



Rutherford County

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

Meeting Minutes - Final Board of Commissioners

Monday, October 2, 2017

6:00 PM

Commission Chambers

I. Call to Order

Chairman King called the 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

A Boy Scout Troop visiting the meeting led in the Pledge of Allegiance.

B. Agenda Approval

Commissioner Benfield moved to approve the agenda. 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

II. Public Comments

There were no public comments.

III. Consent Agenda

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

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

Nay: 0

A. [ID 17-1471](#) Minutes of the September 5, 2017 Meeting

Attachments: [20170905Minutes.docx](#)

B. [ID 17-1472](#) Minutes of September 19, 2017 Special Meeting

Attachments: [20170919 Special Meeting Minutes.docx](#)

C. [ID 17-1465](#) Tax Refunds and Releases - October, 2017

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

IV. Commissioners/Appointments

A. [ID 17-1473](#) Recognition of Rutherford County Junior League All Stars Team

The Board recognized the Rutherford County Junior League All Star Team which recently competed in the 2017 Junior League World Series and finished second in the United States.

*Kent Cooper
Caleb Crain
Christian Hardin
Cameron Hill
Ben Hodge
Bailey McGinnis
Kael Snethen
Riley Stanley
Aiden Strange
Cagia Wall
Anthony Walker*

*Coaches:
Curtis Snethen
Steven Hodge
Keith Snethen*

Commissioner Lovelace moved to recognize the team for their outstanding achievement. 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

B. [ID 17-1464](#) Appointments to Cliffside Sanitary District

Attachments: [NC GS 130A 54.pdf](#)

There have been resignations on the three-member Cliffside Sanitary District resulting in only one remaining member. NCGS 130A-54 states that any vacancy on a sanitary district board shall be filled by the county commissioners until the next election for sanitary district board members. The Chairman announced that the vacancies would be advertised, applications would be accepted, and appointments would be made at a future meeting.

C. [ID 17-1466](#) Appointments to Airport Appeals Board

The terms of office for four members of the five-member Airport Appeals Board expired October 1, 2017. There is also a vacancy on the board. The four members have indicated their willingness to serve another term.

Vice Chairman Toney moved to approve the re-appointments of Sammy Green, Charles Martell, Troy Rollins, and Michael Hargett to the Airport Appeals Board.

Commissioner Benfield seconded the motion. The vote on the motion was:

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

Nay: 0

D. [ID 17-1467](#) Appointment to Animal Appellate Board

A vacancy exists on the Animal Appellate Board due to the resignation of Dr. Rachel Butterworth-Tice. This vacancy was announced and applications were accepted. Rutherford County Code of Ordinances Section II. Owner Appeal of Potentially Dangerous Animal Designation calls for an appellate board which shall consist of three members. Two shall be appointed by the Rutherford County Board of Commissioners, one of which must be a licensed veterinarian, and the Health Director.

Vice Chairman Toney moved to appoint Veterinarian Gretchen Kelly to the Animal Appellate Board to the unexpired term of Dr. Rachel Butterworth-Tice. 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

V. New Business

A. [ID 17-1475](#) Meeting Dates for Rutherford County Commissioners for 2018

Attachments: [Meeting Schedule 2018.doc](#)

Commissioner Benfield made a motion to approve the resolution. 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

B. [ID 17-1470](#) NC Arts Council Grassroots Committee Recommendations

Attachments: [2017-18 Grassroots Subgrant Committee Recommendation.pdf](#)

Project Director Aubrey Clay told the Board that the NC Arts Council Grassroots Committee met on August 16 to review and make funding recommendations for grassroots projects submitted by Rutherford County agencies. Rutherford County received \$20,409 this year from the NC Arts Council. He presented the funding recommendations by the committee.

Organization Name	Amount Requested	Rating	Recommend	Funding %
Foundation Performing Arts Center -ICC	\$5,617	4.58	78%	\$4,400
Rutherford Chamber Consort	\$3,500	3.31	43%	\$1,500
Symphony of Rutherford County	\$5,000	4.63	100%	\$5,000
Rutherford County Arts Council	\$5,000	3.56	52%	\$2,609
Rutherford County Schools -Preschool	\$4,500	3.5	51%	\$2,300
Rutherford Life Services	\$3,000	3.16	33%	\$1,000

Rutherford County Visual Artist Guild \$4,600 3.78 78% \$3,600
 Total
 Requested \$31,217.00 Total Awarded= \$20,409.00
 Total Awarded for Multi-cultural=
 \$7,009.00

Commissioner Benfield moved to approve the recommendations. 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

C. [ID 17-1474](#) Scrap Tire Recycling and Disposal Contract

Attachments: [Scrap Tire Disposal Contract.doc](#)

Solid Waste Director James Kilgo presented a renewed contract between the County of Rutherford and U.S. Tire Recycling for the Board's consideration. A five-year contract with U.S. Tire Recycling was approved by the Board of Commissioners in 2012.

Commissioner Benfield moved to approve the renewal of the contract with U.S. Tire Recycling, direct the County Attorney to review, and authorize the County Manager to execute the contract and other documents in support of the Board's action. 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

D. [ID 17-1469](#) Appeal Request Regarding Present Use Deferred Tax Bill

Attachments: [Sherry Lavender email.pdf](#)
[Keever Deferred Tax Appeal.pdf](#)
[Keever PUV Application 2006.pdf](#)

Mr. Odean Keever told the Board that the tax office removed 7.55 acres of a tax parcel 1634659 that he owned from the present use value deferment program for agriculture and that resulted in a roll back bill of the deferred taxes for the prior three years (2014-2016) including interest. Mr. Keever said the property had been in his family for 50 years. He intended to deed to his son making it part of a larger tract which would mean it would again qualify for present use value. A survey had not been completed which would allow him to deed the property.

Revenue Director Sherry Lavender said the decisions of the assessor regarding the qualifications or appraisal of property may be appealed to the county board of equalization and review or, if that board is not in session, to the board of county commissioners. The decision was made in accordance with North Carolina General Statutes and not county policy. She explained that the 7.55 acres split from ancestor parcel 1634659 and retained by current owner after sale of 119.37 acres merged from ancestors 1630189, 616258, 1634659 was not enough acreage to remain in present use program. Therefore, the rollback was for three prior years including interest.

Pursuant to NCGS 105-277.1F and 105-277.4(c), there is no recourse other than to bill the deferred taxes upon a disqualifying event. Therefore, the staff recommendation was to deny Mr. Keever's appeal.

County Manager Steve Garrison told the Board that Director Lavender had reached out the North Carolina Department of Revenue who had concurred with her decision.

When asked by the Board, Mr. Keever replied that the property would be surveyed and in his son's name by the end of the year.

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

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

Nay: 1 - Commissioner Lovelace

VI. Information

A. [ID 17-1456](#) Tax Collector's Report - August, 2017

Attachments: [Tax Collector's Report 8.31.17.pdf](#)

VII. Adjournment

At 6:45 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