



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

**Rutherford County
Board of Commissioners
Minutes of September 5, 2017**

**Monday, September 5, 2017
6:00 PM**

I. Call to Order

Chairman King called the September 5, 2017 meeting of the Rutherford County Board of Commissioners to order.

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

A. Pledge of Allegiance

Mr. Scott Carpenter led in the Pledge of Allegiance.

B. Agenda Approval

Commissioner Lovelace moved to approve the agenda. 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 Comments

Ms. Claudia Conrad spoke of problems she and her husband who is a veteran have had with the Rutherford County Veterans' Service Office. She stated that she also spoke for other veterans who have had problems that included the office being closed during regular business hours, and paperwork which was not completed properly or in a timely manner. Ms. Conrad said veterans should be treated with dignity and respect.

Mr. Bud Byers who is a veteran stated that he had always been treated kindly and had always been able to speak with an employee when he visited the Veterans' Service Office.

III. Consent Agenda

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

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

Noes: None

Consent Agenda items approved were:

- A. ID 17- 1423 Minutes of August 7, 2017**
- B. ID 17- 1424 Minutes of Special Meeting of August 14, 2017**
- C. ID 17- 1433 Tax Refunds and Releases –**
 - Refund amount totaling \$2,097.95
 - Releases greater than \$100 totaling \$58,485.39
 - Releases less than \$100 totaling \$1,769.19

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

IV. Commissioners/Appointments

A. ID 17-1435 Proclamation Honoring Dan X. Padgett

Commissioner Holland introduced a proclamation honoring Mr. Dan X. Padgett who is a musical icon in the Rutherford County area having played the banjo and other instruments on the Grand Ole Opry, on television, and on tours. A celebration for Mr. Padgett will be held at Ellenboro School on October 16.

Commissioner Benfield moved to approve the proclamation. Vice Chairman Toney seconded the motion. The vote on the motion was:

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

Noes: None

Proclamation

Honoring Dan X. Padgett

WHEREAS, Dan X. Padgett fell in love with music at a very early age; and

WHEREAS, Dan X. Padgett learned to play the banjo and other instruments and used this talent to entertain and make people happy; and

WHEREAS, Dan X. Padgett was a protégé of Earl Scruggs and became his stand-in in performances with Flatt and Scruggs; and

WHEREAS, Dan X. Padgett has played at the Grand Ole Opry and on television and toured the country playing bluegrass and country music; and

WHEREAS, Dan X. Padgett has contributed much in passing along the tradition of bluegrass, banjo and country music to students; and

WHEREAS, at age 82 Dan X. Padgett still plays in a band and teaches music in his studio.

NOW, THEREFORE, BE IT RESOLVED that the Rutherford County Board of Commissioners does hereby recognize Dan X. Padgett for his incredible talent and expresses their deep appreciation for his contributions to Rutherford County and this area.

Adopted this the 5th day of September, 2017.

B. ID 17-1426 Appointments to North Carolina Arts Council Grassroots Committee

The terms of office for the five members of the North Carolina Arts Council Grassroots Committee will expire October 7, 2017. These vacancies have been advertised and applications have been accepted. Those current members who have indicated their willingness to serve an additional term are:

Gordon Pendarvous
Sally Leshner
Amy Bridges
Kathy Ackerman

It was requested that Mr. Aubrey Clay also be appointed as a member of this committee.

Commissioner Lovelace moved to approve the appointments of Mr. Gordon Pendarvous, Ms. Sally Leshner, Ms. Amy Bridges, Ms. Kathy Ackerman, and Mr. Aubrey Clay. Commissioner Holland seconded the motion. The vote on the motion was:

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

Noes: None

C. ID 17-1428 Appointments to Tourism Development Authority

Ms. Tammy Martel resigned from the Tourism Development Authority. There is an additional vacancy on the TDA as a result of the appointment of member Don Cason to the position of TDA Director. Both Ms. Martel and Mr. Cason represented appointments that must be affiliated with a business that collects occupancy taxes in the county. These positions have been advertised and several applications have been received.

Vice Chairman Toney moved to appoint Mr. Charles Martel and Ms. Kitty McCammon to the Tourism Development Authority. Commissioner Holland seconded the motion. The vote on the motion was:

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

Noes: None

D. ID 17- 1430 Appointments to Airport Appeals Board

The terms of office for the five members of the Airport Appeals Board will expire on October 1, 2017. The Board agreed to advertise the vacancies, accept applications, and make appointments at a future meeting.

E. ID 17- 1432 Appointments to Historic Preservation Committee

The terms of office for the members of the Historic Preservation Committee expired several years ago, and no reappointments were made. The committee has not met in a long time. It is now necessary that this committee be re-established due to some items of business which will be forthcoming in the next while.

Vice Chairman Toney said he and Commissioner Lovelace had met with citizens who are interested in preserving the history of Rutherford County and are interested in serving on the committee.

The Board agreed to advertise the vacancies, accept applications, and make appointments at a future meeting.

V. Commissioner Reports

A. ID 17- 1429 Report on Opioid and Substance Abuse

United Way Director Suzanne Porter provided a report on opioid and substance abuse and extended an invitation to an Opioid Forum that will be held at Isothermal Community College on October 17.

Ms. Porter presented a map showing the increase in opioid overdose deaths from 1999 to 2014. The prescribing rates for opioids increased 172% by 2013 from the prescribing rates in the 1990s. This could be attributed to the economic recession and changing social conditions. These medications seemed to numb those experiencing problems. Rutherford County is the 5th highest in the state in relation to opioids prescribed. Many are accidental addicts as a person can become dependent in as little as 5 days.

The forum will address the depth of the problem and the economic impact it is causing.

VI. Old Business

A. ID 17- 1439 De-Obligation of Community Development Block Grant Funds

Broad River Water Authority Director Maria Honeycutt advised that at the July 3, 2017 meeting, the Board of Commissioners authorized the County Manager to work with the County Attorney to enter into an interlocal agreement with Broad River Water Authority to fulfill the requirements of the Community Development Block Grant that would be used to serve the citizens on Elms Drive. Based on the area's low-moderate income statistics and the need to eliminate a non-compliant community well system, the project qualified for funding and was awarded Community Development Block Grant - Infrastructure (CDBG-I) funds in the amount of \$190,000.

After thoughtful consideration, Broad River Water Authority plans to apply to NCDEQ's Division of Water Infrastructure for a different funding program which will be a better fit for this project and will not be subject to Federal HUD requirements. Broad River Water Authority will be able to apply directly for these funds and will also be able to manage the administrative and environmental portions directly without assistance from County staff or a Council of Government. Additionally, the timeline for completion would be significantly shorter. The Broad River Water Authority Board has now voted to request that the County Commissioners de-obligate the Elms Drive CDBG.

The Elms Drive waterline project would be ineligible for other funding sources if the CDBG-1 funds are not de-obligated prior to September 29, 2017.

Commissioner Benfield moved to de-obligate the Community Development Block Grant for the Elms Drive project. Commissioner Holland seconded the motion. The vote on the motion was:

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

Noes: None

VII. New Business

A. ID 17- 1440 Budget Amendments

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

At the request of Vice Chairman Toney, Isothermal Community College Vice President of Administrative Services Stephen Matheny provided information to the Board about the bid opening for the chiller replacement for the Performing Arts/Continuing Education Building. He announced that the bid came in under budget.

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

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

Noes: None

	Expense	Revenue
GENERAL FUND		
JCPC - Program Expenditures	\$ 8,600	
JCPC - Program Revenues - Other Recipients		\$ 8,600
JCPC Psychological Services to the Courts	\$ (5,460)	
JCPC Psychological Services Program Revenues		\$ (2,800)
Fund Balance Appropriated		\$ (2,660)
DSS - Temporary Shelter Care Expenses	\$ (5,800)	
DSS - Temporary Shelter Care Revenues		\$ (5,800)
*reallocate program expenses for JCPC; Repay Inc will be managing the programs rather than local or DSS management		
Sheriff - Employee Evaluations	\$ 50	
Sheriff Misc Revenues		\$ 50
*reserve officer reimbursement		
Sheriff - Equipment Purchased with Seizure Funds	\$ 7,117	
Sheriff Drug Seizure Funds		\$ 7,117
*unauthorized substance tax distribution		
College - Capital Projects	\$ 225,000	
Contribution from College Capital Fund		\$ 225,000
*allocate funds for the Performing Arts/Continuing Education Building - Chiller Replacement; request from college attached		
Contribution to Airport Fund - Grant Match for Airport Improvements	\$ 456,103	
Fund Balance Appropriated		\$ 456,103
*Contingent upon NCDOT Award of the Project		
AIRPORT FUND		
Airport - Runway, Taxiway and Apron Overlay Expenditures	\$ 4,561,026	
Contribution from General Fund - Grant Match		\$ 456,103
NCDOT Grant - Airport Projects		\$ 4,104,923
*Contingent upon NCDOT Award of the Project		
COLLEGE CAPITAL FUND		
Transfer to General Fund - College Capital Projects	\$ 225,000	
Reserved for Future Projects	\$ (200,000)	
Fund Balance Appropriated		\$ 25,000
*allocate funds for the Performing Arts/Continuing Education Building - Chiller Replacement		
GRANT FUND		
Watershed Project - Cleghorn Creek	\$ 36,292	
NC Dept of Env Quality - Watershed Program		\$ 36,292
*appropriate funds received for the Cleghorn Creek Watershed Project		

	Expense	Revenue
Cliffside Sanitary - Project Expenses	\$ 100,000	
NC State - Budget Allocation		\$ 100,000
*funds received for improvements in the rural community of Cliffside; will work with WK Dickson and CSD to prioritize use of funds		
NCDOT/ARC - Jack McKinney Road Improvements	\$ 873,510	
NC DOT/ARC Grant		\$ 873,510
*grant received for road improvements near the Jack McKinney industrial site; no local match; funds will be managed by ARC		

B. ID 17- 1441 Grants for Cliffside Sanitary District

Public Works and Planning Director Danny Searcy told the Board that Downtown Revitalization and Economic Development Grants are administered through the Rural Economic Development Division of the North Carolina Department of Commerce. A proposal form requesting \$100,000 for smoke testing, flow monitoring, and data analysis and resulting recommendations for the Cliffside Sanitary District was presented for the Board's consideration. This would be Phase I and the results from this would allow the programming of Phase 2 in which true problems could be detailed and a cost for repair could be finalized. The form must be submitted by September 15.

A resolution was also presented that would approve requesting an AIA grant for \$150,000 for Phase 2 for Cliffside Sanitary District. This will allow a detailed cost to repair the collection system to be generated.

Commissioner Benfield moved to approve the request for the Downtown Revitalization and Economic Development Grant. Vice Chairman Toney seconded the motion. The vote on the motion was:

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

Noes: None

Vice Chairman Toney moved to approve the resolution requesting the AIA Grant. 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

RESOLUTION BY THE BOARD OF COMMISSIONERS OF RUTHERFORD COUNTY

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of planning and construction of wastewater collection system improvements, and

WHEREAS, Rutherford County and Cliffside Sanitary District each have a need for and each intends to cooperate to complete an Asset Inventory & Assessment of the Cliffside Sanitary District wastewater collection system, and

WHEREAS, **Rutherford County**, with the cooperation of **Cliffside Sanitary District** and upon their passage of a similar resolution, intends to request state assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF RUTHERFORD COUNTY:

That **Rutherford County**, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the (unit of government) to make scheduled repayment of the loan, to withhold from the (unit of government) any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That **Bryan King, Board Chairman**, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the completion of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 7th of August, 2017 at Rutherfordton, North Carolina.

C. ID 17- 1436 Addendum to Lake Lure Fire Department Contract

Transportation Director Kerry Giles presented an addendum to the contract currently in place between the County and the Lake Lure Fire Department for the Board's consideration. This Addendum would allow Lake Lure Fire Department to respond to medical calls at the AEMT level. The department currently responds at the EMT-Basic Level. An AEMT or formally the EMT-Intermediate Level is not the same as a paramedic, but would allow personnel to start an IV and administer limited medications per Office of Emergency Services (OEMS). Lake Lure Fire Department will not be transporting patients, but providing patient care in the field until Rutherford County EMS or a rescue squad is available for transport. Director Giles said Rutherford County EMS has conducted an extensive process with the Lake Lure Fire Department and Dr. Guy Winker, the EMS Medical Director, to ensure proper oversight is in place to allow this agency to advance their level of patient care in the field.

The County Attorney has reviewed the contract. This same addendum will be on the Lake Lure Town's agenda at their September 12th meeting. Following approval, the Rutherford County System Plan will be updated and the OEMS must approve before the change can be implemented.

Commissioner Benfield moved to approve the addendum. Vice Chairman Toney seconded the motion. The vote on the motion was:

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

Noes: None

RECESS

6:58 p.m. Recess

7:16 P.M. Reconvene

D. ID 17- 1437 Revised Fire Service District Contracts

County Manager Steve Garrison presented revised fire service district contracts for the Board's consideration. The contracts presented were for:

- Rutherford County Volunteer Fire Departments
(Bill's Creek, Bostic, Cherry Mountain, Chimney Rock, Cliffside, Ellenboro, Fairfield Mountains, Green Hill, Hudlow, Sandy Mush, S.D.O., Shingle Hollow and Union Mills)
- Municipal Fire Departments
(Forest City, Lake Lure, Rutherfordton, and Spindale)
- Outside Response Area
- Out of County Departments
(Edneyville, Polkville, and Broad River)

County Attorney Richard Williams explained that previously the County had contracted with individual fire departments to cover the outside response area (ORA). Going forward the County will have an individual contract with the Rutherford County Fire/Rescue Association to cover the ORA. The Fire Rescue Association will then enter into subcontracts with the fire departments for coverage of the ORA. Each contract between Rutherford County and individual fire departments was amended so the ORA will be removed from these contracts.

Commissioner Lovelace moved to approve the contracts as written, and authorize County Manager to work with County Attorney and Rutherford County Fire Marshal to negotiate, amend, and execute the contracts as necessary for any matters not affecting compensation. 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

E. ID 17- 1422 Thermal Belt Rail Trail – Interlocal Resolution

County Manager Steve Garrison said the County of Rutherford and the towns of Ruth, Forest City, Rutherfordton, and Spindale (Trail Partners) have entered into separate lease agreements with Rutherford Railroad Development Corporation for the Rail Corridor. The Trail Partners have indicated a desire to build a paved trail to traverse the entire Rail Corridor. The RHI Legacy Foundation has agreed to provide \$4,250,000 for the development and construction of the trail. A resolution was provided for the Board's consideration that would approve an Interlocal agreement and the Master Plan for the Thermal Belt Rail Trail.

Commissioner Benfield moved to approve the resolution. Vice Chairman Toney seconded the motion. The vote on the motion was:

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

Noes: None

**RESOLUTION TO APPROVE AN INTERLOCAL AGREEMENT AND MASTER PLAN
FOR THE THERMAL BELT RAIL TRAIL**

WHEREAS, the County of Rutherford, the Town of Forest City, the Town of Ruth, the Town of Rutherfordton, and the Town of Spindale (collectively referred to herein as the "Trail Partners") have each entered into a separate lease agreement with Rutherford Railroad Development Corporation ("RRDC"), for certain portions of the rail corridor being generally comprised of those railroad corridors between Alexander Mills and Gilkey, North Carolina, commonly referred to as the Gilkey Line and Forest City and Bostic, North Carolina, commonly referred to as the Bostic Spur, (collectively, the "Rail Corridor"); and

WHEREAS, the Trail Partners desire to build and maintain a twelve-foot-wide paved trail which shall traverse the entire 13.58 miles of the Rail Corridor from Forrest Hunt Elementary School to Gilkey; (the "Thermal Belt Rail Trail"); and

WHEREAS, RHI Legacy Foundation, Inc., a non-profit organization organized under the laws of the State of North Carolina, has agreed to provide \$4,250,000 in funds for the development and construction of the Trail and the Trail Partners desire to jointly accept and utilize said funds for the purposes of development and construction of the Trail, to finalize a Master Plan and to coordinate the construction, maintenance and promotion of the Thermal Belt Rail Trail for the ongoing benefit of the citizens of Rutherford County.

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of Rutherford County hereby approves the attached Interlocal Agreement for Thermal Belt Rail Trail and authorizes the County Manager to execute same on behalf of the County.

BE IT FURTHER RESOLVED, that the Board of Commissioners of Rutherford County hereby approves the Master Plan for the Thermal Belt Rail Trail subject to such further modifications as may be made by the Trail Partners as provided in the Interlocal Agreement.

Adopted this the 5th day of September, 2017.

F. ID 17- 1434 Easement on County Owned Property

Planning and Public Works Director Danny Searcy said Duke Energy Carolinas has requested that Rutherford County grant an easement on property owned by Rutherford County at the intersection of Main Street and Trade Street in Rutherfordton. An email from Duke Energy stated that the easement is necessary for the power quality and reliability improvements underway in Rutherfordton. An easement agreement was presented for the Board's consideration.

Vice Chairman Toney moved to approve the easement. Commissioner Holland seconded the motion. The vote on the motion was:

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

Noes: None

G. ID 17- 1438 PANGAEA IRU Requests

Mr. Ron Walters, Executive Director of PANGAEA, presented a request for three strands of fiber to provide internet service to Gardenwoods, Cliffside Restoration, and free public wi-fi.

The IRU and Services Agreement between PANGAEA and Rutherford County dated January, 2010 state the following:

6. Pricing Adjustments; Revenue Sharing.

(a) Use of County Network Fiber by PANGAEA.

(1) If PANGAEA determines that it has a business reason to utilize one or more fiber strands included in the County Network, PANGAEA may request use of such fiber strand(s) from the County. Upon the advance written consent and approval of the County for such use, the IRU will be deemed amended to exclude the specified fiber strand(s) and fiber route(s) from the IRU. In such an event, PANGAEA will then assume full responsibility for all costs covered by this Agreement for such specific fiber strand(s) and fiber route(s), and any future monthly costs and semi-annual costs included in this Agreement will then be reduced by a prorated amount.

Also, stated in that agreement as follows:

(c) Revenue Sharing.

(1) If PANGAEA uses one or more fiber strands as described above to provide service to a customer, PANGAEA agrees to share with the County 10% of all future monthly service gross revenue collected from that customer. PANGAEA will pay the County semi-annually an amount that represents the total gross revenue sharing amount for all collected customer gross revenue for the prior six month period. PANGAEA shall provide to the County a semi-annual report which displays the gross revenue associated with said customer and the calculation of the 10% revenue amount.

Mr. Walters said each time PANGAEA requests to use a strand of the Rutherford County fiber, Rutherford County receives revenue sharing and a cost reduction in maintenance fees. PANGAEA has requested 19 strands of the 588 Rutherford County segment strands of fiber. Rutherford County can take back the strands if they are needed by the County.

Commissioners and the Manager questioned pricing which had been offered when the County had requested PANGAEA fiber to be used for redundancy. The County receives approximately \$6,000 per year for the 19 strands of fiber, but PANGAEA had priced one strand of fiber at \$4,200 per year to the County. Mr. Walters stated that the fiber requested by the County was purchased from a third party.

It was agreed that the County and PANGAEA should hold discussions regarding this issue.

Vice Chairman Toney moved to approve the PANGAEA request for three strands of fiber. 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

VII. Closed Session

A. ID 17-1427 PERSONNEL/N.C.G.S. 143-318.11(a)(6)

Commissioner Benfield moved to go into Closed Session for discussion regarding personnel. Vice Chairman Toney seconded the motion. The vote on the motion was:

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

Noes: None

7:59 P.M. - The Board went into Closed Session.

8:33 P.M. - The Board returned to regular session.

X. Adjournment

At 8:34 P.M. Commissioner Benfield made a motion to adjourn. Vice Chairman Toney seconded the motion. The vote on the motion was:

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

Noes: None

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

ATTEST:

Clerk, Board of Commissioners