



Rutherford County

Meeting Minutes - Final

Board of Commissioners

Monday, May 6, 2019

6:00 PM

Commission Chambers

I. Call to Order

Chairman King called the May 6, 2019 meeting of the Rutherford County Board of Commissioners 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

Mr. Benny Hendrix 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

Ms. Johnny Martin told the Board that 6 years ago due to the requests of many women, a domestic violence support group was started with grant funds. Ms. Martin stated her pride in the ladies in the group which meets monthly. They have gotten out of dangerous situations. The group is not well known, and Ms. Martin asked that the Board assist them in providing education about the group to the community as they work to put an end to domestic violence.

Ms. Sally Claroni also spoke about the domestic violence support group and extended an invitation to the ribbon cutting for the Healing Garden at the Purple Martin Greenway.

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 19-2028](#) Minutes of County Commissioners' April 1, 2019 Meeting

Attachments: [20190401Minutes](#)

- B. [ID 19-2026](#) Minutes of County Commissioners' Special Meeting #1 on April 10, 2019

Attachments: [20190410 Special Meeting Minutes 1](#)

- C. [ID 19-2027](#) Minutes of County Commissioners' Special Meeting #2 on April 10, 2019

Attachments: [20190410 Special Meeting 2 Minutes](#)

- D. [ID 19-2044](#) Tax Refunds and Releases - May, 2019

Attachments: [Tax Refunds and Releases May 2019](#)

IV. Commissioners/Appointments

- A. [ID 19-2036](#) Appointment to the Transit Advisory Board

Ms. Peggy "Buffy" Tucker applied to serve on the Transit Advisory Board as a Transit user. The vacancies on this Board were advertised and applications were accepted.

Vice Chairman Toney moved to appoint Ms. Tucker to the Transit Advisory Board. 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

- B. [ID 19-2041](#) Appointments to Workforce Development Board

Attachments: [IPDC Workforce Development Board](#)

Mr. Terry Fountain of Fountain Electric and Mr. Vince Reese of Cardinal Tissue had submitted applications for the Workforce Development Board. If appointed, they would represent the private sector business category. Mr. Fountain's term would begin immediately, and Mr. Reese's term would begin June 1. Vacancies on this board have been advertised in the past and applications have been accepted.

Commissioner Benfield moved to appoint Mr. Terry Fountain and Mr. Vince Reese to the Workforce Development Board. 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

- C. [ID 19-2030](#) Appointments to Rutherford County Boards and Commissions

Attachments: [Terms Expiring June 30 2019 \(2\)](#)

A list of terms that will expire on June 30, 2019 on several Rutherford County boards/commissions was provided in the agenda. The Board agreed to advertise the vacancies, accept applications, and make appointments at a future meeting.

V. Commissioner Reports

A. [ID 19-2032](#) EMS Week Proclamation

Attachments: [EMS Week Proclamation 2019](#)

EMS Interim Operations' Manager Kaleb Johnson presented the 2019 EMS Week Proclamation for the Board's consideration. Historically, the Board of Commissioners has declared a week in May each year as "Emergency Medical Services Week." EMS Week in 2019 is May 19 -25. Rutherford Hospital and the Board of Commissioners jointly host a breakfast for emergency personnel during this week. A breakfast has been planned for May 23.

Commissioner Lovelace moved to approve the proclamation. 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

B. [ID 19-2040](#) Update on FACTORY at KidSenses

Attachments: [FACTORY Power Point for May 2019](#)

Executive Directors Willard Whitson of KidSenses provided an update on the new FACTORY site which is under construction. KidSenses Children's Interactive Museum which opened in 2004 has approximately 30,000 visits per year. This infuses the Town of Rutherfordton with vitality and brings needed revenue to the community – approximately \$300,000 per year for area businesses.

The FACTORY, KidSenses and Discovery Garden will comprise a 27,000 square-foot campus and double the attendance to 60,000. It will be a place where youth ages eleven into their teens will find stimulating activities and opportunities to learn and grow.

VI. New Business

A. [ID 19-2045](#) Budget Amendments - May, 2019

Attachments: [Budget Amendments 5-6-19](#)

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

Commissioner Benfield moved to approve the budget amendments. 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

B. [ID 19-2046](#) Audit Contract

Attachments: [Gould Killian Letter of Engagement](#)

Finance Director Paula Roach told the Board that Gould Killian CPA Group, PA had provided a letter of engagement for audit services for Rutherford County for the year ended June 30, 2019.

Commissioner Benfield moved to approve the contract with Gould Killian CPA Group, PA for the fiscal year ended June 30, 2019 and authorize the County Manager to execute all documents in support of this action. 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

C. [ID 19-2047](#) Amended Audit Contract

Attachments: [Amendment to Audit Contract](#)

Since the CAFR was not completed and submitted to the Local Government Commission until after December 1st, the Local Government Commission requires the Board to approve an amendment to the audit contract before the final invoice for services can be processed. In prior years when that date fell on the weekend, Monday submissions were accepted as timely. However, this year the Local Government Commission is firm with the submission date. The amendment will update the completion date to December 5th, 2018.

Commissioner Benfield moved to authorize the County Manager to execute the Memorandum of Understanding to complete the grant/fellowship arrangement with the North Carolina Association of County Commissioners. 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

D. [ID 19-2051](#) NCACC Fellowship Program

Attachments: [NCACC Letter](#)
[Memorandum of Understanding - Rutherford County NCACC](#)

Finance Director Roach announced that Rutherford County has been selected by NCACC to receive funding for an NCACC Fellow. A memorandum of understanding was presented for Commissioner approval. Public Works and Planning Director Danny Searcy, Finance Director Paula Roach, and Human Resources Director Debra Conner have been interviewing potential MPA students/graduates over the past few months. It is anticipated that an offer will be extended to a candidate within the next few days. County matching funds were budgeted in Fiscal Year 2019 in hopes to receive the grant to help fund a project analyst.

Commissioner Benfield moved to authorize the County Manager to execute the Memorandum of Understanding to complete the grant/fellowship arrangement with the North Carolina Association of County Commissioners. 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

- E. [ID 19-2053](#) Community Development Block Grant Neighborhood Revitalization Grant - Administration Services Contract

Attachments: [IPDC RUTHERFORD COUNTY CDBG REHAB contract SL May 3 2019 Edits](#)

Director Roach also stated that the Project Ordinance for the Community Development Block Grant (CDBG) Neighborhood Revitalization Grant was presented for approval at the April, 2019 meeting. The project ordinance/grant award includes funds for grant administration. It was recommended that the County move forward with an Administration Services Contract with IPDC. A draft of the contract was presented.

Commissioner Lovelace moved to authorize the County Manager working with the County Attorney to enter into a contract with Isothermal Planning and Development Commission for the Community Development Block Grant Neighborhood Revitalization Grant. 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

- F. [ID 19-2052](#) Resolution Seeking Legislative Support for Local Governments Regarding Voting Machines

Attachments: [Resolution Voting Machines Legislative Support](#)

County Manager Steve Garrison said a current North Carolina General Statute requires that new voting equipment be purchased by counties by December 1, 2019. Presently there is only one choice that has been approved by the State Board of Elections and it is not ADA compliant. A Congressional bill requires new equipment by 2022 and may have new requirements for technology.

A resolution provided for the Board's consideration urged the General Assembly to enact legislation that would allow the State Elections Board more time to certify newer, more modern, and more diverse technology for voting machines and allow for synchronization with Federal elections regulations reducing the risk of duplication of costs within a 4-year window.

A letter was included in the agenda from the Rutherford County Board of Elections stating concerns regarding the timing of the purchase of new voting equipment.

Manager Garrison pointed out that if the purchase is delayed, the cost of hardware and software license fees which is \$42,898 will have to be paid for another year, and this was not included in the budget.

Commissioner Lovelace moved 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

G. [ID 19-2048](#) Resolution Confirming Membership with McDowell County in the Foothills Health District

Attachments: [Foothills Health District Resolution](#)
[NCGS 130A 37 and 38](#)

A resolution confirming the membership with McDowell County in a district health board that would become effective immediately after midnight on June 30, 2019 was presented for the Board's consideration. The resolution stated that the name would be changed to "Foothills Health District" and the Board of Health membership would change to nine (9) members for Rutherford County and six (6) members for McDowell County.

North Carolina General Statute 130A-37(d) states that whenever a county shall withdraw from an existing district health department, the district board of health shall be dissolved, and a new board shall be appointed. The county board of commissioners of each county in the district shall appoint one county commissioner to the district board of health. The county commissioner members of the district board of health shall appoint the other members of the board. Commissioner Lovelace who is currently serving as the Rutherford County Commissioner on the present health board had indicated his willingness to serve on the Foothills Health District Board of Health.

Commissioner Lovelace moved to approve the resolution. 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

Vice Chairman Toney moved to appoint Commissioner Lovelace to the commission member on the Foothills Health District Board of Health. 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

H. [ID 19-2029](#) JCPC Funding Allocation for Fiscal Year 2019-2020

Attachments: [JCPC Funding Plan \(2\)](#)

Mr. Steve Collins and Mr. Rodney Wesson presented the Juvenile Crime Prevention Council funding for Fiscal Year 2019-2020.

Commissioner Benfield moved to approve the funding allocations for Juvenile Crime Protection Council. 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

I. [ID 19-2034](#) Rutherford County Community Child Protection/Child Fatality Prevention

Team Annual Report to the Board of Commissioners

Attachments: [CCPT CFPT Annual Report](#)

Social Services' Director John Carroll 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, Ms. Yanet Cisneos, and Ms. Stephanie Ingle.

Commissioner Lovelace moved to approve the recommended membership of the Rutherford County Community Child Protection Team/Child Fatality Team. 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

J. [ID 19-2038](#) Resolution Awarding Sergeant Davis' Service Side Arm

Attachments: [Sheriff Request \(2\)](#)
[Resolution for Sergeant Lynn Davis](#)
[North Carolina General Statute 20-187.2](#)

Sheriff Chris Francis requested that the Board approve a resolution in accordance with G.S. 20-187.2 awarding Sergeant Lynn Davis' service side arm to her for the sum of \$1.00. Sergeant Davis who has served in the Rutherford County Sheriff's Department since 2003 and in law enforcement since 1997 is retiring.

Commissioner Benfield moved 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

K. [ID 19-2039](#) Recycling Changes

Attachments: [Recycling Changes](#)

Solid Waste Director James Kilgo told the Board that Rutherford County has a contract with Republic Services through June 30, 2020 to accept recycling from convenience centers, municipalities, and out-of-county municipalities and private haulers. Presently all in-county recycling is free and all of-of-county recycling is \$10 per ton.

There are challenges to the recycling program which are increased costs from material recovery facilities, fewer material recovery facilities accepting material, increased contamination levels, and declining market values.

Director Kilgo recommended that the existing contract with Republic Services be amended to allow Republic Services to bill Rutherford County \$115 per ton for out-of-county recyclables only. Rutherford County's tipping fee rate would increase from \$10 per ton to \$130 per ton to begin July 1, 2019.

Commissioner Benfield moved to authorize the County Manager to work with the County Attorney to negotiate and draft an amendment to the present recycling contract with Republic Service. 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

L. [ID 19-2042](#) Thermal Belt Rail Trail

Attachments: [Thermal Belt Trail Ordinance](#)
[Thermal Belt Rail Trail Change Order 3](#)
[Thermal Belt Rail Trail Contract ACSM 12april19](#)

Planning and Public Works Director Danny Searcy presented an ordinance that regulates the use of the Thermal Belt Rail Trail that is within the limits of Rutherford County. Also presented for the Board's consideration was Change Order #3 for the Thermal Belt Rail Trail Project which would net an increase of \$9,791.50 after credits and charges. This amount currently remains in the contingency fund of the project. In addition, a contract with ACSM for the fabrication and installation of a total of 6 custom kiosks and signs was presented for Commissioner approval.

Commissioner Lovelace moved to adopt the ordinance that would regulate the use of the Thermal Belt Rail Trail that is within the limits of Rutherford County. 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

Enactment No: ORD 19-001

Commissioner Benfield moved to approve Change Order #3 for the Thermal Belt Rail Trail project. 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

Commissioner Benfield moved the approve the contract with ACSM. 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

M. [ID 19-2031](#) Budget Presentation for 2019-2020

County Manager Steve Garrison presented the recommended budget for Fiscal Year 2019-2020. The total general fund budget was proposed at \$69,522,828 with the total budget for all funds coming in at \$83,448,091. The recommended tax rate was a reduction to 59.70¢ per \$100 valuation. The proposed budget includes an overall percentage increase of approximately 9.33% for the county, the Rutherford County School System, and Isothermal Community College. There is no appropriation of fund balance in the proposed budget.

Manager Garrison announced that once all of the budget requests were received from Isothermal Community College, the Rutherford County School system, the County Departments and community partners, the total amount of county funds requested was \$80,729,025, which left an initial gap of revenues needed to cover the requested expenditures of \$13.3 million. Currently, the value of one penny of the tax rate is \$626,781. To accommodate this increase to the budget would have required the addition of approximately 21.12¢ to the tax rate, increasing the current tax rate of 60.70 to 81.82 cents per each \$100 of appraised value.

The projected revenues for FY2019-2020 continues to be inadequate to address all of the critical operational, capital facility, equipment and technology needs of the County, the school system, and the Community College. However, the primary goals of the proposed FY 2019-2020 budget is to eliminate the use of Fund Balance from the General Fund to balance the budget, to ensure the County has the financial capacity and levy to adjust for inflation each year until the next revaluation cycle and to further support education.

Factors influencing the budget were :

- General inflation across departmental budgets
- Rollout of pay class study phase 3 of 3 and annual Cola
- Increase in number of DSS protective services cases
- Increase in Isothermal Planning and Development Commission annual dues
- Increase in Regional Health Center allocation
- Increase in rates for employee insurance and retirement benefits
- Critical capital facility, equipment and IT needs
- RCS and Isothermal Community College operational and capital budget requested increases

The Rutherford County School system identified approximately \$5.5 million of additional operational and capital facility needs for FY2019-2020 (a 36.4% increase) and ICC identified approximately \$3 million in additional operational and capital facility needs (a 37.65% increase, which includes their additional critical capital outlay needs identified in their capital facility plan, which they do not anticipate using NC Connect bond funds or other funding sources to address). The school system continues to face a funding deficit for their State-mandated Exceptional Children programming due to a state cap in the percent of student population served. Currently, students meeting the criteria for placement in the Exceptional Children programming represent 17.1% of the school

system's allotted average daily membership but the State only provides funding for this mandated programming up to 12.75%.

The revenue neutral property tax rate is 55.35¢ per \$100 assessed value. The revenue neutral adjusted property tax rate is 57.34¢. The actual revenue-neutral rate will not be confirmed until after the Board of Equalization and Review completes their work and all exemption applications are completed in late May.

Though no fee increases were recommended, the Solid Waste Enterprise Fund Budget had many challenges:

- Electronics recycling
- White goods recycling
- Tire disposal and recycling
- Oil/filter recycling
- Addressing capital facility needs
- Waste hauling service contract increasing by 2%

Possible dates and times for budget workshops were presented to the Board for their consideration. A budget adoption meeting will need to follow the public hearing on the budget.

May 16	4:00 PM	Budget Workshop
May 21	4:00 PM	Budget Workshop (prior to Airport Authority Meeting)
May 23	4:00 PM	Budget Workshop
June 3	6:00 PM	Public Hearing
June 6	4:00 PM	Budget Adoption

Commissioner Benfield made a motion to approve dates. 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

VII. Closed Session

A. ID 19-2033 Closed Session - ATTORNEY CLIENT NCGS 143-318.11(a)(3)

Commissioner Lovelace moved to go into Closed Session for discussion with the County Attorney. 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

7:32 P.M. - The Board went into Closed Session
7:40 P.M. - The Board returned to regular session.

VIII. Information

- A. [ID 19-2035](#) Tax Collector's Report - March 2019

Attachments: [Tax Collector Report March 2019](#)

IX. Adjournment

At 7:40 P.M. Vice Chairman Toney made a motion to adjourn. 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