



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

**Rutherford County
Board of Commissioners
Minutes of August 2, 2021**

**Monday, August 2, 2021
6:00 PM**

I. Call to Order

Chairman King called the August 2, 2021 meeting of the Rutherford County Board of Commissioners to order.

Present: Chairman Bryan King, Vice Chairman Alan Toney, Commissioner Michael Benfield, Commissioner David Hunt, and Commissioner Greg Lovelace.

A. Pledge of Allegiance

Commissioner Benfield led in the Pledge of Allegiance.

B. Agenda Approval

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

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

Noes: None

II. Public Hearing

A. ID 21- 21-2916 Public Hearing – Building Reuse Grant

At 6:01 P.M. Chairman King opened the public hearing to listen to comments regarding a proposed 5 percent matching grant request for a Building Reuse Grant application in support of an industrial project, code named Project Cavill.

Economic Development Director Birgit Dilgert told the Board that more career opportunities are on the horizon as an existing industry in the county is proposing an expansion that will create 34 new full-time jobs with benefits, paying on average \$39,000/year within the next two years. The project will also be investing more than \$4,295,000 over the next 5 years. The company is currently restructuring and will undergo a name change in the next few months, so the project will be referenced by a code name - Project Cavill.

Director Dilgert asked that the Board support Project Cavill by authorizing the submission of a \$265,000 Building Reuse grant application through the NC Commerce grant program and the commitment to provide the 5% local match, up to \$13,250, should the grant be awarded in part or in whole.

She presented a resolution for the Board's consideration that would authorize an appropriation from the fund balance to meet the requirements of the qualifying 5% local cash match required by the Building Reuse- Existing Business Building grant application and would authorize 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.

No one else wished to speak.

At 6:04 P.M., Chairman King declared that the public hearing was closed.

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

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

Noes: None

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

WHEREAS, an existing industrial prospect, code name Project Cavill, proposes an expansion in Rutherford County that will result in the creation of 34 new full-time jobs and an investment of at least \$4,295,000 over the next 5 years; and

WHEREAS, a portion of the proposed expenditures associated with this project, code name Project Cavill, are eligible for reimbursement through the Building Reuse and Restoration Program; and

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

WHEREAS, 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 industrial expansion project, code name Project Cavill, and authorizes the County Manager to complete and submit a Building Reuse and Restoration Program grant application in the amount up to \$265,000.

BE IT FURTHER RESOLVED that the Rutherford County Board of Commissioners authorizes an appropriation from fund balance to meet the qualifying 5% local cash match requirement as required by the Building Reuse grant program 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 2nd day of August, 2021.

RES 21-020

III. Public Comments

Mr. Robert Hamilton, Director of the African American Heritage Museum of Rutherford County, told the Board that this organization is requesting a modification of the deed that the County has with the Community Empowerment Project of Forest City, NC. He advised that the property at Old Dunbar Community Center is not being fully utilized according to the deed which states it must be used to benefit the public or the community or for historical preservation of the site.

The museum is located in the Old Dunbar Community Center but the Board has been unable to access the museum because the representative of the Community Empowerment Project of Forest City has refused to provide a key. The Museum's Board is very concerned as now the Board has received a notice from an attorney to cease and desist trespassing or be charged.

Mr. Michael Jennings spoke about drugs in Ellenboro and in Rutherford County and other problems existing of which he is aware.

IV. Consent Agenda

Commissioner Lovelace moved to approve the Consent Agenda. Commissioner Hunt seconded the motion. The vote on the motion was:

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

Noes: None

Consent Agenda items approved were:

A. ID 21-2902 Minutes of Commissioners' Meeting of July 6, 2021

B. ID 21-2918 Tax Refunds and Releases – August, 2021

Refund amount totaling \$1,007.53

Releases greater than \$100 totaling \$247.27

Releases less than \$100 totaling \$1,836.31

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

V. Commissioners/Appointments

A. ID 21-2919 Appointments to Library Board of Trustees

Ms. Alice Bradley's term on the Library Board of Trustees expired on June 30, 2021. Ms. Bradley who served as an appointment from District 3 chose not be reappointed. The vacancy had been advertised, and applications had been accepted. An application had been received from Ms. Ernestine Lewis who lives in District 3.

Commissioner Hunt moved to appoint Ms. Ernestine Lewis to the Library Board of Trustees as an appointment from District 3 to a term expiring June 30, 2024. Commissioner Benfield seconded the motion. The vote on the motion was:

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

Noes: None

VI. New Business

A. ID 21-2920- Everbridge Contract 3-Year Renewal

Information Technology Director Jai Doherty presented a three-year contract renewal for Everbridge for the Board's consideration. Emergency Management has been using this service for several years. The service sends out Nixle and weather alerts to the public, as well as, provides daily phone calls to check on the wellbeing of elderly citizens (aka the Sheriff's Offices' RUOK Program.)

Commissioner Lovelace moved to authorize the County Manager and the County Attorney to negotiate terms of the contract with Everbridge and authorize the County Manager, Finance Director, 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. The vote on the motion was:

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

Noes: None

B. ID 21-2900 Resolution for Accepting American Rescue Act Funds 2021

County Manager Steve Garrison said the federal American Rescue Plan Act provides significant funding for NC local governments. The NC Pandemic Recovery Office (NCPRO) has important guidance for local governments, including a checklist of items to complete in anticipation of receiving the ARP funds. In addition to following the applicable federal or state processes for receiving the ARP funds, a local governing board must vote to accept the funds and then delegate the responsibility to execute any necessary agreements on behalf of the board to the manager or another employee or official. A local government should make sure that it has an accounting structure in place to be able to comply with all the reporting requirements, but it need not finalize expenditure decisions to accept the monies.

A resolution was provided for the Board's consideration to accept the allocation of American Rescue Plan Act funds.

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

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

Noes: None

RESOLUTION ACCEPTING AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

WHEREAS, Rutherford County is eligible to receive funding from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (CSLRF) directly from the US Treasury Department currently estimated in the total amount of \$13,019,597, and has applied for and already received the first tranche of said funds in the amount of \$6,509,798.50; and

WHEREAS, all funding received under the CSLRF must be accounted for in a separate fund and not co-mingled with other revenue for accounting purposes, and must also be spent only for certain purposes specifically authorized by the CSLRF (including applicable regulations and guidance of the US Treasury Department), and also in compliance with the laws and applicable regulations of the State of North Carolina; and

WHEREAS, in accordance with the foregoing, Rutherford County must comply with all applicable budgeting, accounting, contracting, reporting, and other compliance requirements for all CSLRF funds; and

WHEREAS, the Board of Commissions is required to take formal action through the passage of this Resolution to formally approve the application for and formally accept the CSLRF funds.

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

1. That the County Manager/County Attorney and County Finance Officer are designated and directed to take all actions deemed reasonably necessary on behalf of the Board of Commissioners to apply for, receive, and administer the CSLRF funds in accordance with all applicable federal and state laws, regulations, and guidance; and
2. That the previously submitted application for eligible CSLRF funding submitted by the Chairman, Board of Commissioners, County Manager and County Finance Officer on behalf of Rutherford County is hereby ratified and approved; and
3. That all such CSLRF funding for which Rutherford County is eligible which has been or will be distributed by the US Treasury Department and which is received by Rutherford County is hereby accepted subject to all applicable federal and state laws, regulations, and guidance; and

Adopted this 2nd day of August, 2021.

RES 21-021

C. ID 21- 21-2921 Cooperative Extension Office Fiber

Information Technology Director Jai Doherty presented a proposal from PANGAEA to provide a fiber connection to the NCSU County Extension Office located at 193 Callahan Koon Road in Spindale. The state had requested that the County help move the Cooperative Extension office off of their slow DSL service connecting them back to the state. The County already has dark fiber running to the Senior Center that the County can allow Pangaea to use to provide the service the state is requesting. In return Pangaea will provide the County another pair of fiber running from DSS to the new 911 center, which is needed for a redundant link on 911's storage network. The state has agreed to contract with Pangaea for Cooperative Extension's monthly Internet service. There is no cost to the County for this project. The proposed agreement from PANGAEA was provided for the Board's consideration.

Commissioner Hunt moved to authorize the County Manager and the County Attorney to negotiate terms of agreement with PANGAEA and to authorize the County Manager, Finance Director, 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. The vote on the motion was:

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

Noes: None

VII. Closed Session

A. ID 21- 2017 ATTORNEY CLIENT NCGS 143-318.11(a)(3)

Commissioner Benfield 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. Vice Chairman Toney seconded the motion. The vote on the motion was:

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

Noes: None

6:23 P.M. - The Board went into Closed Session.

6:37 P.M. - The Board returned to Regular Session.

IX. Adjournment

At 6:37 P.M. Vice Chairman Toney made a motion to adjourn. Commissioner Benfield seconded the motion. The vote on the motion was:

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

Noes: None

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

ATTEST:

Clerk, Board of Commissioners