



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

**Rutherford County
Board of Commissioners
Minutes of December 3, 2018**

**Monday, December 3, 2018
6:00 PM**

I. Call to Order

Chairman King called the December 3, 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

Cub Scout Easton Holland, grandson of Commissioner Eddie Holland, led in the Pledge of Allegiance.

B. Agenda Approval

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

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

Noes: None

II. Public Comments

Dr. Jeanette McDaniel told the Board that she lives near Tactical Farm which is a training range where different types of explosives are detonated. These explosives are extremely loud. The neighbors are concerned about the close proximity to the residences, the overall safety issues, and the decreased property values. Tactical Farms leases their property to organizations for training. On November 13 eight high caliber military grade explosions occurred which shook homes more than a mile away. ATF only regulates the transportation and storage and not the detonation. Dr. McDaniel stated that the issue stated is not illegal, but it is not ethical.

Mr. Chad Edmonds also spoke on the Tactical Farm issue as his property line backs up to the Tactical Farm. He asked that the Board reach out to law enforcement to seek ways to prevent this.

III. 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 18-1804 Minutes of November 5, 2018**
- B. ID 18-1805 Minutes of Special Meeting of November 13, 2018**
- C. ID 18-1820 Tax Refunds and Releases**
 - Refund amount totaling \$2,251.46
 - Releases greater than \$100 totaling \$5,551.78
 - Releases less than \$100 totaling \$631.48
 - (A copy of these tax refunds and releases is typed in the Minute Book.)

IV. Commissioners/Appointments

A. ID 18-1806 Appointment to the Transit Advisory Board

Rutherford-Polk-McDowell Health Board Director Karen Powell applied to serve on the Transit Advisory Board. The vacancies on this Board had been advertised and applications had been accepted.

Commissioner Lovelace moved to appoint Ms. Powell to the Transit Advisory 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

B. ID 18- 1821 Appointments to the Board of Equalization and Review

Revenue Director Sherry Lavender reported that the terms of three members of the Board of Equalization and Review will expire on December 31, 2018. She asked that applications be accepted for these vacancies.

Since 2019 is a reappraisal year, the commitment to the Board of E&R may require meeting three to four times per week between April 1 and May 10 with the possibility of having to meet longer based on the number of appeals received. Pursuant to NCGS 105-322, during a general reappraisal year the Board of Equalization and Review could extend out to December 1 based on the number of appeals. Director Lavender said a good rule is to prepare for appeals from 5-10% of the number of parcels. For

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Rutherford County this could mean between 3000-5000 appeals. There were approximately 2.5-3% appeals for reappraisal years 2002, 2007, and 2012.

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

C. ID 18- 1810 Appointments to Rutherford County Boards and Commissions

A list of appointments whose terms will expire on December 31, 2018 was provided to the Board. The vacancies had been advertised and applications had been accepted.

Commissioner Lovelace moved to appoint the following:

Name	Board name
Mr. Louis Welge	Bill's Creek Fire Department Board of Trustees for Firefighters' Relief Fund
Mr. Richard Price	Cherry Mountain Fire Department Board of Trustees for Fireman's Relief Fund
Mr. Peter O'Leary	Chimney Rock Fire Department Board of Trustees for Fireman's Relief Fund
Mr. Tommy Phillips	Cliffside Fire Department Board of Trustees for Fireman's Relief Fund
Mr. Charles Horn	Ellenboro Fire Department Board of Trustees for Fireman's Relief Fund
Mr. Gary Wilson	Fairfield Mountain Fire Department Board of Trustees for Fireman's Relief Fund
Ms. Janice Nicolson	Farmland Preservation Advisory Board
Mr. Mac Edgerton	Farmland Preservation Advisory Board
Mr. Jerry Brantley	Farmland Preservation Advisory Board
Mr. Eddie Parker	Green Hill Fire Department Board of Trustees for Fireman's Relief Fund
Mr. Floyd Samuel	Hudlow Fire Department Board of Trustees for Fireman's Relief Fund
Mr. Billy Samuel	Hudlow Fire Department Board of Trustees for Fireman's Relief Fund
Mr. Scott Morrow	S.D.O. Fire Department Board of Trustees for Fireman's Relief Fund
Mr. Bryan Melton	Sandy Mush Fire Department Board of Trustees for Fireman's Relief Fund
Mr. Allen Bowen	Shingle Hollow Fire Department Board of Trustees for Fireman's Relief Fund
Ms. Freda Greene	Union Mills Fire Department Board of Trustees for Fireman's Relief Fund

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- 1814 Appointments of Commissioners

Commissioners whose terms expired on the first Monday in December of 2018 had served on various boards as a representative of the Board of Commissioners. Their terms on these various boards expired with the expiration of their past terms as County Commissioners. It was requested that the Board make appointments or reappointments to these boards.

Chairman King had served on the Home and Community Care Block Grant Committee as the Commissioner representative. He had also served on the Rutherford County Economic Development Association. This appointment must be the Chairman of the County Commissioners or his designee.

Commissioner Toney had served on the Department of Aging Advisory Committee as the Commissioner representative.

Commissioner Benfield had served on the Fire Chiefs Advisory Board and the Rural Transportation Planning Organization as the Commissioner representative.

Commissioner Lovelace made a motion to appoint the following:

Chairman King	Home and Community Care Block Grant Committee Rutherford County Economic Development Association
Vice Chairman Toney	Department of Aging Advisory Committee
Commissioner Benfield	Fire Chiefs Advisory Board Rural Transportation Planning Organization

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

V. Commissioner Reports

A. ID 18- 1808 Historic Preservation Commission Report

President of the Historic Preservation Commission Chivous Badley told the Board that there is now an active and enthusiastic Historic Preservation Commission consisting of eleven members. The ordinance creating the Commission requires that a set of bylaws and rules of procedure must be in place before the Commission can assist any historic landmark owners. During the past year the bylaws have been adopted along with principles and the Guidelines and Rules of Procedure.

The National Parks Service has appropriated \$60,000 to develop a comprehensive plan for the Overmountain Victory National Historic Trail from Rutherfordton to Chesnee. President Bradley asked that the Board consider being a partner with the Overmountain Victory Trail Association and the National Parks Service to move the project forward. More miles of this trail are in the county than any other county in the four states that the trail travels through.

A total of approximately \$40,000 is required as a match for the \$60,000 grant. President Bradley said he believed an equitable match for the County would be \$2,000 to \$3,000 in the current budget and \$4,000 to \$5,000 in next year's budget.

B. ID 18- 1822 Audit Report

Mr. Travis Kever, Assurance Manager, with Gould Killian CPA Group presented the audit report for Rutherford County for year ending June 30, 2018 stating that audits have expanded tremendously in the past few years due to state and federal laws. Mr. Kever said the summary of the audit resulted in an unmodified and clean opinion on Rutherford County's financial statement. They believe that the financial statements were presented fairly and according to generally accepted accounting principles. There were no findings related to internal control over financial reports. The reports on audits of federal and state funding was also presented. There was one area of deficiency, but procedures had been implemented to correct it.

Commissioner Lovelace moved to accept the audit. 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

VI. Old Business

A. ID 18-1811 Juvenile Crime Prevention Commission Budget Revision

The County Funding Plan for the Juvenile Crime Prevention Commission discussed at the October meeting which would complete the process to reallocate funds released by Youth Empowerment was presented by President of Juvenile Crime Prevention Commission Chairman Steve Collins and Chairman of the Allocations Committee Rodney Wesson. They reported that all equipment had been reallocated.

Commissioner Benfield moved to approve the reallocation of funds. 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

B. ID 18- 1813 Modification Agreement to the Department of Health and Human Services/Rutherford County Memorandum of Understanding FY 2018-2019

Session Law 2017-41 requires all counties to enter into an annual written agreement with the Department of Health and Human Services (DHHS) for all social services programs excluding medical assistance (Medicaid).

Social Services Director John Carroll told the Board that at the June 7, 2018 meeting Rutherford County approved a *Resolution to Authorize the County Manager and the County Director of Social Services to Execute Annual Written Agreements with the North Carolina Department of Health and Human Services*. Since that time, DHHS has received feedback from counties regarding the agreement. Considering that feedback and their ongoing analysis of performance data, and the impact of Hurricanes Florence and Michael on county and state operations, the Department is modifying the MOUs. The modifications include changes to several of the performance measures from static to growth measures

and providing clarification that no performance improvement or corrective action will be initiated on the basis of this MOU for Fiscal Year 2018-2019. However, ongoing oversight and monitoring activities will continue as they have in prior years.

Commissioner Benfield moved to approve the Modification Agreement to the Memorandum of Understanding covering Fiscal Year 2018-2019. 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

VII. New Business

A. ID 18-1824 Budget Amendments

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

Vice Chairman Toney 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

GENERAL FUND		
Sheriff - Equipment Purchased with Seizure Funds	\$ 687	
Sheriff Drug Seizure Funds		\$ 687
*unauthorized substance tax distribution		
Sheriff - Capital Outlay	\$ 5,145	
Federal Grant - Homeland Security		\$ 5,145
*grant received for Sheriff's Office equipment from Homeland Security		
DSS FUND		
Special Children's Adoption Program	\$ 7,200	
Special Children's Adoption Revenues		\$ 7,200
*additional funding received		
Child Day Care - Professional Services	\$ 40,000	
DSS Salaries/Benefits	\$ (40,000)	
*DSS contracting for child care program administration		
Energy Assistance Administration Revenues		\$ 11,477
DSS Aid to Administration		\$ (11,477)
*additional funds received		
Crisis Intervention Program	\$ 69,886	
Crisis Intervention Program Revenues		\$ 69,886

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*additional funds received		
AIRPORT FUND		
Airport - Maintenance to Equipment	\$ 5,201	
Airport Fuel Sales		\$ 5,201
*transmission repair for jet A truck and loaner truck (needed during Jet A truck downtime and WEG coverage)		
GRANT FUND		
DSS Community Response Program Expenditures	\$ 120,317	
DSS Community Response Grant		\$ 120,317
*additional grant funds received for DSS (program grant funded since July 2016)		

B. ID 18-1823 Compilations for Fire Departments

Ms. Crystal Hamrick provided the compilations for the fire departments for year ending June 30, 2018. She said each department was issued a clean report. There were no significant issues during the reviews. The reports for the individual departments were:

Bill's Creek Volunteer Fire Department, Inc.

The Department's major purchases were related to the new facility, a rescue vehicle, SCBA, and turn out gear (TOG). The Department seemed debt for the new facility. The Department has deposits in local banks in excess of the Federal Deposit Insurance Corporation limits.

Cherry Mountain Volunteer Fire Department, Inc.

The Department's major purchases were a building, ventilation hoods, and radio. The Department received grant funding for some of these expenses. The Department paid off debt. The Department outsources its financial responsibilities to a local accountant.

Chimney Rock Volunteer Fire Department, Inc.

The Department's major purchases were a new truck, a ladder rack, a TV, exercise equipment, radios and pagers, and TOG. The Department received grant funding for some of these expenses.

Cliffside Area Volunteer Fire Department, Inc.

The Department's major purchases were two new trucks, windows, garage doors, water lines, chainsaws, a blower, parking lot resurfacing, and TOG. The Department paid off debt. The Department secured debt for the new trucks.

Ellenboro Volunteer Fire Department, Inc.

The Department's major purchases were land, a new truck, fire alarm panel and system upgrade, and TOG. The Department paid off debt. The Department secured debt for the land and new truck. The Department outsources its financial responsibilities to a local accountant.

Fairfield Mountains Volunteer Fire Department, Inc.

The Department's major purchases were a vehicle, a barn, radios, major building improvements, major vehicle repairs, a stair chair, self-contained breathing apparatus (SCBA) and TOG. The Department has no debt.

Green Hill Volunteer Fire Department, Inc.

The Department's major purchases were a laptop, a thermal imaging camera, a pump, hoses and nozzles, radios, and TOG. The Department received grant funding for some of these expenses. The Department paid off debt. The Department outsources its financial responsibilities to a local accountant.

Hudlow Volunteer Fire Department, Inc.

The Department's major purchases were land, radios, an AED machine, a gas meter, a laptop, containers, fire shelters, SCBA, and TOG. The Department received grant funding for some of these expenses. The Department has deposits in local banks more than the Federal Deposit Insurance Corporation limits.

Sandy Mush Volunteer Fire Department, Inc.

The Department's major purchases were radios, grading, and TOG. The Department outsources its financial responsibilities to a local accountant. The Department has deposits in local banks in excess of the Federal Deposit Insurance Corporation limits.

Shiloh-Danieltown-Oakland Volunteer Fire Department, Inc.

The Department's major purchases were chairs, garage doors, land improvements, and blowers. The Department received grant funding for some of these expenses. The Department has deposits in local banks in excess of the Federal Deposit Insurance Corporation limits. The Department outsources its financial responsibilities to a local accountant.

Shingle Hollow Volunteer Fire Department, Inc.

The Department's major purchases were pagers and TOG. The Department received grant funding for some of these expenses. The Department outsources its financial responsibilities to a local accountant.

Union Mills Volunteer Fire Department, Inc.

The Department's major purchases were a new vehicle and TOG. The department secured debt for the new vehicle. The Department received grant funding for some of these expenses. The Department has deposits in local banks in excess of the Federal Deposit Insurance Corporation limits.

Commissioner Lovelace moved to accept the audits for the fire departments. 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 18-1807 Economic Development District Designation Resolution

Mr. Ben Farmer of Isothermal Planning and Development Commission is in the final stages of applying for Economic Development District (EDD) status for Cleveland, Rutherford, McDowell and Polk Counties through the Economic Development Administration. Once approved by EDA, the four counties will be part of the same EDD. The four counties are the last in the state to gain EDD status.

The last steps are a letter from the Governor's office (NC Commerce is assisting with that) and a resolution supporting the designation from each county. A resolution supporting the Isothermal region's EDD designation was presented for the Board's consideration.

Commissioner Lovelace 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
SUPPORTING DESIGNATION OF THE 4 COUNTY ISOTHERMAL REGION
AS AN ECONOMIC DEVELOPMENT DISTRICT**

Whereas, the Isothermal Region is made up of Rutherford, Polk, McDowell and Cleveland counties in North Carolina; and

Whereas, the Isothermal Planning and Development Commission is the regional commission for the Isothermal region; and

Whereas, the Isothermal Planning and Development Commission Board of Directors has directed that IPDC should undertake activities that further economic development in the Isothermal Region and to promote economic development and job creation by carrying out community, economic, and workforce development initiatives as outlined in the adopted *Isothermal Regional Economic Development Strategy*, developed under the USDA Phase V Region Stronger Economies Together (SET) program, and implemented as the Isothermal Region's Comprehensive Economic Development Strategy (CEDS); and

Whereas, the Isothermal Planning and Development Commission is seeking Economic Development District (EDD) designation for the Isothermal Region through the United States Economic Development Administration; and

Whereas, the designation of the Isothermal Region as an EDD will further the community, economic, and workforce development interests of the four-county region and greatly enhance implementation of the regional CEDS by coordinating efforts to create jobs, build an entrepreneurial economy and attract reinvestment in communities throughout the region.

Now, Therefore, Be it Resolved, that the Rutherford County Board of Commissioners does hereby support the designation of the four-county Isothermal Region as an Economic Development District through the U.S. Economic Development Administration.

Adopted this 3rd day of December, 2018.

RES 18-030

VIII. Closed Session

A. ID 18- 1825 ATTORNEY CLIENT NCGS 143-318.11(a)(3)

Vice Chairman Toney 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

7:02 P.M. - The Board went into Closed Session.

7:07 P.M. - The Board returned to regular session.

X. Adjournment

At 7:09 P.M. Commissioner Benfield made a motion to adjourn. 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

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

ATTEST:

Clerk, Board of Commissioners