



# Rutherford County

## Meeting Minutes - Outline Board of Commissioners

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Monday, July 1, 2019

6:00 PM

Commission Chambers

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### I. Call to Order

*Chairman King called the July 1, 2019 meeting of the Rutherford County Board of Commissioners to order.*

**Present:** 4 - Chairperson Bryan King, Vice Chairperson Alan Toney, Commissioner Michael Benfield and Commissioner Eddie Holland  
**Absent:** 1 - Commissioner Greg Lovelace

#### A. Pledge of Allegiance

*Mr. Jim Bishop led in the Pledge of Allegiance*

### B. Agenda Approval

**Commissioner Benfield moved to add the property purchase of the E-911 Operations Center to the agenda under Old Business. Vice Chairman Toney seconded the motion. The vote on the motion was:**

**Aye:** 4 - Commissioner King, Commissioner Toney, Commissioner Benfield and Commissioner Holland  
**Nay:** 0  
**Absent:** 1 - Commissioner Lovelace

**Commissioner Benfield moved to approve the agenda as amended. Vice Chairman Toney seconded the motion. The vote on the motion was:**

**Aye:** 4 - Commissioner King, Commissioner Toney, Commissioner Benfield and Commissioner Holland  
**Nay:** 0  
**Absent:** 1 - Commissioner Lovelace

### II. Public Comments

*Mr. Thomas Phelps spoke in opposition to making Rutherford County a gun sanctuary county. According to Mr. Phelps, this resolution is based on fear that the government will pass laws that the author of the resolution believes will inhibit his or her right to bear arms appropriate for protection or for the possible purpose of rising up against the government that the author feels has overstepped its bounds. He asked if current laws*

*regarding the possession of fire arms and the restrictions that prohibit guns in certain buildings would be null and void.*

*Mr. Dale Ramsey spoke in favor of the passage of the resolution stating history shows when guns have been taken away, millions of persons have died. He has been in locations where great numbers of guns are present, and no shots have been fired. Mr. Ramsey said it is wrong to take away the rights of citizens.*

### III. Consent Agenda

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

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

**Nay:** 0

**Absent:** 1 - Commissioner Lovelace

- A. [ID 19-2090](#) Minutes of June 3, 2019 County Commissioners' Meeting

**Attachments:** [20190603Minutes](#)

- B. [ID 19-2105](#) Minutes of June 6, 2019 County Commissioners' Meeting

**Attachments:** [20190606 Special Meeting Minutes](#)

- C. [ID 19-2113](#) Tax Refunds and Releases - July, 2019

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

### IV. Commissioners/Appointments

- A. [ID 19-2104](#) Appointment to the Transit Advisory Board

*Ms. Diane Dickerson applied to serve on the Transit Advisory Board. The vacancies on this Board were advertised and applications were accepted.*

**Commissioner Benfield moved to approve the appointment of Ms. Diane Dickerson to the Transit Advisory Board. Vice Chairman Toney seconded the motion. The vote on the motion was:**

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

**Nay:** 0

**Absent:** 1 - Commissioner Lovelace

- B. [ID 19-2108](#) Voting Delegate to NCACC Annual Conference

**Attachments:** [Designation of Voting Delegate to NCACC's 112th.pdf](#)  
[Voting delegate form 2019.doc](#)

*The North Carolina Association of County Commissioners' (NCACC) 112th Annual Conference will be held in Guilford County August 22-24, 2019. During the business session, each county will be entitled to one vote on items that come before the membership, including election of the NCACC Second Vice President. To facilitate this process, the NCACC asks that each county designate one voting delegate prior to the Annual Conference.*

**Commissioner Benfield moved to appoint Vice Chairman Toney as the Voting Delegate to the NCACC Annual Conference. Commissioner Holland seconded the motion. The vote on the motion was:**

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

**Nay:** 0

**Absent:** 1 - Commissioner Lovelace

## V. Old Business

### A. [ID 19-2112](#) Community Development Block Grant Neighborhood Revitalization Grant

**Attachments:**

[17-C-2988 Equal Employment and Procurement Plan.doc](#)

[17-C-2988 CDBG Section 3 State Plan.docx](#)

[17-C-2988 CDBG Language Access Plan.doc](#)

[17-C-2988 Fair Housing Plan FINAL.doc](#)

[17-C-2988 Section 504 Survey FINAL.doc](#)

*Finance Director Paula Roach told the Board that Rutherford County had received a Community Development Block Grant (CDBG) Neighborhood Revitalization Grant. The grant agreement, a Project Ordinance, and an agreement with Isothermal Planning and Development Commission to administer the grant had been approved by the Board. Additional documents were presented for the Board's consideration which included:*

1. *Equal Employment and Procurement Plan*
2. *Section 3 Plan*
3. *Language Access Plan*
4. *Fair Housing Plan*
5. *Self-Evaluation Survey*

**Vice Chairman Toney made a motion to approve the documents needed for the Community Development Block Grant Neighborhood Revitalization Grant which included Equal Employment and Procurement Plan, Section 3 Plan, Language Access Plan, Fair Housing Plan, and Self-Evaluation Survey. Commissioner Holland seconded the motion. The vote on the motion was:**

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

**Nay:** 0

**Absent:** 1 - Commissioner Lovelace

### [ID 19-2126](#) Property Purchase

County Attorney Richard Williams said in February the Board approved the receipt of a grant that would be used for the purchase of a new E911 Operations Center at 153 Sparks Drive in Forest City from WFMJR Investments, LLC. He asked that the Board confirm the purchase and settlement of this purchase.

County Manager Steve Garrison pointed out that the total amount of the grant was approximately \$1,116,000. Additional funds for renovations that were not covered by the E911 Board were budgeted in May.

**Commissioner Benfield moved to accept and confirm the purchase and settlement of 153 Sparks Drive, Forest City, NC 28043, from WFMJR Investments, LLC, for \$495,000.00, pursuant to the Agreement for Purchase and Sale of Real Property and with the grant from the North Carolina 911 Board approved February 4, 2019. He further moved to direct the Chairman or the County Manager, working with the County Attorney, to execute such documentation as necessary to complete the settlement of the purchase. Vice Chairman Toney seconded the motion. The vote on the motion was:**

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

**Nay:** 0

**Absent:** 1 - Commissioner Lovelace

## VI. New Business

### A. [ID 19-2116](#) Budget Amendments - July, 2019

**Attachments:** [ICC Budget Amendments July 2019.pdf](#)

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

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

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

**Nay:** 0

**Absent:** 1 - Commissioner Lovelace

### B. [ID 19-2110](#) R/S Middle School Project Update and Reimbursement Resolution

**Attachments:** [Calendar Distribution List LOB Series 2019 - Rutherford County 6.21.20...pdf](#)  
[reimbursement resolution - Rutherford 2019 Middle School Project.doc](#)  
[FY20 Fiduciary Engagement Agmt for MA Services - RUTHERFORD COUNTY 6.19...pdf](#)

*Director Roach presented a project calendar for construction of the R/S Middle School, a reimbursement resolution that will formalize the County's intent to reimburse the costs associated with construction of the new R/S Middle School, and an agreement with the financial advisor for the project for the Board's consideration. She stated that the ultimate goal is to complete the financing and have it on the Local Government Commission*

*agenda in December. The public bonds would be sold, and the loan could close the last week of December. The reimbursement resolution lists a project not to exceed \$35,000,000 which would be affordable under the present scenario. Other possible funds such as the lottery grant could be utilized for the project which could reduce the \$35,000,000 amount. The agreement with the financial advisory would allow the County to use his services for assistance through the project.*

1. **Approve project calendar.**
2. **Approve reimbursement resolution.**
3. **Approve agreement with financial advisor.**

[ID 19-2123](#)

## Calendar Distribution List

**Commissioner Benfield moved to approve the project calendar for the construction of the R/S Middle School. Vice Chairman Toney seconded the motion. The vote on the motion was:**

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

**Nay:** 0

**Absent:** 1 - Commissioner Lovelace

[ID 19-2124](#)

## Reimbursement Resolution

**On motion of Commissioner Benfield, seconded by Vice Chairman Toney, the foregoing resolution entitled "RESOLUTION OF THE COUNTY OF RUTHERFORD, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF RUTHERFORD, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A NEW RS MIDDLE SCHOOL FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN CALENDAR YEAR 2019" was duly adopted by the following vote:**

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

**Nay:** 0

**Absent:** 1 - Commissioner Lovelace

Enactment No: RES 19-008

[ID 19-2125](#)

## Fiduciary Engagement Agreement

**Vice Chairman Toney moved to approve the agreement with the financial advisor. Commissioner Holland seconded the motion. The vote on the motion was:**

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

**Nay:** 0

**Absent:** 1 - Commissioner Lovelace

**C. [ID 19-2107](#) Reimbursement Resolution for Vehicles and Equipment**

**Attachments:**      [Resolution to Reimburse - Lease Purchase 19-20.doc](#)  
[FY2019-2020 Vehicle Equipment Plan Summary.pdf](#)

*Based on the Board's decision as part of the FY 2019-2020 Budget to move forward with the purchase of certain equipment and vehicles, Finance Director Roach presented a resolution, Declaration of Official Intent to Reimburse, for the Board's consideration. The FY 2019-2020 Vehicle and Equipment Plan Summary was also presented.*

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

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

**Nay:**                    0

**Absent:**                1 - Commissioner Lovelace

Enactment No: RES 19-009

**D. [ID 19-2109](#) Transit Department's Title VI Plan**

**Attachments:**      [Transit Title VI Program 7-1-19 Plan](#)

*Transportation Director Kerry Giles presented the Transit Department's Title VI Plan which the North Carolina Department of Transportation requires the County's Governing Body to approve every 3 years. She stated that there had been very minor changes to the plan approved in 2016.*

**Commissioner Benfield moved to approve the Title VI Plan. Vice Chairman Toney seconded the motion. The vote on the motion was:**

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

**Nay:**                    0

**Absent:**                1 - Commissioner Lovelace

**E. [ID 19-2106](#) Charge to Collect and Annual Tax Collections' Settlement Report**

**Attachments:**      [Memo SettlementReport CTC 06202019](#)  
[Charge to Collect FY 2019 2020](#)

*The Annual Tax Collections' Settlement Report for FY 2018-2019 was presented by Revenue Director Sherry Lavender. The report showed total tax collections for fiscal year 2018-2019 in the amount of \$38,364,140.33 with a final collection rate of 97.89% which is a 5-year high.*

*The Charge to Collect was presented for the Board's consideration.*

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

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

**Nay:** 0

**Absent:** 1 - Commissioner Lovelace

**F.**      [ID 19-2102](#)      Resolution Declaring Rutherford County a Second Amendment Sanctuary

**Attachments:**      [GEN.19C070.gun.sanctuary.resolution.ALTERNATIVE](#)

**Vice Chairman Toney read a resolution entitled, "Resolution Declaring Rutherford County a Second Amendment Sanctuary" and moved passage of it. Commissioner Benfield seconded the motion. The vote on the motion was:**

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

**Nay:** 0

**Absent:** 1 - Commissioner Lovelace

Enactment No: RES 19-010

## **VII. Closed Session**

**A.**      **ID 19-2100**      Closed Session - ATTORNEY CLIENT NCGS 143-318.11(a)(3)

**Vice Chairman Toney moved to go into Closed Session for discussion with the County Attorney. Commissioner Holland seconded the motion. The vote on the motion was:**

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

**Nay:** 0

**Absent:** 1 - Commissioner Lovelace

*6:38 P.M. - The Board went into Closed Session.*

*7:06 P.M. - The Board returned to Regular Session.*

## **VIII. Information**

**A.**      [ID 19-2103](#)      Tax Collector's Report - June 2019

**Attachments:**      [Tax Collectors Report June 2019](#)

## **IX. Adjournment**

**At 7:06 P.M. Vice Chairman Toney made a motion to adjourn. Commissioner Benfield seconded the motion. The vote on the motion was:**

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

**Nay:** 0

**Absent:** 1 - Commissioner Lovelace