

**MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON NOVEMBER 3, 2008, AT 6:00 P.M.**

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

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

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

**PUBLIC COMMENTS**

Chairman Bradley opened the floor for public comments.

Mr. David Odom, President of Odom and Associates, thanked the board for previous opportunities to work with the county and itemized some of the projects in which his firm had participated. He described the growth of his company and the range of experience his associates have to offer. He urged the Commissioners not to go outside the county for planning services for the Daniel Road project, but to support jobs and the economic health of Rutherford County.

Mr. Todd Frazier, an employee of Odom and Associates, said it is important to use local businesses and to support their success.

Mr. Scott Roach, an engineer and project manager with Odom and Associates, spoke in favor of keeping business in Rutherford County. He pointed to the advantages of their experienced staff and the proximity of their office to the Daniel Road site.

Ms. Lisa Meadow of Odom and Associates names community projects in which Odom and Associates had participated.

Mr. Mike Hager, a member of the Planning Commission, spoke on the proposed recombination of lots at Queen's Gap. He said his role as a member of the commission is to protect the county and the people who purchase the lots. He urged that the Broad River Water Authority water line be kept as a part of the plan until it can be proven that an on-site well system will be adequate.

**ADOPTION OF AGENDA**

Chairman Bradley read the items on the supplemental agenda. Commissioner Helton made a motion to approve the agenda as amended. Commissioner Washburn seconded the motion. The motion was unanimously approved.

Additional items added to the agenda were:

- Appointment to Airport Authority
- Closed Session
  - Attorney-Client Privilege\G.S. 143.318.11(a)(3)
  - Property Acquisition G.S.. 143-318.11(a)(5)
  - Industrial Location/G.S. 143-318.11(a)(4)

### **CONSENT AGENDA**

Commission 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 October 6, 2008, meetings were approved.

### **Tax Refunds and Releases**

By consent, tax refunds of \$5,786.68 and tax releases greater than \$100 totaling \$50,503.51 as outlined by Tax Administrator Kep Kepley were accepted. Tax releases of amounts less than \$100, which totaled \$4,321.76, were submitted by the Finance Office. (A copy of these tax refunds and releases is in the Minute Book.)

### **APPOINTMENT\ELLENBORO FIRE PROTECTION DISTRICT COMMISSION**

Commissioner Helton nominated Wilbur Wright to serve on the Ellenboro Fire Protection District Commission replacing Mr. Roger McSwain, who has resigned. The appointment was unanimously approved.

### **APPOINTMENT\AIRPORT AUTHORITY**

Chairman Bradley reported that Mr. Don Greene had resigned from the Airport Authority. Commissioner Hill said he had no problem accepting an application from Mr. Robert McCutcheon that had been presented for appointment to the Authority, but he would like to see an interview process take place similar to that which had been conducted prior to the last appointment to the Airport Authority. Therefore, he made a motion that prospective members of the Authority go through an interview process similar to the one used the last time a member was appointed. Commissioner Helton seconded the motion.

Commissioner McIntosh pointed out that in the earlier instance he had, on his own, undertaken to interview the prospects. It had not been an action initiated by the Board of Commissioners. Chairman Bradley expressed the view that there should be representation on the Airport Authority from the southern part of the county, and he volunteered to conduct interviews prior to making the appointment. This would delay action on the appointment until the interview process is completed.

The motion was approved by a vote of 4 to 1, with Commissioner McIntosh voting no.

Manager Condrey said that his office would assist Chairman Bradley in devising a process for identifying prospective members and conducting interviews with them.

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

Commissioner Hill questioned a budget item for additional equipment on the sewer line from the Detention Center and suggested that the Commissioners postpone action on that item to a later time.

Commission Hill made a motion to approve the budget amendments with the exception of the equipment for the sewer line. Commissioner Helton seconded the motion. The motion was unanimously approved.

**Budget Amendments  
November 3, 2008**

	Expense	Revenue
<b>GENERAL FUND</b>		
Sheriff - Equipment/Supplies Purchased with Seizure Money	\$7,962	
Drug Seizure Funds		\$ 7,962
* unauthorized substance tax distribution received		
Sheriff - Uniforms/Equipment Road Patrol	\$(1,805)	
Sheriff - Uniforms/Equipment Reserve Officers	\$ (271)	
Contribution to Grant Fund	\$ 2,076	
* local match bulletproof vest grant		
<b>DSS FUND</b>		
Work First Functional Assessment Program	\$11,200	
Work First Functional Assessment Revenues		\$ 11,200
*100% federal funds		
<b>GRANT FUND</b>		
Bulletproof Vest Grant Expenditures	\$ 2,076	
Contribution from General Fund		\$ 2,076
* Local match 50/50 grant - federal share (\$2,076) already budgeted in the grant fund		

### **BUDGET UPDATE**

Manager Condrey reported that at an October 21 meeting of department heads, he and the finance officer made recommendations for controlling the county budget in the uncertain economic climate. The recommendations were:

- (1) to reduce general fund departments' operating funds by 2%.
- (2) to forego the pay reclassification study.
- (3) to put a hiring freeze in place for public safety positions for 30 days and general fund positions for 60 days.
- (4) To eliminate merit salary cash bonuses in favor of vacation time.

These measures are expected to result in savings in excess of \$600,000. They will be monitored and may be continued into the next fiscal year. At the present time the schools and college are not part of the reductions, but their funding level could be considered FY 2009-2010.

### **FIBER INFRASTRUCTURE/ENGINEERING/CONTRACT**

Rhonda Owens, Information Technology Director, presented slides and commentary on the progress of the Rutherford County Fiber Infrastructure Network. She reviewed the history of the project and the sources of funds which have resulted in 62 miles of fiber being installed connecting 21 schools and the schools central office.

Foothills Connect applied for a grant from the Golden LEAF Foundation for fiber buildout. The \$1,400,000 grant was approved to extend fiber to emergency service locations which could add an additional 38 miles., A grant awarded by the Appalachian Region Commission would allow the installation of a wireless network to complement the fiber infrastructure. Fiber engineering firms are being interviewed and a recommendation is expected to be submitted to the commissioners in November for selection of a contractor to perform the work. The project must be completed by June 30, 2009.

### **LEASE AGREEMENT WITH STATE OF NORTH CAROLINA**

Commissioner Washburn made a motion to extend the lease agreement with the State of North Carolina for space on Court Street for the Probation and Parole Office for a three year period expiring August 30, 2012, at \$500 per month. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

### **BUILDING PLAN MASTER PLANNING/DANIEL ROAD PROPERTY**

Manager Condrey reported that the committee that has interviewed prospective consultants for a master plan for the Daniel Road property is willing to conduct additional interviews if the Commissioners choose to delay action on their recommendation.

Mr. Keven McCammon, a member of the committee, echoed Mr. Condrey's comments that the committee had approached the selection process with the idea that what was required was more

comprehensive than an engineering design. He said the committee will interview again if that is what the Commissioners desire.

Chairman Bradley referred the matter back to the interview committee.

### **BUILDING PROGRAM\AIRPORT\PARKING LOT\HEALTH DEPARTMENT**

The long-range building plan budget was approved in September, 2008. Considering economic conditions it appeared to be prudent to scale this back with an emphasis only on planning. The parking lot on Washington and Third Streets is ready to be bid. The Health Department will pay 50% of the debt service for the building expansion of this department.

Dr. Rusty Washburn, Chairman of the Airport Authority, confirmed that the long range plan for expansion of the airport is a priority for the authority. He said money expended is eligible for reimbursement at 90%.

Commissioner Washburn made a motion to proceed with the design and building of the parking lot on North Washington and Third Streets (\$60,000); the expansion of the Health Department (\$422,908), and professional fees for the airport (\$180,000-225,000). Vice Chairman McIntosh seconded the motion.

Commissioner Helton expressed caution because of the state of the economy.

Finance Director Scherer described her plans for privately placed installment financing with a bank using the Health Department and the Offsite Storage Building as collateral.

The motion was approved by a vote of 4 to 1 with Commissioner Helton voting no.

### **QUEEN'S GAP/BONDS**

Danny Searcy of the Planning Office presented a request from the developer of Queen's Gap for a reduction in the performance bond. The Planning Commission is in agreement with reductions in the bonds for roads and sewer, but expressed concerns about the proposal for the water source to be changed from Broad River Water Authority to an on-site public water system. The Planning Commission recommended reducing the bond from \$16 million to \$12.453 million.

Commissioner Hill made a motion to approve the reduction of the surety bond for the Queens Gap development from \$16 million to \$12,453 million.

Vice Chairman McIntosh made a motion to amend the motion that the bond be further reduced if the Queens Gap development can show to the satisfaction of the Planning Commission that on-site wells are sufficient for the water requirement. Commissioner Washburn seconded the motion to amend.

The vote on the amendment was as follows:

Ayes: Vice Chairman McIntosh, Commissioner Washburn

Noes: Chairman Bradley, Commission Hill, Commission Helton

The amendment failed.

The original motion was approved by unanimous vote.

**BUDGET AMENDMENT/ISOTHERMAL COMMUNITY COLLEGE**

As requested at the last commissioners' meeting, Mr. Stephen Matheny provided a written analysis of the costs of a storage facility on campus as compared to leased space off campus,

Commissioner Washburn made a motion to approve the request from Isothermal Community College to draw \$80,000.00 from capital reserve funds to construct a storage building. Commissioner Helton seconded the motion. The motion was unanimously approved.

**OPTION TO PURCHASE/RUTHERFORD 74 CORPORATE CENTER**

Commissioner Hill made a motion to approve the extension of an existing option to purchase a parcel of property adjacent to the Corporate 74 Center. Vice Chairman McIntosh seconded the motion. The motion was unanimously approved.

**PRESENTATION/CHAIRMAN CHIVOUS BRADLEY**

Commissioner Hill made a presentation of a plaque to Chairman Bradley recognizing his years of service on the Commission.

**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 attorney-client privilege, industrial relocation, and property acquisition. Commissioner Hill seconded the motion. The motion was unanimously approved.

7:30 P.M. – The Board went into Closed Session

8:51 P.M. – The Board returned to regular session.

**ADJOURNMENT**

Chairman Bradley declared the meeting adjourned.

Adjournment at 8:52 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