



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

Rutherford County
Board of Commissioners
Minutes of July 3, 2017

Monday, July 3, 2017
6:00 PM

I. Call to Order

Vice Chairman Toney called the July 3, 2017 meeting of the Rutherford County Board of Commissioners to order.

Present: Vice Chairman Alan Toney, Commissioner Michael Benfield, Commissioner Eddie Holland, and Commissioner Greg Lovelace.

Absent: Chairman Bryan King

A. Pledge of Allegiance

Rutherfordton Mayor Jimmy Dancy led in the Pledge of Allegiance.

B. Agenda Approval

Commissioner Benfield made a motion to amend the agenda to move *VII. New Business, H. ID 17-1390* to the first item under *VII. New Business*. Commissioner Lovelace seconded the motion. The vote on the motion was:

Ayes: Commissioner Toney, Commissioner Benfield, Commissioner Holland and Commissioner Lovelace.

Noes: None

Absent: Commissioner King

Commissioner Lovelace moved to approve the agenda as amended. Commissioner Benfield seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Holland and Commissioner Lovelace.

Noes: None

II. Public Hearing

A. ID 17-1381 Increase in Countywide Occupancy Tax

At 6:01 P.M., Vice Chairman Toney opened the public hearing to listen to comments regarding an increase of 1% in the countywide occupancy tax which would be enacted October 1, 2017.

County Manager Steve Garrison told those present that the Rutherford County Tourism Development Authority was empowered by the provisions of Chapter 577, Senate Bill 585 - Session Law 2011-115, House Bill 414 to collect tax not to exceed 6% in occupancy tax. The additional 1% would raise the occupancy tax rate from 5% to 6%. Manager Garrison advised that as the Tryon International Equestrian Center begins some of the international events in October, there should be an increase in travel and tourism.

TDA Chairman Richard Lundy said the increase in occupancy tax will enable the TDA to implement a master plan currently being created. It will further guarantee that there are adequate resources following implementation. The funds would be set aside for tourism related products and benefit county organizations and towns.

There was no one else who wished to speak.

At 6:14 P.M. Vice Chairman Toney declared the public hearing to be closed.

III. Public Comments

Rutherfordton Town Manager Doug Barrick voiced support of the realignment of the territory of the rescue squads in Rutherford County. Rutherford County Rescue closed the base along Railroad Avenue in Rutherfordton and moved all operations nine miles away from the Town of Rutherfordton. This has resulted in a large increase in response times, lack of coordination, and a disparity in response to calls for service. The Town of Rutherfordton requests to be assigned to the Hickory Nut Gorge Rescue Squad district. If approved, the Town will host an ALS unit from HNG in their fire station.

IV. Consent Agenda

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

Ayes: Commissioner Toney, Commissioner Benfield, Commissioner Holland and Commissioner Lovelace.

Noes: None

Absent: Commissioner King

Consent Agenda items approved were:

A. Minutes of June 5, 2017

B. Minutes of Special Meeting of June 12, 2017

- C. **Tax Refunds and Releases –**
Refund amount totaling \$3,122.16
Releases greater than \$100 totaling \$7,637.85
Releases less than \$100 totaling \$16.97
(A copy of these tax refunds and releases is typed in the Minute Book.)

V. Commissioners/Appointments

A. **ID 17-1398 Resolution of Appreciation to Faye Hassell**

Ms. Karen Marshall presented a resolution of appreciation for Ms. Faye Hassell who has served as Executive Director to United Way of Rutherford County for 23 years and is retiring.

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

Ayes: Commissioner Toney, Commissioner Benfield, Commissioner Holland and Commissioner Lovelace.
Noes: None
Absent: Commissioner King

Resolution of Appreciation to Faye Hassell

Whereas the Board of County Commissioners of Rutherford County, North Carolina, wishes to acknowledge and express its appreciation to *Faye Hassell* for her many years of dedicated service to the citizens and towns of Rutherford County; and

Whereas *Faye Hassell* has served tirelessly in the capacity of Executive Director to United Way of Rutherford County for 23 years; and

Whereas, even during times of economic downturn for Rutherford County citizens and challenging unemployment rates, *Faye Hassell* recognized the increased needs and never gave up the mission; and

Whereas *Faye Hassell* demonstrated insight by overseeing two human service needs assessments in Rutherford County to better understand and identify the community's greatest needs; and

Whereas *Faye Hassell* demonstrated acumen by leading United Way of Rutherford County into the role of community builder and facilitator of cooperative efforts among agencies and organizations; and

Whereas *Faye Hassell* has exhibited a community responsibility beyond her executive director position by serving on numerous boards and committees including Chamber of Commerce, founding board for the Community Health Clinic, Juvenile Crime Prevention Council for Rutherford County, founding committee of Senior Care Pharmacy, founding board for Partnership for Children, Salvation Army Advisory Council, State Board of Directors NC 2-1-1 Program, founding committee for Homeless Coalition for Rutherford/Polk Counties;

Now, therefore be it resolved by the County Commissioners of Rutherford County, North Carolina, that deep gratitude and sincere appreciation are expressed to *Faye Hassell* for her leadership and dedicated service to the citizens of Rutherford County.

Be it further resolved that a copy of this resolution be made part of the permanent records of the Rutherford County Commission, and a copy thereof, duly executed by the Board of County Commissioners, be presented to *Faye Hassell*.

In witness, whereof, we have hereunto set our hands and caused to be affixed the official seal of the Rutherford County Commission, this 3rd day July, 2017.

B. ID 17-1380 Appointment of Chairperson of the Tourism Development Authority

Tourism Development Authority Vice Chairman Willard Whitson told the Board that House Bill 414 enacted on June 9, 2011 states that the Rutherford County Board of Commissioners shall designate one member of the Tourism Development Authority to serve as chair of the TDA. The bylaws of the Tourism Development Authority contain the same language. Mr. Whitson said the TDA has unanimously approved the recommendation of Mr. Richard Lundy to serve as Chairperson for the upcoming year.

Commissioner Holland moved to appoint Mr. Richard Lundy as Chairperson of the TDA. Commissioner Benfield seconded the motion. The vote on the motion was:

Ayes: Commissioner Toney, Commissioner Benfield, Commissioner Holland and Commissioner Lovelace.
Noes: None
Absent: Commissioner King

C. ID 17-1385 Appointments to Home and Community Care Block Grant Committee

Commissioner Benfield moved to appoint Mr. James Edwards and Ms. Kelly Hudson to the Home and Community Care Block Grant Committee. Commissioner Lovelace seconded the motion. The vote on the motion was:

Ayes: Commissioner Toney, Commissioner Benfield, Commissioner Holland and Commissioner Lovelace.
Noes: None
Absent: Commissioner King

D. ID 17-1389 Voting Delegate to North Carolina Association of County Commissioners' Annual Conference

The NCACC 110th Annual Conference will be held in Durham County August 10-13, 2017. During the business session, each county will be entitled to one vote on items that come before the membership, including election of the NCACC Second Vice President. In order to facilitate this process, the NCACC asks that each county designate one voting delegate prior to the Annual Conference.

Commissioner Benfield moved to appoint Vice Chairman Toney to serve as the Voting Delegate. Commissioner Lovelace seconded the motion. The vote on the motion was:

Ayes: Commissioner Toney, Commissioner Benfield, Commissioner Holland and Commissioner Lovelace.

Noes: None

Absent: Commissioner King

VI. Old Business

A. ID 17-1392 Broad River Water Authority Interlocal Agreement Related to Community Development Block Grant-Infrastructure Grant

Ms. Maria Honeycutt, Director of Broad River Water Authority (BRWA), said BRWA will be assisting the County to manage the Community Development Block Grant (CDBG) recently received to serve the citizens on Elms Drive. The grant will provide water for 31 homes that are currently served by a community well system that is non-compliant and non-viable. The well system serves too many residents and is unreliable. The grant funds will be utilized to run the waterline, provide taps, and provide service lines to those with low to moderate income, or 22 of the households. The citizens who do not meet CDBG income requirements are required to connect to the project unless they have a functioning, non-contaminated private well. BRWA will provide funding for connections of over-income residents. No funds are required from Rutherford County to complete the project. In-kind support from County staff to help administer the grant will be the only cost to the County. Due to CDBG requirements, BRWA was ineligible to apply directly for the funds.

The project budget was approved at the June 2017 Commissioners' Meeting. An Interlocal agreement between Rutherford County and BRWA is needed for the County to administer the grant for BRWA. A Start-up Meeting with CDBG Representatives, County Staff, BRWA and the Project Engineer is scheduled in July.

Commissioner Benfield moved to authorize the County Manager to work with the County Attorney to enter into an interlocal agreement with Broad River Water Authority and other agreements as necessary that would fulfill the requirements of the Community Development Block Grant received to serve citizens on Elm Drive and to authorize the Finance Officer, Clerk to the Board, and other County officials to sign and execute all documents in support of this action. Commissioner Holland seconded the motion. The vote on the motion was:

Ayes: Commissioner Toney, Commissioner Benfield, Commissioner Holland and Commissioner Lovelace.

Noes: None

Absent: Commissioner King

VII. New Business

H. ID 17- 1390 Hickory Nut Gorge EMS and Rescue District Lines

Chief Amy Dalton of Hickory Nut Gorge EMS & Rescue asked that the Board consider redrawing the two rescue district lines (Rutherford County Rescue and Hickory Nut Gorge EMS and Rescue). A copy of the current rescue district lines and a copy of the proposed lines from Hickory Nut Gorge EMS and Rescue were provided. The proposed new lines would follow the fire district lines to simplify which entities are being dispatched together.

Rutherford County is made up of roughly 600 square miles. Hickory Nut Gorge EMS & Rescue serves 98.54 of those miles. In early 2014 Rutherford County Rescue absorbed Volunteer Life Saving and Rescue and the VLS district.

Hickory Nut Gorge EMS & Rescue believes redrawing district lines would allow more coverage to citizens in the Rutherfordton area, and improve response times. Presently HNG services four fire districts out of the seventeen and shares two with Rutherford County Rescue.

Chief Dalton said the fire departments with which they work are very supportive of HNG Department and she submitted letters of support for the redrawing of the lines from the fire departments affected.

Commissioner Benfield expressed his concern that a dispatcher is making a decision as to who will answer a call coming into the Communications' Center. He believes that paramedic service is needed countywide all the time.

Commissioner Lovelace asked that information be requested from the Town of Spindale Fire Department as no letter of support had been received from this department.

A. ID 17-1382 Animal Control Services Appointments Resolution

Solid Waste Director/Animal Control Director James Kilgo requested that the Board adopt a resolution which he presented that will approve appointments in the Animal Control Services' Department. This will allow the employees to deal with the statutorily mandated situations or services for this department. The resolution also revokes the appointments of those who no longer serve in this capacity.

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

Ayes: Commissioner Toney, Commissioner Benfield, Commissioner Holland and Commissioner Lovelace.

Noes: None

Absent: Commissioner King

RESOLUTION

WHEREAS, North Carolina General Statutes Chapter 67, Article 5, permits the County of Rutherford (hereinafter "County") to adopt a resolution to appoint one or more persons as an animal control officer and county dog warden with the powers and duties as set forth therein (hereinafter "county dog warden"); and

WHEREAS, the County Manager has appointed certain individuals as employees of Rutherford County Animal Control Services to have all the duties and authority granted employees under Article II of Appendix C of the Rutherford County Code; and

WHEREAS, it is the intent of the County Manager, and his recommendation to the Rutherford County Board of Commissioners, that certain employees of Rutherford County Animal Control Services have the duties and authority of an "animal control officer" and "county dog warden" pursuant to N.C. Gen. Stat. Chapter 67, Article 5, and to have all other authority granted animal control officers and animal cruelty investigators by the General Statutes of North Carolina; and

WHEREAS, these statutory duties and authority are a necessary part of the job responsibilities of certain individuals retained as employees of the Rutherford County Animal Control Services; and

WHEREAS, the Rutherford County Board of Commissioners desire to appoint these certain qualified individuals in this capacity.

NOW, THEREFORE, BE IT RESOLVED that, upon the recommendation of the County Manager and based upon his appointment of each of the said individuals as employees of Rutherford County Animal Control Services with all the duties and authority granted them under Article II of Appendix C of the Rutherford County Code, the Rutherford County Board of Commissioners appoints Josh Epley and Wesley Roach pursuant to N. C. Gen. Stat. §67-30, as county dog wardens, with all powers and authority granted such position in accordance with the provisions of N.C. Gen. Stat. Chapter 67, Article 5 (Sections 67-30 *et seq.*).

BE IT FURTHER RESOLVED that each individual so appointed herein shall also have all other authority granted by the General Statutes of North Carolina to animal control officers and animal cruelty investigators.

NOW, THEREFORE, BE IT RESOLVED that the Rutherford County Board of Commissioners formally revokes Mr. Bryant Patterson and Ms. Sherri Watson from being county dog wardens on behalf of the County as they no longer serve in such capacity.

IN WITNESS WHEREOF, the County of Rutherford has caused this instrument to be signed in its corporate name by its Chairman, attested by its Clerk to the Board, and its corporate Seal affixed, this 3rd day of April, 2017.

B. ID 17-1399 Animal Control Services Fee

Solid Waste Director/Animal Control Director James Kilgo asked that the Board approve modifications of the Animal Control Services' Fees. He presented a possible list for the Board's consideration.

Adoptions using Animal Allies Spay/Neuter Clinic:

Dogs: \$40-80

Cats: \$25-50

Dogs previously altered: \$30

Cats previously altered: \$20

Adoptions using local vet vouchers:

Dogs: \$110

Cats: \$80

Euthanasia Fees:

<= 25lbs: \$15

>=26lbs: \$25

Good Samaritan: No charge

Charges to Rescue Groups:

No charge to pull from us unless vaccines or other services have been performed; that cost will need to be covered.

Credit Card Fee:

\$2 for initial swipe; no charge for additional use

Rabies Vaccines:

\$5 on clinic days

\$10 nail trims also offered on rabies clinic days

\$10 during regular business hours

Microchipping:

\$20 per animal

Boarding:

Regular board: \$5 per day

Quarantine building board: \$10 per day

Return-to-Owner:

Redemption fee 1st pickup: No Charge

Redemption fee 2nd pickup: \$25

Redemption fee 3rd and further pickups: \$50

Trap Rentals:

Cat trap deposit: \$20

Dog trap deposit: \$40

Commissioner Benfield moved to approve the Animal Control Services Fees.
Commissioner Lovelace seconded the motion. The vote on the motion was:

Ayes: Commissioner Toney, Commissioner Benfield, Commissioner Holland and
Commissioner Lovelace.

Noes: None

Absent: Commissioner King

C. ID 17-1394 Reimbursement Resolution for Vehicles and Equipment.

Based on the Board's decision as part of the FY 2017-2018 Budget to move forward with the purchase of certain equipment and vehicles, Finance Director Paula Roach presented a resolution, *Declaration of Official Intent to Reimburse*, for the Board's consideration.

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

Ayes: Commissioner Toney, Commissioner Benfield, Commissioner Holland and Commissioner Lovelace.

Noes: None

Absent: Commissioner King

RESOLUTION

RUTHERFORD COUNTY, NORTH CAROLINA

DECLARATION OF OFFICIAL INTENT TO REIMBURSE

This declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of Rutherford County, North Carolina (the "Issuer") with respect to the matters contained herein.

1. **Expenditures to be Incurred.** The Issuer anticipates incurring expenditures (the "Expenditures") for the purchase of vehicles and equipment (the "Project").

2. **Plan of Finance.** The Issuer intends to finance the costs of the Project with the proceeds of debt to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.

3. **Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$1,663,931.

4. **Declaration of Official Intent to Reimburse.** The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Adopted this 3rd day of July, 2017.

D. ID 17-1397 Queen's Gap Development Road Project to Complete Paving

Planning and Public Works Director Danny Searcy told the Board that the original bid opening for the Queens Gap Road Paving 2017 Project was held on Thursday, June 22. Three bids were not received resulting in a re-advertisement for bids. The re-advertisement bids were received on Friday, June 30 and were as follows:

BID AMOUNT

- | | |
|--------------------------------|----------------|
| • Rogers Group, Inc. | \$1,270,885.00 |
| • Site Development Corporation | \$1,489,207.50 |

The low bidder was Rogers Group, Inc. with a bid amount of \$1,270,885.00. The project was estimated to cost \$1,500,000.00. Mr. David Odom of Odom Engineering recommended awarding the contract to Rogers Group, Inc. in the amount of \$1,270,885.00 to complete the project.

Commissioner Lovelace moved to approve the bid tab and authorize the County Manager to execute contracts and other documents with the recommended low bidder in support of the Commissioners' action. Commissioner Benfield seconded the motion. The vote on the motion was:

Ayes: Commissioner Toney, Commissioner Benfield, Commissioner Holland and Commissioner Lovelace.
Noes: None
Absent: Commissioner King

E. ID 17-1391 Assistance Policy and Procurement and Disbursement Policy for Urgent Repair Program for 2017

Planning and Public Works Director Danny Searcy presented the Assistance Policy and the Procurement and Disbursement Policy for the 2017 Urgent Repair Program for the Board's consideration.

Commissioner Benfield moved to approve the Assistance Policy for the Urgent Repair Program for 2017. Commissioner Holland seconded the motion. The vote on the motion was:

Ayes: Commissioner Toney, Commissioner Benfield, Commissioner Holland and Commissioner Lovelace.
Noes: None
Absent: Commissioner King

Commissioner Benfield moved to approve the Procurement and Disbursement Policy for the Urgent Repair Program for 2017. Commissioner Lovelace seconded the motion. The vote on the motion was:

Ayes: Commissioner Toney, Commissioner Benfield, Commissioner Holland and Commissioner Lovelace.
Noes: None
Absent: Commissioner King

F. ID 17-1387 Charge to Collect and Annual Tax Collections' Settlement Report

The Annual Tax Collections' Settlement Report for FY 2015-2016 was presented by Revenue Director Sherry Lavender. The report showed total tax collections for fiscal year 2016-2017 (tax year 2016) in the amount of \$35,116,455.03 with a final collection rate of 97.0% which is the highest collection rate in five years.

The Charge to Collect was presented for the Board's consideration.

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

Ayes: Commissioner Toney, Commissioner Benfield, Commissioner Holland and Commissioner Lovelace.

Absent: Chairman King

Noes: None

State of North Carolina
County of Rutherford

TO: Sherry Lavender, Revenue Director of the County of Rutherford:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of Rutherford County Revenue Department and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Rutherford, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

G. ID 17- 1388 Application for Property Homestead Elderly,Disabled Exclusion (Tax Relief)

Revenue Director Sherry Lavender presented an application for Property Homestead Elderly/Disabled Exclusion from L.C. and Sandra Ruppe which was received for the 2017 tax year on June 7, 2017. The deadline to submit an application for property homestead elderly/disabled exclusion (Tax Relief) is June 1st of each tax year.

Director Lavender said the application met all other statutory requirements and the supporting documents were received on time. The application would have been approved if filed timely. As Revenue Director, she is unable to approve the late application. Pursuant to NCGS 105-282.a1, the burden to approve is designated to the Board of County Commissioners. Application deadlines are set by state statute to protect the County budget process. The amount of tax relief, if approved, is \$179.37.

The staff recommendation was that the Board deny the late application for 2017. The application would then be held over to the 2018 tax year for approval if income and disability requirements are still met.

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

Ayes: Commissioner Toney, Commissioner Benfield, Commissioner Holland and Commissioner Lovelace.

Noes: None

Absent: Commissioner King

IX. Adjournment

At 7:10 P.M. Commissioner Lovelace made a motion to adjourn. Commissioner Benfield seconded the motion. The vote on the motion was:

Ayes: Commissioner Toney, Commissioner Benfield, Commissioner Holland and Commissioner Lovelace.

Noes: None

Absent: Commissioner King

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

ATTEST:

Clerk, Board of Commissioners