attached letter from the Sheriff.		
Animal Control Fuel	\$ 4,000	
Animal Control Professional Services Veterinarian	\$ 6,000	
Fund Balance Appropriated		\$ 10,000
*Increased fuel costs. Increased adoptions and rescues and supplies to do euthanasia in-house. Adoption revenue is projected to be \$4,000 higher this year than last year.		
Cooperative Extension Salaries/Benefits	\$ 8,153	
Fund Balance Appropriated		\$ 8,153
*Cooperative Extension transitioned to receiving entire pay from State as opposed to half State and half County. County is billed our share. State pays once a month as opposed to 13 times a year. Therefore, we had to "true up" for two weeks.		

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Transfer to Schools Capital Reserve	\$ 400,000	
Contribution to DSS	\$ (400,000)	
* For FY 2007-08 as part of the Medicaid swap, the State withheld a portion of the ADM funds from the Public Schools Building Capital Outlay Fund. We must hold the Schools harmless. This is the estimated amount that we must transfer.		
ICC Capital Outlay	\$ 94,700	
Contribution from ICC Capital Reserve Fund		\$ 94,700
* See attached request from college.		
DSS FUND		
Medicaid Assistance	\$ (400,000)	
Contribution from General Fund for Programs		\$ (400,000)
Child Day Care Program	\$ 7,149	
Smart Start Program	\$ 18,559	
Child Day Care Revenues		\$ 7,149
Smart Start Revenues		\$ 18,559
*additional funding received - 100% reimbursable programs		
ICC CAPITAL RESERVE FUND		
Transfer to General Fund	\$ 94,700	
Future Projects	\$ (94,700)	
* See attached request from college.		
SCHOOL CAPITAL RESERVE FUND		
Reserve for Future Projects	\$ 336,325	
Transfer from School Capital Projects Fund		\$ 336,325
*Transfer balance of funds remaining from completed projects resulting from interest earnings or unused construction funds. These proceeds will be used to pay for debt service or future projects.		
Transfer to School Capital Projects	\$ 315,291	
Fund Balance Appropriated		\$ 315,291
** Please see Board of Education request		

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SCHOOL CAPITAL PROJECT FUND		
Transfer to School Capital Reserve Fund	\$ 336,325	
Future Projects		\$ 110,333
Fund Balance Appropriated		\$ 225,992
*Transfer balance of funds remaining from completed projects resulting from interest earnings or unused construction funds. These proceeds will be used to pay for debt service or future projects.		
Transfer from School Capital Reserve Fund	\$ 315,291	
Capital Outlay - Land		\$ 315,291
** Please see Board of Education request		
TOURISM DEVELOPMENT FUND		
Hickory Nut Gorge Contract	\$ 1,718	
Reserved for Future Projects	\$ (1,718)	
* January 2008 services		

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

NC HOUSING FINANCE AGENCY GRANT

Commissioner Hill made a motion to approve the resolution accepting a grant of \$75,000 from the NC Housing Finance Agency 2008 Urgent Repair Program to be administered by the Rutherford Housing Partnership. Commissioner Washburn seconded the motion. The motion was unanimously approved.

RESOLUTION

BE IT RESOLVED, that Rutherford County has received a grant of \$75,000 from the North Carolina Housing Finance Agency (NCHFA) to provide urgent repairs to the homes of low-income homeowners in Rutherford County.

BE IT FURTHER RESOLVED, that Rutherford County will contract with Rutherford Housing Partnership to administer this grant in accordance with the rules and regulations of NCHFA Urgent Repair '08 requirements.

BE IT FURTHER RESOLVED, that Rutherford County reaffirms its existing policies for Fair Housing, Section 3, Equal Employment Opportunity, Citizen Participation, Section 504 Grievance, and Anti- Displacement.

BE IT FURTHER RESOLVED, that the grant will be monitored quarterly to assure compliance with this proposal and the NCHFA regulations.

BE IT FURTHER RESOLVED, that the county manager has authorization to

sign documents related to this grant.

ADOPTED this 5th day of May, 2008.

ABANDONMENT/DUKE POWER ROAD

Mr. Harry Lancaster, Project Manager for Duke Energy, explained that construction activities at the new power plant in Cliffside, additional rail traffic bringing coal to the plant once it is in operation and truck traffic hauling coal byproducts away are a safety concern. Therefore, Duke Energy is proposing that Duke Power Road be closed. Duke Energy will put up a bond for improvements to Kirby and Mosteller Roads for use by the community as an alternate route.

Chairman Bradley said the improvements to the alternate route should be made before Duke Power Road is closed. Mr. Lancaster responded that Duke Power would want to know that the road will be closed before paying for improvements to the other roads.

Commissioner Helton made a motion to hold a public hearing on the possible closing of Duke Power Road on June 2. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

FY 2008-2009 BUDGET

Chairman Bradley presented the FY 2008-2009 draft budget. He commented that it appears there will be an increase of about 3% because of fuel and insurance costs, but he believes the budget can be managed without a tax increase.

Commissioner Hill made a motion to hold a public hearing on the 2008-2009 Budget on June 2. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

Manager Condrey presented the tentative schedule of meeting dates for budget work sessions.

CAPITAL PLANNING AND FINANCE ADVISORY COMMITTEE/WATER AND SEWER FUNDING

Danny Searcy of the Planning Department presented the recommendations of the Capital Planning and Finance Advisory Committee for six proposed water/sewer expansion projects by three area water service providers, with funding on a 50/50 basis. The county's portion would come from two-thirds bonds to be issued in July 2009.

Chairman Bradley asked to be excused from the vote since one of the proposed water lines will go past his property.

Commissioner Washburn made a motion to approve \$1,220,510 to support water and sewer projects as recommended by the Capital Finance Planning and Advisory Committee. Commissioner Hill seconded the motion. The motion was unanimously approved.

The projects are as follows:

Concord Water	Puzzle Creek/Tiney/Pinehurst/Wallace Roads.
Broad River Water	Morning Star Lake Road; Maple Creek Road/Flynn Road; Weeks Road; Dark Corner/Newton Cole/Hester Mill Roads
Cleveland County Water	Newhouse/McKinney Roads

RESOLUTION\CRIMINAL JUSTICE PARTNERSHIP PROGRAM FUNDING

Commissioner Helton made a motion to adopt the resolution that endorsed the restoration of funding for the Criminal Justice Partnership to the state's continuation budget. Commissioner Helton seconded the motion. The motion was unanimously approved.

RESOLUTION IN SUPPORT OF CONTINUATION OF CRIMINAL JUSTICE PARTNERSHIP PROGRAM FUNDING

WHEREAS, since 1995, the State of North Carolina and county governments have been partners in providing effective and necessary community supervision of adult criminal offenders ; and

WHEREAS, the CJPP funding program(s) of Rutherford County is (are) meeting the goals for the program(s) as stated in the General Statutes; and

WHEREAS, in accordance with legislative mandates, the Rutherford County CJPP local advisory board is comprised of representatives of and

WHEREAS, the Rutherford County CJPP diligently carries out its charge of establishing and delivering competent, effective and necessary program assistance to augment community supervision of adult criminal offenders; and

WHEREAS, the loss of CJPP services in Rutherford County will result in the loss in rehabilitative services for offenders and additional costs of incarceration due to higher failure rates for offenders; and

WHEREAS, Criminal Justice Partnership Program (CJPP) funding has been removed from the continuation budget and is now subject to continuation review; and

WHEREAS, the non-recurring status of CJPP funding and subsequent continuation review will delay the annual appropriation and may result in the lost of qualified professional personnel or county government to discontinuation participation due to uncertain funding; and

NOW, THEREFORE, BE IT RESOLVED, that the Rutherford County Board of Commissioners strongly endorses full reinstatement of funding for Criminal Justice Partnership Program to the continuation budget.

This resolution passed unanimously on May 5, 2008.

RESOLUTION\SECONDARY ROAD PROGRAM

Chairman Bradley presented a resolution from Wilson County, which he asked the Commissioners to approve on behalf of Rutherford County.

Vice Chairman McIntosh made a motion to approve the resolution opposing the transfer of funding of the state's Secondary Road Program to the Primary Road Program; opposing the shift of transportation costs previously paid by the state to the counties; and opposing state efforts to appropriate local funds for transportation programs. Commissioner Hill seconded the motion. The motion was unanimously approved.

**RUTHERFORD COUNTY BOARD OF COMMISSIONERS
SECONDARY ROAD PROGRAM**

WHEREAS, the NC General Assembly passed House Bill '1513 during the 2007 session, and

WHEREAS, HB 1513 allows counties to "voluntarily" participate in the costs of transportation projects, and

WHEREAS, since 1931 the State of North Carolina has had a model system of constructing, improving and maintaining interstate, primary, and secondary roads, and

WHEREAS, the 21st Century Transportation Committee and the Transportation Oversight Committee are considering diverting all Secondary Road Program funding to the Primary Road Program, and

WHEREAS, diverting Secondary Road Program funding will leave no funding to pave and improve secondary roads, and

WHEREAS, some county officials have been invited to participate in the discussion regarding this transfer with certain state officials and committees.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF RUTHERFORD COUNTY THAT:

1. It strongly opposes the transfer of Secondary Road Program funding to the Primary Road Program or any other program that will reduce funding for secondary road construction, improvement, and maintenance.
2. It strongly opposes any efforts by the General Assembly or NCDOT to shift any transportation costs formerly paid by the State to counties.
3. It strongly opposes any efforts by the General Assembly to appropriate local revenues whether property tax, sales tax, or any other local revenue for State transportation programs or any other State programs.
4. It strongly urges all counties to be fully aware and concerned that any invitation to participate in discussions of transportation needs may lead to an indirect appropriation of local funds.
5. It strongly urges all counties to contact the NC Association of County Commissioners and direct it to oppose any efforts to transfer the funding of any State programs to counties.
6. That a copy of this resolution be sent to each county in the State.

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7. That copies of this resolution are sent to Rutherford County's representative in the NC General Assembly along with each and every Commissioner's heartfelt concern about the transfer of this and future state costs to counties.

Adopted this the 5th day of May, 2008.

CLOSED SESSION

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

7:08 P.M. - The Board went into Closed Session.

7:32 P.M. - The Board returned to regular session.

RETURN TO OPEN SESSION AND ADJOURNMENT

Chairman Bradley declared the meeting adjourned.

7:32 P.M. - Adjournment.

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

Attest:

Clerk, Board of Commissioners