

**MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON JUNE 2, 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. Commissioner Helton gave the invocation. Vice Chairman McIntosh led in the Pledge of Allegiance.

**ADOPTION OF AGENDA AND AMENDMENTS**

Chairman Bradley read the proposed amendments to the agenda. Commissioner Hill made a motion to adopt the agenda as amended. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

Additions to the agenda:

- Long Range Building Study/Land Acquisition

**PUBLIC HEARING\2008-2009 BUDGET**

Chairman Bradley declared the public hearing open to listen to comments regarding the proposed 2008-2009 Rutherford County budget. Manager John Condrey gave an overview of the proposed budget. The total budget for the 2008-2009 fiscal years is \$61,260,770, with no change in the ad valorem tax rate.

Mr. Condrey explained that the overall budget is down approximately .62 percent. However, if Medicaid costs are excluded, there is a 3.1 percent increase. The state will begin assuming the costs for Medicaid this year. The recommended budget includes a 3 percent increase for the schools and a 3.9 percent increase for the Isothermal Community College. Approximately \$800,000 will be available for expansion. However, Mr. Condrey said that the county may be required to pay \$276,000 into the retiree health insurance fund which would reduce this amount.

Ms. Susie Hamrick Jones, a director of Foothills Conservancy, asked for \$10,000 in support of their programs to seek conservation of land that has high scenic and recreational value. She cited the establishment of the state park and acquisition by the state of land in Hickory Nut Gorge as an example of projects they have aided.

Mr. Wilbur Burgin of the Rutherford County Farm Museum asked for \$5,000, which he said would be about half of the yearly operating expenses for the museum. He explained that their funds have been reduced because the Centura Bank Foundation grant program which had been a source has transferred to the Foundation of Western North Carolina.

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

**PUBLIC HEARING\ ORDINANCE\ HISTORIC PRESERVATION COMMISSION**

Chairman Bradley declared the public hearing open to listen to comments regarding the proposed Historic Preservation Commission Ordinance. Mr. Jerry Stensland of Arts, Parks and Recreation Commission introduced the proposed ordinance and described how it had evolved from an initiative of the Rutherford County Historic Heritage Council with conceptual support from the Recreation/Cultural/Heritage Commission, the Historical Society, The Bostic Lincoln Center, Union Mills Learning Center, Genealogical Society and numerous other citizens, organizations, and property owners in Rutherford County. Under statutes of the State of North Carolina, a preservation commission can be established by the local government with the purpose of working toward the preservation and conservation of properties of historical, prehistorical, architectural and/or cultural significance.

Mr. Stensland agreed to a change to the draft ordinance that would specify that permission must be obtained from a landowner prior to entering onto private property. An audience member asked that such permission be in writing.

Mr. Stensland said the intention is to give property owners the opportunity to take advantage of any taxing or other benefits available for historic preservation. He said the program would be voluntary and would work much like the farmland preservation program.

Mr. Stensland answered questions from the Commissioners with information that a municipality could join with the county if it chose to do so, that the commission would operate under the county government, and that the word, "employee", could be stricken from the text of the ordinance since it is not anticipated that the preservation commission would have any paid staff.

Mr. Mike Dalton stated that there were questions that needed to be clarified. He asked that landowners be included on the commission. He wondered whether some properties would be taken off the tax rolls and how the operations would be financed. The wording needed to be changed, according to Mr. Dalton, to stipulate that if the commission engaged in the purchase of land that it would be voluntary on the part of the seller. He asked Commissioners to delay action on the proposed ordinance.

Chairman Bradley pointed out that the county budget does not include any funding for the proposed commission.

Ms. Danielle Withrow spoke in favor of the preservation commission. She reported that a similar commission in the Town of Forest City has been operating without any citizen complaints. This is a source of pride. No restrictions are placed on the property owners. She also spoke as a county resident and property owner and said that she and her neighbors in Hollis are seeking to gain recognition of their town as a historic district. A commission such as the one being proposed would be of assistance to them in that effort.

**Minutes of Rutherford County Commissioners' Meeting**

**June 2, 2008**

**Page 3 of 8**

Mr. Pat Patterson said his main concern had been the section that allowed access to private property. However, with the change made by Mr. Stensland, he no longer had that objection. He thought it would be better if the bylaws were drafted before the Commissioners voted on it.

Mr. Robin Lattimore, President of the Rutherford County Historical Society, reminded the Commissioners that nearly 30% of the historical properties described in a 1983 book about historical architecture of Rutherford County are no longer standing. He said the preservation commission could create incentives for restoration and in so doing, help to curb the destruction of historic properties.

Mr. Boyce Abernathy read from sections of the state statute and stated that as in the case of countywide zoning, the high impact ordinance and the nuisance ordinance, he did not see the voluntary nature of the ordinance.

Mr. Tom Padgett said that he had worked in historic preservation before coming to Rutherford County to live. As a member of a historic preservation commission in Wake County, his experience was that landowners usually sought out the help of the commission. He said the ordinance is something landowners will want and that Rutherford County is among the last in the state to establish a historic preservation commission.

Mr. Bill Eckler said preserving the county's historic heritage is the right thing to do, but he thought it ought not to be under the auspices of county government. Rather it should be under the direction of a private entity. He wanted it spelled out that eminent domain would not be exercised under the ordinance and that participation would be totally voluntary.

Chairman Bradley responded that a private nonprofit could not be authorized to give tax incentives to property owners, which is why the commission needs to be part of county government. He stated emphatically that eminent domain would not be used.

Mr. Ron Gurley said that most of his questions had been answered. He said the fact that participation is voluntary should be included in the wording. He asked that the vote on the ordinance be postponed.

Mr. Duncan Edwards said his concern is with the moving nature of the target. He said he would like to see a revised version of the ordinance. The Commissioners should wait to vote on the ordinance.

Ms. Katherine Washburn told the Board that the area around the Washburn Store has been designated a historic district for about three years. She said it took about three years to work everything out to get that designation. Her business is probably the oldest in North Carolina still in operation.

Commissioner Helton said she would like to see revisions of the ordinance resulting from the comments received, plus a copy of the proposed bylaws, before voting. The farmland preservation bylaws were written before that program was approved. She proposed appointing a working group with representatives from each of the Commissioners' districts.

Ms. Frankie McWhorter said the Heritage Council under whose guidance the ordinance has been developed has representatives from all parts of the county. She said other counties have commissions of this kind and that Rutherford County is short-changing its citizens by not having one.

Commissioner Hill said that he would not object to a one-month postponement.

Chairman Bradley declared the public hearing closed.

Commissioner Helton made a motion to postpone action on the proposed ordinance establishing a historic preservation commission until the July meeting of the commissioners. Commissioner Hill seconded the motion. The motion was unanimously approved.

### **PUBLIC COMMENTS**

Ms. Lynn Faltraco expressed her appreciation for the plans for a community pet center in the Commissioners' projections for county buildings. She said this is a good example of a public-private partnership.

Mr. Bruce Hoyle, Treasurer of the Rutherford County Youth Sheep Show, said they are one of the groups who would be using the livestock facility included in the building plans. Presently they have had to go out of the county to use a facility.

Mr. Roger Richard objected to the way the current Board of Equalization and Review was constituted. He said the motion made in 2008 to appoint members to this board was not an amendment to the 2007 resolution establishing the E&R Board. An amendment was required. If this board was not properly constituted, the decisions it has made would not be valid.

Chairman Bradley cited Roberts Rules of Order to explain that a resolution once approved cannot be amended unless a motion to do so has been introduced.

Mr. Gary Webber said that the proposed pet center at the Daniel Road property will be the realization of a dream and will improve the quality of life in Rutherford County.

Mr. Craig Lawing said that as a member of the sheep and goat committee, he hoped the Commissioners would support the livestock facility included in the building plans.

Mr. Henry Edwards said his appeal to the E&R Board had been denied and that the denial was said to be based on applicable law. He asked whether case law should apply to such decisions.

Ms. Melissa Cantrell spoke in favor of the Daniel Road complex. She has been an animal shelter volunteer and has traveled to soccer competitions. She stated her appreciation for the work the Commissioners have done on the proposal.

Mr. Steve Duckett of the Extension Office said he appreciated the foresight of the Commissioners and believed the proposed facility would be an asset for the county.

Mr. Keven McCammon expressed his support for the Daniel Road proposal. He said the payback to the county will be huge.

Mr. Greg Edwards, Vice President of Rutherford County Soccer Association, said their goal is to continue growing, and they are in favor of a county sports facility.

**CONSENT AGENDA**

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

**Minutes**

By consent, the minutes of the May 5, 2008, meeting were approved.

**Tax Refunds and Releases**

By consent, tax refunds of \$2,196.05 and tax releases greater than \$100 totaling \$8,710.63 as outlined by Clair Hubbard of the Tax Office were accepted. Tax releases of amounts less than \$100, which totaled \$2,436.30, were submitted by the Finance Office. (A copy of these tax refunds and releases is in the Minute Book.)

**APPOINTMENTS/LIBRARY BOARD**

Commissioner Washburn made a motion to approve the appointment of Ms. Janice Swing representing District 3 (replacing Joyce Pressley), Mr. Nan Pinney representing District 5 (reappointment), and Ms. Renee Putnam representing District 4 to the Library Board. Commissioner Hill seconded the motion. The motion was unanimously approved.

**BUDGET AMENDMENTS**

Finance Director Scherer 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.

<b>Budget Amendments</b>		
<b>May 5, 2008</b>		
	Expense	Revenue
<b>GENERAL FUND</b>		
EDC Client Development	\$ 2,117	
Advantage West Reimbursement		\$ 2,117
* reimbursement for Miami boat show in February		

**Minutes of Rutherford County Commissioners' Meeting**

**June 2, 2008**

**Page 6 of 8**

Sheriff - Uniforms Reserves Division	\$ (893)	
Sheriff - Road Patrol	\$ (101)	
Transfer to Grant Fund	\$ 994	
*local match bulletproof vest grant		
<b>GRANT FUND</b>		
Bulletproof Vests	\$ 994	
Contribution from Gen Fund - Local Match		\$ 994
*local match 50/50 grant		
Arts Council - SOS Grant Student Program Equipment	\$ 6,588	
NC Dept of Juvenile Justice - SOS Grant		\$ 6,588
* additional one-time funds received		
CDBG - Scattered Site Housing - Clearance	\$ (1,960)	
CDBG - Scattered Site Housing - Relocation	\$ (11,000)	
CDBG - Scattered Site Housing - Rehabilitation	\$ 12,960	
* project budget revision/line item transfers		
<b>SCHOOL CAPITAL RESERVE FUND</b>		
Contribution to Debt Service Fund - COP Trustee Fees	\$ 1,142	
Fund Balance Appropriated		\$ 1,142
*additional funds needed for trustee fees		
<b>DEBT SERVICE FUND</b>		
School COP Trustee Fees	\$ 1,142	
Contribution from School Capital Reserve		\$ 1,142
*transfer funds to debt service fund for trustee fees incurred (2002 and 2003 COPS and Rutherfordton Elementary COP)		

**GREYROCK EXTENSION**

Manager Condrey reported that Greyrock is seeking another six months extension to their bond for road construction in the subdivision. The Planning Commission has received a progress report from Greyrock and is recommending this extension.

Commissioner Washburn made a motion to approve an additional six months on the bond for improvements at Greyrock subdivision. Commissioner Hill seconded the motion. The motion was unanimously approved.

**LONG RANGE BUILDING STUDY/PROPERTY/DEEDS**

Manager Condrey described the background of the proposed land acquisition. In the fall of 2006 the Commissioners began a long-range study of county building needs. A report was presented in 2007. In 2008 the Commissioners approved two cents from the property tax to be held for capital projects. To accomplish the priorities set out in the plan, additional land would be needed. Four

**Minutes of Rutherford County Commissioners' Meeting**

**June 2, 2008**

**Page 7 of 8**

possible tracts were identified and each of the Commissioners had the opportunity to study the properties first hand. The Commissioners had approved additional preparations in the way of surveys, preliminary drawings, and negotiations. Contracts for the land parcels have been agreed on by the parties and were presented to the Commissioners for their approval.

Mr. Condrey cautioned that the land acquisition is only a first step in a long-range vision. He said that in the development of a master plan, it might be good to have representatives from all the groups present at this meeting, as well as, representatives from Isothermal Community College.

Commissioner Hill made a motion to approve the purchase of properties identified as Moss, Lawing, Riffle, and Littlejohn/Womick adjacent to Isothermal Community College for a total of 112 acres at a total acquisition price of \$4,362,950. Commissioner Washburn seconded the motion. The motion was unanimously approved.

The Commissioners expressed their satisfaction that this purchase will be seen in the future as a forward-looking action on their part.

**CLOSED SESSION**

Commissioner Washburn made a motion to go into closed session to discuss attorney client matters. Chairman Bradley declared the meeting in recess.

7:45 P.M. - The Board went into Closed Session  
8:10 P.M. - The Board returned to regular session.

**PROPERTY/BUDGET AMENDMENT**

Vice Chairman McIntosh made a motion to approve a budget amendment of \$4,362,950 for the purchase of property as approved by the Commissioners. The purchase price will temporarily come from the fund balance and be replaced when a financing package is obtained in January 2009. Commissioner Washburn seconded the motion. The motion was unanimously approved.

**ADJOURNMENT**

Chairman Bradley declared the meeting adjourned.

Adjournment at 8:12 p.m.

---

Chairman, Board of Commissioners

---

Vice Chairman, Board of Commissioners

Attest:

---

Clerk, Board of Commissioners