



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

**Rutherford County
Board of Commissioners
Minutes of July 2, 2018**

**Monday, July 2, 2018
6:00 PM**

I. Call to Order

Chairman King called the July 2, 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

Attorney Richard Williams 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 Hearing

A. ID 18-1693 Public Hearing – 2018 Community Development Block Grant (CDBG) Neighborhood Revitalization Grant

At 6:01 P.M. Chairman King opened the public hearing to listen to comments regarding an application by Rutherford County for a 2018 Community Development Block Grant Neighborhood Revitalization grant.

Ms. Nell Bovender, Director of Rutherford Housing Partnership, told the Board that the County has an opportunity to apply for the 2018 Community Development Block Grant (CDBG) Neighborhood

Revitalization grant. One of the requirements is that the county conduct a public hearing, which will allow residents to comment on the County's application to the NC Department of Commerce. The grant seeks up to \$750,000 to assist individual low-to-moderate-income homeowners receive home repairs to improve conditions that pose a serious and immediate threat to the health and welfare of the neighborhood. Assisting with the grant are a number of area nonprofits and public and private housing-related organizations with a common goal of improving housing for all residents of Rutherford County. This is the first of two required public hearings. This public hearing is announcing that the application process has begun. No action is required

No one else wished to speak.

At 6:09 P.M. Chairman King declared that the public hearing was closed.

III. Public Comments

Ms. Karen Gross told the Board that she is Chairperson of the Community and Family Advisory Council in the Northern Region and Chairperson of the Human Rights Committee for Vaya. She is also a family member of a person who receives mental health support. More than 4300 persons in Rutherford County depend on mental health services and she is advocate on their behalf. She stated her belief that those 4300 persons should have been asked about their opinion prior the Board's decision to disengage.

Mr. Michael Jennings thanked the Sheriff of Cleveland County for a drug bust which occurred in Ellenboro in December.

Mr. John Frazier spoke as a licensed mental health clinician who works for Vaya as a care manager. His team offers support services for 147 Rutherford County citizens. Mr. Frazier described the role of his team and the services they offer.

Ms. Ann DuPre Rogers stated that she is Provider Relations Manager for Vaya Health and is the supervisor of community educational programs. Vaya has facilitated seven intervention training programs since 2015. These are 40-hour courses designed to give additional skills to those who respond to people in crisis.

Mr. Charles Brown spoke on behalf of septic tank installers. He explained that a septic tank permit must be issued before building permits can be issued. Septic tank inspectors are so overloaded that it takes weeks for an inspection to be made.

He also stated his opposition to the amended mobile home park ordinance requirement that a camper cannot be placed in a mobile home park.

Mr. Ronnie Walker who has been installing septic tanks since 1971 asked for a solution to the installers problems who must wait weeks for an inspection. He has been out of work for three weeks. Mr. Walker also asked why the modified mobile home park ordinance stated that a camper could not be located in a mobile home park.

Ms. Patsy Panther said she has two daughters who receive mental health service from Vaya. The case manager for one had to be changed. This was very frustrating. Therefore, she could see that is would be very upsetting to families if the disengagement occurs. Changing case managers will take time and training.

Mr. Rhett Melton, CEO of Partners, told the Board that since the decision had been made by Rutherford County to explore options for mental health services, much has been communicated about mental health services that has been negative. This is not good for the County or the population that is receiving mental health services and is not consistent with Partners' values. As Rutherford County analyzes what is best for the County, Partners will only provide information that will help the County make an informed decision. Partners has gotten to know providers, family members, and consumers through this process. There is a community commitment to make sure that Partners takes care of all of these citizens.

Recess

6:43 P.M. Recess
6:49 P.M. Reconvene

IV. Consent Agenda

Commissioner Lovelace 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 18-1682 Minutes of June 4, 2018**
- B. ID 18- 1683 Minutes of Special Meeting of June 7, 2018**
- C. ID 18-1696 Tax Refunds and Releases**
 - Refund amount totaling \$2,242.65
 - Releases greater than \$100 totaling \$8,705.54
 - Releases less than \$100 totaling \$1,137.30
 - (A copy of these tax refunds and releases is typed in the Minute Book.)

V. Commissioners/Appointments

A. ID 18-1684 Appointments to Library Board of Trustees

The term of office for Ms. Alice Bradley on the Library Board of Trustees expired on June 30, 2018. Ms. Bradley has indicated she would be willing to serve an additional term. She is a representative of District 3.

Commissioner Holland made a motion to reappoint Ms. Alice Bradley to the Library Board of Trustees. 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

B. ID 18- 1686 Appointment to Historic Preservation Commission

An application was received from Ms. Susan Henson to serve on the Historic Preservation Commission. Vacancies on this commission have been advertised and applications have been accepted.

Commissioner Lovelace moved to appoint Ms. Susan Henson to the Historic Preservation Commission. 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 18- 1687 Voting Delegate to NCACC Annual Conference

The North Carolina Association of County Commissioners (NCACC) 111th Annual Conference will be held in Catawba County August 23 - 25, 2018. 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 as the Voting Delegate to the NCACC Annual Conference. 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

VI. Old Business

A. ID 18- 1685 Mobile Home Park Ordinance

A public hearing was held at the June 4, 2018 meeting regarding an amended mobile home park ordinance. The Board voted to delay action on the ordinance until the July meeting to allow citizens additional time to review it.

Commissioner Benfield moved to approve the amended Mobile Home Park Ordinance with the certain modifications.

Remove the following section:

3-164 Mobile Home Parks General Requirements

C. Recreational vehicles shall not be allowed within a Mobile Home Park.

Remove the following sentence:

3-166 Recreational Vehicle Park General Requirements

D.4. No more than one (1) recreational vehicle may be parked at each space.

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

Mobile Home and Recreational Vehicle Park Ordinance
Rutherford County, North Carolina

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MOBILE HOME AND RECREATIONAL VEHICLE PARK ORDINANCE
Rutherford County, North Carolina

DIVISION 1 GENERAL REQUIREMENT

3-131: AUTHORITY

Rutherford County hereby exercises its authority to enact Mobile Home Park and Recreational Vehicle Park regulations pursuant to Chapter 153A-121 of the North Carolina General Statutes.

3-132: JURISDICTION

The jurisdiction of this Ordinance shall be described as any part of Rutherford County not within the corporate limits of any municipality. In addition, the Governing Board of any municipality may by resolution permit this Ordinance to be applicable within the municipality. If it does so, the municipality shall give written notice to the county of its withdrawal of such permission. Thirty (30) days after the day the county receives the notice, this Ordinance ceases to be applicable within the municipality.

3-133: PURPOSE

The purpose of the regulations expressed herein is to guide and regulate the development of Mobile Home Parks and Recreational Vehicle Parks within Rutherford County in order to preserve the public health, safety and welfare, and to require preparation and approval of a plan every time a Mobile Home Park or Recreational Vehicle Park is created or expanded. Specifically, these regulations are designed to provide for an adequately planned street system; to avoid overcrowding of the land and extreme concentration of population; to secure safety from fire, panic and other dangers; to provide for adequate water and sewage systems; to insure against erosion, water and flood damage; to facilitate an orderly system for the design, layout, use of land. In order to achieve these goals Rutherford County shall not approve any Mobile Home Park or Recreational Vehicle Park where it has been determined through a proper investigation that such a development will include or cause excessive flooding, poor drainage, soil slippage, inadequate soil conditions or other potentially dangerous, unhealthy conditions.

3-134: SHORT TITLE

This ordinance shall be known as the Mobile Home and Recreational Vehicle Park Ordinance of Rutherford County, North Carolina, and may be cited as the Mobile Home and RV Park Ordinance.

3-135: DEFINITION OF TERMS

- A. **Construction Permit:** A permit issued by the Enforcement Officer authorizing the Mobile Home Park or RV Park developer to construct a Mobile Home Park or RV Park in accordance with the approval which has been secured by the provisions of this Ordinance.
- B. **Department of Transportation:** The North Carolina Department of Transportation (NCDOT).
- C. **Developer:** Any person, firm, trust, partnership, association or corporation engaged in development, or proposed development of a Mobile Home Park or RV Park.

- D. **Easement:** A grant by the property owner for use, by the public, or any private entity of a strip of land for specified purposes.
- E. **Enforcement Officer:** The person or persons appointed by the Rutherford County Board of Commissioners to enforce the provisions of this ordinance.
- F. **Health Department:** The Rutherford County Health Department.
- G. **Inspections Department:** Rutherford County Building Inspections Department.
- H. **Mobile Home:** A factory-assembled portable housing unit or a portion thereof built on a chassis and intended for use as a dwelling unit, and is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for one and two-family dwellings. A mobile home is designed to be transported on its own chassis and has a measurement of forty (40) feet or more in length and eight (8) feet or more in width. A mobile home shall be construed to remain a mobile home whether or not wheels, Ashley hitch, or other appurtenances of mobility are removed, and regardless of the nature of the foundation provided. All vehicles which are designated mobile home by the Uniform Standards Code for Mobile Home Act shall be considered mobile homes. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle.
- I. **Mobile Home Park:** Land leased or rented being used or proposed to be used by mobile homes occupied for dwelling or sleeping purposes, consisting of three (3) or more mobile homes on a single tract shall be considered to be a Mobile Home Park.
- J. **Mobile Home Space:** Any parcel of land within a Mobile Home Park designated for exclusive use of one mobile home. The space shall consist of connections to the mobile home for water service, waste water disposal, electrical connection, parking, etc.
- K. **Operating Permit:** A license issued by the Enforcement Officer to a mobile home or RV park owner or operator upon the completion of a mobile home or RV park which conforms to the requirements of this Ordinance.
- L. **Park Model:** A single living unit that is primarily designed and completed on a single chassis, mounted on wheels to provide temporary living quarters for recreational, camping or seasonal use, is certified by the manufacturer as complying with all applicable requirements of ANSI A119.5 and: (a) has a gross trailer area not exceeding 400 square feet in the set up mode or (b) if having a gross trailer area not exceeding 320 square feet in the setup mode, has a width greater than 8.5 feet in the transport mode. Park Models are not intended as a permanent dwelling unit or for commercial uses such as banks, clinics, offices, or similar. Park Models must meet the applicable building code and other requirements.
- M. **Planning Department:** Rutherford County Planning Department.
- N. **Planning Commission:** Rutherford County Planning Commission.
- O. **Public Water Supply Systems:** Public Water Systems are systems as defined by the North Carolina Division of Health Services and shall comply with the regulations set by the State of North Carolina Division of Health Services.
- P. **Public Sewage Disposal Systems:** Any package plant, other sewage treatment facility or connections there to serving two or more sources not connected to individual or public systems and having a design capacity of greater than 3,000 gallons per day and/or a discharge to surface waters as permitted by the State of North Carolina.
- Q. **Recreational Vehicle (also known herein as "RV"):** A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use. The term Recreational Vehicle (RV) also refers to travel trailer, camper, park models, camping trailer, truck camper, motor home and any other terms that refer to towable temporary dwellings.

R. **Recreational Vehicle Park (also known herein as "RV Park"):** Any single parcel of land upon which three (3) or more recreational vehicles are occupied for temporary sleeping purposes, regardless of whether or not a charge is made for such purposes.

S. **Shall:** The word "shall" is always mandatory and not merely directory.

T. **Site Number:** Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 1/ 2 inch (12.7 mm). Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

U. **Working Day:** Normal working hours and working days for the County Inspections Department.

DIVISION 2 ENFORCEMENT

3-141 ENFORCEMENT AND PENALTIES

A. No permits for any electrical connection or septic tank land improvements shall be issued upon any land requiring approval as a Mobile Home Park or RV Park under the conditions set forth herein, unless the plans have received a final approval from the Enforcement Officer.

B. The Enforcement Officer or the Planning Commission may request the Inspections Department to revoke any and all building permits issued for a Mobile Home Park or RV Park should the developer not comply with the Mobile Home Park or RV Park standards, as relevant, set forth in this ordinance under an approved Final Mobile Home Park Plan and/or Final RV Park plan. Upon written request from the Planning Commission or Enforcement Officer, the Inspections Department, under authority given in NC General Statute 153A-362, may revoke building permits in the Mobile Home Park or RV Park until such time when the developer has brought the park into compliance with this ordinance.

C. Any person violating any provision of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine of not more than fifty (50) dollars or imprisonment not to exceed thirty (30) days, as provided by NC General 14-4C.

D. In lieu of or in addition to the criminal penalties outlined above, a developer of a mobile home park or other person violating this ordinance may be subject to a civil penalty, under N.C.G.S. 153A-123(c), in the discretion of the Board of County Commissioners, not to exceed \$100.00. No penalty shall be assessed prior to notice to the Mobile Home Park or RV Park developer. For every day a developer is in violation of this ordinance, it may be considered a separate offense. If the violator does not pay such penalty within thirty (30) days of notification of its assessment by written citation, it may be recovered by the County in a civil action in the nature of a debt. The developer may contest said penalty in the court of appropriate jurisdiction.

E. 1. Should a Mobile Home Park or RV Park approved under the provisions of this ordinance be found in violation of the provision set forth in this ordinance, the owner or the operator shall be notified in writing by the Enforcement Officer. The written notification shall state the specific violations and set forth time limits in which the violations shall be corrected. Should the owner or operator not correct the violations in the specified time limit, the Enforcement Officer shall notify the owner or operator by certified mail that the operating permit for said

park will be revoked at the close of the next business day five (5) days after date of the written notice.

2. Should the owner or operator of a Mobile Home Park or RV Park be in violation of this ordinance correct said violations before the loss of the operating permit, the owner or operator shall request that the Enforcement Officer conduct an inspection of the park. Should said inspection indicate that the violations have been corrected, then the Enforcement Officer shall notify the owner or operator that the operating permit will continue. If the violations have not been corrected, then the operating permit shall be revoked as stated in the notification.

3. In cases where the Operating Permit for a Mobile Home Park or RV Park has been revoked the following shall occur:

- a. The owner or operator shall not rent or lease any vacant spaces until violations have been corrected and the Operating Permit is reinstated.
- b. For spaces which are leased or rented and will be occupied by a mobile home or RV, the owner or operator shall cease to lease or rent these spaces at the end of the contract period which shall not exceed one (1) year from the date of the loss of Operating Permit.
- c. The owner or operator shall notify each lessee of a space within the park, within ten (10) days after receipt of written notification, that the Operating Permit has been revoked and that their lease shall be terminated at the end of the specific contract period. The owner or operator shall provide a signed statement by each lessee that notice from the owner or operator of the leased termination has been made.
- d. The Enforcement Officer shall notify in writing the County Health Department that the operating permit for said park has been revoked and that no new spaces in the park are to be leased from the date of the loss of the Operating Permit.

F. The Enforcement Officer shall act to revoke an operating permit for violations of any part of this ordinance, except for violations that fall in the areas regulated by the County Health Department, or County Inspections Department. In these cases, the Enforcement Officer shall work in cooperation with the aforementioned agencies regarding the revocation of the operating permit.

G. The owner or operator of a Mobile Home Park or RV Park, which has lost the Operating Permit, may make application to the Enforcement Officer for reinstatement of the Operating Permit. The Enforcement Officer shall reinstate the Operating Permit, when the Mobile Home Park or RV Park is in compliance with the regulations for which the Operating Permit was revoked, and the approved mobile home or RV park development plan approved by the County. The Enforcement Officer shall notify the County Health Department, County Inspections, and the owner or operator of the reinstatement of the Operating Permit, which allows the operator to lease or rent approved spaces.

H. A copy of this ordinance shall be on display at the Mobile Home Park or RV Park office and be readily available for occupants of the Mobile Home Park or RV Park.

DIVISION 3 ADMINISTRATION

Mobile Home Parks and RV Parks which are in existence at the effective date of this ordinance shall not be regulated under the provisions of this ordinance. Any addition, expansion to an existing Mobile Home Park or RV Park, or major improvement or change in the existing park; such as, change in location, in size of spaces, or number of spaces; relocation of streets; relocation or addition of major utilities of other major changes shall be regulated under the provisions of this ordinance. In the event that expansion or additions occur to an existing Mobile Home Park or RV Park, the developer shall provide to the Enforcement Officer a layout of the existing Final Mobile Home Park Plan or Final RV Park Plan including street patterns and space layouts to be used for informational purposes.

3-146: AMENDMENTS

The Board of Commissioners may from time to time amend the terms of this Ordinance; but, no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days from the time the proposed amendment is submitted to it, within which to submit its report. If the Planning Commission fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment. No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Rutherford County area at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear no more than twenty-five (25) nor less than ten (10) days prior to the hearing date. In computing the ten (10)—twenty-five (25) day period, the date of publication is not to be counted, but the date of the hearing is.

3-147: SEVERABILITY

Should any section or provision of these regulations be for any reason held void or invalid by a court of law, it shall not affect the validity of any other section or provision herein which is not itself void or invalid, and to this end, the provisions of this ordinance are hereby to be severable. Wherever the provisions of any other law, ordinance or regulation impose higher standards that are required by the provision of this ordinance, the provisions of such law ordinance or regulations shall govern.

3-148: CONFLICT

Insofar as the provisions of this ordinance are inconsistent with the provisions of any other law except a provision of state or federal law, the provisions of this ordinance shall control.

DIVISION 4 STANDARDS AND REQUIREMENTS

3-156: APPROVAL OF PLANS REQUIRED

After the effective date of this ordinance, no Mobile Home Park or RV Park within the jurisdiction of Rutherford County shall be established or expanded to cover more land or add additional spaces until provisions of this Ordinance have been satisfied.

3-157: SUBMISSION AND APPROVAL OF PLANS

A. Preliminary Park Plan - Prior to review and submission of the Final Mobile Home Park Plan or Final RV Park Plan to the Planning Commission, the developer must first submit a Preliminary Park Plan with the Planning Department. The Planning Department shall advise the developer of general compliance with the requirements of this ordinance.

1. The Preliminary Park Plan shall contain such information as: name of park, owner's name and address, boundaries of the property, total acreage of the property and area to be developed, conceptual space layout, street layout and cross sections, utility easements, streams, boundary of flood hazard areas, wetlands, watershed, type and location of water and sewer facilities, proposed uses on the property other than mobile homes or RV's, general location and types of buildings and proposed open space.
2. The Preliminary Park Plan will be needed to acquire Rutherford County Health Department and NCDOT approval.

B.

1. Following the Preliminary Park Plan review and prior to the construction or alteration of a Mobile Home Park or RV Park or the expansion of an existing Mobile Home Park or RV Park, the developer shall make application with the Enforcement Officer for a permit to construct or expand a park. The application shall be accompanied by four (4) copies of the proposed Final Park Plan which includes the requirements of this Ordinance. The application must be received at least ten (10) working days prior to the regularly scheduled meeting of the County Planning Commission in which the application is to be considered.
2. A registered surveyor or engineer's signature shall not be required on the Final Mobile Home Park Plan or Final RV Park Plans for parks containing three (3) or fewer spaces. For Mobile Home Parks and RV Parks containing four (4) or more spaces the Final Mobile Home Park Plan or Final RV Park Plan shall exhibit the signature of a registered surveyor or engineer. A licensed civil engineer shall develop and certify all water supply system plans as required by the State and local regulations. Any additions to an existing Preliminary Park Plan or Final Park Plan which brings the total spaces in the park to six (6) or more shall exhibit the signature of a registered surveyor or, engineer and be developed in the same manner as a new Mobile Home Park or RV Park. The developer shall present a layout of the existing park in the Final Park Plan including roads, spaces, buildings and easements for informational purposes.
3. The owner of the Mobile Home Park or RV Park shall provide documentation identifying how the park will provide adequate facilities for solid waste storage, collection and disposal.

C. The following agencies shall review the Final Park Plan and give their written approval, disapproval or conditional approval within their area of interest designated below prior to the Final Park Plan being submitted to the Enforcement Officer.

1. The NC Department of Transportation shall review the Final Park Plan to determine the proposed access conforms to the standards of the Department of Transportation.
2. The County Health Department shall be responsible for the review of the following, to determine if the Final Park Plan is in accordance with the minimum health standards regulations:
 - a. Source of Water and water distribution system,
 - b. Sanitary sewerage system or septic tank systems,

3. The E-911 Addressing Department shall review the proposed Final Park Plan to determine if the proposed road names [and name of the Mobile Home Park](#) or RV Park are acceptable in accordance with the Street Naming and House Numbering Ordinance.

[D. Each agency shall review the plan and shall provide written comment as to their findings, and should there be deficiencies in the plan, the developer or his agent shall be notified to correct such deficiencies in the plan.](#)

1. The County Planning Commission shall review all Final Mobile Home Park Plans and Final RV Park Plans to determine if the proposed Final Park Plan is in accordance with the design standards set forth in this ordinance, except for those cases where Mobile Home Park or RV Parks totaling three (3) or fewer spaces. In cases where the total number of spaces are three (3) or fewer the Enforcement Officer is authorized to review the plan in lieu of the Planning Commission.
2. All Mobile Home Park and RV Parks that are reviewed by the Enforcement Officer shall have recourse to the Planning Commission. The developer may appeal the decision of the Enforcement Officer to the Planning Commission, by submitting written notice of appeal to the Planning Department within ten (10) days after written notice of the decision of the Enforcement Officer is received. Upon receipt of the notice of appeal, the developer will be scheduled to appeal before the Planning Commission at the next regularly scheduled meeting, in accordance with set agenda policies of the Planning Commission, for consideration of the appeal. The Planning Commission at its regularly stated meeting shall review appeals of developers, or parks under their direct review, and shall approve, conditionally approve, or disapprove the plan.
 - a. If approved conditionally the conditions and reasons therefore shall be stated and if necessary, the Planning Commission shall require the developer to submit a revised plan.
 - b. If the Planning Commission should disapprove the plan the reasons for such action shall be stated and recommendations made for plan approval. The developer shall submit a revised plan.
 - c. Approval of the plan by the Planning Commission is authorization for the Enforcement Officer to issue a CONSTRUCTION PERMIT to the developer.
3. Construction Permit
 - a. Once the Planning Commission has approved or conditionally approved a Final Park Plan, the developer will have thirty (30) calendar days to have the necessary corrections in the Final Park Plans and specifications and to obtain a construction permit for the park. Failure to obtain a construction permit within this time period will cause the Planning Commission approval or conditional approval to become null and void. The developer may request an extension of this time period from the Enforcement Officer. The Enforcement Officer may grant up to a ten (10) day extension, only after the developer has justified the need for the extension.
 - b. Once a set of plans and specifications have been submitted to the Enforcement Officer, the developer will have a six (6) month period to complete all necessary corrections to the plans and specifications which would enable the Enforcement Officer to present the proposal to the Planning Commission. Failure to provide modified plans and specifications within this time period will cause the plans and specifications to become null and void. The developer may request an extension of this time period from the Enforcement Officer. The Enforcement Officer may grant up to a thirty (30) day extension, only after the developer has justified the need for the extension.

In the event that there are approval changes in this Ordinance or related codes or ordinances, prior to submittal of the development plan to the Planning Commission, the developer shall design the Mobile Home Park or RV Park to the current standards.

c. Once a construction permit has been issued, the developer must complete three (3) prepared sites within a twelve (12) month period from the issuance date of the permit or the permit shall become null and void. However, the Planning Commission may grant an extension of up to six (6) months, if the developer appears before the Commission and shows cause for the extension, prior to the expiration of the original permit.

4. Operating Permits

a. When the developer has completed the construction of the entire park or any phase, he shall make application to the Enforcement Officer for an operating permit. The Enforcement Officer and/or representatives of the consulting agencies shall make an on-site inspection to verify the proper installation of the improvements.

1. If the construction conforms to the approved Final Park Plan, the Enforcement Officer shall issue the developer an operating permit.

2. If the construction does not conform with the approved Final Park Plan, the Enforcement Officer shall delay issuance of the operating permit until it comes into conformity. The Enforcement Officer shall inform the developer in writing of deficiencies in the construction and advise as to actions needed to be in compliance with the approved Final Park Plan.

b. The operating permit issued to the developer shall constitute authority to lease or rent spaces in the Mobile Home Park or RV Park.

c. When a Mobile Home Park or RV Park is to be developed in stages, the proposed Final Park Plan may be submitted for the entire development, and application for operating permits may be made for each stage of development upon completion.

d. 1. The County Health Department, the County Inspections Department, and/or the enforcement Officer are hereby authorized, and directed to make such inspections as are necessary to determine satisfactory compliance with this ordinance. It shall be the duty of the owners or occupants of the Mobile Home Parks or RV Parks to give these agencies free access to such premises at reasonable times for the purpose of inspection.

2. It is the responsibility of the Mobile Home Parks or RV Park operator to operate the park in compliance with this ordinance, and the operator shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean sanitary condition.

3-158 IMPROVEMENTS AUTHORIZED AFTER APPROVAL

After the Planning Commission has completed the review, and either approved or conditionally approved the Final Park Plan, one copy shall be sent to the Enforcement Officer, the developer or his agent, the County Tax Department, and the County Health Department. [The approved Final Park Plan shall be filed with Rutherford County's Register of Deeds Office.](#)

3-159 MOBILE HOME PARK AND RV PARK NAMES, ROAD NAMES, AND ADDRESSES

- A. The names of Mobile Home Parks and RV Parks and roads within such parks shall not duplicate or be phonetically similar to the names of existing Mobile Home Parks, RV Parks and road names in Rutherford County.
- B. Where proposed streets are continuations of existing streets; the existing road names shall be used.
- C. Property address numbers shall conform to the Street Naming and House Numbering Ordinance and shall be assigned by the E-911 Addressing Department.
- D. An "Application for Street Name Approval for Subdivisions, Mobile Home Parks, and Other Development" must be submitted, according to the development plans.

3-160 MOBILE HOME PARK ROAD REQUIREMENTS

- A. Where the intent and standards of this ordinance can be met by other means, the Planning Commission may approve other methods and designs to solve unique problems associated with individual development, on an individual basis. In no case will the Planning Commission approve design of less than the minimum standards of this ordinance.
- B. Each mobile home space shall be provided a gravel or hard surface area for parking of a minimum of two (2) vehicles, which is outside the travel surface and drainage ditches of the roadways. Parking either on the roads or alongside the roadways will not be permitted within the mobile home park.
- C. All Streets within a mobile home park shall be either paved or graveled to a width of at least twenty (20) feet. Maintenance of the roadways shall be the responsibility of the owner or operator of the mobile home park, and roads are to be maintained in a manner to be free from pot holes, breaks in the pavement, ponding of water during rainy periods, excessive washing of drainage ditches, and other associated problems which would impede or cause hazards to motor vehicles.
- D. If streets are to be graveled, a minimum of 3" of aggregated base course (ABC) No. 7 stone shall be used.
- E. Maximum grade for streets shall be 18%
- F. Cul-de-sacs shall have a minimum all weather surface (stone/gravel or pavement) radius of 35' and shall have a minimum right of way radius of 50'.
- G. Speed reduction humps or dips are permissible in the roadway, but they must be painted with appropriate signs indicating the hump or dip along the roadway.
- H. Streets and roads within the Mobile Home Park shall intersect as nearly as possible to right angles, and no street shall intersect at less than sixty (60) degrees. Where streets intersect with a state maintained road, the design standards of the NC DOT shall apply.
- I. Each mobile home space shall have access from a road within the Mobile Home Park. Direct outlet of individual mobile home spaces onto State maintained road will not be allowed, except in cases where direct access is the only way to provide access to the spaces. Any direct access for mobile homes onto the State maintained roads will have to be approved by the NC Department of Transportation.

J. Each Mobile Home Park shall have entrance or access onto a State maintained road. In cases where the Mobile Home Park entrance does not abut a State maintained road, the private access to the park entrance shall be upgraded and maintained by the developer in the same manner as roads within the park.

K. Each Mobile Home Park shall conform to the following for park entrances:

1. Fifty (50) or fewer spaces shall have a minimum of one entrance,
2. Fifty (50) to one hundred (100) spaces shall have a minimum of two entrances,
3. Over one hundred (100) spaces an additional entrance shall be provided for each fifty (50) spaces.

L. Street signs must be purchased through Rutherford County. No permits will be issued prior to this transaction. Upon completion of the construction site, these signs will be installed by Rutherford County. Also the developer will be responsible for advising tenants of the property address assignments for respective mobile home spaces in instructing them in the purpose of these addresses.

3-161 MOBILE HOME PARK LOT SIZES, SETBACKS, AND EASEMENTS

A. All mobile homes shall be located on individual mobile home spaces within the park which shall be open and not obstructed. Each mobile home space shall have the minimum sizes as follows:

1. Where a well and septic tank are on the same space: 20,000 square feet.
2. Where either water service or sewer service is provided for each space: 15,000 square feet.
3. Where both water and sewer services are provided to each space: 8,000 square feet.

B. Each mobile home space shall have all corners marked during the application review and construction phase of the project. Failure to have each space clearly identified will slow the review process.

C. Each mobile home space shall be located on ground not within the one hundred (100) year flood plain or meet requirement of Rutherford County Flood Plain Ordinance and graded so as to prevent any water from ponding or accumulating on the space.

D. No mobile home shall be located closer than twenty (20) feet from any other mobile home, except that accessory structures as defined in this ordinance shall not be located closer than twenty (20) feet from any other accessory structure or mobile home.

E. No mobile home shall be located closer than twenty (20) feet to any property boundary line of the Mobile Home Park not abutting a public street or highway. When the property abuts a public street or highway, no mobile home shall be closer than twenty (20) feet from right of way or thirty (30) feet from center of road whichever is greater.

F. No mobile home shall be located closer than twenty-two and one half (22.5) feet from the center line of all streets within the Mobile Home Park.

3-162 GROUNDS MAINTENANCE AND SOLID WASTE

A. The storage, collections, and disposal of solid waste in the Mobile Home Park or RV Park shall be so conducted as to create no health hazards or pollution.

1. All solid waste shall be stored in standard fly tight, water tight, rodent proof containers, with a capacity of not more than fifty (50) gallons which shall be located not more than 150 feet from

any mobile home space. In the alternative, a commercially acceptable green box collection container may be used. Containers shall be provided in sufficient numbers and capacity to properly store all solid waste. The Mobile Home Park or RV Park management shall be responsible for the proper storage, collection and disposal of solid waste.

2. All solid waste shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service. All solid waste shall be collected and transported in covered vehicles or containers and disposed of in accordance with the County Solid Waste Ordinance.

3-163 RESTRICTIONS

A. Individual mobile home or RV spaces within a Mobile Home Park or RV Park, as defined under this ordinance, shall not be sold. If spaces are to be sold within the mobile home park or RV Park, then those spaces will have to be submitted and reviewed under the guidelines of the County Subdivision Ordinance. A number of mobile home or RV spaces or blocks of mobile home or RV spaces may be sold to a single owner, corporation, group or other as long as the spaces remain rental spaces for occupancy by mobile homes or RV's. Upon ownership changes of a Mobile Home Park, RV Park or any part thereof, the owner shall notify the Enforcement Officer of the new owner and other pertinent information.

B. No bedroom living space shall be added to an individual mobile home in parks regulated by this ordinance, which would through the total number of bedroom be more than the number specified on the septic tank land improvements permit for the individual space.

3-164 MOBILE HOME PARKS GENERAL REQUIREMENTS

A. One mobile home may be used an administrative office within the Mobile Home Park.

B. Convenience establishments of commercial nature such as food stores, coin operated laundries and beauty parlors, may be permitted in Mobile Home Parks subjected to the following restrictions:

1. such establishments shall be subordinate to the residential use and character of the Mobile Home Park;
2. such establishments shall be designated to serve the trade and service needs of the Mobile Home Park residents.

C. Mobile home connected with a fair, carnival, or circus may be parked at the activity's location for the duration of the fair, carnival or circus, but not to exceed fifteen (15) days, provided that all sewage and solid waste is disposed of in a manner approved by the County Health Department.

D. Each mobile home space shall have a site number placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address/site numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

E. If a mobile home burns or is uninhabitable, the unit and all associated debris shall be removed from the park within 90 days after the fire at the mobile home owner's expense.

F. All electrical services and connections for mobile home spaces shall comply with the electrical code enforced by the County Inspections Department.

G. Anchors, tie-downs, or supports shall meet NC Manufacturing Housing Requirements.

3-165 PLAN REQUIREMENTS

A. The Final Park Plan shall be placed on a standard sheet size measuring a maximum of twenty-four (24) inches by thirty-six (36) inches, at a scale of not smaller than one (1) inch to one hundred (100) feet.

B. In order to obtain a review of the spaces in a proposed Mobile Home or RV Park by the County Health Department, to assure that there will be adequate usable space for septic tank systems, the developer shall have the lot corners indicated on the plan, marked and identified on the ground in such a manner that the proposed spaces can be clearly identified by the County Health Department. Upon completion of the investigation by the Health Department, written comments as to the findings shall be presented to the Planning Commission in their review or the proposed development.

C. All plans shall show:

1. The location of existing property lines, streets, service buildings, natural and man- made water courses, railroads, transmission lines, sewers, bridges, culverts, and drain pipes, water mains, city and county lines (if adjoining), drainage easements and any public utility easements, all structures to be located on the park site;
2. Boundaries of tracts with bearings and distances;
3. Names of adjoining property owners;
4. Proposed mobile home and RV spaces well defined, indicating approximated dimensions, size and site numbers (as approved by the Rutherford County E-911 Addressing Department).
5. Title, date, north point, and graphic scale;
6. Names, addresses and telephone numbers of owners, surveyor and land planner.
7. Site data:
 - a. acreage in total tract,
 - b. acreage in parks, if applicable,
 - c. total number of mobile home or RV spaces,
 - d. lineal feet in streets;
 - e. width and character of street
 - f. identify water, sewer and solid waste
8. Vicinity map, sketch showing relationship between mobile home or RV park and surrounding area;
9. Flood plain information, if necessary; Names of proposed streets;
10. For mobile homes the Developer shall indicate on the plan the required number of bedrooms for which each space should be reviewed by the County Health Department.

11. Sedimentation control plan information in accordance with North Carolina State Law.

3-166 RECREATIONAL VEHICLE PARK GENERAL REQUIREMENTS

A. Suitability of Land

1. Land subject to flooding, improper drainage, erosion, or that is topographical or for other reasons unsuitable for recreational vehicle use as determined by the Planning Board, shall not be developed for recreational vehicle parks so long as such use would continue or increase the danger to health, safety, or property unless the hazards can be and are corrected or avoided.

B. Lot Identification

1. All spaces shall be permanently identified by permanent markers or monuments. The permanent monuments or markers shall be placed at a minimum, at the front corners of the spaces and be maintained continuously so as to be visible. The location of the monuments shall be shown on the Final RV Park Plan.
2. Property address and site numbers shall conform to the Street Naming and House Numbering Ordinance and shall be assigned by the E-911 Addressing Department.

C. Recreational Vehicle Requirements

1. *Permanent habitation not permitted.* In order to provide for the public safety and general welfare, the use of Recreation Vehicle Parks for permanent habitation shall be deemed unlawful. Recreation Vehicles are not designed nor constructed for such purpose. Recreational Vehicle Park operators shall provide proof of the temporary nature of users upon request from the Enforcement Officer.
2. *Recreational Vehicles as temporary structures.* In order for RV's to maintain compliance with this ordinance, the below requirements must be followed:
 - a. RV's shall not have permanent plumbing or mechanical connections.
 - b. Wheels and axles on the RV must remain on the units at all time.
 - c. Accessory structures shall not be supported by the RV.
 - d. RV's shall be set up in accordance with the manufacturer's recommendations.

D. Site Development

1. Recreation vehicle parks shall be used only by recreational vehicles as defined herein, as well as camping tents suitable for temporary habitation and use for travel vacation and recreation purposes.
2. The use of mobile homes shall not be allowed in a RV Park. However, one (1) mobile home may be allowed within a recreational vehicle park to be used as an office residence of persons responsible for the operation and maintenance of the RV Park.
3. Every RV space shall consist of a minimum area of two thousand (2,000) square feet.

4. Each RV space shall provide parking space sufficient to accommodate at least one (1) recreational vehicle.
5. There shall be a minimum distance of twenty (20) feet between each recreational vehicle and other structures.
6. All spaces developed adjacent to a public street shall be set back a minimum of twenty (20) feet from the street right-of-way or thirty (30) feet from the center of road whichever is greater.
7. No RV space shall be located closer than twenty (20) feet to any property boundary line of the RV Park.
8. No RV shall be located closer than twenty-two and one half (22.5) feet from the center line of all streets within the RV Park.

E. Road Requirements

1. All streets within a RV Park shall be either paved or graveled to a width of at least twenty (20) feet. RV Parks and roads are to be maintained in a manner to be free from pot holes, breaks in the pavement, ponding of water during rainy periods, excessive washing of drainage ditches, and other associated problems which would impede or cause hazards to motor vehicle.
2. If streets are to be graveled, a minimum of 3" of aggregated base course (ABC) No. 7 stone shall be used.
3. Maximum grade for streets shall be 18%.
4. Each space within RV Parks shall have direct access to a roadway shown on the Final Park Plan.
5. Each RV Park shall have entrance or access onto a State maintained road.
6. No space shall have direct vehicular access onto a public road.
7. Cul-de-sac or dead-end roads shall not exceed one thousand (1,000) feet in length measured from the entrance to the center of the turn-around. Any road designed to be permanently closed shall have a turn-around at the end with a minimum gravel or pavement radius of thirty-five (35) feet and shall have a minimum right-of-way radius of fifty (50) feet.

F. Utilities

1. RV spaces provided with water, sewer and electrical service must meet building code and other applicable requirements.
2. No method of sewage disposal shall be installed, altered or used without the approval of the Rutherford County Health Department. All sewage wastes from each park, including wastes from toilets, showers, bathtubs, lavatories, wash basins, sinks and water-using appliance not herein mentioned, shall be piped into the sewage disposal system.
3. Sewage dumping stations shall be approved by the Rutherford County Health Department.

All toilet, shower, lavatory and laundry facilities shall be provided and maintained in a clean and sanitary condition and kept in good repair at all times. They shall be safely and adequately lighted. Facilities shall be easily accessible and conveniently located. All toilet, shower, lavatory and laundry room facilities shall be acceptable to the Rutherford County Health Department and shall be in conformity with all applicable codes.

3-167 EFFECTIVE DATE

The provisions of this ordinance shall be effective January 1, 1992
[Amended date: July 2, 2018](#)

**AMENDMENT TO THE RUTHERFORD COUNTY MOBILE HOME
PARK ORDINANCE**

APPROVED SEPTEMBER 13, 1999

Section 15 (A) (2) where either water or sewer service is provided for each space: 8,000 square feet.

Upon field inspections, the Health Department may require that two or more lots be combined or configuration of the lots be changed before issuing a permit for a septic tank.

**AMENDMENT TO THE RUTHERFORD COUNTY MOBILE HOME
PARK ORDINANCE**

APPROVED

**AUGUST 6, 2001 SECTION 11(a) (1) (A)
READS AS FOLLOWS:**

The mobile home park plans shall be accompanied by a filing fee of \$100.00 (plats approved by the Planning Department shall be accompanied by a filing fee of \$25.00). Amended August 6, 2001

AMENDMENT OF THE RUTHERFORD COUNTY CODE

**OLD SECTION CHAPTER 3-BUILDINGS & BUILDING REGULATIONS 3-8. MOBILE HOME
REGULATIONS READ AS FOLLOWS:**

The 1979 edition of the State of North Carolina Regulations for Mobile Homes, as adopted and published by the North Carolina Department of Insurance, and as amended, is hereby adopted by reference as fully as though set forth herein as the "Regulations for Mobile Homes of Rutherford County."

NEW SECTION CHAPTER 3-BUILDING & BUILDING REGULATIONS 3-8 MOBILE HOME REGULATIONS READ AS FOLLOWS:

Manufactured Homes Requirements: Manufactured homes which are not HUD (Housing and Urban Development) approved and which were manufactured prior to June 15, 1976 shall no longer be permitted in Rutherford County. Pre 1976 Manufactured Homes Located within Rutherford County upon the adoption of this ordinance amendment and which are continually located within Rutherford County thereafter may be moved within the County and shall be eligible for an application mobile home permit. Pre 1976 manufactured homes may not be brought into Rutherford County from another county or jurisdiction (including the municipalities of Rutherford County) for residential purposes. Such Pre 1976 manufactured homes brought into Rutherford County from another jurisdiction after the date of this ordinance amendment shall not be eligible for a mobile home permit. Further, it shall be the responsibility of the Pre 1976 home owner seeking a mobile home permit to demonstrate that the home was located within Rutherford County prior to the adoption of the amendment to this ordinance and that the home has remained within the county from that date.

Enactment No: ORD 18-002

VII. New Business

A. ID 18-1666 Budget Amendments

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

Commissioner Lovelace moved to approve the budget amendments. 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

**Budget Amendments
July 2, 2018
FY2017-2018**

	Expense	Revenue
GENERAL FUND		
Transfer to Grant Fund - 50% Match	\$ 24,143	
Sheriff Miscellaneous Revenues		\$ 11,500
Sheriff - Fuel	\$ (12,643)	
*reallocate funds for match to Governors Crime Grant - Sheriff Equipment		
GRANT FUND		
NC Governors Crime Commission Grant Expenses	\$ 48,286	
NC Governors Crime Commission Grant		\$ 24,143
Transfer from General Fund - Match		\$ 24,143
*grant received for Sheriff equipment		

	Expense	Revenue
Thermal Belt Rail Trail - Trail Enhancements	\$ 348	
Rails to Trails Conservancy Grant		\$ 348
*grant received for improvements to the Thermal Belt Rail Trail was slightly more than presented at the June meeting. Total award \$30,348		

B. ID 18-1692 Testing of Eligibility for Federal Programs – DSS Programs

Finance Director Paula Roach told the Board that the NC State Auditor is requiring additional testing which is outside the scope of Rutherford County's audit contract. Gould Killian's engagement letter for the work was presented for the Board's approval. Costs are not to exceed \$4,900 and the funds are budgeted within the DSS Budget.

Commissioner Benfield moved to authorize execution of the engagement letter. 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

C. ID 18-1695 Rutherford County Purchasing Policy

Finance Director Paula Roach also provided a Purchasing Policy for the Board's consideration. The Federal Grants which have required a Conflict of Interest Statement now require that the Purchasing Policy be in writing. The County has always followed State Statutes and not had a formal policy except for the \$300 threshold for a Purchase Order.

Commissioner Lovelace moved to approve the Purchasing Policy. 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

Purchasing Policy – July 2018

The County is not bound to any commitment to a vendor by a department.

A Purchase Order is required for all purchases values at \$300 and above for all County departments.

Purchases of equipment, supplies, materials or construction/repair contracts at the formal bid threshold are processed through a formal bid process as required by NCGS 143-129. Formal bids require written specifications, legal advertisement, sealed bids, and in some situations a bid bond is required by NCGS 143-129(b). Bids are submitted to Commissioners for their approval.

Purchases of equipment, supplies, materials or construction/repair contracts at the informal bid threshold as defined by NCGS 143-131 are processed through an informal bid process and are confidential until bid awarded.

Contracts funded with federal grant or loan funds must be procured in a manner that conforms with all applicable Federal laws, policies and standards, including those under the Uniform Guidance (2 C.F.R. Part 200).

Rutherford County must comply with the "most restrictive" procurement requirements of both federal and state law as well as their local policy.

Rutherford County Board of Commissioners reserves the right to reject any and all bids.
Reference Materials:

- SOG Handout – Dollar Thresholds in North Carolina Public Contracting Statutes
- OMB Memo M-18-18 – Implementing Statutory Changes to the Micro-Purchase and the Simplified Acquisition Thresholds for Financial Assistance
- UNC School of Government – "Most Restrictive Rule" Procurement Requirements under the Federal Uniform Guidance for North Carolina Local Governments
- NC State Treasurer Memo #2018-06 – Uniform Guidance Procurement Standards
- NC State Treasurer Memo #2018-06 **Addendum** – Uniform Guidance Procurement Standards

D. ID 18- 1691 Reimbursement Resolution for Vehicles and Equipment

Based on the Board's decision as part of the FY 2018-2019 Budget to move forward with the purchase of certain equipment and vehicles, Finance Director Roach presented a resolution, *Declaration of Official Intent to Reimburse*, for the Board's consideration. The FY 2018-2019 Vehicle and Equipment Plan Summary was also presented.

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

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 \$866,000.

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 2nd day of July 2018.

Enactment No: RES 18-017

E. ID 18- 1690 Charge to Collect and Annual Tax Collections' Settlement Report

The Annual Tax Collections' Settlement Report for FY 2017-2018 was presented by Revenue Director Sherry Lavender. The report showed total tax collections for fiscal year 2017-2018 (tax year 2017) in the amount of \$40,288,877.18 with a final collection rate of 97.46% which is an increase over the previous year.

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

Commissioner Lovelace moved to approve the Charge to Collect. 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

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.

F. ID 18- 1694 Speed Limit Reductions for Rails to Trails Crossings

Planning and Public Works Director Danny Searcy told the Board that two crossings on the route of Rails to Trails are in a 55 mile per hour zone, and the design does not meet sight distance requirements. It was recommended that the County request speed limit reductions to 35 miles per hour where the rail crosses Broyhill Road and Chilly Bowl Road. A resolution was provided for the Board's consideration.

Commissioner Lovelace moved to approve the resolution. 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, it is common practice for Counties and Municipalities to petition the North Carolina Department of Transportation for speed limit modifications on streets within their jurisdiction; and

Whereas, Chilly Bowl Road and Broyhill Road both are contained within the jurisdiction of Rutherford County; and

Whereas, a mission and responsibility of the Board of County Commissioners of Rutherford County is to protect the lives and property of its citizens; and

Whereas, the speed limits on Chilly Bowl Road and Broyhill Road in Rutherford County is 55 miles per hours; and

Whereas, both Chilly Bowl road and Broyhill Road have both heavy industrial and heavy commercial traffic in highly populated residential sections; and

Whereas, both Chilly Bowl Road and Broyhill Road are in close proximity to existing intersections and stop signs of other roadways; and

Whereas Rutherford County, in conjunction with the Towns of Ruth, Rutherfordton Spindale and Forest City, is in the process of constructing 13.5 miles of a paved, multi-use trail along the old Rutherford Railroad right of way; and

Whereas, the safety of the trail users is a prime concern of the Rutherford County Board of Commissioners; and

Whereas, the Rutherford County Board of Commissioners is seeking approval from the North Carolina Department of Transportation for the following safety measures on Chilly Bowl Road and Broyhill Road:

- marked cross walks at each NCDOT street that is practical; and
- a 35 miles per hour speed limit

Now therefore be it resolved that the Rutherford County Board of Commissioners formally requests a speed limit reduction to 35 miles per hour for Chilly Bowl Road in the area within one-half mile of the intersection with Gilboa Church Road and for Broyhill road in the area within one-half mile of the intersection with Highway 221.

Adopted this the 2nd day of July, 2018.

Enactment No. RES 18-018

G. ID 18- 197 Agreement with Superion and SHI

Information Technology Director Jai Doherty presented two agreements for the Board's consideration - an agreement with Superion for software for public safety and an agreement with SHI for financing of the purchase of this software.

Vice Chairman Toney moved to approve the agreement with Superion. 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

Commissioner Benfield moved to approve the agreement with SHI. 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

H. ID 18- 1700 Resolution Awarding Fire Marshal Roger Hollifield's Service Side Arm

Sheriff Chris Francis requested that the Board approve a resolution in accordance with G.S. 20-187.2 awarding Fire Marshal Roger Hollifield's service side arm to him for the sum of \$1.00. Fire Marshal Hollifield will retire from Rutherford County Emergency Management effective August 26, 2018 with twenty-eight (28) years of service. Fire Marshal Hollifield started his career with Rutherford County Emergency Management in 1990, where he served for five years, before he was sworn in as the Fire Marshal in July of 1995.

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 Acknowledging the Service of
Fire Marshal Roger Hollifield
and Awarding His Service Side Arm to Him**

WHEREAS, Fire Marshal Roger Hollifield has served Rutherford County Sheriff's Department in Emergency Management and as Fire Marshal since 1990; and

WHEREAS, Fire Marshal Hollifield has dedicated twenty-eight years of his life to law enforcement and public service.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Rutherford, in accordance with NC General Statute 20-187.2, do hereby award Fire Marshal Hollifield his service side arm (Glock, Model 19, Serial Number BDCY438) in exchange for consideration of \$1.00.

Approved this the 2nd day of July, 2018.

Enactment No. RES 18-019

I. ID 18- 1688 Resolution Awarding Corporal Howard Gordon's Service Side Arm

Sheriff Chris Francis also requested that the Board approve a resolution in accordance with G.S. 20-187.2 awarding Corporal Howard Gordon's service side arm to him for the sum of \$1.00. Corporal Gordon, who has served in the Rutherford County Sheriff's Office since 1999 and in law enforcement since 1980, is retiring.

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 Acknowledging the Service of
Corporal Howard Gordon
and Awarding His Service Side Arm to Him**

WHEREAS, Corporal Howard Gordon has served Rutherford County Sheriff's Department since 1999 and in law enforcement since 1980; and

WHEREAS, Corporal Gordon has dedicated twenty-eight years of his life to law enforcement and public service.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Rutherford, in accordance with NC General Statute 20-187.2, do hereby award Corporal Gordon his service side arm (Glock, Model 19, Serial Number BCCC974) in exchange for consideration of \$1.00.

Approved this the 2nd day of July, 2018.

Enactment No. RES 18-020

VIII. Closed Session

A. ID 18- 1689 Closed Session – ATTORNEY CLIENT NCGS 143-318.11(a)(3)

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

7:23 P.M. - The Board went into Closed Session.

7:29 P.M. - The Board returned to regular session.

X. Adjournment

At 7:29 P.M. Vice Chairman Toney made a motion to adjourn. 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

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

ATTEST:

Clerk, Board of Commissioners