

**MINUTES OF THE MEETING OF THE BOARD OF RUTHERFORD COUNTY COMMISSIONERSE
HELD AT THE RUTHERFORD COUNTY OFFICE BUILDING IN THE COUNTY COMMISSIONERS'
MEETING ROOM ON NOVEMBER 2, 2009, AT 6:00 P.M.**

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

ABSENT: VICE CHAIRMAN MARGARET HELTON

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CALL TO ORDER

Chairman Washburn called the meeting to order.

WEBCASTING

County Manager John Condrey gave an update on the webcasting of the Commissioners' meetings which would begin at this meeting. This will enable citizens to view the proceedings of the Commissioners' meetings on the internet, accessible at the county's website, either live or at a later time.

INVOCATION/PLEDGE OF ALLEGIANCE

Commissioner Holland gave the invocation, and Commissioner Crowe led the pledge of allegiance to the flag.

ADOPTION OF AGENDA

Chairman Washburn read the items on the regular agenda and the supplemental agenda. Commissioner McIntosh made a motion to approve the agenda as amended. The motion was unanimously approved.

PUBLIC HEARING\COMMUNITY DEVELOPMENT BLOCK GRANT\SCATTERED SITE HOUSING

Chairman Washburn opened the public hearing to receive comments on closing a 2006 Community Development Block Grant Scattered Site Housing Project. Ms. Paula Kempton from Isothermal Development Commission reported that the county was awarded a grant of \$440,000, with which three housing units were substantially repaired, three dilapidated units were demolished and replaced with new modular homes, and four units received crisis or urgent repairs including roofs, handicap ramps, plumbing and electrical repairs. A total of \$432,897.40 was expended. Any remaining funds will be de-obligated.

Commissioner Crowe made a motion to approve closing the 2006 Community Development Block Grant Scattered Site Housing Project. The motion was approved on a unanimous vote.

PUBLIC COMMENTS

Chairman Washburn reviewed the ground rules for public comments, which set limits on comments from each speaker to three minutes. He noted that this is not the only opportunity that citizens have to express their views to the Commissioners. He emphasized the necessity for everyone to respect the opinions of others.

Ms. Jennifer Naskov presented information she had collected on the operation of the Spartanburg County animal shelter. She had spoken by telephone with a representative of the Spartanburg County, who she said views the arrangement as costly and unsatisfactory. The numbers of animals being adopted and the numbers being euthanized have not improved. She also had information from Greenville County.

Ms. Jamie Lou Padgett presented additional information obtained by Jennifer Naskov showing that the animal shelter in Rutherford County has been cited for the same issues for three years running, and there is little incentive to address current problems. She said the statement to taxpayers that the state will condemn the shelter is untrue. The state has never given any county a cease and desist order.

Mr. Bill Eckler described the items that Jennifer Naskov's inquiries had indicated were needed at the current animal shelter, which are to build a separating concrete wall, to enclose a room, and to fix a problem with standing water. He urged that these renovations be done and that plans for a new complex be abandoned.

Ms. Frances Clary introduced herself as a volunteer at the community pet center and a teacher in the county schools. She has taken students to the animal shelter and had a vet visit her classroom. She said a new, larger animal shelter would be a great asset to the community.

Mr. Jim Brewer suggested that a cap be placed on the amount of money Commissioners can spend. He advocated a job description for Commissioners. He thinks the projected cost for a dog pound is preposterous.

Dr. Paul Hinkle, a veterinarian in practice in Rutherford County since 1993, said he has had considerable contact with the animal shelter. The facility was poorly designed and it has been unsuitable and outdated for years. A state inspector had contacted him and advised that the state is losing its patience and is very close to closing down the facility. He said an animal shelter is as important to the county as the prison or the landfill.

Mr. Henry Edwards reviewed his case for tax relief on property that had been taken for highway rights of way. The State Property Tax Commission ruled in his favor on the issue. He urged the county to apply the same standard uniformly.

Chairman Washburn recognized each of the Commissioners for a three-minute comment. Commissioner Crowe thanked Jennifer Naskov for her research on the animal shelter. Commissioner McIntosh noted that the county has improved from having the 36th lowest tax rate in the state to 27th in the rankings. He said Rutherford County is the only county in the state which has not raised taxes in the last five years.

CONSENT AGENDA.

Commission Crowe made a motion to approve the consent agenda. The motion was approved on unanimous vote.

Minutes

By consent, the minutes of the October 5, 2009, and October 15, 2009, meetings were approved.

Tax Refunds and Releases

By consent, tax refunds of \$823.89 and tax releases greater than \$100 totaling \$5,492.47 as outlined by Tax Administrator Kep Kepley were accepted. Tax releases of amounts less than \$100, which totaled \$5,920.10, were submitted by the Finance Office. (A copy of these tax refunds and releases is in the Minute Book.)

APPOINTMENT\TRANSIT AUTHORITY

Commissioner Crowe made a motion to appoint Veterans' Service Officer Marie Champion to the Transit Authority. The motion was unanimously approved.

APPOINTMENTS\INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITY

Commissioner Holland made a motion to appoint Russell Horne and Chester Melton to the Industrial Facilities and Pollution Control Financing Authority to replace two members whose terms have expired. The motion was unanimously approved.

RECOGNITION OF FOOTHILLS CONNECT

Chairman Washburn reported that Tim Will, director of Foothills Connect, has recently received a very prestigious award. Because Mr. Will is out of town, the Commissioners will recognize this achievement at a future meeting.

APPOINTMENTS\PLAT REVIEW OFFICER IN LAKE LURE

Commissioner Crowe made a motion to approve the designation of Sheila Spice and Susie Smoyer as Plat Review Officers for Lake Lure. The appointment 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

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 Sheila Spicer and Suzy Smoyer 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 2nd day of November, 2009.

BUDGET AMENDMENTS

Finance Director Scherer explained the budget amendments.

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

Budget Amendments November 2, 2009		
	Expense	Revenue
GENERAL FUND		
Sheriff - Helicopter Expense	\$2,500	
Sheriff - Uniforms/Equipment	\$1,500	
Sheriff Donations *donations received from local fundraiser		\$4,000
Sheriff - Capital Outlay (kitchen repairs)	\$4,000	
Sheriff Donations *donation received from Duke Energy		\$4,000
Sheriff - Equipment purchased with seizure funds	\$8,486	
Federal and State Forfeited Funds *equitable sharing funds received from DEA		\$8,486
Sheriff - Equipment purchased with seizure funds	\$2,892	
Drug Seizure Funds * unauthorized substance tax distribution received		\$2,892

GRANT FUND		
Corp 74 Site Development Expenses	\$25,000	
Duke Energy Grant *grant received for Corp 74 expenses		\$ 25,000

BUDGET AMENDMENT/BUDGET UPDATE

Manager Condrey outlined recommendations for further reductions in the operating budget, made necessary because of lower than expected sales tax revenues and state budget changes. At the end of the first quarter in the 2009-2010 budget year, it is anticipated that there will be a shortfall of \$350,000 over and above the \$1.8 million that is expected to be spent from fund balance. In addition to the recommended reductions, he also recommended that all county employees take three days of unpaid leave over the next few months. The department heads have met and are supportive of this action.

Julie Scherer of the Finance Office said the staff will continue to review the budget situation every quarter and make recommendations as needed.

Commissioner Holland made a motion to approve the budget reductions as recommended and to approve the furlough policy requiring county employees to take three days of unpaid leave. The motion was unanimously approved.

PETITION/GOLF CART ORDINANCE

Manager Condrey reported that the property owners on Moss Drive have petitioned for permission to use golf carts on the state maintained roads. He asked for a sense of the Commissioners before proceeding to draft an applicable ordinance.

Commissioner Crowe made a motion to authorize the county manager to draft an ordinance to allow the use of golf carts on Moss Drive. The motion was unanimously approved.

TERM OF OFFICE/WESTERN HIGHLANDS LME BOARD

Manager Condrey made a clarification about the appointment of Susan Hendrix to the regional LME board (Western Highlands), which the Commissioners approved at the October regular meeting. Due to statutory changes, her term has been set for three years.

PANGEA CONTRACT

Manager Condrey asked for conditional approval of a contract between the county and Pangea, with the stipulation that any legal editing in the language of the contract would not involve material changes.

Commissioner Crowe made a motion to delay approval of the contract between the county and Pangea until the wording has been finalized. The motion was unanimously approved.

CLOSED SESSION\ ATTORNEY-CLIENT PRIVILEGE\G.S. 143.318.11(a)(3)

Commissioner Crowe made a motion to go into closed session for attorney-client privilege under G.S. 143.318.11(a)(3). The motion was unanimously approved.

6:50 P.M. – The Board went into Closed Session

7:10 P.M. – The Board returned to regular session.

ADJOURNMENT

Chairman Washburn declared the meeting adjourned.

Meeting adjourned at 7:10 p.m.

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

Attest:

Clerk, Board of Commissioners