



Rutherford County

Meeting Minutes - Draft - Outline Board of Commissioners

Tuesday, September 3, 2019

6:00 PM 289 N. Main St. Rutherfordton NC 28139 Commission
Chambers

I. Call to Order

Chairman King called the September 3, 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. Lennox King led in the Pledge of Allegiance.

B. Agenda Approval

Commissioner Lovelace 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. 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

A. [ID 19-2180](#) Minutes of August 6, 2019

Attachments: [20190805Minutes](#)

B. [ID 19-2179](#) Tax Refunds and Releases - September, 2019

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

IV. Commissioners/Appointments

- A. [ID 19-2166](#) Recognition of Rutherford County Post 423 Junior Lady Legion Softball Team
- Due to a scheduling conflict, the ladies of Rutherford County Post 423 Junior Lady Legion Softball Team were not able to attend the meeting.*
- Vice Chairman Toney made a motion to table the recognition until a future meeting. 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

ID 19-2181 Youth Involvement in NCACC Meeting.

Ms. Dixie Lovelace represented Rutherford County's 4-H at the annual conference of the North Carolina Association of County Commissioners in Greensboro in August. She spoke to the Board about her eight years in 4-H and about her experiences at the conference.

- B. [ID 19-2168](#) Certificate of Achievement in Financial Reporting

Attachments: [Letter from Government Finance Officers Association](#)
[Government Finance Officers News Release](#)

Chairman King also recognized Finance Director Paula Roach and her staff. The County received notification that the County's CAFR (Comprehensive Annual Financial Report) for the fiscal year ending June 30, 2018 qualified for the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association. This is the County's thirtieth consecutive year to achieve this award.

V. Commissioner Reports

- A. [ID 19-2167](#) Tourism Development Authority Report

Attachments: [TDA Update September 2019](#)

Tourism Development Director Don Cason provided a quarterly update to the Board on the activities of the TDA. Samplings of videos advertising Rutherford County were shown. Information included a financial review for year ending 2018-2019, marketing highlights, the Tourism Master Plan Update, a Wayfinding Update, Agri-Tourism, community programs, and a Keep Rutherford County Beautiful Update. Director Cason said grants totaling \$965,000 are looking positive. The community programs awarded \$40,970 back to communities in the previous budget. An application process will award the \$60,000 to communities in the present budget. A budget of \$33,000 was approved for the Keep Rutherford County Beautiful program and donations are being accepted. Some video cameras have been purchased and will be used to monitor hot spots for litter throughout the County.

VI. Old Business

A. [ID 19-2172](#) Textile Recycling Contract

Attachments: [Email from Planet Aid](#)

Solid Waste Director James Kilgo told the Board that the existing textile recycling service agreement with Better World Recycling, Inc. expired on June 30, 2019. The Solid Waste Staff reached out to several vendors to determine what options were available. The existing vendor (Better World Recycling, Inc.) did not submit a price quote. At the June 3, 2019 meeting Commissioners approved entering into a contract with Planet Aid based on the quote/quotes received. Since that time Planet Aid has advised that they will not be able to honor the contract. Conversations were held with Better World Recycling, Inc. and this company has indicated they are willing to enter into a new service agreement with Rutherford County.

Commissioner Lovelace moved to approve a contract with Better World Recycling, Inc. negotiated by the County Manager and the County Attorney and authorize the Chairman of the County Commissioners or 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 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

VII. New Business**A.** [ID 19-2173](#) Budget Amendments - September, 2019

Attachments: [Budget Amendments 9-3-19](#)

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 19-2174](#) Resolution Authorizing the Negotiation of an Installment Financing Contract and Certain Other Related Matters Thereto and a Project Ordinance for the RS Middle School Project

Attachments: [Initial Resolution - Rutherford County 2019 LOBs \(School\)](#)
 [2019 RS Middle School Project Ordinance](#)

Finance Director Paula Roach presented a resolution for the Board's consideration that would authorize the negotiation of an installment financing contract and call for a public hearing concerning the contract, the Deed of Trust, the proposed project and any other transactions contemplated therein and associated therewith.

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

Enactment No: PROF ORD 19-002

Commissioner Benfield moved to approve the RS Middle School Project Ordinance. 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

Enactment No: PROF ORD 19-002

C. [ID 19-2177](#) RS Middle School Underwriter Agreement

Attachments: [UW Engagement Letter \(002\)](#)

Finance Director Paula Roach told the Board that a modified RFP for Underwriter Services was sent out by GK Baum in late July. Upon review of the responses received by the Finance Director (Paula Roach) and Financial Advisor (Jared White), it was recommended that Rutherford County utilize services provided by PNC Capital Markets LLC. Their team has vast experience with Rutherford County. Fees will be based upon the size of the project (net any grant funds received) per the engagement letter.

Commissioner Benfield moved to authorize the County Manager and Finance Director to execute an engagement letter with PNC Capital Markets. Any fees would be contingent upon the successful completion of the Limited Obligation Bonds, Series 2019. 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

D. [ID 19-2176](#) Annual EMS Bad Debt Write Off

Attachments: [EMS FY 18-19 Annual Debt Write Off Letter](#)
[EMS Annual Bad Debt Write Off](#)
[EMS FY 18-19 Annual Debt Write Off Spreadsheet](#)

Transportation Director Kerry Giles said pursuant to Rutherford County EMS' Standard Operating Procedure 134, EMS is requesting that the EMS Accounts Receivable uncollectable balances totaling \$785,953.35 for the Fiscal Year 2011-2012 be written-off. This adjustment reflects implementation of the policy as adopted June 8, 2018 by County Commissioners. The request reflects only one year and follows the same time frame as Medicare's record retention requirements. It had been reviewed and approved by the County Manager and Finance Director.

Commissioner Benfield moved to approve the accounts receivables debt write-offs. 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

E. [ID 19-2178](#) Policy to Allow Adding Reduce Day to Current Pricing Structure for Animal Control

Attachments: [Animal Control Adding Reduced Day to Current Pricing Structure](#)

Solid Waste Director James Kilgo presented a policy that would allow adding Reduce Day to the current pricing structure for Animal Control. The Reduce Day would be used to reduce the number of animals at the County animal control facility due to being overcrowded, reduce the large influx of animals due to cases beyond the department's control and reduce the number of animals being euthanized. On Reduce Day, citizens would only be required to pay the cost of rabies vaccinations on animals eligible for the reduced price. The Reduce Day would only be used when the County Manager and Animal Control Director deem it necessary.

Commissioner Lovelace moved to approve the Reduce Day policy. 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

F. [ID 19-2175](#) Request to Allow Electronic Listing of Personal Property

Attachments: [Email from Revenue Director](#)
[Electronic Listing Resolution](#)
[Taxscribe County Contract - Rutherford](#)
[General Statute 105-307](#)
[General Statute 105-310.1](#)
[General Statute 105-311](#)

Revenue Director Sherry Lavender said the Revenue Department has been working toward being able to offer online electronic listing for the last couple of years. Now with a collaboration between software vendor, Farragut; the NC Association of County Commissioners; and Tax Management Associates(TMA), there is an opportunity to provide electronic listing utilizing TMA's Taxscribe on line portal with seamless interface with the NCPTS software. This means that the Revenue Department would have the ability to review and import personal property information as provided by the taxpayer directly into their tax software. The department would also be able to receive, review, and approve extension requests online. This would offer taxpayers another option to fulfill their listing obligation that is customer friendly.

Director Lavender presented a resolution which Commissioners would need to approve in order to move forward. She also asked for approval of the TMA contract that would allow setup and usage of the Taxscribe online listing portal (setup cost was part of the Revenue Department's FY19-20 budget request). NCGS 105-307 allows counties to approve extension requests up to June 1, but a majority of the counties have set their

extension date to April 15 which is the date requested by Director Lavender. This would be consistent with the mailed listing extension date and would allow the department to complete the listing process before June so tax bills could be calculated and mailed prior to the end of the offered discount period.

Commissioner Lovelace moved to approve the resolution allowing the electronic listing of personal property. 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

Enactment No: RES 19-013

Quick Index Item

A motion was made by Commissioner Benfield and seconded by Vice Chairperson Toney to authorize the County Manager and the County Attorney to negotiate terms of contract 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. The motion carried by the following vote:

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

Nay: 0

G. [ID 19-2171](#) Deed for Highway Right of Way

Attachments: [Deed for Highway Right of Way](#)

Planning and Public Works Director Danny Searcy presented a Deed for Highway Right of Way which would release 1/12 acre of Rutherford County property on Laurel Hill Drive for \$1,200 to the North Carolina Department of Transportation. This property is needed to provide access into Laurel Hill Drive from College Avenue. Access from Charlotte Road will be eliminated due to the new route of Highway 221.

Commissioner Lovelace moved to approve the Deed for Highway Right of Way. 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 19-2115](#) Engineering Firm for C&D Landfill Expansion

Attachments: [Engineering Firm Recommendation Letter 6D Landfill Expansion 8-22-2019](#)
[McGill Associates Revised Proposal for Consult CD LF EXP-do19jul19](#)

Mr. David Odom of Odom Engineering told the Board that the responses to a Request for Qualifications were received for permitting and design of a lateral expansion of the Rutherford County Central Facility Construction and Demolition Landfill. Firms responding to the Request for Qualifications were:

S&ME, Inc, Charlotte, NC
Municipal Engineering Services Co. P.A., Garner, NC
Smith+Garner, Inc., Raleigh, NC
LaBella Associates, PC, Charlotte, NC
Draper Aden Associates, Carey,, NC
Garrett & Moore / Withers Ravenel, Carey, NC
HHNT / Froehling & Robertson, Inc., Statesville, NC
Golder Associates, NC, Inc., Greensboro, NC
McGill Associates, Asheville, NC

Respondents were ranked according to team location, experience, workload, project approach, references & fee schedule. A committee comprised of representatives from Rutherford County and Odom Engineering selected four finalists. These four finalists were interviewed by the selection committee on June 11 and 12, 2019, at the Rutherford County Office Building. McGill Associates of Asheville, NC was selected by the committee as finalist in the qualification process.

Odom Engineering then entered budget and fee negotiations for the proposed work. McGill Associates proposed Consulting Services Agreement totaled \$410,000 with an additional \$7,500 for local surveying services. The proposal outlines valid qualified assumptions regarding existing conditions and the expected scope and schedule of the proposed project. The design goal for the project is to create disposal capacity for construction and demolition material for a minimum of 10 additional years.

Commissioner Benfield moved to approve the recommendation for the engineering firm; approve a contract negotiated by the County Manager and the County Attorney; and authorize the Chairman of the County Commissioners or the County Manager, the Finance Officer, the 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: 5 - Commissioner King, Commissioner Toney, Commissioner Benfield,
Commissioner Lovelace and Commissioner Holland

Nay: 0

VIII. Closed Session

A. ID 19-2170 Closed Session - ATTORNEY CLIENT NCGS 143-318.11(a)(3)

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

6:49 P.M. - The Board went into Closed Session.

7:10 P.M. - The Board returned to Regular Session

IX. Information

- A. [ID 19-2155](#) Tax Collector's Report - July 31, 2019

Attachments: [Tax Collectors Report July 2019](#)

X. Adjournment

At 7:11 P.M. Commissioner Benfield made a motion to adjourn. 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