



**Rutherford County Office Building
289 N. Main Street
Rutherfordton, NC 28139**

**Rutherford County
Board of Commissioners
Minutes of March 1, 2021**

**Monday, March 1, 2021
6:00 PM**

I. Call to Order

Chairman King called the March 1, 2021 meeting of the Rutherford County Board of Commissioners to order.

Present: Chairman Bryan King, Commissioner Michael Benfield, Commissioner David Hunt, and Commissioner Greg Lovelace.

Absent: Vice Chairman Alan Toney

A. Pledge of Allegiance

Commissioner Hunt led in the Pledge of Allegiance.

B. Agenda Approval

Commissioner Lovelace moved to approve the agenda. Commissioner Hunt seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

Absent: Commissioner Toney

II. Public Comments

There were no public comments.

III. Consent Agenda

Commissioner Benfield moved to approve the Consent Agenda. Commissioner Hunt seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

Absent: Commissioner Toney

Consent Agenda items approved were:

A. ID 20-2591 Minutes of Commissioners' Meeting of February 1, 2021

B. ID 20-2584 Tax Refunds and Releases

Refund amount totaling \$2,323.68

Releases greater than \$100 totaling \$4,175.18

Releases less than \$100 totaling \$408.46

(A copy of these tax refunds and releases is typed in the Minute Book.)

IV. Commissioners/Appointments

A. ID 21-2751 Appointment to Tourism Development Authority

Mr. Rocky Guarriello who had served as a "General Public" appointment on the Tourism Development Authority resigned. The vacancy was advertised, and applications were accepted. An application was received, and the applicant would be able to fill the "General Public" category.

Commissioner Hunt moved to appoint Ms. Mia Chapman to fill the unexpired term (ending June 30, 2022) of Mr. Guarriello on the TDA. Commissioner Benfield seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

Absent: Commissioner Toney

B. ID 21- 2747 Appointment to Isothermal Planning and Development Commission Board of Directors

The term of office for County Manager Steve Garrison on the Isothermal Planning and Development Commission Board of Directors will expire on April 1, 2021. This vacancy was advertised, and applications were accepted. Manager Garrison is willing to serve another term.

Commissioner Lovelace moved to reappoint County Manager Steve Garrison to the Isothermal Planning and Development Commission Board of Directors to a term ending March 31, 2024. Commissioner Hunt seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

Absent: Commissioner Toney

C. ID 21- 2729 Appointments to Board of Equalization and Review

Pursuant to a resolution that was adopted by the Rutherford County Board of County Commissioners in 2017, the current Board of County Commissioners is authorized to appoint a special Board of Equalization and Review to carry out duties imposed under North Carolina General Statute 105-322.

The 2017 resolution extended the board appointments to staggered two-year terms with Commissioners from districts 1, 4, and 5 appointing a member in even years, and Commissioners from districts 2 and 3 appointing a member in odd years.

The terms of office for the following expired on December 31, 2020.

Joseph J Deyak, appointed by Commissioner King, District 1

Michael Benfield, elected to serve in lieu of appointment, District 4

Esther Bumgarner, appointed by Commissioner Toney, District 5

These vacancies were advertised, and applications were accepted. Mr. Deyak, Commissioner Benfield, and Ms. Bumgarner are willing to serve another term.

The resolution adopted by the Rutherford County Board of Commissioners on December 4, 2017 also stated that the Rutherford County Board of Commissioners shall designate one of the members of the current Board of Commissioners so appointed as chairperson of the Board of Equalization and Review.

Commissioner Hunt moved to appoint Mr. Joseph Deyak, Commissioner Michael Benfield, and Ms. Esther Bumgarner to the Rutherford County Board of Equalization and Review to terms ending December 31, 2022. Commissioner Lovelace seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

Absent: Commissioner Toney

Commissioner Lovelace moved to appoint Commissioner Benfield to serve as the chairperson of the Board of Equalization and Review for 2020. Commissioner Hunt seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

Absent: Commissioner Toney

V. Commissioner Reports

A. ID 21- 2721 Audit Report

Mr. Travis Keeter, Assurance Manager at Gould Killian CPA Group, presented the audit report for Rutherford County for the year ending June 30, 2020. He said an unmodified report was issued showing that all financial statements presented by the County were presented in a manner to fairly represent the financial position and the results of operations of the County of Rutherford. No material weaknesses were noted on internal control. This is considered a clean audit opinion.

The year ended with a fund balance of \$34 million which is a \$2.9 million increase from June 30, 2019. Fund balance available for appropriation amounted to \$26.2 million which is approximately 37% of General Fund Expenses. The state requires a fund balance of 8%, and Rutherford County has historically had a goal of 20%. Other counties in the state have fund balances of approximately 30% while other counties in Rutherford County's population group have approximately 37% in fund balance.

A motion was made by Commissioner Hunt and seconded by Commissioner Lovelace to accept the audit. The vote on the motion was:

Ayes: Commissioner King, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

Absent: Commissioner Toney

B. ID 21- 2748 Charter Communications – Rural Digital Opportunity Fund (RDOF)

Mr. Michael Tanck, Director of Government Affairs for Charter Communications told the Board that Charter Communications recently participated in the Rural Digital Opportunity Fund (RDOF) Auction #904 bidding under the name of "CCO Holdings LLC". This Auction was conducted by the FCC to make Federal Funds available to expand broadband service into completely unserved census block areas across the Country. Charter was one of the largest RDOF recipients in the Country.

In North Carolina, Charter won RDOF grants in 83 Counties to provide service to over 128,000 locations (addresses) and will be receiving more than \$142 million in Federal Funds. For every dollar of Federal Funds these awards bring back to North Carolina and the local communities, Charter will also be investing generally at least twice as much of private funding in these projects.

Specifically, for Rutherford County, Charter was awarded 5,668 location (addresses) and \$6,901,931.30 in Federal Funds. Again, that total does not include the additional investment that Charter is also making. The RDOF award areas in Rutherford County is a significant portion of the County. In all the areas of the County where Charter will be expanding broadband service, the standard speed will be 200 Mbps with optional service up to 1 Gigabit.

C. ID 21- 2757 Medicaid Managed Care Contract with Transit Department

Transportation Director Kerry Giles gave an update to Commissioners regarding changes to Non-Emergency Medical Transportation under the new Medicaid Managed Care Model. Changes will affect both Transit and EMS beginning July 1, 2021 as all transportation requests for Medicaid recipients will go through one of two statewide transportation brokers, rather than at the local level. Contracts with both transportation providers are currently under review with the County Attorney. Final contracts will be brought before the Board of Commissioners at the April meeting

VI. New Business

A. ID 21- 2749 Budget Amendments

Finance Director Paula Roach presented budget amendments for the Board's consideration.

Commissioner Hunt moved to approve the budget amendments. Commissioner Benfield seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

Absent: Commissioner Toney

Budget Amendments		
March 1, 2021		
GENERAL FUND		
Sheriff - Equipment Purchased with Seizure Funds	\$ 580	
Sheriff Drug Seizure Funds		\$ 580
*unauthorized substance tax distribution		
Veterans - Food Pantry Supplies	\$ 3,000	
Community Health Council Grant		\$ 3,000
*provides fresh foods for veterans' food pantry		
COVID-19 FUND		
Board of Elections - project expenses	\$ 123,571	
NC BOE - 2020 NC HAVA funds grant		\$ 123,571
*grant received to improve the administration of federal elections as authorized under HAVA Title 1, Section 101; includes the funds previously awarded of \$10,000		

Transit - Vaccine Transportation Expenses	\$ 23,380	
NCDOT - Transit Vaccination Grant		\$ 23,380
*grant received to provide transportation to vaccination clinics		
Transit - ROAP Expenses	\$ 75,000	
Transit - DHHS CARES Grant		\$ 75,000
*grant award for ROAP program expenses		

B. ID 21- 2753 Proposals for Grant Administration Services

County Manager Steve Garrison told the Board that Rutherford County recently solicited proposals for grant administration services to assist in the administration and management of the \$900,000 Community Development Block Grant (CV) award for subsistence payments for low to moderate income (LMI) households and for public facility improvements which includes broadband connectivity for LMI households. Proposals were received from McGill and Associates and WithersRavenel.

WithersRavenel	Total fee of \$86,500 with limited allowances for eligible project administrative expenses such as public notices and advertisements
McGill and Associates	Lump sum fee of \$80,000 which includes general grant administration and environmental report

After review, it was recommended that the Board approve entering into a contract with McGill and Associates.

Commissioner Lovelace moved to approve the proposal from McGill and Associates. Commissioner Benfield seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

Absent: Commissioner Toney

C. ID 21- 2756 Medical Director Contract

Transportation Director Kerry Giles told the Board that Rutherford County EMS is in the process of looking at a new Medical Director per OEMS state guidelines. The current Medical Director, Dr. Guy Winker, will be retiring at the end of his contract on June 30, 2021. A contract with Dr. Matthew Kramer to begin as EMS Medical Director on July 1, 2021 was presented for the Board's consideration.

Commissioner Benfield moved to approve the contract with Dr. Matthew Kramer as EMS Medical Director to be effective July 1, 2021. Commissioner Hunt seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

Absent: Commissioner Toney

D. ID 21- 2745 Transit System Safety Plan

Transportation Director Kerry Giles asked that the Board consider approving changes in the Transit System Safety Plan. Only minor changes were made to the plan that was approved in 2020. Recommended changes to the System Safety Plan were:

Key Control Process	Sect 5 pg. 120	#1	1/25/2021	Inserted New procedure in SSP
Prioritized Risk Reduction Strategies	Sect 6 pg. 136	#1	1/25/2021	Inserted New Risk Reduction Strategies
Critical Asset Analysis	Sect 6 pg139	#1	1/25/2021	Inserted Critical Asset Analysis
Critical Asset Vulnerability Action Report	Sect 6 pg. 140	#1	1/25/2021	Inserted Critical Asset Vulnerability Action Report
Hazard & Threat Assessments	Sect 6 pg. 141-144	#1	1/25/2021	Inserted Hazard & Threat Assessments

Commissioner Lovelace made a motion to approve the recommended changes to the System Safety Plan. Commissioner Hunt seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

Absent: Commissioner Toney

Director Giles said even though there were no new changes to the Drug and Alcohol Policy on page 86, NCDOT requires a separate annual approval for this policy.

Commissioner Hunt made a motion to the approve the Drug and Alcohol Policy in the Transit System Safety Plan. Commissioner Benfield seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

Absent: Commissioner Toney

E. Application for Property Tax Exemption

County Attorney Richard Williams asked to be excused from discussion on this matter as his office had handled the sale that was a part of the appeal.

6:57 County Attorney Williams left the meeting.

An application for property tax exemption for the 2021 tax year was received by the Revenue Department from Cedar Grove Fellowship Church after the deadline which is January 31st of each tax year. The parcels were transferred from the Trustees of the Western North Carolina Conference of the United Methodist Church, Inc. to Cedar Grove Fellowship Church. Revenue Director Richard Lawson said as Revenue Director, he is unable to approve a late application pursuant to NCGS 105-282 a1. The burden of approval is designated to the Board of County Commissioners. Application deadlines are set by state statutes to protect the County budget process from being undermined.

Commissioner Lovelace moved to approve the application. Commissioner Benfield seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

Absent: Commissioner Toney

7:00 P.M. County Attorney Williams returned to the meeting.

F. ID 21- 2761 Naming of Roadway into Gateway West Commerce Park

County Manager Steve Garrison told the Board that due to the sale of a portion of the commercial portion of the Daniel Road property, a surveyor is working on a preliminary plat for the commercial portion and has asked for the name of the subdivision and for a recommended road name. The industrial portion of the Daniel Road Property was named Gateway West Commerce Park by the Board of Commissioners. It is recommended that the commercial portion also be named Gateway West Commerce Park.

Commissioner Hunt moved to name the commercial portion of the Daniel Road Property owned by Rutherford County Gateway West Commerce Park. Commissioner Lovelace seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

Absent: Commissioner Toney

Commissioner Hunt moved the approval of including Gateway West in the name of the roadway entering the commercial portion of Gateway West Commerce Park but to allow staff to approve the final name in accordance with 911 requirements that road names not be duplicated. Commissioner Lovelace seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

Absent: Commissioner Toney

G. ID 21- 2754 Non-Renewal of Permit for Future Municipal Solid Waste Landfill (MSWLF)

Surveyor David Odom advised that Rutherford County has for many years maintained a permit with NCDEQ for future construction of a Municipal Solid Waste Landfill (MSWLF) Unit at the Rutherford County Central Landfill site. Annual fees have been paid by the County to maintain this permit. This permit has been kept active to provide the County a potential alternative to offsite transport and disposal of MSW.

The County has engaged McGill Associates Engineering to design and permit an expansion of the existing Construction and Demolition Landfill (C&DLF) cell. The expansion areas proposed for future C&DLF cells are in areas previously included in the site study for future MSWLF. McGill Associates reviewed the Permit for Future MSWLF Site Study to determine if the permit should be retained with a revised footprint, or if the permit should be allowed to expire.

McGill Associates noted that based on available area for a future MSW, it is unlikely that it would be cost effective to design, permit, and operate a new MSW at this location. Maintaining the current MSWLF permit does not grant any kind of "Grandfathered" status. NCDEQ would require a new facility to meet all the standards of the current Solid Waste Rules. McGill further noted that the cost of new site suitability investigation, permitting, and construction of a new lined MSWLF cell at the current site would likely far exceed the County's current unit (per ton) price for transferring and disposal of MSW. The County has recently entered into a seven-year contract (with options for renewal) for offsite transport and disposal of MSW.

Odom Engineering concurs with McGill Associates' recommendation that the permit for future MSW construction be allowed to expire.

Commissioner Lovelace moved to submit a Non-Renewal for Permit for the future Municipal Solid Waste Landfill. Commissioner Hunt seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

Absent: Commissioner Toney

H. ID 21- 2755 Request to Abandon SR 1632, Falling Water Lane

County Manager Steve Garrison said property owners on Falling Water Lane (SR 1632) have made a request to the Department of Transportation that this road be abandoned. An aerial photo and county map showing the location of the proposed abandonment was provided along with the Abandonment Petition and the Secondary Road Abandonment Investigation Report. In accordance with G.S. 136-63 if the Board is in support of this request, a resolution must be submitted to DOT recommending the abandonment. A resolution was provided for the Board's consideration.

Commissioner Benfield moved to approve the resolution. Commissioner Lovelace seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None
Absent: Commissioner Toney

Resolution of Abandonment

WHEREAS, it has been requested by the property owners on SR 1632, Falling Water Lane, that this road in Rutherford County be abandoned from the State Maintenance System; and

WHEREAS, the portion of road requested to be abandoned is .10 mile; and

WHEREAS, North Carolina General Statute 136-63 requires that a resolution recommending abandonment must be submitted to the North Carolina Department of Transportation by the Rutherford County Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED that the Rutherford County Board of Commissioners does concur and does approve the abandonment of SR 1632, Falling Water Lane.

Adopted this the 1st day of March 2021.

RES 21-005

I. ID 21- 2752 Resolution for Rutherford County Board of Education

County Manager Steve Garrison presented a request from the Board of Education that a resolution be approved by the Board of Commissioners which would allow the Board of Education to enter into a contract with Apple, Inc. for the purchase of certain computer equipment.

Commissioner Lovelace moved to approve the resolution. Commissioner Benfield seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None
Absent: Commissioner Toney

EXHIBIT A RESOLUTION

WHEREAS, the Rutherford County Board of Education ("Board of Education") wishes to enter into an extension of its existing contract, entered into as of September 2, 2010 with Apple Inc. ("Apple"), for the lease and option to purchase certain laptop computer hardware, software, and related equipment and services to be used for instructional purposes, over a 48-month term effective March 2, 2021, the payment schedule for which is incorporated herein by reference (the "contract");

WHEREAS, the Board of Education advises the Board of Commissioners for the County of Rutherford ("Board of Commissioners") that the new contract agreement will result in substantial savings over that of the current agreement and permit the school children of Rutherford County to replace used computers with new updated computers to enable continued academic enhancement;

WHEREAS, the Board of Education intends to satisfy the full cost of the contract out of the annual budget of the Board of Education during each fiscal year;

WHEREAS, the contract between the Board of Education and Apple is not an obligation of the County of Rutherford and does not require direct funding from the Board of Commissioners to the Board of Education for successive fiscal years;

WHEREAS, pursuant to N.C. Gen. Stat. § 115C-528(i), no deficiency judgment may be rendered against the Board of Education or the Board of Commissioners with regards to the sums to be paid by the Board of Education; and

WHEREAS, the Board of Education and Board of Commissioners intend that the entire cost of the contract with Apple will be covered by the Board of Education's annual budget, the contract is nevertheless being approved by resolution of the Board of Commissioners, at the request of the Board of Education, in order to comply with the technical requirements of N.C. Gen. Stat. §§ 115C-441(c1) and 528, to the extent such requirements are applicable to the contract.

NOW, THEREFORE, BE IT RESOLVED that pursuant to N.C. Gen. Stat. § 115C-441(c1), the Rutherford County Board of Commissioners agree to execute this Resolution and shall appropriate sufficient funds to the Rutherford County Board of Education in ensuing fiscal years in an amount which is sufficient to meet the contract obligations. Said funds for this contract shall be part of, and not in addition to, the regular annual appropriations made to the Board of Education by the Board of Commissioners each year.

Adopted this the 1st day of March 2021.

RES 21-006

VIII. Adjournment

At 7:12 P.M. Commissioner Hunt made a motion to adjourn. Commissioner Lovelace seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

Absent: Commissioner Toney

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

ATTEST:

Clerk, Board of Commissioners