

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS' MEETING ROOM ON MAY 4, 2009, AT 6:00 P.M.

**PRESENT: CHAIRMAN BRENT WASHBURN
VICE CHAIRMAN MARGARET HELTON
SUSAN CROWE
EDDIE HOLLAND
PAUL MCINTOSH**

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CALL TO ORDER\INVOCATION\PLEDGE OF ALLEGIANCE

Chairman Washburn called the meeting to order. Vice Chairman Helton gave the invocation. Commissioner Crowe led the pledge of allegiance.

ADOPTION OF AGENDA

Chairman Washburn read the items on the printed agenda. Vice Chairman Helton asked to add a resolution that would be comparable to a resolution submitted by Polk County opposing Senate Bill 758 which would transfer secondary roads to the counties; Manager Condrey asked to add a proclamation for EMS Week.

Vice Chairman Helton made a motion to approve the agenda as amended. The motion was unanimously approved.

Additions to the agenda were:

- Resolution opposing Senate Bill 758
- Proclamation recognizing EMS Week
- Budget Amendment presented by the Board of Education

PUBLIC HEARING\TRANSIT DEPARTMENT

Chairman Washburn declared the public hearing open to listen to comments regarding the proposed American Recovery and Reinvestment Act of 2009 Application to be submitted to the North Carolina Department of Transportation. Mr. Gene Adair of the Transit Department described stimulus funding that is available for vehicle replacement for the Transit Department. He asked for the approval of the Board of Commissioners to submit the application.

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

Commissioner Crowe made a motion to approve the application for American Recovery and Reinvestment funding for \$308,000 for the purchase of replacement vehicles for the Community Transportation Program. The motion was unanimously approved.

**PUBLIC HEARING\EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT
APPLICATION\SHERIFF'S DEPARTMENT**

Chairman Washburn declared the public hearing open to hear comments on the application for Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) Program funding for the Sheriff's Department in the amount of \$73,511 for additional officer positions. This had been presented at the April meeting, and the Board had approved the application. It is required that the application be made public in order to provide an opportunity for comments.

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

PUBLIC COMMENTS

Chairman Washburn opened the floor for public comments.

Mr. Neil Murray spoke to protest a bill to his church for a fire inspection. The members of Joshua Baptist Church voted unanimously not to pay the bill. He feels this inspection fee is a tax that should not be levied against a church.

Mr. Fred Bayley thanked the Commissioners for their ongoing support of the community pet center. He said it would meet the state requirements while stretching public dollars with private dollars.

Ms. Louse Leyton introduced herself as a four year resident of the county and a former professional events planner. She urged saving the former Ruth School building and stabilizing it until a plan can be developed for its use. She spoke of its historic significance and its architectural merit. She pointed to other instances in the county where older buildings have been adaptively reused.

Ms. Lydia Clontz spoke in favor of a heritage center at the former Ruth School. She mentioned that when meetings were held some years ago to determine what county citizens believe are the needs of the county, the concept of a heritage center headed the list.

Ms. Janet Harrill spoke in favor of the Daniel Road project. She said it will provide jobs and opportunities for citizens. She pointed out that because the existing animal shelter does not meet state requirements, the county will be subject to hefty fines if action is not taken.

Mr. Matt Deal spoke on behalf of himself and other teens in favor of the Daniel Road complex.

Mr. Roger Richard called attention to a case of 6.4 acres of land that is not accounted for in the tax records. Following an agreement with the state in the 1960s establishing a right of way on this land, the adjoining land has changed hands and at this time, it is not possible to determine who owns the particular parcel. He voiced his objection stating that other county taxpayers are having to make up the difference for this unaccounted acreage.

Mr. Boyce Abernathy spoke for Mr. Claude Johnson and read a letter on his behalf. Mr. Johnson appealed the tax valuation of his property to the Board of Equalization and Review and

received an adjustment. He was dissatisfied with the adjustment. He sent a letter to Raleigh but was advised to go back to the E&R Board. He believes his property has been over-valued.

Mr. Zoran Naskov referenced a NC Supreme Court ruling from fifty years ago stating that counties will act as agents of the state and are not empowered to establish laws or standards that deviate from state statutes. He said this ruling is fatal to local government, and he will be addressing his concerns to the General Assembly. He also asked the Commissioners to establish an ordinance requiring that no items of business can be added to the agenda of County Commissioners' meetings any later than two business days prior to the meeting date. He and his wife operate a nonprofit soup kitchen, and their philosophy is to seek private investors before asking for a government handout.

Ms. Jennifer Naskov reported that the "tea party" on April 15 had been a success with more than 800 people in attendance. She displayed a scroll signed by citizens concerned about taxation that will be sent to Governor Perdue. She read the text of nine principles and twelve values.

Mr. Eric Wells spoke in favor of the Daniel Road project and expressed his pride in Rutherford County. He stated that there are some things that government has to do because the people cannot do it themselves. As a youth leader and soccer coach, he underscored the need for an adequate facility for the soccer program and gave information about the teams and levels of participation.

Mrs. Edith Roby Edwards spoke in favor of preserving the former Ruth School building for the community. She said the agriculture group at Foothills Connect needs a larger facility, and there are other groups that could put the building to good use. She would like to see a planning committee working on these ideas.

Mr. John Stump voiced his concerns about the Queens Gap development. As a property buyer he received assurances that roads and water and sewer would be constructed. The developer has not met those commitments. Mr. Stump feels that because of this failure to perform, there should not be an extension of the surety bond.

Mr. David Reno reiterated his objections to the Daniel Road project. He said a new animal shelter can be built anywhere in the county at a lesser price, and he cited estimates of the development costs for the site. His solution was to sell the property. He believes that the only people supporting the project are the ones who will directly benefit. If the Commissioners believe the majority of the citizens support it, they should put it to a referendum.

CONSENT AGENDA

Commissioner McIntosh made a motion to approve the consent agenda. The motion was unanimously approved.

Minutes

By consent, the minutes of the April 6, 2009, meeting were approved.

Tax Refunds and Releases

By consent, tax refunds of \$413.98 and tax releases greater than \$100 totaling \$913.46 as outlined by Tax Administrator Kep Kepley were accepted. Tax releases of amounts less than \$100, which totaled \$1,731.59, were submitted by the Finance Office. (A copy of these tax refunds and releases is in the Minute Book.)

APPOINTMENT LIBRARY BOARD

Commissioner McIntosh made a motion that Mr. Robin Lattimore be appointed to the Library Board. The motion was unanimously approved.

PROCLAMATION HONORING TWO TRANSIT EMPLOYEES

Manager Condrey presented a proclamation to Toni Campbell and Gail Crawford expressing appreciation for their actions in assisting an elderly patron of the transit service.

Proclamation

Whereas, the Rutherford County Board of Commissioners wishes to thank two Rutherford County Transit employees for their quick and skillful response to a emergency situation; and

Whereas, Rutherford County Transit Drivers Toni Campbell and Gail Crawford learned that an elderly patron who was very familiar to the Transit Department had complained of feeling ill; and

Whereas, Toni Campbell and Gail Crawford in their concern for her wellbeing asked that they be allowed to check on her; and

Whereas, on arriving at her home, Toni Campbell and Gail Crawford discovered the patron to be unconscious; and

Whereas, taking swift action, they called 911 and began using skills which they had acquired by completing a Red Cross CRP program; and

Whereas, they took turns administering CPR until EMS arrived; and

Whereas, Toni Campbell and Gail Crawford demonstrated courage, endurance, and determination in their effort to save a life.

NOW, THEREFORE, BE IT RESOLVED THAT the Rutherford County Board of Commissioners does recognize and express appreciation to Toni Campbell and Gail Crawford for their outstanding performance in an emergency situation.

Adopted this the 4th day of May, 2009.

RECOGNITION/HONORING COUNTY PLANNER

Manager Condrey recognized Danny Searcy of the Planning Department for receiving the Edward M. Gill Award for his achievement in the county government course. A plaque will be presented to him at the meeting of the North Carolina Association of County Commissioners.

RESOLUTION/HONORING FORMER CHAIRMAN GOODE

Chairman Washburn read a resolution in honor of former Commissioner and Chairman Tobe Goode, who recently died.

Commissioner McIntosh made a motion to formally adopt the resolution in acknowledgement of Mr. Franklin "Tobe" Goode's service. The motion was unanimously approved.

RESOLUTION IN MEMORY OF

FRANKLIN "TOBE" GOODE

Whereas, Franklin "Tobe" Goode was a great presence in Rutherford County;

Whereas, he began his life of service to others by serving his country during World War II ; and

Whereas, he returned to his home county and began a mission of making it a better place to live and work that spanned 60 years; and

Whereas, he taught at RS Central High School for many years until his retirement and made a difference in the lives of many young students; and

Whereas, his life in politics began in the Town of Ruth where he served for many years as mayor; and

Whereas, he was elected as a County Commissioner of Rutherford County in 1988; and

Whereas, during the 14 years that he served as a commissioner and as chairman, he carried out his responsibilities with zeal and optimism; and

Whereas, through all these years of service, he won the respect, admiration, and love of all with whom he was associated; and

Whereas, Rutherford County will reap many benefits due to his progressive leadership, and his memory will always serve as an example of a truly dedicated public servant.

NOW, THEREFORE, BE IT RESOLVED, that the Rutherford County Board of Commissioners does honor the late "Tobe" Goode for his love of his county and for his willingness to provide a lifetime of public service.

Adopted this the 4th day of May, 2009.

SWEEP REQUEST

Mr. David Cameron, chairman of the SWEEP committee, asked for approval of a part-time school recycling specialist, the salary to be paid from the county's portion of the \$2.00 per ton tipping fee enacted by the state. He also asked for approval of SWEEP's \$4,500 budget for the year.

The Commissioners agreed to consider these items in the budget process.

RESOLUTION OPPOSITION TO SENATE BILL 758

Vice Chairman Helton read a resolution from the Polk County Board of Commissioners expressing opposition to a pending bill in the General Assembly that would transfer secondary roads to the counties. She made a motion to approve a similar resolution substituting statistics for the number of miles of roads and the projected cost for Rutherford County. The resolution was unanimously approved.

**RESOLUTION
SENATE BILL 758 OPPOSITION REQUIRED
RUTHERFORD COUNTY, NORTH CAROLINA**

Whereas, On March 23, 2009, Senate Bill 758 was introduced by Senator Bob Rucho (Rep – Mecklenburg) and Senator Daniel Clodfelter (Mecklenburg) and subsequently the bill was referred to the Committee on Appropriations, and

Whereas, Senate Bill 758 transfers secondary roads to the counties and will cost property tax payers dearly, and

Whereas, Rutherford County has 900 (850 paved and 50 unpaved) miles of secondary roads, and

Whereas, In Rutherford County, if passed, this bill would require a tax increase for road maintenance; road paving and enhancements would require an additional tax increase, and

Now, therefore be it resolved, that the citizens of Rutherford County, under present economic conditions, are not able to afford that kind of tax increase, and

Furthermore resolves and proclaims, The Rutherford County Board of Commissioners adamantly opposes Senate Bill 758 or any similar legislation.

Approved, this the 4 day of May, 2009.

COMMUNITY CHILD PROTECTION TEAM

Mr. John Carroll of the Department of Social Services presented the annual report of the Child Protection Team and the Child Fatality Prevention Team as required by the state. He also presented the list of board members of Community Child Protection.

Commissioner Crowe made a motion to approve the members of the Community Child Protection Team and to ask for recommendations for additional members. The motion was approved unanimously.

Members appointed were:

Members Mandated by NC GS 7B-1407

DSS Director:	John Carroll, Chairman of CPT
Member of DSS Staff:	Lorie Horne (Program Manager)
Law Enforcement Officer:	Leon Godlock (Sheriff's Department)
District Attorney's Office:	Ken Suave (Assistant DA)
Ex. Director of Community Action Agency:	Sherry Bright, Becky Spencer (Family Resources)
Superintendent of Schools or Designee:	Ms. Sarah Bradley (Rutherford County Schools)
DSS Board Member:	David Reno
Mental Health Professional:	Karen Lawing – Homecare
Guardian Ad Litem Coordinator or Designee:	Inez Spratt (Volunteer GAL)
Health Department:	Helen White, Chairperson of CFPT
Health Care Provider:	Dr. Jerald De La Garza (Rutherford Pediatrics)
*EMS:	Barry Davis (EMS Director)
*District Court Judge:	Randy Pool
*County Medical Examiner:	Dr. George Finch
*Representative of a Child Care Facility:	Donna Gill
*Parent of child who died prior to 18 th birthday:	Ms. Jan Matthisen

Others (Co. Commissioners may appoint 5 additional members to represent county agencies or the community at large)

Ms. Lanell Ramsey – Isothermal Planning and Development

Ms. Cathy Brooks, Director of Program and Planning for Rutherford/Polk Smart Start Partnership

Recommended Members

Representative from Hispanic Population: Vacant

Representative from Faith Community: Mark Lattimore

DSS Attendees – Not Voting Members:

Ms. Denise Clemmer, CPS Supervisor

Ms. Mary Cole, CPS Supervisor

Ms. Lynn Hoppes, CPS Supervisor

EMS AMBULANCE

Mr. Terry Baynard of EMS reported on the receipt of bids solicited for purchase of an ambulance. Funds (\$132,000) for this equipment were budgeted in the FY 2008-2009 budget. He explained that this is a four wheel drive vehicle that will be stationed at the Hickory Nut Gorge station. Only one bid was received.

Chairman Washburn made a motion to adopt the EMS recommendation to accept the bid from Northwestern Emergency Vehicles for a Type I 2009 ALS Ambulance for \$129,867. The vote on the motion was unanimous.

MEMORANDUM OF UNDERSTANDING\ELLENBORO FIRE DEPARTMENT

Commissioner Crowe made a motion to adopt the Memorandum of Understanding with the Ellenboro Fire Department to initiate a First Responder Program. The motion was unanimously approved.

Memorandum of Understanding between
Rutherford County Board of Commissioners and
Ellenboro Volunteer Fire Department

Whereas, the Rutherford County Board of Commissioners desires to promote better pre-hospital care for Rutherford County citizens; and,

Whereas, in cases of severe trauma, cardiac emergencies, and in many cases of medical emergencies, the intervention of trained personnel at the earliest possible time can enhance the chance of recovery by the victim, therefore; let it be

Resolved that Ellenboro Volunteer Fire Department ("Department") agrees to provide Medical Responder coverage in the Ellenboro Fire District and that the following provisions will be in force:

1. The Department will train, organize and maintain personnel to the Medical Responder curriculum or greater, as presented by the NC Department of Community Colleges.
2. The Department, upon request by other emergency response agencies, will be available for response outside the Ellenboro Fire District.
3. The Department will work closely with other emergency response agencies.
4. The Department's Medical Responders will be available twenty-four hours daily and respond when dispatched, to the extent possible.
5. The Department will provide appropriate equipment and supplies to meet the level of care provided.
6. The Department will maintain records of responses and training of personnel.

This memorandum of understanding will remain in effect from this the 4th day of May 2009, until such time as either party gives the other 30 days notice of intent to withdraw.

EMS SATELLITE/OFFSITE DISASTER CENTER

Manager Condrey reported that subsequent to the approval by the Board of Commissioners in 2005 of the establishment of three EMS satellite stations, two have been opened, one in Lake Lure and one in Bostic. Commissioner Holland and his wife, Lavonne Holland, have offered to donate a lot on which to construct a third facility in Henrietta. The lot has been studied and found to be satisfactory for the purpose.

Commissioner Holland asked to be excused from action on this matter.

Chairman Washburn made a motion to allow Commissioner Holland to be excused. The motion was approved on a unanimous vote of the other commissioners.

Chairman Washburn made a motion to accept the donation of property in Henrietta by Eddie and Lavonne Holland with the stipulation that it be used for an EMS Satellite Station. He further

moved that if it is not used for the purpose stated, the property will revert to the Hollands. The motion was approved on a unanimous vote with Commissioner Holland abstaining.

CEMETERY RELOCATION

Commissioner Crowe made a motion to approve the relocation of a private cemetery by the NC Department of Transportation. The cemetery is located in the area which will be affected by the US 221 highway project. She further moved that the County Manager be authorized to oversee this removal on behalf of the county. The motion was unanimously approved.

BUDGET AMENDMENTS\BOARD OF EDUCATION

Finance Director Scherer presented and explained the budget amendments.

Commissioner McIntosh made a motion to approve the budget amendments. The motion was unanimously approved.

	Expense	Revenue
GENERAL FUND		
EMS - Capital Outlay - Ambulance Replacement/Total Loss	\$ 72,481	
Sheriff - Vehicle Repairs and Maintenance	\$ 3,997	
Insurance Claims & Dividends insurance proceeds received		\$ 76,478
Senior Games Expenditures	\$ 810	
Senior Games Donations * donations received		\$ 810
Project Lifesaver Expenditures	\$ 20	
Project Lifesaver Donations * donations received		\$ 20
DSS FUND		
Special Children's Adoption Fund Program	\$ 7,989	
Special Children's Adoption Fund Revenues * DSS became eligible for these funds by exceeding their baseline of children for whom a final order for adoption had been completed. The funds will be used to enhance their adoption program. No county funds are required.		\$ 7,989

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STIMULUS FUND		
DSS- Food Stamp Program	\$ 37,950	
DSS - Food Stamp Stimulus Funds * See attached information from DSS.		\$ 37,950
SCHOOL CAPITAL RESERVE		
Contribution from Schools Capital Projects Fund		\$ 615,291
Fund Balance Appropriated		\$ (460,940)
Reserve for Future Projects * To receive funds from Capital Projects fund due to School Bus Garage land purchase not moving forward and the closing out of other projects.	\$ 154,351	
SCHOOL CAPITAL PROJECTS		
Transfer to School Capital Reserve Fund	\$ 615,291	
Fund Balance Appropriated * To transfer funds to Capital Reserve fund due to School Bus Garage land purchase not moving forward and the closing out of other projects.		\$ 615,291
Rutherfordton Elementary Construction	\$ (34,724)	
Rutherfordton Elementary Contingency * To reduce construction budget per Change Orders 5 and 6.	\$ 34,724	
TOURISM FUND		
Salaries - Regular	\$(2,850)	
Capital Outlay Equipment	\$(4,000)	
Maintenance to Equipment	\$(3,000)	
General Promotion	\$ 600	
Professional Services Contract	\$ 2,400	
Professional Services Marketing	\$ 3,400	
Printing	\$ 500	
Travel	\$ 1,000	
Postage	\$ 1,500	
Training and Employee Education	\$ 50	
Repairs & Maintenance - Building	\$ 400	

Finance Director Scherer described the negative impact on the schools capital reserve fund resulting from the decline in sales tax funds and the withholding of ADM and lottery proceeds. If future outflows move ahead without adjustment, the fund will have a negative balance of approximately \$2 million in FY 2012-2013. Ms. Scherer and Manager Condrey have met with the school officials to devise a plan to make budget adjustments to meet this decrease in funding. The schools have elected to decrease the projected \$1 million for technology to \$500,000 and to reduce the annual capital fund for ongoing maintenance.. They requested a transfer of a portion of the contingency fund for the Rutherfordton Elementary to the current operations budget. Manager Condrey noted that this will leave some \$420,000 in the contingency for Rutherford Elementary that will be returned to the capital reserve fund. He further commented that one way to shore up the school capital reserve fund would be for the schools and the county to each lend money to the fund and to repay the "loan" with interest.

Commissioner McIntosh made a motion to approve a budget amendment to release \$625,000 from contingency from the Rutherfordton Elementary Project to be used for furniture and equipment. The motion was unanimously approved.

BUDGET 2009-2010

Manager Condrey presented the proposed budget for FY 2009-2010 and went over the actions that have been put in place to reduce expenditures in the current budget year and in the proposed FY 2009-2010 budget. His recommendation was to draw on the county's fund balance for this year and in the next budget period. He went over the budget message commenting on each category of income and the projected shortfalls in them and each category of expense and the cuts that have been proposed. The projected budget reflects a reduction of some 8% overall and will not require a tax increase. He pointed to specific areas where the projections have been made on the conservative side. A healthy fund balance will still be in place after proposed reductions to this fund have been made.

Vice Chairman Helton made a motion to hold a public hearing on the budget at the June 2, 2009 meeting of the Commissioners. (See further action below.) There was a unanimous vote of approval.

JUVENILE JUSTICE AND CRIME PREVENTION/BUDGET 2009-2010

Commissioner McIntosh made a motion to approve the budget plan for use of Juvenile Justice funds. The motion was unanimously approved.

DANIEL ROAD PROJECT

Manager Condrey advised that a committee established to draw up a master plan for use of the Daniel Road property has worked diligently to perform its task. He emphasized that the project is in its preliminary planning stages and that the Commissioners have not approved any funding for actual construction.

Keven McCammon reported on the work of the committee. Public input into the plan was obtained in open meetings. Various institutions and agencies have submitted letters in support and

over 600 people have signed a petition in favor of the plan. He said no funds are being requested at this time.

Michael Cole of Cole Jenest, who facilitated the planning process, asked the Commissioners to approve the preliminary plan in concept so that further planning for grading and infrastructure can move ahead and grant funds for site development can be pursued.

Commissioner McIntosh made a motion to approve the master plan for the Daniel Road project. The motion was approved on a vote of 3-2, with Commissioner Crowe and Vice Chairman Helton voting in the negative.

Commissioner Washburn made a motion to allow the Community Pet Center to hold its annual barbeque at the Daniel Road property. The motion was unanimously approved.

QUEEN'S GAP/PHASE I/BOND

Danny Searcy of the Planning Department presented a recommendation from the Planning Commission that the surety bond for construction of Phase I at Queen's Gap be extended for twelve months with conditions set by the Planning Commission.

Mr. Burt Bain was present representing Queen's Gap developers and answered questions from the Commissioners.

Commissioner Washburn made a motion to approve the extension of Phase I construction at Queens Gap subject to the provisions outlined by the Planning Commission. Commissioner McIntosh seconded the motion. The motion was unanimously approved.

CORRECTED MEETING DATE

Commissioner Washburn made a motion to rescind the motion approved earlier for a public hearing on the budget. The motion was unanimously approved.

Commissioner McIntosh made a motion to hold a public hearing on the budget at the June 1, 2009, meeting of the commissioners. The motion was unanimously approved.

ADJOURNMENT

Chairman Washburn declared the meeting adjourned.

Meeting adjourned at 8:37 p.m.

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

Attest:

Clerk, Board of Commissioners