



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

**Rutherford County  
Board of Commissioners  
Minutes of April 1, 2019**

**Monday, April 1, 2019  
6:00 PM**

**I. Call to Order**

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Chairman King called the April 1, 2019 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**

Isothermal Community College Vice President of Administrative Services Stephen Matheny 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**

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**A. ID 19-2010 Public Hearing on Economic Development Project**

At 6:01 P.M. Chairman King opened the public hearing to listen to comments regarding Rutherford County's intent to consider the approval of a 5% match for a requested Building Reuse Grant. The grant would be used by Affinity Living Group to construct an assisted living facility in the Lake Lure area. The local match would not exceed \$25,000.

Economic Development President Tom Johnson told those present that the 62-bed facility will employ approximately 55 but only 27 of those positions will be qualifying jobs. The \$8,000,000 facility will encompass approximately 28,000 square feet. The Town of Lake Lure is very supportive of the project even though it is outside the town limits.

No one else wished to speak.

At 6:05 P.M. Chairman King declared the public hearing to be closed.

**Commissioner Lovelace moved to approve the 5% matching grant request and authorize the County Manager, County Attorney, Finance Officer, Clerk to the Board, and other County officials to sign and execute all documents in support of this action. Vice Chairman Toney seconded the motion.**

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

**Noes:** None

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## **II. Public Comments**

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There were no public comments.

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## **III. Consent Agenda**

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

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

**Noes:** None

**Consent Agenda items approved were:**

**A. ID 19-2015 Minutes of March 4, 2019**

**B. ID 19-2020 Tax Refunds and Releases**

Refund amount totaling \$1558.68

Releases greater than \$100 totaling \$2,443.03

Releases less than \$100 totaling \$1,483.86

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

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## **IV. Commissioners/Appointments**

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**A. ID 19-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. It has been requested that these appointments be made for the upcoming fiscal year. The Board agreed to advertise the vacancies, accept applications, and make appointments at a future meeting.

**B. ID 19-2013 Appointment to Rutherford County Tourism Development Authority**

Ms. Barbara Meliski resigned as a member of the Rutherford County Tourism Development Authority. Ms. Meliski served as a travel and tourism promoter. This vacancy was advertised, and an application was received from Mr. Brandon Higgins.

**Vice Chairman Toney moved to appoint Mr. Brandon Higgins to the Tourism Development to fill the unexpired term. 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

**C. ID 19-2016 Proclamation Honoring Colonel Max E. Burgin**

Commissioner Holland presented a proclamation honoring Colonel Burgin by proclaiming May 18, 2019 as Colonel Max E. Burgin Day in Rutherford County.

**Commissioner Holland moved to approve the proclamation. 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



**Proclamation**

**Whereas**, Colonel Max E. Burgin retired from the US Army in 1991 after serving meritoriously for more than 25 years; and

**Whereas**, during his time in the service of his country, Colonel Burgin received numerous military awards including two (2) Legion of Merit Officer Medals, a Bronze Star Medal, seven (7) Meritorious Service Medals, seven (7) Army Commendation Medals, a National Defense Service Medal, a Republic of Vietnam Campaign Medal, a Presidential Unit Citation Medal, and the USA Medical Department Regiment Medal; and

**Whereas**, following his army career, Colonel Burgin has dedicated his life to serving his fellowman by pastoring the Lattimore Baptist Church for 20 years and is now alternate pastor for Duncan's Creek Presbyterian Church; and

**Whereas**, in 2014 Colonel Burgin received the Baptist Heritage Award from the Baptist State Convention; and

**Whereas**, Colonel Burgin has rendered many years of faithful and dedicated service to his county and to his county and has earned the admiration and respect of his friends and colleagues.

**Now, Therefore, Be It Resolved** that the Rutherford County Board of Commissioners does express their appreciation to Colonel Max E. Burgin for his devoted service and to honor this most respected citizen, the Rutherford County Board of Commissioners does declare May 18, 2018 as

**Colonel Max E. Burgin Day**

Adopted this the 1<sup>st</sup> day of April, 2019.

**PROC 19-001**

**V. Old Business**

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**A. ID 19-1930 Visioning Session for Rutherford County Commissioners 2019-2020**

On February 21, 2019 the Rutherford County Board of Commissioners met to discuss their visions for Rutherford County. County Manager Steve Garrison presented a draft of the mission statement discussed by the Board of Commissioners that encapsulated a “vision”, “strategic objectives”, and “core values” that will drive Rutherford County’s core functions. He requested that the Board approve the document.

**Vice Chairman Toney moved to approve the mission statement for Rutherford County. 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

**Mission Statement**

*To foster and sustain thriving communities and improve the quality of the lives of our citizens, we will maintain public trust, cultivate strategic partnerships, and create opportunities to inspire excellence through strategic decision making and sound management.*

**Vision:**

- Foster and sustain thriving communities
- Improve the quality of the lives of our citizens

**Strategic Objectives**

Good Governance > Strategic Decisions + Sound Management

**Core Values**

Create Opportunities to Inspire Excellence by Cultivating Strategic Partnerships and Maintaining Public Trust

**Core Functions**

- Core Values
  1. Support Education
  2. Public Safety
  3. Workforce and Economic Development
  4. Community and Human Services
  5. Health, Wellness, and Recreation
  6. Infrastructure and Environment
  7. History, Heritage, and Culture

Decisions made by the governing board of the County Commissioners have an internal (i.e., departments, offices and employees) and external impact (e.g., citizens, tourists, businesses, non-profits, towns, etc.). Going forward, the County leadership team will develop short term and long-term goals that match the Commissioner's strategic objectives and core values as defined in the mission statement.

Goals and action items created within Rutherford County's core functions will impact the following:

- » Seniors
- » Working/career adults
- » The underserved
- » Young adults
- » Children
- » Visitors
- » Community partners and stakeholders
- » County Employees

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**VI. New Business**

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**A. ID 19-2022 Community Development Block Grant Neighborhood Revitalization Grant**

Finance Director Paula Roach told the Board that Rutherford County has received a Community Development Block Grant (CDBG) Neighborhood Revitalization Grant in the amount of \$631,667. A Capital Project Ordinance which reflected the expenditures expected was presented for the Board's consideration. Director Roach said the Project Ordinance and the CDBG agreement must be executed and returned to Raleigh by April 14, 2019.

**Commissioner Lovelace moved to approve the Project Ordinance and the Community Development Block Grant Agreement. 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

**CAPITAL PROJECT ORDINANCE PROJECT**  
**Community Development Block Grant – Neighborhood Revitalization Program**  
**CDBG 17-C-2988**

BE IT ORDAINED by the Rutherford County Board of Commissioners that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby adopted.

Section 1. The project authorized is the Community Development Block Grant –Neighborhood Revitalization Program No. 17-C-2988. The Project is financed with Community Development Block Grant (CDBG) funds administered by the North Carolina Rural Economic Development Division (REDD).

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant documents, the rules and regulations of the State of North Carolina, and the budget contained herein.

Section 3. The following revenues are available to Rutherford County for this project:

Revenues:	
CDBG-Neighborhood Revitalization Funds No. 17-C-2988	\$ 631,667
<b>Total Revenues</b>	<b>\$ 631,667</b>

Section 4. The following amounts are appropriated for the project:

Expenditures:	
Neighborhood Rehabilitation	\$568,500
Planning	3,500
Administration	59,667
<b>Total Appropriations</b>	<b>\$631,667</b>

Section 5. The Finance Director is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements, and federal and state regulations.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement request should be made to the grantor agency in an orderly and timely manner.

Section 7. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in each budget submission made to this Board.

Section 8. Copies of this grant project ordinance shall be furnished to the Clerk to the Board of County Commissioners, and to the Budget Officer and to the Finance Director for direction in carrying out this project.

Adopted this 1st day of April 2019.

**PROJ ORD 19-001**

**B. ID 19-2009 Lease with Cliffside Historical Society**

County Manager Steve Garrison told the Board that the Cliffside Historical Society had approached the County with a proposal to extend their lease of the Clock Tower to include the former "Rescue Hut" cabin facility where a Cliffside museum facility would be created. Since receiving the proposal, the County has discussed the society taking on minor maintenance and basic grounds keeping of this facility.

Also presented was a letter from Rutherford County Rescue advising that they no longer have a use for the building. The group requested that they be allowed two months to remove all of their items which are stored at the building.

Mr. Phillip White said a similar lease is in place between the Cliffside Historical Society and Rutherford County for the clock tower in Cliffside.

**Commissioner Benfield moved to approve the lease agreement negotiated by the County Manager and the County Attorney 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

**C. ID 19-2011 Juvenile Crime Protection Council Resolution**

The Juvenile Justice Reinvestment Act expands the age of juvenile jurisdiction, increasing it to include juvenile ages 16 and 17 years of age effective December 1, 2019. Chairman of the Juvenile Crime Protection Committee Steve Collins and Chief Court Counselor Rodney Wesson presented a resolution for the Board's consideration that requests additional state funding to ensure successful implementation of the act.

**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

**Rutherford County Board of Commissioners Resolution  
Supporting  
Juvenile Crime Prevention Council Allocation Expansion**

**WHEREAS**, Juvenile Crime Prevention Council (JCPC) funding is a partnership between the State of North Carolina and the County to ensure a local continuum of services for court involved and at-risk juveniles; and,

**WHEREAS**, the Juvenile Crime Prevention Council, under the authority of NCGS§143B-851, and within the scope of its powers and duties, "Each County Council shall annually review the needs of juveniles in the county who are at risk of delinquency or who have been adjudicated undisciplined or delinquent and the resources available to address those needs. In particular, each County Council shall assess the needs of juveniles in the county who are at risk or who have been associated with gangs or gang activity, and the local resources that are established to address those needs," and,

**WHEREAS**, the Juvenile Justice Reinvestment Act passed in 2017, also referenced as North Carolina's Raise the Age legislation, expands the age of juvenile jurisdiction, increasing it to include juveniles ages 16 and 17 years of age effective December 1, 2019; and,

**WHEREAS**, Raise the Age legislation will increase the need for immediate and age-appropriate sanctions and diversion services for juvenile offenders and those at-risk of delinquency; and,

**WHEREAS**, JCPC funding has seen no increase in more than nine years; and,

**WHEREAS**, the effort to immediately and effectively address juvenile offending behavior is an evidence-based investment in North Carolina's future; and,

**WHEREAS**, effective intervention and programming reduces detention and youth development commitments as a cost savings to the state and county;

**NOW, THEREFORE BE IT RESOLVED**, that Rutherford County fully supports an adequate and timely increase of local Juvenile Crime Prevention funding from the State of North Carolina to ensure program expansion and successful implementation of the Juvenile Justice Reinvestment Act Raise the Age Legislation, set for December 1, 2019.

**Adopted this 1st day of April 2019.**

**RES 19-002**

**D. ID 19-2012 Transit's System Safety Plan**

Transportation Director Kerry Giles told the Board that the North Carolina Department of Transportation requires that the Board of Commissioners approve Transit's System Safety Plan annually. There have been no updates since the last approval.

**Commissioner Benfield moved to approve Transit's System Safety Program Plan. 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

**E. ID 19-2019 EMS Standard Operating Procedure**

Director Giles said EMS is requesting Commissioner approval of a revision to their internal policy for the process of writing off charges. The update to the EMS Standard Operating Procedure is a revision of *Procedure #6, Process for Write Off of Charges* that would allow outside public safety



agencies to request dismissal, waiver or release by the County Manager of EMS charges for on-duty personnel who are injured during an emergency call. Outside public safety agencies provide service to EMS and to citizens during emergency situations. While it has been EMS' practice to invoice all patients for services rendered to create equality and transparency for all, EMS also understands that these agencies also provide EMS with services without payment.

**Vice Chairman Toney moved to approve the revision to *Procedure #6, Process for Write-Off of Charges* in the EMS Standard Operating Procedure. 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

**6. Process for Write Off of Charges**

EMS provides pre-hospital medical care, ambulance transports and invoices for services rendered on behalf of Rutherford County. EMS shall, whether directly or through third-party billing company contracted to provide such services, invoice all patients for services rendered. Any request for dismissal, waiver or release of a patient's EMS charges shall be made in writing to the County Manager. No employee of EMS or of any third-party billing company providing billing services on behalf of EMS, shall have any authority to dismiss, waive or release any bill for EMS services, which such authority shall reside with the County Manager or his or her designee.

In the event any employee, volunteer or other professional of any public agency providing professional public safety services, including but not limited to law enforcement, medical or fire, who is treated and/or transported by EMS as a result of injury or injuries sustained in the course of performing his or her duties in any emergency incident, his or her supervising agency may request dismissal, waiver or release of any bill for EMS services provided to said employee or volunteer by submitting a written request and copy of the invoice to the County Manager or his or her designee, who shall have full discretion to make such dismissal, waiver or release.

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**VII. Closed Session**

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**A. ID 19-2018 Closed Session – ATTORNEY CLIENT NCGS 143-318.11(a)(3)**

**Commissioner Lovelace moved to go into Closed Session for discussion with the County Attorney. 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

**6:34 P.M. - The Board went into Closed Session.**

**6:47 P.M. - The Board returned to regular session.**

### **VIII. Adjournment**

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**At 6:48 P.M. Commissioner Holland 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

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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