



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

**Rutherford County  
Board of Commissioners  
Minutes of April 9, 2018**

**Monday, April 9, 2018  
6:00 PM**

**I. Call to Order**

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Chairman King called the April 9, 2018 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**

Members of the press led in the Pledge of Allegiance.

**B. Agenda Approval**

**Commissioner Lovelace moved to approve the 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

**II. Public Hearing**

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**A. ID 18-1620 Public Hearing on Economic Development Project**

At 6:00 P.M. Chairman King opened the public hearing to listen to comments regarding Rutherford County's intent to consider appropriating and expending County funds to develop an economic development incentives contract with a company considering locating in Rutherford County.

Economic Development President Tom Johnson told the Board that the economic development grant with a prospective manufacturing company would be fifty percent (50%) of net new property taxes paid once certain thresholds are achieved and could extend for up to five (5) years provided jobs, investment and wage levels are met and maintained. For the incentive to continue for five (5) years, the company will create at least twelve (12) jobs with an overall average wage of at least \$31,200 annually plus benefits and make personal property investments resulting in a net tax value increase of at least \$1,000,000.

Mr. Mark Isbell advised that his company is in the process of renovating a former Cone Mills facility and will produce a mattress that will eliminate bed bugs. The process to make the product is environmentally friendly.

Mr. Mark Kunes stated that he lives in Rutherford County and had an interest in the incentive program which is offered by Rutherford County. He listed several suggestions that he believed would improve the program for Rutherford County.

No one else wished to speak.

At 6:09 P.M. Chairman King declared the public hearing to be closed.

**Commissioner Lovelace made a motion to approve the terms for the economic incentive agreement and authorize the County Manager and County Attorney to execute all documents in support of this action. 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

### **III. Public Comments**

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Mr. Steve Theodoropoulos introduced himself as a candidate for the office of Sheriff of Rutherford County. He is a retired state trooper and federal air marshal from the State of Florida. He listed several suggestions for making the County safer for Rutherford County citizens.

### **IV. Consent Agenda**

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**Vice Chairman Toney moved to approve the Consent 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

**Consent Agenda items approved were:**

- A. ID 18- 1616 Minutes of March 5, 2018**
- B. ID 18- 1612 Tax Refunds and Releases –**  
Refund amount totaling \$3,379.65  
Releases greater than \$100 totaling \$2,717.05  
Releases less than \$100 totaling \$1,371.25  
(A copy of these tax refunds and releases is typed in the Minute Book.)

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**V. Commissioners/Appointments**

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**A. ID 18- 1623 Rutherford County Community Child Protection/Child Fatality Prevention**

Social Services' Director John Carroll told the Board that the Rutherford County Community Child Protection Team/Child Fatality Prevention Team is required by NCGS 7B-1406(a)(2) to report annually to the Board of County Commissioners on the activities of the team. The composition of the Team is mandated by NCGS 7B-1407(b)(1)-(10) and (c)(1)-(5). In addition, section (d) of 1407 states the Board of County Commissioners may appoint a maximum of five additional members to represent county agencies or the community at large. A list of the current membership was presented with the report, including what organization or CCPT/CFPT position that each member represents. Historically, the team has appointed members to these five County Commissioner-appointed positions as needed and then presented the list to the Board annually for approval, or to make changes as the Board may deem necessary. There is no time limit on the appointments. County Commissioner appointments recommended by the team were Dr. Christian Burley, Ms. Lamonda Davis, Ms. Yanet Cisneos, and Ms. Stephanie Ingle.

**Vice Chairman Toney moved to approve the recommended membership of the Rutherford County Community Child Protection Team/Child Fatality Team. Commissioner Lovelace seconded the motion. The vote on the motion was:**

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

**Noes:** None

**B. ID 18-1617 Child Abuse Prevention Month Proclamation**

Social Services Director John Carroll told the Board that since 1983, April has been designated as Child Abuse Prevention Month through a presidential proclamation to acknowledge the importance of families and communities working together to prevent child abuse. He presented a proclamation signifying Rutherford County's dedication to the prevention of child abuse and neglect and asked for the Board's approval.

**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

**Rutherford County  
Child Abuse Prevention Proclamation**

**Whereas**, children are vital to our county's future success, prosperity and quality of life as well as being our most vulnerable assets;

**Whereas**, all children deserve to have the safe, stable nurturing homes and communities they need to foster their healthy growth and development;

**Whereas**, child abuse and neglect is a community responsibility affecting both the current and future quality of life of a community;

**Whereas**, communities that provide parents with the social support, knowledge of parenting and child development and concrete resources they need to cope with stress and nurture their children ensure all children grow to their full potential;

**Whereas**, Rutherford County recognizes that effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community;

**Whereas**, Rutherford County supports, fosters, and maintains collaborative relationships among Law Enforcement, Health, Behavioral Health, Faith communities, the Department of Social Services, the Family Resource Center, Rutherford County District Attorney, District 29A Circuit Court, Rutherford County School District and other civic and business organizations in order to prevent child abuse and neglect in Rutherford County;

**Therefore, I do hereby proclaim April as Child Abuse Prevention Month** and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders, and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

Adopted this the 9<sup>th</sup> day of April 2018.

**Enactment No. PROC 18-002**

**C. ID 18-1605 Appointments to Animal Appellate Board**

The terms of office for two members (Commissioner Eddie Holland and Dr. Gretchen Kelly) of the Animal Appellate Board expire on May 5, 2018. Rutherford County Code of Ordinances Section II. *Owner Appeal of Potentially Dangerous Animal Designation* calls for an appellate board which shall consist of three members. Two shall be appointed by the Rutherford County Board of Commissioners, one of which must be a licensed veterinarian. The Health Director shall be the third member. The two

vacancies have been advertised and applications have been accepted.

**Commissioner Lovelace moved to reappoint Dr. Gretchen Kelly and Commissioner Holland to the Animal Appellate Board. 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

**D. ID 18-1607 Appointments to Rutherford County Economic Development Association (c)(6)**

The bylaws of the Rutherford County Economic Development Association state that the Rutherford County Board of Commissioners may appoint three (3) Board members, one (1) of whom shall be the Chairman of the Rutherford County Commissioners, or his designee. Economic Development President Tom Johnson requested that these appointments be made to the organization for the upcoming fiscal year.

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

**E. ID 18- 1610 Appointment to Social Services Board**

Mr. Mike Souther resigned from the Social Services' Board. This vacancy has been advertised and applications have been accepted.

**Commissioner Lovelace made a motion to appoint Mr. David Herndon to the Social Services' Board to fill the unexpired term. 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

**F. ID 18- 1611 Appointment to the Tourism Development Authority**

At the February 5, 2018 meeting, the Board of Commissioners approved a modified and amended TDA Resolution re: the composition of the Tourism Development Authority Board pursuant to Session Law 2011-115, House Bill 414. The session law states in section 3 that the Commissioners "...shall adopt a resolution creating the Rutherford County Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution adopted by the Board of Commissioners shall provide for the membership of the Authority, including the members' terms of office, and for filling of vacancies on the Authority."

The resolution increased the membership from 10 members to 11 members to ensure that the TDA Board has the ability to break a tie. The NCGS requires that at least 1/3 of the members shall be individuals who are affiliated with businesses that collect the tax and at least 1/2 shall be individuals who

are currently active in the promotion of travel and tourism in the county.

This position has been advertised and applications have been accepted.

**Vice Chairman Toney made a motion to appoint Mr. Jim Masek to the Tourism Development Authority. Commissioner Lovelace seconded the motion. The vote on the motion was:**

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

**Noes:** None

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## **VI. Old Business**

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### **A. ID 18- 1609 Cliffside Sanitary District Project Update**

Mr. Brian Tripp of WK Dickson told the Board that a grant of was received from the North Carolina Department of Environmental Quality to perform a Cliffside Sanitary District (CSD) Merger/Consolidation Engineering Report to identify the current Waste Water Treatment Plant (WWTP) deficiencies & alternatives for providing future wastewater service through the consolidation with other regional waste water treatment facilities or by modifications to the existing CSD WWTP. Seven alternatives were identified and evaluated. Four alternatives were rejected due to the inability to provide acceptable treatment for National Pollutant Discharge Elimination System (NPDES) permit compliance, obvious excessive capital & operating costs exceeding other alternatives, or technical considerations. These were:

- No Action
- Decentralization
- Optimization of the existing WWTP
- Optimization of the existing WWTP in conjunction w/ land application

The remaining feasible alternatives were:

<b>Alternative</b>	<b>Capital Cost</b>	<b>Total Present Worth Cost</b>
Replacement of the existing WWTP with a package treatment system	\$4,783,000	\$7,840,227
Interconnection with the Town of Boiling Springs	\$6,740,000	\$10,145,853
Interconnection with the Town of Forest City	\$9,230,000	\$12,585,370

With each of the feasible alternatives, it was recognized that the existing CSD collection system will require repairs to the sewer collection system & implementation of corrective measures to reduce excessive infiltration and inflow (I&I). Elimination of peak flow events currently experienced by the CSD WWTP is essential for all alternatives.

Mr. Tripp said there is a need to develop a cost for addressing the collection system I&I because addressing I&I appears to be one of the driving factors in making CSD “attractive” for some other entity to take over. Discussions have been held with Boiling Springs & Forest City. And, while both were

open to listening, neither found the situation appealing to them. A plan to use the \$100k from the legislature has been developed to investigate the problems associated w/ the CSD collection system. An additional \$150k grant to aid in this investigation was denied by NC DEQ.

At the end of all three (3) phases of the investigation, the intent was to have a full picture and cost of what it will take to address CSD treatment & collection system deficiencies to address the "Infrastructure Management" component of NC DEQ definition of a viable wastewater system. The third phase of the investigation was not funded due to Cliffside's lack of "Organizational Management" and "Financial Management."

**B. ID 18- 1615 Bids for Paving for Thermal Belt Rail Trail**

Bids were opened on March 22, 2018 for the paving of 13.5 miles of the Thermal Belt Rail Trail. A total of three (3) bids were submitted and opened with the following results.

	Site Development Corporation	Eagle Wood, Inc.`	Tennoca Construction Company
Division 1 Bid Price	\$1,716,374.79	\$2,005,548.04	\$2,274,740.9-
Division 2 Bid Price	\$2,081,973.05	\$2,394,635.58	\$2,738,527.40
Total Bid Price	\$3,798,347.84	\$4,400,183.62	\$5,014,268.20

Site Development was the low bidder at \$3,798,447.48. McGill and Associates and Odom Engineering provided information requesting that Rutherford County be the local government entity to offer and manage a contract for services in conjunction with McGill and Associates and Odom Engineering.

**Commissioner Lovelace moved to approve the contract and authorize the County Manager, 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 King, Commissioner Toney, Commissioner Benfield, Commissioner Holland and Commissioner Lovelace.

**Noes:** None

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**VII. New Business**

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**A. ID 18-1619 Budget Amendments**

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

**Vice Chairman Toney moved to approve the budget amendments. 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

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	<b>Expense</b>	<b>Revenue</b>
<b>GENERAL FUND</b>		
Garage - Shop Tools	\$ 537	
Other Miscellaneous Revenues		\$ 537
*reimbursement received for garage labor/installation of parts		
Spindale Library - Capital Outlay/Building Improvements	\$ 11,380	
Fund Balance Appropriated - HVAC Plan		\$ 11,380
*HVAC replacement		
Mountains Branch Library - Capital Outlay/Building Improvements	\$ 1,500	
Insurance Proceeds		\$ 1,500
*insurance reimbursement received for damages		
Rails to Trails Maintenance	\$ 36,928	
Fund Balance Appropriated		\$ 36,928
*carryforward prior year encroachment fees received		
Sheriff - Travel Expenses	\$ 536	
Sheriff - Wrecker/Storage Fees	\$ 625	
Sheriff Miscellaneous Revenues		\$ 1,161
*reimbursements/revenues received		
Sheriff - Equipment Purchased with Seizure Funds	\$ 2,577	
Sheriff Drug Seizure Funds		\$ 2,577
*unauthorized substance tax distribution		
Fire Marshal - Emergency Task Force Supplies	\$ 38,642	
Emergency Management Planning Grant		\$ 38,642
*additional allocation received		
<b>TRANSIT FUND</b>		
Capital Outlay - Van Retrofit	\$ 114,665	
Medicaid Transportation Revenues		\$ 114,665
*van retrofit design/installation for all lift vehicles		
<b>GRANT FUND</b>		
Thermal Belt Rail Trail - Construction/Paving Improvements	\$ 3,798,448	
RHI Legacy Grant		\$ 3,798,448
*grant received for improvements to the Thermal Belt Rail Trail		

**B. ID 18-1618 Behavioral Health and Intellectual/Development Disability Resolution**

Partners Behavioral Health Management (PBH) manages mental health, substance use disorders, and intellectual and developmental disability support and treatment options for those eligible for Medicaid services in Burke, Catawba, Cleveland, Gaston, Iredell, Lincoln, Surry and Yadkin counties. The mission of PBH is to improve lives and strengthen communities and they are currently investing their expertise and funding in community-based projects designed to tackle the social determinants of health, or the conditions in the places where people live, learn, work and play. NCGS 122C-115 (a3) empowers a county to choose its Local Management Entity/Managed Care Organization (LME/MCO) subject to the approval of the Secretary of the North Carolina Department of Health and Human Resources.



Mr. Rhett Melton, CEO of Partners' Behavioral Health Management, presented information to the Commissioners regarding PBH and their services. The Commissioners were also requested to consider a resolution to disengage from Vaya Health and to join Partners Behavioral Health LME/MCO and to direct the County Manager and other staff as designated by the Commissioners to complete all necessary steps to affect the change including seeking comments and support by Rutherford County community partners who would be impacted by this change, in accordance with guiding statute and rules in the most expeditious manner possible.

**Commissioner Lovelace moved to approve the resolution and to direct the County Manager and other staff to complete all necessary steps to affect the change. 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**

**WHEREAS,** North Carolina General Statute 122C-115 (a3) empowers a county to choose its Local Management Entity/Managed Care Organization (LME/MCO) subject to the approval of the Secretary of the North Carolina Department of Health and Human Resources; and

**WHEREAS,** County representatives have had productive discussions and engagement with Partners Behavioral Health Management, an LME/MCO in good standing with the North Carolina Department of Health and Human Services; and

**WHEREAS,** Partners operates in a manner that is very inclusive, innovative and engaging with local agencies, stakeholders, and community partners; and

**WHEREAS,** Partners is committed to its purpose of "Improving Lives and Strengthening Communities" and Partners' values align well with those of Rutherford County; and

**WHEREAS,** Partners' priorities and projects align well with the county's responsibilities to citizens with Behavioral Health and Intellectual/Developmental Disability needs; and

**WHEREAS,** Partners can ensure continuity of care for citizens needing care during a transitional time and is fully committed to continuing to contract with all service providers in good standing; and

**WHEREAS,** Partners internal and external culture aligns with the expectations of Rutherford County in meeting the needs of our citizens; and

**WHEREAS,** Rutherford County desires to ensure the highest quality of service available to meet the needs of county residents;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the County of Rutherford as follows:

1. Rutherford County seeks to disengage from Vaya Health and to join Partners Behavioral Health Management.

2. The commissioners direct and empower the County Manager and others to complete all necessary steps to affect the change, in accordance with guiding statute and rules in the most expeditious manner possible.
3. The Commissioners hereby authorize the County Manager to work with the County Attorney and staff to prepare any documentation and/or publication, including any letter of intent, plans, or procedures.

Adopted this the 9<sup>th</sup> day of April 2018.

**Enactment No. RES 18-010**

**C. ID 18-1614 Resolution for Financing by Shingle Hollow Volunteer Fire Department**

Shingle Hollow Volunteer Fire Department Assistant Chief Randy Hardin presented a request to the County Commissioners that they approve a resolution which would enable the fire department to obtain financing for a brush truck and a pumper fire apparatus and for the existing fire station under the County's favorable borrowing rates. A public hearing which had been duly advertised was held at the fire department regarding the purchase. The County will have no involvement in this transaction.

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

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

**Noes:** None

**RESOLUTION APPROVING THE FINANCING BY SHINGLE HOLLOW  
VOLUNTEER FIRE DEPARTMENT OF UP TO \$510,348.49 FOR THE PURCHASE OF  
CAPITAL EQUIPMENT**

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Board of Commissioners of Rutherford County, North Carolina, does hereby approve (within the scope of the qualifying language set forth below) a tax-exempt loan to the Shingle Hollow Volunteer Fire Department (the VFD) from Home Trust Bank in the principal amount of \$510,348.49, which loan is for the purchase by the VFD of a brush truck and a pumper fire apparatus and for the existing fire station, and which brush truck, pumper fire apparatus and fire station will be owned and operated by the VFD at 2621 Cove Road, Rutherfordton, NC 28139.

RESOLVED, FURTHER, that the approval of the loan to the VFD set forth above is given solely for purposes of the public approval requirements for tax-exempt financing applicable to the VFD because of Section 150(e)(3) and Section 147(f) of the Internal Revenue Code of 1986, as amended, and such approval does not obligate the County or its Board of Commissioners in any way regarding repayment of the debt.

Adopted this the 9<sup>th</sup> day of April 2018.

**Enactment No. RES-011**

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**VIII. CLOSED SESSION**

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**A. ID 18- 1621 ATTORNEY CLIENT NCGS 143-318.11(a)(3)**

**Commissioner Holland made a motion to go into Closed Session for discussion with the County Attorney. 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

**7:57 P.M. - The Board went into Closed Session.**

**8:10 P.M. - The Board returned to Regular Session.**

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**X. Adjournment**

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**At 8:12 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

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Chairman, Board of Commissioners

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Vice Chairman, Board of Commissioners

ATTEST:

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Clerk, Board of Commissioners