



Rutherford County

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

Meeting Minutes - Final Board of Commissioners

Monday, August 7, 2017

6:00 PM

Commission Chambers

I. Call to Order

Chairman King called the August 7, 2017 meeting to order.

Present: 5 - Chairperson Bryan King, Vice Chairperson Alan Toney, Commissioner Michael Benfield, Commissioner Greg Lovelace and Commissioner Eddie Holland

A. Pledge of Allegiance

Members of emergency responder organizations and fire departments who were present led in the Pledge of Allegiance.

B. Agenda Approval

A motion was made by Commissioner Benfield and seconded by Commissioner Holland to approve the agenda. The motion carried by the following vote:

Aye: 5 - Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Lovelace and Commissioner Holland

Nay: 0

II. Public Comments

Ms. Donna Hughes who is a resident of the Pleasant Hill Community spoke to the Board regarding the Cleghorn Gun Club and the constant, unnerving shotgun blasts that occur Wednesday through Saturday and on Sunday afternoons. She reported that there are up to 1400 rounds on some days. The noise level is above 80 decibels which causes permanent hearing loss. Ms. Hughes said there are plenty of other sites in Rutherford County where gun clubs could possibly be located. These would also destroy the peace and quiet in neighborhoods. An ordinance preventing this had not been needed in the past because she believed Rutherford County people are good citizens. She told the Board that an ordinance which could solve the problem was in a packet of information that she provided.

Mr. Bob Bourne who lives on Coxe Ridge Road which is about one mile from the Cleghorn Gun Club said the repetitive, frequent, and intrusive nature of the noise at the gun club is a problem for him and his wife. He asked that the County Commissioners intervene with the Equestrian Center leadership to help them understand the extent of the intrusion they are having on so many established residents of Rutherford County and to open lines of communication that can lead to a solution.

Mr. Harrell Rogers said he understands that a silencer can be purchased by an individual with the approval of the sheriff, fingerprinting, and the purchase of a permit. A trustee of a trust only has to purchase a permit. A corporation which is the status of the gun club can apply on line. Therefore, this would be a relatively simple process for the gun club. He suggested that the Board meet with an individual who sells suppressors for a demonstration.

Chairman King suggested that the demonstration could be held at the gun club.

Mr. Rogers asked whether the noise is a disruption for the students at the Rutherfordton Elementary School.

III. Consent Agenda

A motion was made by Commissioner Lovelace and seconded by Commissioner Benfield to approve the Consent Agenda. The motion carried by the following vote:

Aye: 5 - Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Lovelace and Commissioner Holland

Nay: 0

- A. [ID 17-1411](#) Minutes of July 3, 2017 County Commissioners' Meeting

Attachments: [20170703Minutes.docx](#)

- B. [ID 17-1416](#) Tax Refunds and Releases - August, 2017

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

IV. Commissioners/Appointments

- A. [ID 17-1414](#) Appointments to Transit Administration Board

Ms. Angela Ezell and Ms. Faye Hassell who were members of the Transit Administration Board have either changed jobs or retired and are no longer eligible to serve on the Transit Administration Board in the required category. Ms. Tammy Aldridge has replaced Ms. Ezell as Senior Center Director, and Ms. Suzanne Porter has been appointed as United Way Director.

Vice Chairman Toney made a motion to appoint Senior Center Director Tammy Aldridge and United Way Director Suzanne Porter to the Transit Administration Board. Commissioner Lovelace seconded the motion. The vote on the motion was:

Aye: 5 - Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Lovelace and Commissioner Holland

Nay: 0

- B. [ID 17-1412](#) Appointments to Tourism Development Authority

Attachments: [Tammy Martell Resignation Letter.pdf](#)

Ms. Tammy Martel resigned from the Tourism Development Authority. There is an

additional vacancy on the TDA as a result of the appointment of member Don Cason to the position of TDA Director. Both Ms. Martel and Mr. Cason represented appointments that must be affiliated with a business that collects occupancy taxes in the county.

The Board agreed that the vacancies will be advertised, applications will be accepted, and appointments will be made at a future meeting.

C. [ID 17-1410](#) Appointments to North Carolina Arts Council Grassroots Committee

The terms of office for the five members of the North Carolina Arts Council Grassroots Committee will expire October 7, 2017. The vacancies will be advertised, applications will be accepted, and appointments will be made at a future meeting.

D. [ID 17-1409](#) Appointment to Rural Transportation Planning Organization

The membership of the Rural Transportation Planning Organization (RTPO) shall consist of one County Commissioner. A term of office for all seats on the RTPO is two years and reappointment is permissible. Commissioner Michael Benfield is presently serving on this RTPO and is willing to serve an additional term.

Vice Chairman Toney made a motion to reappoint Commissioner Benfield to the Rural Transportation Planning Organization for a term of two years. Commissioner Holland seconded the motion. The vote on the motion was:

Aye: 5 - Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Lovelace and Commissioner Holland

Nay: 0

V. Commissioner Reports

A. [ID 17-1395](#) Tourism Development Authority Report

Attachments: [TDA Year End Update.pdf](#)

Chairman King announced that Session Law 2011-115, House Bill 414, Section 3(c) states that the Tourism Development Authority shall report at the close of the fiscal year to the Rutherford County Board of Commissioners on its receipts and expenditures for the preceding year in such detail as the Board of Commissioners may require.

TDA Director Don Cason told the Board that agenda packets of the TDA meetings will be provided to the Board of Commissioners in the future. Also, he will provide quarterly updates to the Board.

He presented the financial report for the TDA showing occupancy growth of approximately 10%. The budgets for three years were also reviewed by Mr. Cason. A summary recap of the 2016-2017 projects and programs was presented along with projections for 2017-2018.

Commissioners asked about the deliverables for the marketing and advertising line items in the budget, specifically payments to the McConnell Group. Mr. Cason introduced a new employee who will be performing some of the services in-house that have been provided by the McConnell Group.

Commissioners also asked if requests for proposals had been solicited for the services of the McConnell Group. There had been no RFPs for this service, but Mr. Cason

advised that he will provide this information to the TDA Board for their consideration.

In answer to Board questions, Mr. Cason said the anticipated overbudget costs for the wayfinding signs is approximately \$140,000. Also, there will be a grant program for communities in the County which was put in place by the TDA Board for the first time this year.

VI. Old Business

A. [ID 17-1407](#) Countywide Occupancy Tax

Attachments: [Occupancy Tax Increase Resolution.docx](#)

A public hearing was held at the July 3 meeting to hear comments regarding an increase of 1% in the countywide occupancy tax which would be enacted October 1, 2017.

TDA Chairman Richard Lundy spoke to the Board regarding the \$50,000 grant program that was initiated by the TDA this year. He also advised that the TDA has solicited RFPs for several projects, but did not do so for the services of the McConnell Group since an employee was hired to provide these services in-house.

According to Chairman Lundy, if the Board of Commissioners chooses to approve the additional 1% countywide occupancy tax, this will be used to improve tourist assets in the county which will include revitalizing existing assets and adding new ones.

In answer to a question by Chairman King, Chairman Lundy advised that the strategic plan should be completed by year end following input from towns and communities in the County.

Funds from the additional occupancy tax which should be approximately \$200,000 will be used to leverage grants and for soliciting private funds. The strategic plan is moving the TDA from promoting and advertising the County to making investments that will also improve the quality of life for residents.

Several members of the Board asked for more specificity in the details of the strategic plan before voting to increase the occupancy tax. Mr. Lundy said plans are to put the funds in reserve until the strategic plan is finalized.

Director Cason said Pursuant to the North Carolina 2011 Session Law 2011-115 House Bill 414 (An Act to Modify the Rutherford County Occupancy Tax), the Rutherford County Tourism Development Authority (RCTDA) "shall use at least two-thirds of the of the funds [from the occupancy tax] remitted to it to promote travel and tourism in Rutherford County and shall use the remainder for tourism-related expenditures.

Commissioner Lovelace made a motion to table until a future meeting. Vice Chairman Toney seconded the motion. The vote on the motion was:

Aye: 3 - Commissioner King, Commissioner Toney and Commissioner Lovelace

Nay: 2 - Commissioner Benfield and Commissioner Holland

B. [ID 17-1408](#) Hickory Nut Gorge EMS and Rescue District Lines

Attachments: [General Statutes Hickory Nut Gorge District Lines.pdf](#)
[Current Rescue District Lines 2017.pdf](#)
[HNG Revised Option 1.pdf](#)
[HNG Revised Option 2.pdf](#)

Chief Amy Dalton of Hickory Nut Gorge EMS & Rescue had appeared before the Board at the July 3 meeting requesting that the two rescue district lines (Rutherford County Rescue and Hickory Nut Gorge EMS and Rescue) be redrawn.

County Manager Steve Garrison pointed out two maps with changes to the rescue districts for the Board's consideration. The proposed new lines would follow the Fire District lines to simplify which entities are being dispatched together.

Vice Chairman Toney made a motion to accept Option 2 with Rutherford Regional Hospital remaining as neutral territory. Commissioner Lovelace seconded the motion.

Chairman King pointed out that Option 2 was the map submitted by Hickory Nut Gorge EMS and Rescue with one change. The Town of Spindale would remain in the Rutherford Rescue District.

The vote on the motion was:

Aye: 5 - Commissioner King, Commissioner Toney, Commissioner Benfield,
 Commissioner Lovelace and Commissioner Holland

Nay: 0

VII. New Business

A. [ID 17-1418](#) Resolution for Cliffside Sanitary Grant

Attachments: [NCDEQ Grant to RC Letter.pdf](#)
[Resolution Cliffside Sanitary District Grant.docx](#)

Finance Director Paula Roach told the Board that Rutherford County has received a grant in the amount of \$50,000 for the Cliffside Sanitary District from the Merger/Regionalization Feasibility Study Grant Program from the North Carolina Water Infrastructure Authority. A resolution by the Board is required for acceptance of the grant.

A motion was made by Commissioner Lovelace and seconded by Commissioner Benfield to approve the resolution. The motion carried by the following vote:

Aye: 5 - Commissioner King, Commissioner Toney, Commissioner Benfield,
 Commissioner Lovelace and Commissioner Holland

Nay: 0

Enactment No: RES 17-016

B. [ID 17-1415](#) Lease for Detention Center Dishwasher

Attachments: [Email regarding Detention Center Dishwasher Contract.pdf](#)

Lieutenant Lydia Waddell presented a request that the Board approve a multi-year lease for a dishwasher to be used at the Detention Center. The period of the lease would be five years with an option to renew for an additional twelve-month period. The lease has been reviewed by the Public Works Director, the Jail Administrator, and the County Attorney.

Commissioner Benfield made a motion to approve the lease. Vice Chairman Toney seconded the motion. The vote on the motion was:

Aye: 5 - Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Lovelace and Commissioner Holland

Nay: 0

VIII. Information

A. [ID 17-1413](#) LR Buffalo Creek/Rutherford County Settlement Order

Attachments: [Grey Rock Bankruptcy Settlement.pdf](#)

Chairman King announced that the bankruptcy estate of LR Buffalo Creek LLC continues to own approximately 252 tracts of land in the Grey Rock subdivision and the County is owed significant outstanding property taxes in connection with those tracts. The Florida bankruptcy court recently approved a settlement between the County and the bankruptcy trustee whereby the County received a payment of \$740,000 towards the outstanding taxes. As part of that same settlement, the bankruptcy court also approved general unsecured claims of the County for over \$17 million, related to unpaid taxes and LR Buffalo Creek's breach of development agreements with the County. Based upon the assets remaining in the bankruptcy estate and the substantial number of claims which have been filed against the debtor, the County anticipates that if there is any distribution of its unsecured claim, the amount will be minimal (i.e., likely to be less than a 1% recovery). The bankruptcy trustee is engaged in discussions with third parties in an attempt to sell the tracts owned by the bankruptcy estate and if those sales take place, the County anticipates receiving further tax revenue at closing.

Information only.

B. [ID 17-1417](#) Vaya Health Fiscal Monitoring Report

Attachments: [VAYA 12 Jun 2017 Fiscal Monitoring Report.pdf](#)

C. [ID 17-1400](#) Tax Collector's Report - June, 2017

Attachments: [Net Collections Report 6.30.17](#)

IX. Adjournment

At 7:25 P.M. Commissioner Lovelace made a motion to adjourn. Commissioner Holland seconded the motion. The vote on the motion was:

Aye: 5 - Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Lovelace and Commissioner Holland

Nay: 0