



Rutherford County

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

Meeting Minutes - Final Board of Commissioners

Monday, April 3, 2017

6:00 PM

Commission Chambers

I. Call to Order

Chairman King called the April 3, 2017 meeting of the Rutherford County Board of Commissioners to order.

Present: 4 - Chairperson Bryan King, Vice Chairperson Alan Toney,
Commissioner Michael Benfield and Commissioner Greg Lovelace

Absent: 1 - Commissioner Eddie Holland

A. Pledge of Allegiance

Department of Social Services' Director John Carroll led in the Pledge of Allegiance.

B. Agenda Approval

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

Aye: 4 - Commissioner King, Commissioner Toney, Commissioner Benfield and Commissioner Lovelace

Nay: 0

Absent: 1 - Commissioner Holland

II. Public Hearings

A. [ID 17-1306](#) Public Hearing on Rutherford County Financing

Attachments: [Installment Financing Contract Resolution.doc](#)

At the March 6, 2017 meeting, the Board of Commissioners adopted a resolution authorizing the County to:

- 1. enter into negotiations for the financing of all or a portion of the costs to (a) construct, equip and furnish an Applied Science and Technology Building at Isothermal Community College ("ICC"), (b) replace roofs on the Business Science Building and the Communications Building at ICC, (c) renovate and improve the Rutherford County Detention Center and (d) acquire land for future County development and expansion (collectively, the "Project") pursuant to an installment financing contract with a financial institution to be determined (the "Contract") in a principal amount not to exceed \$7,500,000, under which the County will make installment payments; and*
- 2. execute and deliver a Deed of Trust, Security Agreement and Fixture Filing (the "Deed of Trust"), granting to the entity, or its assigns, providing the funds to the County under the Contract a lien and security interest in all or a portion of the real property on which the Business Science Building and the Communications Building at ICC are or will be located (collectively, the "Sites") and any improvements thereon (collectively, together with the Sites, the "Mortgaged Property"), in order to secure its obligations*

under the Contract.

Each of the Sites are located on ICC Loop Road on the campus of ICC located in Spindale, North Carolina. The Mortgaged Property will be mortgaged under the Deed of Trust. On the County's payment of all installment payments due under the Contract, the Contract and any lien created by the Deed of Trust will terminate, and the County's title to the Mortgaged Property will be unencumbered.

At 6:02 P.M. Chairman King declared the public hearing to be open to listen to comments concerning the Contract, the proposed Project and any other transactions contemplated therein and associated therewith.

Finance Director Paula Roach presented a resolution entitled, "Resolution of the Board of Commissioners of the County of Rutherford, North Carolina, Approving an Installment Financing Contract and a Deed of Trust With Respect Thereto and Delivery Thereof and Providing for Certain Other Related Matters" for the Board's consideration.

No one else wished to speak.

At 6:04 P.M. Chairman King declared the public hearing to be closed.

Commissioner Benfield made a motion to approve the resolution 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 Lovelace seconded the motion. The vote on the motion was:

Aye: 4 - Commissioner King, Commissioner Toney, Commissioner Benfield and Commissioner Lovelace

Nay: 0

Absent: 1 - Commissioner Holland

III. Public Comments

Mr. John Hammond who lives on Beason Road in Mooresboro told the Board that he is unable to get either cable television or internet service at his residence. Northland Cable had previously supplied this service to this area, but had discontinued it. Mr. Hammond had spoken with Time Warner, but had been told that a lock by Northland Cable prevented their company from providing service in Rutherford County.

IV. Consent Agenda

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

Aye: 4 - Commissioner King, Commissioner Toney, Commissioner Benfield and Commissioner Lovelace

Nay: 0

Absent: 1 - Commissioner Holland

A. [ID 17-1311](#) Minutes of March 6, 2017

Attachments: [20170306Minutes.docx](#)

B. [ID 17-1310](#) Minutes of Special Meeting of March 21, 2017

Attachments: [20170321Minutes.docx](#)

- C. [ID 17-1312](#) Tax Refunds and Releases - April, 2017

Attachments: [Tax Refunds Releases April 2017.pdf](#)

V. Commissioners/Appointments

- A. [ID 17-1299](#) Child Abuse Prevention Month Proclamation

Attachments: [RC Child Abuse Proclamation - 0417.docx](#)

Social Services Director John Carroll told the Board that since 1983, April has been designated as Child Abuse Prevention Month through a presidential proclamation to acknowledge the importance of families and communities working together to prevent child abuse. He presented a proclamation signifying Rutherford County's dedication to the prevention of child abuse and neglect and asked for the Board's approval.

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

Aye: 4 - Commissioner King, Commissioner Toney, Commissioner Benfield and Commissioner Lovelace

Nay: 0

Absent: 1 - Commissioner Holland

- B. [ID 17-1298](#) Rutherford County Community Child Protection/Child Fatality Prevention Team Annual Report to the Board of Commissioners

Attachments: [CPT Annual Report - 2016 - 0317.doc](#)

Director Carroll also told the Board that the Rutherford County Community Child Protection Team/Child Fatality Prevention Team is required by NCGS 7B-1406(a)(2) to report annually to the Board of County Commissioners on the activities of the team. The composition of the Team is mandated by NCGS 7B-1407(b)(1)-(10) and (c)(1)-(5). In addition, section (d) of 1407 states the board of county commissioners may appoint a maximum of five additional members to represent county agencies or the community at large. A list of the current membership was presented with the report, including what organization or CCPT/CFPT position that each member represents. Historically, the team has appointed members to these five County Commissioner-appointed positions as needed and then presented the list to the board annually for approval, or to make changes as the board may deem necessary. There is no time limit on the appointments. County Commissioner appointments recommended by the team were Dr. Christian Burley, Ms. Lamonda Davis, and Ms. Stephanie Ingle.

Commissioner Lovelace moved to approve the recommended membership of the Rutherford County Community Child Protection Team/Child Fatality Team and to advertise and request applications for vacant positions. Vice Chairman Toney seconded the motion. The vote on the motion was:

Aye: 4 - Commissioner King, Commissioner Toney, Commissioner Benfield and Commissioner Lovelace

Nay: 0

Absent: 1 - Commissioner Holland

C. [ID 17-1309](#) Resolution Requesting Restoration of Lottery Funds

Attachments: [Lottery Fund Resolution.docx](#)

Chairman King presented a resolution which requested that the statutorily authorized portion of educational lottery funds be restored to counties.

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

Aye: 4 - Commissioner King, Commissioner Toney, Commissioner Benfield and Commissioner Lovelace

Nay: 0

Absent: 1 - Commissioner Holland

D. [ID 17-1305](#) Appointments to Board of Equalization and Review for 2016

Attachments: [Memo from Revenue Director.pdf](#)
 [Board of E and R Resolution.pdf](#)

Revenue Director Sherry Lavender told the Board that appointments to the 2016 Board of Equalization and Review need to be made at the April meeting as the first meeting of the Board of Equalization has to occur no earlier than the first Monday in April and no later than the first Monday in May. A copy of a memorandum from Revenue Director Sherry Lavender and a resolution adopted in March, 2016 regarding the Board of Equalization and Review were provided as information for the Board.

Director Lavender said the following appointments were made by the Board of Commissioners for the 2016 Board of Equalization. These individuals have indicated a willingness to serve on the 2017 Board of E&R.

*Diane Barrett (Chairman King)
Ben Queen, Jr. (Vice Chairman Toney)
William Eckler (Commissioner Lovelace)
Rodney Robbins (Commissioner Holland)*

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

Aye: 4 - Commissioner King, Commissioner Toney, Commissioner Benfield and Commissioner Lovelace

Nay: 0

Absent: 1 - Commissioner Holland

The resolution provided stipulates that the Board of Commissioners shall designate one of the current Board of Commission members to serve as chairperson of the Board of Equalization and Review. Commissioner Benfield served on the Board of E&R for 2016 and also served as the chairman of this board.

Vice Chairman Toney moved to approve the appointment of Commissioner Benfield as the Chairman of the Board of Equalization. Commissioner Lovelace seconded the motion. The vote on the motion was:

Aye: 4 - Commissioner King, Commissioner Toney, Commissioner Benfield and Commissioner Lovelace

Nay: 0

Absent: 1 - Commissioner Holland

VI. Commissioner Reports

A. [ID 17-1308](#) Rutherford-Polk-McDowell Health Department Report

Rutherford-Polk-McDowell District Health Director Karen Powell provided information to the Board regarding the services of the department. Rutherford County ranks 77nd across the 100 counties in North Carolina. The Community Health Improvement Plan will be focusing on tobacco free lifestyles; addiction free lifestyles by reducing under-age drinking, ecigarette use, and drug overdoes; and easy access to healthy food and playgrounds, greenways, and trails.

Director Powell also reviewed statistics on inspections and the maternity program.

B. [ID 17-1300](#) Solid Waste Fee Structure Update

Attachments: [Solid Waste Enterprise Fund 2017 Version](#)

Solid Waste Director James Kilgo spoke to the Board about the challenges facing the Solid Waste Enterprise Fund. State funding and grants have been reduced or eliminated for electronic recycling, tire recycling, white goods recycling, and used oil recycling. Other additional costs include a yearly price increase in the MSW contract, the Capital Facilities and Equipment/Vehicle Plan, and post closure costs. The current operating expenses needed is \$4,140,000, and the total operating amount needed each year to include the equipment/vehicle plan, capital facilities plan, post closure and operating expenses is \$4,861,840.90.

Options to consider were

- 1. continue current operations,*
- 2. raise tipping fees by a large amount,*
- 3. charge all residential units a Solid Waste Availability Fee (prorated for municipal citizens in consideration of their portion of municipal tipping fee),*
- 4. start a "Pay as you Throw" program,*
- 5. charge each residential unit in the municipalities and the county a solid waste availability fee (this would include all homes, apartments, condos, rental units, trailers, etc.), or*
- 6. work with an outside firm to complete a cost analysis and financial impact study to assist the County with setting the Solid Waste fee structure and review the exemptions list.*

The recommendation by the staff was to:

- o Go with Option #6*
- o Contract with an outside firm to complete a solid waste fee structure study*
- o Implement a temporary adjusted fee structure and include in the proposed FY 2017 -2018 budget*
- o Present the results of the study to the Board of Commissioners prior to the budget process for FY2018-2019*

VII. New Business**A. [ID 17-1315](#) Rutherford Lease Agreement**

Attachments: [Railroad Lease Agreement.doc](#)

Public Works and Planning Director Danny Searcy presented a Railroad Lease Agreement between Rutherford Railroad Development Corporation and Rutherford County to preserve the portion of the rail lines (Gilkey Line and Bostic Spur) in Rutherford County for future railroad use, to encourage economic development in Rutherford County, and to "railbank" the lines for the benefit of the residents of Rutherford County for the Board's consideration.

Commissioner Lovelace moved to approve the Railroad Lease Agreement. Commissioner Benfield seconded the motion. The vote on the motion was:

Aye: 4 - Commissioner King, Commissioner Toney, Commissioner Benfield and Commissioner Lovelace

Nay: 0

Absent: 1 - Commissioner Holland

B. [ID 17-1307](#) Application for Property Tax Exemption

Attachments: [Memo from Revenue Director Sherry Lavender.pdf](#)
[Application for Present Use Value.pdf](#)

Revenue Director Sherry Lavender told the Board that an application was received for the Present Use Value deferment program from Cheryl Taylor; however, the application was received for the 2017 tax year after the statutory deadline. The deadline to submit an application for the Present Use Value deferment program is January 31 of each year. As Revenue Director, Ms. Lavender is unable to approve an untimely filed application. Pursuant to NCGS 105-282.a1, the burden to approve a late application is designated to the Board of County Commissioners upon the taxpayer's evidence of good cause for the late application. Application deadlines are set by state statute to protect the County budget process. If approved, \$779.72 would be deferred from 2017 taxes.

The staff recommendation was to deny the late applications for the 2017 tax year. The application would then be held over for approval for the 2018 tax year.

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

Aye: 4 - Commissioner King, Commissioner Toney, Commissioner Benfield and Commissioner Lovelace

Nay: 0

Absent: 1 - Commissioner Holland

C. [ID 17-1303](#) Revocation of Plat Review Officers No Longer Serving

Attachments: [Removal of Plat Review Officers.doc](#)

Revenue Director Sherry Lavender advised that individuals have been appointed as

Rutherford County Plat Review Officers during their employment with Rutherford County. North Carolina General Statute 47-30.2 dictates that any individual who no longer performs these duties should have their appointment formally revoked by resolution. Ms. Sheila Spicer no longer serves in this capacity. Director Lavender requested that a resolution be approved which would revoke the appointment of Ms. Spicer as a Plat Review Officer on behalf of the County.

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

Aye: 4 - Commissioner King, Commissioner Toney, Commissioner Benfield and Commissioner Lovelace

Nay: 0

Absent: 1 - Commissioner Holland

D. [ID 17-1302](#) Plat Review Officer

Attachments: [PlatReviewOfficer.doc](#)

North Carolina General Statute 47-30.2 requires the Board of Commissioners to appoint plat review officers whose responsibilities include reviewing land plats to determine whether these plats meet recording requirements. A request was made Revenue Director Lavender that Mr. Brad L. Burton be appointed as a Plat Review Officer. A resolution was presented for the Board's consideration.

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

Aye: 4 - Commissioner King, Commissioner Toney, Commissioner Benfield and Commissioner Lovelace

Nay: 0

Absent: 1 - Commissioner Holland

E. [ID 17-1301](#) Agreement for Purchase and Sale of Real Property

Planning and Public Works Director Danny Searcy presented an Agreement for Purchase and Sale of Real Property at 270 North Toms Street in Rutherfordton. Director Searcy explained that the office space could be used for increasing county space needs.

Commissioner Benfield moved to approve the Agreement for Purchase and Sale of Real Property. Vice Chairman Toney seconded the motion. The vote on the motion was:

Aye: 4 - Commissioner King, Commissioner Toney, Commissioner Benfield and Commissioner Lovelace

Nay: 0

Absent: 1 - Commissioner Holland

VIII. Information

A. [ID 17-1290](#) Tax Collector's Report February, 2017

