



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

**Rutherford County
Board of Commissioners
Minutes of August 5, 2019**

**Monday, August 5, 2019
6:00 PM**

I. Call to Order

Chairman King called the August 5, 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.

The meeting was held jointly with the Spindale Town Council. Mayor Mickey Bland called the Spindale Town Council to order.

A. Pledge of Allegiance

Town of Spindale Mayor Mickey Bland led in the Pledge of Allegiance.

B. Agenda Approval

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

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

Noes: None

II. Public Hearing

A. ID 19-2143 Public Hearing – Building Reuse Project

At 6:01 P.M. Chairman King opened the joint public hearing with the Spindale Town Council to listen to comments regarding a potential building reuse grant application for a project for Fountain Electric in Spindale.

County Manager Steve Garrison told the Board that the grant application will not exceed \$200,000 requiring a local match of approximately \$10,000 which would be shared by the County and the Town of Spindale. A resolution was presented for the Board's consideration authorizing the County Manager to complete and submit a Building Reuse-Existing Business Building grant application, authorizing the appropriation of fund balance to meet the requirements of a portion of the 5% local match, and authorizing the County Manager to sign and execute all documents necessary if the grant is awarded.

No one else wished to speak.

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

Vice Chairman Toney moved to approve the resolution. 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

RESOLUTION TITLE: TO APPROVE A LOCAL CASH GRANT FOR USE AS A PORTION OF THE QUALIFYING 5% LOCAL CASH MATCH REQUIRED BY THE RURAL ECONOMIC DEVELOPMENT DIVISION RURAL GRANTS BUILDING REUSE – EXISTING BUSINESS BUILDING GRANT AND AUTHORIZE THE COUNTY MANAGER TO COMPLETE AND SUBMIT A BUILDING REUSE GRANT APPLICATION IN SUPPORT OF FOUNTAIN ELECTRIC, CONSIDERING AN EXPANSION IN RUTHERFORD COUNTY.

WHEREAS, Fountain Electric, proposes an expansion at its facility in Rutherford County that will result in the creation of new full-time jobs and additional investment over the next 2 years; and

WHEREAS, a portion of the proposed expenditures associated with this project are eligible for reimbursement through the Rural Grants Building Reuse – Existing Business Building; and

WHEREAS, the proposed investment by the company will result in a net increase in property value; and

WHEREAS, in these difficult economic times, this investment in Rutherford County and its citizens is recognized and commended by the Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED that the Rutherford County Board of Commissioners supports this expansion and authorizes the County Manager to complete and submit a Building Reuse – Existing Business Building grant application in an amount not to exceed \$200,000;

BE IT FURTHER RESOLVED that the Rutherford County Board of Commissioners authorizes an appropriation from the fund balance to meet the requirements as a portion of the qualifying 5% local cash match required by the Building Reuse – Existing Business Building grant application and authorizes the Chairman or County Manager to sign and execute all documents necessary in support of the grant, if it is awarded in whole or in part.

Adopted this the 5th day of August 2019.

RES 19-011

RECESS

6:06 P.M. Recess
6:11 P.M. Reconvene

II. Public Comments

Ms. Janice Mitchell, representing PAWS of Rutherford County told the Board that this agency started the no-kill policy in Rutherford County. They provide quality food for pet owners, find good homes for animals, and have started a spay-neuter program. Vet care and emergency surgeries are provided for those who cannot afford it.

Ms. Mary Cervini, founder and president of Community Partnership for Pets, said her agency works with counties to care for abused, neglected, and homeless pets. In 2014 Community Partnership for Pets began to work with PAWS of Rutherford County. From 2014 to July of 2019, 4,138 animals owned by Rutherford County citizens were spayed or neutered at a cost of approximately \$39 each. Most of the funds for the spay and neuter program are received from grants; however, grants are becoming more competitive and many contain questions regarding the funds provided by the County for the programs.

Ms. Cervini asked that Rutherford County set aside \$5,000 in the current budget year and \$5,000 in the next budget year for the programs she described. She also asked that Rutherford County include funds in the next budget cycle for spaying and neutering.

III. Consent Agenda

Commissioner Lovelace 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 19-2141 Minutes of meeting of July 1, 2019

B. ID 19-2142- Tax Refunds and Releases

Refund amount totaling \$1,193.94

Releases greater than \$100 totaling \$2,813.91

Releases less than \$100 totaling \$2,996.87

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

IV. Commissioners/Appointments

A. ID 19-2145 Appointment to Partners Behavioral Health Management Board of Directors

Manager Steve Garrison advised that Rutherford County became a part of Partners Behavioral Health Management (PBHM) on July 1, 2019. The Rutherford County Commissioners may appoint a member to serve on the PBHM Board of Directors.

Commissioner Lovelace moved to appoint County Manager Steve Garrison to the Partners Behavioral Health Management Board of Directors. 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 19- 2147 Term Ending Dates for Members of Historic Preservation Commission

All members except for two on the Historic Preservation Commission are serving terms that end on June 30, 2020. The Commission requested that term ending dates be changed to preserve continuity on the commission. The ending dates suggested were:

June 30, 2020 Term Ending
Carl Parton
Vacant
Linda Hatcher

June 30, 2021 Term Ending
Donna Robbins
Chivous Bradley
Sherry Lavender
Susan Henson
Robert Hamilton, Sr.

June 30, 2022 Term Ending
Alice Bradley
Don Cason
Joan King

Commissioner Benfield moved to approve the requested ending dates for members of the Historic Preservation Commission. 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 19- 2149 Appointment to Rutherford County Tourism Development Authority and Appointment of Chairperson of the Rutherford County Tourism Development Authority

House Bill 414 enacted on June 9, 2011 states that the Rutherford County Board of Commissioners shall designate one member of the Tourism Development Authority to serve as chair of the TDA. The bylaws of the Tourism Development Authority contain the same language. TDA Director Don Cason presented the recommendation from the TDA that Mr. Willard Whitson be reappointed as Chairperson of the TDA for the upcoming year.

Commissioner Lovelace moved to appoint Mr. Willard Whitson as Chairperson of the TDA. 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

House Bill 414 enacted on June 9, 2011 states that one-third of the members of the Rutherford County Tourism Development Authority shall be individuals who are affiliated with businesses that collect the tax in the county, and at least one-half of the members shall be individuals who are currently active in the promotion of travel and tourism in the County.

Ms. Sonya Hooper applied to serve on the Tourism Development Authority. Ms. Hooper is a merchant on Main Street in Forest City. TDA Director Don Cason said the State of North Carolina is focusing on Main Street as a tourism component, and the TDA is promoting tourism through main streets. He had requested clarification and feedback from a TDA consultant regarding whether Ms. Hooper would meet the criteria to serve as a member of the Rutherford County Tourism Development Authority.

Vice Chairman Toney made a motion to table the appointment until further clarification was received. 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 19-2151 Thermal Belt Rail Trail Agreement

Ms. Hannah Cook, Senior Planning Engineer for North Carolina Department of Transportation, spoke to the Board regarding an agreement between North Carolina Department of Transportation and Rutherford County for crossing improvements along the Thermal Belt Rail Trail. Funds for the local match for the improvements would be gifted from RHI Legacy Foundation for rail trail construction.

Commissioner Lovelace moved to approve the agreement with the local match from RHI Legacy Foundation and delegate execution and implementation of the agreement to the County Manager and staff. 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

B. ID 19-2150 Budget Amendments

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

Vice Chairman Toney moved to approve the budget amendments. 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

GENERAL FUND		
Sheriff - Equipment Purchase with Seizure Funds	\$ 3,832	
Sheriff Forfeited Funds		\$ 3,832
*unauthorized tax distribution		
Contribution to Grant Fund - Economic Development Grant	\$ 13,500	
Fund Balance Appropriated		\$ 13,500
*match funds for the Affinity Living Group NC Commerce Building Reuse Grant		
GRANT FUND		
Sheriff - Equipment	\$ 24,405	
NC Governor's Crime Commission Grant		\$ 24,405
*grant for tactical equipment for the Sheriff's Office		
NC Commerce Reuse Expenditures - Cardinal Tissue/Project Red Bird	\$ 500,000	
NC Commerce Reuse Grant		\$ 500,000
*grant for Cardinal Tissue Project/40 jobs committed/local match will be the EDA agreement		
NC Commerce Reuse Expenditures - Affinity Living Group	\$ 283,500	
NC Commerce Reuse Grant		\$ 270,000
Contribution from General Fund - Local Cash Match		\$ 13,500
*grant for Affinity Living Group/27 jobs committed/local cash match required of 5%		
NC Commerce Reuse Expenditures - SSD Design/Project Pallet	\$ 225,000	
NC Commerce Reuse Grant		\$ 225,000
*grant for SSD Design Project/18 jobs committed/local match will be the EDA agreement		
SPECIAL DISTRICTS FUND		

NC DOT Driveway Grant Reimbursement - Bills Creek VFD	\$ 24,950	
NC DOT Driveway Grant		\$ 24,950
*grant/reimburse from NC DOT for driveway improvement at new substation		

C. ID 19-2140 Rutherford County Code of Ordinances

When the Board approves an ordinance, it is placed in an ordinance book maintained in the Office of the Clerk to the Board. The minutes of the County Commissioners' meetings are provided to Municipal Code Corporation (MCC) of Tallahassee, Florida at intervals, and MCC codifies these ordinances in Rutherford County's Code of Ordinances and publishes these on the web.

North Carolina General Statute § 153A-49. Code of ordinances states that "A county may adopt and issue a code of its ordinances. The code may be reproduced by any method that gives legible and permanent copies, and may be issued as a securely bound book or books with periodic separately bound supplements, or as a loose-leaf book maintained by replacement pages. Supplements or replacement pages should be adopted and issued at least annually, unless there have been no additions to or modifications of the code during the year." An ordinance was provided which would adopt Supplements 28 and 29 made to Rutherford County's Code of Ordinances and allow these pages to be placed in the Rutherford County Code of Ordinances.

Commissioner Benfield moved to approve the ordinance. 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

**AN ORDINANCE ENACTING AND ADOPTING THE SUPPLEMENTS
TO THE CODE OF ORDINANCES FOR THE COUNTY OF RUTHERFORD**

WHEREAS, Municipal Code Corporation of Tallahassee, Florida, has completed Supplements 28 through 29 to the Code of Ordinances of the County of Rutherford, which supplements contains all ordinances of a general and permanent nature enacted since April 2016; and

WHEREAS, it is the intent of the Board of Commissioners to accept these updated sections in conformity with any changes in the law of the State of North Carolina; and

WHEREAS, in the course of adoption of each of the Ordinance changes incorporated in these supplements, the County of Rutherford has held such public hearings after due notice as are required by North Carolina General Statutes;

NOW, THEREFORE, BE IT ORDAINED by the Rutherford County Board of Commissioners:

Section 1. That the S-28 through S-29 supplements to the Code of Ordinances of the County of Rutherford, be and the same is hereby adopted by reference as if set out in its entirety.

Section 2. The Clerk is hereby authorized and ordered to insert such supplements into the official Code of Ordinances kept on file in the Office of the Clerk.

Section 3. This Code revision shall be effective immediately upon adoption.

ADOPTED in regular session by the Board of Commissioners this, the 5th day of August, 2019.

ORD 19-002

D. ID 19-2144 Easement on County Owned Property

Planning and Public Works Director Danny Searcy told the Board that Duke Energy Carolinas has requested that Rutherford County grant an easement on property owned by Rutherford County on Callahan Koone Road in Spindale. Duke Energy plans to pull power across the road for an existing business. An easement agreement was presented for the Board's consideration.

Commissioner Lovelace moved to approve the easement 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

VI. Closed Session

A. ID 19- 2139 ATTORNEY CLIENT NCGS 143-318.11(a)(3)

Commissioner Lovelace moved to go into Closed Session for a discussion with the County Attorney. The County Manager and the Clerk to the Board would be included in the session. 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

6:54 P.M. - The Board went into Closed Session.

7:00 P.M. - The Board returned to Regular Session.

VIII. Adjournment

At 7:02 P.M. Commissioner Holland made a motion to adjourn. 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

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

ATTEST:

Clerk, Board of Commissioners