

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON JULY 7, 2008, AT 6:00 P.M.

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

CALL TO ORDER\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

Chairman Bradley read the items on 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:

- Roger Richard to speak regarding the 2008 Board of Equalization and Review.
- Sheriff Department Personnel Request
- Isothermal Community College Request
- Closed Session – ATTORNEY-CLIENT PRIVILEGE\G.S. 143.318.11(a)(3)

PUBLIC HEARING\RURAL OPERATING ASSISTANCE PROGRAM

Mr. Gene Adair of the Transit Department asked that the Board authorize the Rural Operating Assistance Program application to be submitted to the North Carolina Department of Transportation. Programs included in the Rural Operating Assistance Program application are: elderly and disabled, employment assistance, and general public transportation. The total application request, for the period July 1, 2008, through June 30, 2009, is \$200,479.

Commissioner Hill made a motion to approve the certified statement approving the Rural Operating Assistance Program grant application for FY 2007-2008. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

PUBLIC COMMENTS

Chairman Bradley opened the floor for public comments.

Duncan Edwards said he was glad to see the improvements in the proposed historic preservation ordinance. He asked whether there was any reason to believe it would be changed in

the foreseeable future. He suggested other means of historic preservation, including using a nonprofit organization.

Chairman Bradley stated that he did not see any likelihood that changes would be made to the ordinance following passage.

Alice Bradley of the Old Tryon Genealogical Society gave detailed statistics of visitors to the genealogical library and reminded Commissioners that many visitors come from out of town in search of their ancestors.

Keven McCammon reported on the June event in support of the Community Pet Center. He expressed appreciation to the Commissioners for their action in obtaining the Daniel Road property.

Mike Dalton spoke about the increase in county fees for inspections for heating and air conditioning service. He said times are tough, and he hoped the Commissioners would remember that people are working hard to make a living.

CONSENT AGENDA

Commissioner Washburn 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, May 12, 2008; May 14, 2008; May 19, 2008; May 20, 2008; and June 2, 2008 meetings were approved.

Tax Refunds and Releases

By consent, tax refunds of \$1,446.76 and tax releases greater than \$100 totaling \$12,510.72 as outlined by Clair Hubbard of the Tax Office were accepted. Tax releases of amounts less than \$100, which totaled \$3,608.34, were submitted by the Finance Office. (A copy of these tax refunds and releases is in the Minute Book.)

APPOINTMENT\ICC BOARD OF TRUSTEES

Commissioner Washburn made a motion to appoint Mr. David Eaker to the Isothermal Community College Board of Trustees. Commissioner Hill seconded the motion. The motion was unanimously approved.

APPOINTMENT\DEPARTMENT OF SOCIAL SERVICES

Commissioner Hill made a motion to appoint Mr. Steve Bedford to the Social Services Board. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

APPOINTMENTS\DOMICILIARY HOME ADVISORY COMMITTEE

Commissioner Washburn made a motion to approve the re-appointment of Ms. Pam Hutchins and Mrs. Peggy McBrayer to the Domiciliary Home Advisory Committee. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

APPOINTMENTS\ ECONOMIC DEVELOPMENT COMMISSION

Commissioner Washburn nominated Richard Cotarelo to the Economic Development Commission, Chairman Bradley nominated Eddie Holland, Commissioner Helton nominated Joe Joplin,,Commissioner Hill did not have a nominee at this time, and Vice Chairman McIntosh said he will have a nominee in August. Commissioner Hill made a motion to approve these nominations. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

APPOINTMENTS \PLANNING COMMISSION

Commissioner Washburn nominated Steve Wright and Marshall Atchley for reappointment to the Planning Commission, Commissioner Hill nominated Kim Warner and Mike Hager for reappointment, Vice Chairman McIntosh nominated Harold Thompson and Jim Still, Commissioner Helton nominated Ronnie Harrill and Jimmy Huffstickler, and Chairman Bradley named Dwayne Harris and Phillip Miller. Commissioner Helton made a motion to approve these appointments. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

VOTING DELEGATE\NCACC ANNUAL CONFERENCE

Commissioner Washburn made a motion to appoint Vice Chairman Bradley to serve as Rutherford County's voting delegate to the Annual Conference of the North Carolina Association of County Commissioners to be held in Craven County on August 21-24, 2007. Commissioner Hill seconded the motion. The motion was unanimously approved.

ROGER RICHARD\BOARD OF E&R

At his request, Mr. Roger Richard appeared before the Commissioners to challenge the standing of the 2008 Board of Equalization and Review. His contention has been that the March 8, 2007 resolution creating this board should have been amended when one of its members was replaced in 2008. He reiterated his charge that the Tax Administrator had stated that an amendment had been enacted, and that, in so doing, he had testified falsely. He further protested that the term of service is one year and that the returning members of the board had not been properly appointed for a second year. He asked what remedy there is for a board that has no standing.

Chairman Bradley informed Mr. Richard that the Department of Revenue has said that Rutherford County is in compliance.

Attorney Miller explained that separate actions were taken by the Board of Commissioners in 2007 to (1) approve a resolution which established the E&R Board and (2) to approve a motion appointing members to serve on it. Naming new members in 2008 did not require a new resolution nor an amendment to the original resolution. She advised that if Mr. Richard wished to make an appeal, he should make it to the Property Tax Commission.

Manager Condrey stated that the former Tax Administrator, the current interim Tax Administrator, the Clerk to the Commissioners, the County Attorney, and the General Counsel to the NC Department of Revenue have all stated their opinion which is that Rutherford County is in full compliance with the law.

ANNUAL TAX SETTLEMENT AND CHARGE TO COLLECT FOR FISCAL YEAR 2008-2009

Ms. Rheba Ward of the Tax Office reported that the staff of the Tax Office had collected 97.38% of Rutherford County taxes for 2007.

Commissioner Hill made a motion to approve the annual tax settlement and the Charge to Collect for fiscal year 2008-20089. Commissioner Helton seconded the motion. The motion was unanimously approved.

State of North Carolina
County of Rutherford

To the Tax Collector of the County of Rutherford:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of Rutherford County Tax Department and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Rutherford, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

APPOINTMENT PLAT REVIEW OFFICER RESOLUTION

Commissioner Washburn made a motion to approve a resolution appointing Katie Doherty as plat review officer pursuant to G.S. 47-30.2. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

RESOLUTION

WHEREAS, new North Carolina General Statute 47-30.2 transfers from the Register of Deeds to a review officer the responsibility for reviewing land plats to determine whether they meet recording requirements; and

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WHEREAS, NCGS 47-30.2 requires the Board of Commissioners to, by resolution, appoint one or more persons as the review officer(s); and

NOW THEREFORE, BE IT RESOLVED that the Rutherford County Board of Commissioners appoints Katie Doherty pursuant to G.S. 147-54.4 as plat review officer(s).

BE IT FURTHER RESOLVED that the officer(s) shall review all plats (except as exempted by the statute) prior to recording, and if the plats meet the statutory requirements for recording, affix to the plats the following certificate:

*State of North Carolina
County of Rutherford*

I, _____, Review Officer of Rutherford County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer

Date: _____

Adopted this the 7th day of July, 2008.

CONTRACT\ISOTHERMAL COMMUNITY COLLEGE\SHERIFF'S DEPARTMENT

Commissioner Hill made a motion to approve the contract for the Rutherford County Sheriff's Department to provide security services to the Isothermal Community College Spindale campus. Commissioner Washburn seconded the motion. The motion was unanimously approved.

WATER EXTENSIONS\TOWN OF ELLENBORO\CAPITAL PLANNING AND FINANCE ADVISORY COMMITTEE

Danny Searcy presented a recommendation from the Capital Finance Planning and Advisory Committee for partial funding for water lines to several roads in Ellenboro where residents are under hardship due to failing or contaminated wells. The NC Rural Center and the town are providing most of the funding. Manager Condrey confirmed that there are funds available for this project.

Commissioner Helton made a motion to approve \$135,000 in assistance to the project to provide public water to some 65 new customers in Ellenboro. Commissioner Washburn seconded the motion. The motion was unanimously approved.

SHERIFF'S DEPARTMENT\PERSONNEL REQUEST\BUDGET AMENDMENT

Sheriff Conner presented a request for an additional \$800 in funding for personnel, which would enable the Animal Shelter to have three full time staff. A current parttime person is willing to be trained in euthanasia. Her other fulltime duties would include managing the office while the two other

employees make the calls. James Greene, who has resigned, will continue to do euthanasia on a temporary basis for a fee that is about half the normal veterinarian fee.

Commissioner Hill stated that he would not support a fulltime position. He asked why calls are being made in the Town of Rutherfordton. Sheriff Conner explained that Spindale is no longer covering Rutherfordton due to a change in cost. Commissioner Hill emphasized that there should be revenue received if the service is being provided.

Commissioner Washburn recalled that some years ago the Animal Shelter lost one of its positions.

Commissioner Washburn a motion to approve an additional \$893 to the Sheriff's budget for Animal Shelter personnel. Vice Chairman McIntosh seconded the motion. The motion was approved on a vote of four to one, with Commissioner Hill voting no.

CAPITAL RESERVE FUND ISO THERMAL COMMUNITY COLLEGE BUDGET AMENDMENT

Commissioner Washburn made a motion to approve the request from Isothermal Community College for \$62,000 from the capital reserve fund set aside for ICC to allow completion of the welding/construction trades area. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

HISTORICAL PRESERVATION COMMISSION ORDINANCE \ APPOINTMENTS

Commissioner Hill made a motion to approve the ordinance establishing a Historical Preservation Commission and to approve the slate of members as recommended by the Heritage Council. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved. (A copy of the ordinance is typed in the Minute Book.)

The appointments to the commission are:

- Alice Bradley
- Chivous Bradley
- Robin Lattimore
- Keith Price
- Linda West
- Bill Withrow
- Fred Noble

CLOSED SESSION \ PROPERTY ACQUISITION G.S. 143-318.11(A)(5) \ ATTORNEY-CLIENT PRIVILEGE \ G.S. 143.318.11(a)(3)

Commissioner Washburn made a motion to go into closed session to discuss property acquisition and attorney client. Commissioner Hill seconded the motion. The motion was unanimously approved.

6:50 P.M. – The Board went into Closed Session
7:28 P.M. – The Board returned to regular session.

ADJOURNMENT

Chairman Bradley declared the meeting adjourned.

Adjournment at 7:28 p.m.

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

Attest:

Clerk, Board of Commissioners