

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

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

**ABSENT: BRENT WASHBURN**

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**CALL TO ORDER\INVOCATION\PLEDGE OF ALLEGIANCE**

Chairman Bradley called the meeting to order. Commissioner Helton delivered the invocation, and Vice Chairman McIntosh led in the Pledge of Allegiance.

**PUBLIC HEARING\CDBG GRANT**

Chairman Bradley opened the public hearing for comments on a planned grant application from Rutherford County for CDBG funding. Teresa Spires of Isothermal Planning and Development Commission explained that this is the first of two required public hearings. The funds are awarded by the Department of Commerce on the basis of jobs created or retained and can be used for infrastructure and other improvements. As a Tier One county, Rutherford is eligible for up to \$15,000 per job for manufacturing and \$10,000 for non-manufacturing jobs. No match is required for Tier One counties. A portion of the new hires have to be low to moderate income workers.

Mr. Boyce Abernathy asked about the source of the money in the fund. Ms. Spires explained that these are federal dollars granted to the state in a "block" and administered by the state.

Chairman Bradley declared the public hearing closed.

**PUBLIC COMMENTS**

Chairman Bradley opened the floor for public comments.

Mr. David Reno stated to the Commissioners that the item on this meeting's agenda regarding the airport had not been discussed or voted on by the Airport Authority Board, of which he is a member. He objected to the expenditure of money in a time of economic uncertainty. He also objected to the exercise of eminent domain for runway expansion.

Mr. Bill Eckler cited figures for unemployment in Rutherford County. He urged the Commissioners to exercise prudence in the expenditure of money for building projects.

Mr. Zoren Nascauf introduced himself as a new resident in the county from Miami and asked for specific information on several items, including progress being made by Sky Catcher Communications, budget numbers for the proposed film office, and an explanation for the increase in the budget for the building program.

Mr. Roger Richard spoke about his appearance before the Equalization and Review Board and stated that false testimony had been given at the hearing by county employees. He asked that action be taken under the county's personnel policy against those who testified

Vice Chairman McIntosh reported that he has been told by Sky America that construction is underway at the Spindale site and that twenty people have been hired.

**CONSENT AGENDA**

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

**Minutes**

By consent, the minutes of the September 2 and September 22, 2008, meetings were approved.

**Tax Refunds and Releases**

By consent, tax refunds of \$16,654.89 and tax releases greater than \$100 totaling \$46,432.62 as outlined by Tax Administrator Kep Kepley were accepted. Tax releases of amounts less than \$100, which totaled \$4,731.08, were submitted by the Finance Office. (A copy of these tax refunds and releases is in the Minute Book.)

**Order**

By consent, the order of the State Property Tax Commission in the appeal of Ronald and Karen Cantrall was accepted.

**APPOINTMENTS\CLIFFSIDE FIRE DEPARTMENT BOARD OF TRUSTEES FOR FIREMEN'S RELIEF FUND/BILL'S CREEK FIRE DEPARTMENT BOARD OF TRUSTEES FOR FIREMEN'S RELIEF FUND**

Commissioner Hill made a motion to approve the appointment of Mr. Tommy Phillips to the Board of Trustees of Cliffside Fire Department Firemen's Relief Fund and the appointment of Mr. Kelly Flynn, Sr. to the Bill's Creek Fire Department Board of Trustees for Firemen's Relief Fund, as nominated by the respective departments. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

**RESOLUTION\FILM OFFICE\ARTS COUNCIL**

Mr. Matthew McEnerney asked on behalf of the Art Council that the Commissioners adopt a resolution of support for the establishment of a film office in Rutherford County.

Asked by Commissioner Helton whether the film office would require county funding, Mr. McEnerney said based on discussions he had had with the EDC and with the county, he was aware that there was little prospect of county funding and that an effort would be made to obtain private funds to support the office.

Chairman Bradley mentioned that the TDA and Advantage West also work on behalf of the county for this kind of opportunity. Commissioner McIntosh suggested that Mr. McEnnerney coordinate with those two entities.

Commissioner Hill made a motion to adopt the resolution in support of establishing a film office in Rutherford County. Vice Chairman McIntosh seconded the motion. The motion was approved on a vote of 3 to 1, with Commissioner Helton voting in opposition

#### **Resolution**

**BE IT THEREFORE RESOLVED THAT** in the interest of promoting the growth of the local economy by encouraging the use of Rutherford County's scenic beauty and architectural assets by the motion picture and television industries, the Rutherford County Board of Commissioners encourages and supports the efforts of Rutherford County Arts Council to establish a film office to pursue this development.

Adopted this the 6<sup>th</sup> day of October, 2008.

#### **TAX/HEAVY EQUIPMENT**

Tax Administrator Kep Kepley explained that the State of North Carolina has eliminated heavy equipment, defined as equipment over 1500 pounds that is mobile, such as earth moving equipment, from the property tax. To replace lost tax revenue, the state is allowing counties to levy a 1.2% sales tax on the rental or lease of such equipment. If approved, the sales tax can go into effect January 1, 2009, or three months from the date approved by the Commissioners. Mr. Kepley said at this time it is not possible to know the impact that the elimination of this equipment from property tax will have on county revenue.

Commissioner Hill expressed his opinion that the current tax should be allowed to expire.

There being no motion put forward, the proposal for the sales tax died.

#### **LAKE LURE FIRE DISTRICT**

Mr. Roger Hollifield of Emergency Services explained that the volunteer Fairfield Fire Department had found it difficult to provide manpower for two stations and had consequently discontinued service in Lake Lure in July. The Town of Lake Lure has established a fire department to serve the area within the municipality. They also are willing to serve an unincorporated area around Highway 9 under an agreement with the county. Mr. Hollifield presented an agreement for coverage along with a resolution approving the boundary lines for the rural area to be served. He said the agreement is similar to existing agreements with other fire departments.

Commissioner McIntosh made a motion to approve the agreement for fire coverage with the Town of Lake Lure Fire Department and a resolution approving the boundary lines of the area to be served. Commissioner Hill seconded the motion. The motion was unanimously approved.

**RESOLUTION FOR APPROVAL OF INSURANCE DISTRICT BOUNDARIES**

**NORTH CAROLINA  
RUTHERFORD COUNTY**

Upon motion by Vice Chairman McIntosh, seconded by Commissioner Hill **RESOLVED** that the Board of Commissioners of the County of Rutherford approves the boundary lines of the Lake Lure Fire District in accordance with the maps and description filed this date with the Board of County Commissioners and recorded in the minutes of the meeting. Said Lake Lure Fire Insurance District being described as follows:

**Beginning** at point (1) on NC #9 at the Lake Lure Town limits; thence south to point (2) on NC #9 at the Rutherford-Polk County Line approximately 0.2 mile south of SR 1185; thence southwesterly following the Rutherford-Polk County Line to a point (3) on SR 1186 at the Rutherford-Polk County Line, 0.7 mile southwest of its intersection with SR 1188; thence northwesterly to point (4) at the end of SR 1188; thence northeasterly to point (5) at the end of SR 1187, 0.8 mile north of its intersection with SR 1186; thence east following the Town Limits of Lake Lure to point of beginning.

NOTE: This description excludes all property within the Town of Lake Lure.

NOTE: This description describes an area of Rutherford County pursuant to General Statutes 153A-233 for insurance grading purposes only.

Adopted this the 6<sup>th</sup> day of October, 2008.

**MEMORANDUM OF UNDERSTANDING/LAKE LURE FIRE DEPARTMENT/MEDICAL RESPONDER**

Manager Condrey told the Board that the Lake Lure Fire Department wishes to provide Medical Responder services in their fire district. A Memorandum of Understanding with the fire department was included for the Board's consideration.

Vice Chairman McIntosh made a motion to approve the Memorandum of Understanding for medical responder services with the Lake Lure Fire Department. The motion was seconded by Commissioner Helton and unanimously approved.

**FOOTHILLS CONNECT**

Mr. Fred Bayley presented an update, including a video presentation, on the Farm Fresh program, a program initiated by Foothills Connect. He noted that the program has gotten attention from the state.

Mr. Tim Will commented on other initiatives by Foothills Connect, whose mission is to promote economic development using internet technology. These included assisting the agricultural program

at R-S Central High School, outreach to help farmers learn computer technology, and public internet access at their offices in the Woodrow Jones building in Rutherfordton.

<b>BUDGET AMENDMENTS</b>
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Finance Director Scherer presented and explained the budget amendments.

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

**Budget Amendments  
October 6, 2008**

	Expense	Revenue
<b>GENERAL FUND</b>		
Sheriff Uniforms & Equipment - Road Patrol	\$ 250	
Misc Revenues - Court Ordered Restitution		\$ 250
* restitution on a stolen firearm		
Sheriff - Equipment/Supplies Purchased with Seizure Money	\$ 8,979	
Drug Seizure Funds		\$ 8,979
* unauthorized substance tax distribution received		
Animal Control Professional Services - Veterinarian	\$ 3,010	
Fund Balance Appropriated		\$ 3,010
*To pay vet charges for euthanization while staff was waiting to be trained on euthanization.		
Grassroots Program	\$ 3,961	
NC Arts Council Grassroots Grant		\$ 3,961
* adjust budget to grant award - originally budgeted at \$20,556, grant awarded \$24,517		
Emergency Services Capital Outlay	\$ 28,500	
Fund Balance Appropriated		\$ 28,500
*Lease Purchase remaining from FY 07-08 - Not included in Sept Amendments		
Senior Center Capital Outlay-Steamer	\$ 15,356	
Lease Purchase Proceeds		\$ 15,356
Debt Service Lease Purchase	\$ 2,301	
Fund Balance Appropriated		\$ 2,301
*See attached letter from Patsy Wilson. If steamer is approved, we recommend financing through lease purchase.		
Contribution to DSS	\$ 137	
Fund Balance Appropriated		\$ 137
* contribution for temporary shelter care		
<b>DSS FUND</b>		
Temporary Shelter Care Expenses	\$ 2,376	
Temporary Shelter Care Revenues		\$ 2,239

Contribution from General Fund - Programs		\$ 137
* additional funding received		
<b>GRANT FUND</b>		
Corp 74 Site Development	\$ 25,000	
Duke Energy Grant - Corp 74		\$ 25,000
* grant received from Duke Energy Investments for Corp 74 site development		
<b>SCHOOL CAPITAL PROJECTS FUND</b>		
Rutherfordton Elementary - Construction	\$ 27,875	
Rutherfordton Elementary - Contingency	\$ (27,875)	
* Beam Construction change order #2. Construction project remains within orig construction budget.		
<b>SOLID WASTE FUND</b>		
Sweep Committee Expenditures	\$ 245	
Fund Balance Appropriated		\$ 245
* reappropriate balance of Walmart grant funds		

**ISOTHERMAL COMMUNITY COLLEGE\BUDGET AMENDMENT**

Mr. Stephen Matheny of ICC presented a request for funds from the ICC Capital Reserve Fund for ongoing capital projects. The request totaling \$170,000 was for two electrical security vehicles, a swimming pool heater/boiler, a boiler replacement in the Business Sciences Building, special testing and project costs for the welding/construction project, a welding/construction security fence, a PE Room air conditioner unit replacement, and a surplus storage building. The Commissioners questioned the necessity of constructing a building for storage of surplus items at a cost of \$80,000 when rental space is readily available. Mr. Matheny agreed to look into the possibility of leased space.

Vice Chairman McIntosh made a motion to approve the request for capital expenditures with the exception of the building construction. Commissioner Hill seconded the motion. The motion was unanimously approved.

**BUILDING PROGRAM**

Manager Condrey presented information on bids for renovation of the recently-purchased Evans building and for roof replacement over a storage area at the jail, plus information received from the Airport Authority regarding implementation of the long range building program.

Mr. Condrey noted that although airport improvements were contained in a long range plan that both the Airport Authority and the Board of Commissioners had approved some time ago, specific activities under the plan would require approval by both the Commissioners and the Airport Authority.

Vice Chairman McIntosh said the only item under consideration is for the hiring of a consultant which should be approved, but specifics on land acquisition, state and federal payback, and other funding sources should be provided to the Commissioners in detail.

Commissioner Helton opposed any expenditure except essential ones because of the state of the economy. She stated that although she previously voted for the land acquisition she now regrets that she did so.

Commissioner Hill made a motion to approve the low bid of \$195,600 from Moss/Marlow for the renovation of the Evans building. Vice Chairman McIntosh seconded the motion. The motion was approved on a 3 to 1 vote, with Commissioner Helton voting no.

**Storage Building Renovations for Rutherford County  
Bid Tabulation  
September 18, 2008, 2:30 PM**

General Contractor	License #	Bid Bond	Base Bid
A.A. Ramsey & Son	1121	Yes	203,300
A&G Construction	2771	Yes	249,000
Blake Construction	47882	Yes	254,143.89
Carolina Artisans	10136	Yes	210,452
Greene Building Corp_	52909	Yes	211,000
Hargreen Construction	22378	Yes	237,384
King Construction	33294	Yes	244,400
<b>Moss-Marlow</b>	<b>42468</b>	<b>Yes</b>	<b>195,600</b>
T.P. Smith Const.	23975	Yes	256,470

Commissioner Hill made a motion to approve the low bid of \$19,000 from Carolina Artisans for the renovations at the jail. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

**Rutherford County Jail Roof/Ceiling Assembly  
Bid Tabulation  
September 18, 2008 @ 2:30pm**

General Contractor	License #	Base Bid	Number of Calendar Days
A.A. Ramsey & Son	1121	35,800	60
A&G Construction	2771	36,830	60
Blake Construction	47882	27,000	60
<b>Carolina Artisans</b>	<b>10136</b>	<b>19,000</b>	<b>45</b>
Greene Building Corp.	52909	24,950	45
Hargreen Construction	22378	22,600	45
Morrison Construction	18852	45,300	90
T.P. Smith Const.	23975	36,124	60

Vice Chairman McIntosh made a motion to approve the request from the Airport Authority for the hiring of consultant services. There was no second to the motion.

Commissioner Hill made a motion to postpone action on the Airport Authority request until the November meeting. Commissioner Helton seconded the motion. The motion was approved on a 3 to 1 vote, with Vice Chairman McIntosh voting no.

Manager Condrey said he would advise the Airport Authority to put this item on their agenda.

**WORK FIRST PLAN\SOCIAL SERVICES**

Mr. Greg Osborne presented the county's Work First plan for 2010-2011, which had been developed by the committee appointed at the last Commissioners' meetings. He believed that it is a good solid plan.

Commissioner Hill made a motion to approve the Work First plan for 2010-2011. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

**CLOSED SESSION\ATTORNEY-CLIENT PRIVILEGE\G.S. 143.318.11(a)(3)\INDUSTRIAL LOCATION\G.S. 143-318.11(a)(4)\PROPERTY ACQUISITION G.S. 143-318.11(A)(5)**

Commissioner Helton made a motion to go into closed session to discuss industrial relocation and property acquisition and for attorney-client privilege. Commissioner Hill seconded the motion. The motion was unanimously approved.

7:20 P.M. – The Board went into Closed Session  
8:25 P.M. – The Board returned to regular session.

**ADJOURNMENT**

Chairman Bradley declared the meeting adjourned.

Adjournment at 8:25 p.m.

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Chairman, Board of Commissioners

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Vice Chairman, Board of Commissioners

Attest:

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Clerk, Board of Commissioners