



Rutherford County

Meeting Minutes - Final

Board of Commissioners

Monday, February 3, 2020

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

I. Call to Order

Chairman King called the February 3, 2020 meeting of the Rutherford County Board of Commissioners to order.

Rollcall

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

A. Pledge of Allegiance

Commissioner Benfield 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

Mr. Michael Jennings told the Board that the County had infringed on his rights. He has asked investigators to prepare papers that will be filed in a federal courtroom in Asheville.

III. Consent Agenda

Commissioner Benfield 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 20-2335](#) Minutes of the Rutherford County Board of Commissioners' Meeting on January 6, 2020

Attachments: [20200106Minutes](#)

IV. Commissioners/Appointments

A. [ID 20-2337](#) Appointments to Board of Equalization and Review

Attachments: [Memo BER Appointments_01-24-2020](#)
[Resolution for Board of Equalization and Review](#)

Revenue Director Sherry Lavender told the Board that pursuant to a resolution that was adopted by the Rutherford County Board of County Commissioners in 2017, the current Board of County Commissioners is authorized to appoint a special Board of Equalization and Review to carry out duties imposed under North Carolina General Statute 105-322. The 2017 resolution extended the board appointments to staggered two-year terms with Commissioners from Districts 1, 4, and 5 appointing a member in even years and Commissioners from Districts 2 and 3 appointing a member in odd years. The terms of office for two members (District 2 and District 3) of the Board of Equalization and Review expired on December 31, 2019.

Director Lavender requested that the Board advertise the vacant seats, accept applications, and make appointments at the March 2, 2020 County Commissioners' meeting.

**Commissioner Benfield moved to advertise the vacancies on the Board of Equalization and Review and appoint members at a future meeting.
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 20-2333](#) Appointment to Isothermal Planning and Development Commission Board of Directors

Attachments: [Letter from IPDC \(2\)](#)

Chairman Bryan King's term on the Isothermal Planning and Development Commission Board of Directors will expire on April 1, 2020.

The Board agreed to advertise the vacancy, accept applications, and make an appointment at a future meeting.

V. Old Business**A. [ID 20-2328](#) Bid Results and Contractor Recommendations for the Rutherford County Recycling Materials Transport, Processing, and Marketing**

Attachments: [Recycling Challenges 01-27-20](#)
[Odom Engineering Letter Bid Results](#)

Solid Waste Director James Kilgo told the Board that Contracts for the Recycling Materials Transport, Processing and Marketing are due to expire on June 30, 2020. RFPs for these services were issued and proposals were accepted on December 12, 2019.

At the January 6, 2020 meeting, Solid Waste Director James Kilgo and Engineer David Odom provided information and recommendations regarding the Recycling Materials

Transport, Processing, and Marketing to begin on July 1, 2020. Currently Republic Services processes in county recyclable materials at essentially zero cost. Unfortunately, changing market conditions currently value the recycle material at significantly less than the cost of hauling and processing. In order to encourage lowest cost bids, and reduce risk for both contractor and County, a bid process was designed to separate processing and hauling cost from material market value. Processing and hauling were bid as essentially fixed costs per ton to the County. Market value for the material is based on published market index values, and the County receives a % share of the calculated material market value. Bidders provided a quote for the percentage of share, and a minimum dollar amount per ton for the county share.

The low bidder was Curbside Management whose proposal had significantly better combined hauling and processing cost per ton than the competitor and provided better share percentage and minimum for county portion of shared market value of material. Curbside Management's only exception was for addition of an annual escalation of hauling and processing cost, indexed to CPI.

The Board voted to table the discussion on the proposals until the February meeting and requested that information on the total tons that are recycled in Rutherford County and that information on other counties' and other areas' actions on recycling be provided to the Board.

Director Kilgo presented information about the recycling challenges which is a Federal, State, and County issue, and both the Federal and State governments are passing the costs to Counties. Declining market values, contamination levels, reduced end markets, and increased cost to process recycling have increased the problem. Counties are mandated to recycle because some items such as aluminum cans and plastic bottles are banned from landfills.

The Landfill staff is seeking ways to pay for recycling. Last year the County received 2793.12 tons of recycling. After receiving the RFPs, the County's cost would be \$246,157. This does not account for growth in the recycling stream which is roughly 375 tons per year. The options proposed by the staff were:

- 1. Absorb all the costs within the current Enterprise Fund*
- 2. Change the recycling stream to source separated*
- 3. Recycle only what the state has banned from the landfills.*
- 4. Set up tipping fee and raise the available fee. (Availability fee would increase by \$15 per year and the tipping fee would be around \$115 per ton for municipalities.)*
- 5. Charge all improved properties a \$7 recycling fee per year.*
- 6. Any other option that the County Manager or Commissioner may have.*

The staff recommendation was Option 5 as this has the least impact on citizens because it is charged to all improved properties, the operations and recycling will remain the same, natural resources and the environment would be saved, and in-county recycling would not have a tipping fee charge.

Commissioner Lovelace moved to authorize the County Manager and the County Attorney to negotiate terms of contract with Curbside Management as contractor for hauling, processing, and marketing of recycle materials, 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. 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

B. [ID 20-2339](#) Deed for Highway Right of Way

Attachments:

[Map for Laurel Hill Drive Property](#)

[Deed for Highway Right of Way for Laurel Hill Drive Property](#)

[Plan for Laurel Hill Drive Property](#)

Planning and Public Works Director Danny Searcy advised that at the September 2019 meeting, the Board of Commissioners approved releasing 1/12 acre of Rutherford County property on Laurel Hill Drive for \$1,200 to the North Carolina Department of Transportation 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.

NCDOT has now advised that some additional property will be needed to provide this access. Solid Waste and the North Carolina Department of Environmental Quality have approved the sale of the two small segments of property (one area of 0.205 acres on the right and another area located on the left side consisting of 0.120 acres – nearly 1/3-acre total.) The settlement amount for the two parcels was \$2800.

Director Searcy requested that the Board approve a motion stating, “approval for the sale of the two small sections of property along Laurel Hill Drive contingent upon final review of the revised special warranty deed and plans by the County Manager, the County Attorney, and staff.”

Commissioner Benfield moved to approve the sale of the two small sections of property along Laurel Hill Drive contingent upon final review of the revised special warranty deed and plans by the County Manager, the County Attorney, and staff.” 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

VI. New Business

A. [ID 20-2334](#) Tax Refunds and Releases - February, 2020

Attachments:

[Tax Refunds and Releases February 2020](#)

Commissioner Lovelace asked to be excused from voting on tax refunds due to a possible conflict of interest.

Vice Chairman Toney moved to approve the request of Commissioner Lovelace. 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

6:25 P.M. - Commissioner Lovelace left the meeting.

A. [ID 20-2334](#) Tax Refunds and Releases - February, 2020

Attachments: [Tax Refunds and Releases February 2020](#)

**Vice Chairman Toney moved to approve the tax refunds and releases.
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

6:27 P.M. Commissioner Lovelace returned to the meeting.

B. [ID 20-2338](#) Rutherford County Community Child Protection/Child Fatality Prevention
Team Annual Report to the Board of Commissioners

Attachments: [CPT Annual Report - 2019 2](#)

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, and Ms. Yanet Cisneos.

**Commissioner Benfield moved to approve the recommended membership of the Rutherford County Community Child Protection Team/Child Fatality Team.
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 20-2336](#) Agreement with Spatialest

Attachments: [Memo Spatialest vendor contract_01-24-2020](#)

Revenue Director Sherry Lavender presented a contract for the Board's consideration which would will allow the County Revenue Department to use two separate but related

programs to analyze appraisal and sales data. The first, Appraisalest, will allow staff to query appraisal data, review for data errors and inconsistencies, and download data for the upcoming 2023 reappraisal project. The second program, Comper will allow staff to filter sales data based upon subject property attributes to find comparable sales to verify appraised values based on the current market as of the last reappraisal date. Both will enhance productivity and efficiency by giving staff appraisers the ability to research the market data without support staff assistance.

Director Lavender said this software was originally approved in the 2019 fiscal year budget, but due to time constraints and data related issues, the department was unable to proceed with the project until recently.

Commissioner Benfield moved to authorize the County Manager and the County Attorney to negotiate terms of contract and authorize the County Manager, Finance Director, 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

D. [ID 20-2332](#) Report on 2019 Real Property Tax Liens and Request to Advertise Real Property Tax Liens

Attachments: [Advertisement of Unpaid Taxes and Report of Unpaid Taxes](#)
[GS 105-369](#)

Revenue Director Sherry Lavender told the Board that a list of the outstanding 2019 Real Property Tax Bills was available on the Revenue Department website pursuant to NCGS 105-369(a).

Director Lavender also requested that the Board approve advertising real property tax liens in the local newspaper one time during the period of May 1 through May 31 pursuant to NCGS 105-369(c).

Vice Chairman Toney made a motion to approve the advertisement of real property tax liens one time during the period of May 1 through May 31. 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 Lovelace made a motion to accept the report on real property tax liens. 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 20-2331](#) 2019-2020 Fee Schedule Changes for Foothills Health District

Attachments: [Foothills Health District Fee Increase Request Memo](#)
[Health Department 2019-2020 Fee Schedule Changes](#)

Health Director Karen Powell presented the new proposed fee schedule of Foothills Health District. She said fees are reviewed annually to ensure the district is getting the maximum allowable reimbursement from the insurances they can file. The requested rate is based on factoring in the Medicaid reimbursement rate along with the Usual Customary Rate to come up with a reasonable rate to charge for a particular procedure.

The last fee update was in 2014 so some rates were actually less than the Medicaid reimbursement rate. Therefore, the Health District is losing money by not increasing rates. The majority of patients have Medicaid or are adjusted according to their income using the sliding fee scale. So even though the fee may increase, the patient will not usually pay 100% of that fee.

Vice Chairman Toney made a motion to approve the rates as presented for the Foothills Health District. 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 20-2327](#) Resolution to Support the Designation of US 74 between I-26 and I-85 to a Future Interstate Quality Corridor

Attachments: [Resolution to Support the Improvement of US 74 to an Interstate Quality Corridor 2](#)

County Manager Steve Garrison told the Board that Rutherford County representatives recently participated in a telephone conference with several of Senator Thom Tillis' staff to discuss County priorities with one of them being the designation of a "future" interstate status for Hwy. 74. This is extremely important to Rutherford County as there is no interstate highways that traverse Rutherford County while surrounding counties (Buncombe, Henderson, Polk, Cleveland, Burke, McDowell, Cherokee SC and Spartanburg SC) do have interstate highways within their counties. Federal legislators can take action to secure at least a "future" interstate designation, which means NCDOT would have to appropriate the funds to make the improvements to get this corridor to interstate standards within 25 years. Even getting a "future" interstate designation would help Rutherford County tremendously in endeavors to attract industrial/manufacturing and commercial/retail businesses to the County.

Recognizing that a section of Hwy. 74 east of Charlotte already has an I-74 designation that runs east-west and then heads north into Virginia, the section of 74 between I-85 and I-26 will need to have a different name assigned to it.

A resolution requesting that the North Carolina federal legislative delegation submit and support federal legislation to secure a Future Interstate designation for the section of US74 from I-26 to I-85 was presented for the Board's consideration.

Vice Chairman Toney moved to approve the resolution. 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

Enactment No: RES 20-003

VII. Closed Session

A. ID 20-2330 Closed Session - ATTORNEY CLIENT NCGS 143-318.11(a)(3)

Chairman King asked that the Board consider a motion to go into Closed Session with the County Attorney and that the County Manager and the Clerk to the Board be included in the session.

Commissioner Lovelace moved to approve the requested motion. 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

6:55 P.M. - *The Board went into Closed Session.*

7:20 P.M. - *The Board returned to regular session.*

VIII. Information

A. [ID 20-2310](#) Tax Collector's Report - February 2020

Attachments: [Net Collections Report.pdf](#)

IX. Adjournment

At 7:20 Vice Chairman Toney 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