



Rutherford County

Meeting Minutes - Draft - Outline Board of Commissioners

Monday, July 6, 2020

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

I. Call to Order

Vice Chairman Toney called the July 6, 2020 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

Eagle Scout Nathan Robbins led in the Pledge of Allegiance.

B. Agenda Approval

Commissioner Lovelace moved to approve the 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

II. Public Comments

Mr. Daniel Dover spoke to the Board regarding warrants verses criminal summons. Earlier this year an officer had appeared at his door with a warrant for third degree trespassing. He was handcuffed, placed in the back of a police car, and taken to jail. A neighbor had taken a warrant against him with no investigations. This incident cost him \$500, and he had to have his record expunged. The neighbor then dropped the charges. Mr. Dover said this should have been a criminal summons rather than a warrant.

Mr. R. J. Aiken who lives in Spindale spoke on behalf of his mother who lives in Spartanburg, SC. She had lived with a very abuse husband until finally breaking free and entering the PATH Shelter. The husband had her arrested for breaking and entering at a time when she was at the PATH Shelter. The charges were dismissed. Mr. Aiken also spoke about the Confederate statue on the Courthouse lawn. He asked that the Board partner with non-profits to bring community engagement and move forward in a more positive way.

Mr. Hayden Trull spoke in favor of the removal of the Confederate statue. He said the statue was erected by the Daughters of the Confederacy who were attempting to re-write history by downplaying slavery as the cause of the war and making the war about states' rights. The County has no statutes that commemorate soldiers that fought in other wars.

Mr. Brent Whitesides who was born and raised in Rutherford County said he was praised when he played football at RS Central but had racial slurs directed toward him when he was off the field. While July 4 is celebrated as Independence Day, Mr. Whitesides said Juneteenth is his Independence Day and should be made a national holiday. He also spoke in favor of adding black history to the curriculum in the school system.

Mr. Allison Garren supported the removal of the confederate statute that stands in front of the courthouse. She has practiced law for the past eight years. The constitution is the guiding document used in the courthouse every day. Everyone should have equal justice under the law, and the statute casts a shadow over the spirit of the Constitution.

Rev. Samuel Burleson, pastor of the Salem Church of Bostic, came on behalf of other pastors in favor of removing the statute which is a memorial to the past. The keeping of this statute is a way of glorifying a past that did not believe in justice for all.

Mr. Zachary Koplin who lives in Forest City said immediate action needed to be taken to remove the statute. He advocated for a local task force to study racial injustice and asked that the Commissioners pass a resolution that would approve removal of the statute as soon as they are able to do so. This would be a small and initial step toward racial justice.

Rev. Creighton Lovelace spoke against the relocation and/or removal of the Confederate monument which he said was erected in memory of the men and women of the Confederacy. Rutherford County sent 1,981 men to the war on the side of the south, and these men were both white and black. He listed names of black Confederate soldiers and provided information regarding their applications for a soldier's pension.

Mr. Bruce Johnson, a lifelong resident of Green Hill, asked how the County can become better if it does not look at things in its past that were wrong. Mr. Johnson did not believe the monument issue was racial. He expressed his concern that removing it would destroy history.

Mr. Rocky Yelton, also a lifelong Rutherford County resident, did not wish to speak about black and white, but about right and wrong. He considered the monument a part of Rutherford County's heritage. Removal should only happen if there is a majority in favor of this action.

Mr. Jimmy Tate from Forest City expressed his opposition to removing the monument. Mr. Tate listed ancestors who had died for the Confederacy. He sees many prejudiced people in Rutherford County which includes both black and white.

Mr. Jim Bishop asked if the County should stand strong and not remove its history. He hopes all have learned from the past and all can forgive.

Ms. Linda White who was born and raised in Rutherford County stated that she did not believe in removing the monument and asked what the County could lose next if that happens.

Mr. Bruce Hunt said ignorance abounds concerning Rutherford County's Confederate heritage. He is a member of the Sons of Confederate Veterans as he has ancestors who were veterans of the war.

Ms. Hope Bleeker told the Board that moving the statute is about removing the stains

and stigmas about black men and women who were enslaved. The monument is an environmental injustice.

Recess

6:48 P.M. - Recess
6:53 P.M. - Reconvene

III. Consent Agenda

Commissioner Benfield moved to approve the Consent Agenda. 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

- A. [ID 20-2487](#) Minutes of County Commissioners' Meeting of June 1, 2020
Attachments: [20200601Minutes](#)
- B. [ID 20-2488](#) Minutes of County Commissioners' Special Meeting June 4, 2020
Attachments: [20200604 Special Meeting Minutes](#)
- C. [ID 20-2495](#) Tax Refunds and Releases - July 2020
Attachments: [Tax Releases and Refunds June 19, 2020.pdf](#)

IV. Commissioners/Appointments

- A. [ID 20-2489](#) Appointments to Rutherford County Boards and Commissions
Attachments: [Appointments July 2020](#)

Commissioner Benfield moved to appoint Ms. Dana Bradley to the Tourism Development Authority to a term expiring June 30, 2023. 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 to re-appoint Ms. Kandi Bridges to the Transit Advisory Board to a term expiring June 30, 2023. Chairman King 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 Holland moved to appoint Mr. Roger Jolley and Vice Chairman Toney to the Isothermal Community College Board of Trustees to terms expiring June 30, 2024. 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

Commissioner Benfield moved to appoint Mr. Maxie Jolley to the Industrial Facilities and Pollution Control Financing Authority to a term expiring June 30, 2026. Chairman King 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 20-2490](#) Voting Delegate to NCACC Annual Conference

Attachments: [Designation of Voting Delegate to NCACC's 113th...](#)
[Voting Delegate Form 2020](#)

The North Carolina Association of County Commissioners' (NCACC) 113th Annual Conference will be held virtually during August. 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 and an alternate voting delegate prior to the Annual Conference.

Chairman King moved to appoint Commissioner Benfield as the Voting Delegate and Vice Chairman Toney as the Alternate Voting Delegate to the NCACC Annual Conference. 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

V. Commissioner Reports

A. [ID 20-2440](#) Tourism Development Authority Report

Attachments: [TDA Quarterly County Commission July 2020](#)

Ms. Kersten Conklin and Mr. Jerry Stahl of The Agency Marketing Group told the Board that in May The Agency and Rutherford County Tourism Development Authority were awarded the top award, the Award of Excellence for their largest and most competitive category, "Strategic Promotional Campaign" for their tourism campaign, "Moments that Matter."

Tourism Development Authority Director Don Cason provided an overview of the Tourism Development Authority financial picture for the year ended on June 30, 2020. The COVID19 impact on the TDA budget was about \$228,998. There was a 15% reduction in

occupancy; however, Lake Lure and Chimney Rock had a great month in June. In 2020-2021, TDA will be committed to marketing Rutherford County.

Director Cason also provided updates on marketing, the Tourism Master Plan, Wayfinding, Agri-Tourism, community programs, and Keep Rutherford County Beautiful.

VI. Old Business

A. [ID 20-2498](#) Amendment to North Carolina Pandemic Recovery Office Coronavirus Relief Fund (CRF) County Plan

Finance Director Paula Roach told the Board that The CARES Act established the Coronavirus Relief Fund (CRF) which allocated approximately \$4.07 billion to the State of North Carolina. Rutherford County's CRF allocation was \$1,340,584. The North Carolina General Assembly gave counties the authority to control and appropriate the COVID-19 response funding to municipalities. At the June 1, 2020 meeting the Board approved the North Carolina Pandemic Recovery Office Coronavirus Relief Fund (CRF) County Plan which included specific amounts not to be exceeded for municipalities. Following this, Governor Cooper signed HB 1023 which included increased allocations. The new total allocation to Rutherford County will be \$2,641,479.

Director Roach requested that the Board approve the amended CRF Plan with the not to exceed amounts for municipalities listed below and direct the County Manager, Attorney and Finance Director to incorporate the increased allocation amounts into the interlocal agreements with the municipalities.

Upon closeout with the NC Pandemic Response Office and any other audit by the applicable Federal or State agency, if any expenditures are denied, the County is ultimately responsible for returning the funds for the denied expenditures to the state. If the clawback results from a municipality's denied expenditures, the municipality will return funds to the County. The County will then forward these funds to the state. Language describing this requirement will be incorporated in the interlocal agreements.

Not to Exceed Grants to Municipalities:

a. Town of Bostic	\$ 13,631.00
b. Town of Chimney Rock	\$ 3,915.00
c. Town of Ellenboro	\$ 31,072.00
d. Town of Forest City	\$ 259,654.00
e. Town of Lake Lure	\$ 42,850.00
e. Town Ruth	\$ 16,113.00
g. Town of Rutherfordton	\$ 144,454.00
h. Town of Spindale	\$ 150,990.00
	\$ 662,679.00 25.1% of total grant

Commissioner Benfield moved to approve the amended CRF Plan and direct the County Manager, County Attorney and Finance Director to incorporate the increased allocation amounts and conditions as per HB 1023 into the inter-local agreements with the municipalities. 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 20-2496](#) Budget Amendments - July, 2020**

Attachments: [Budget Amendments 7-6-20](#)

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

Commissioner Lovelace moved to approve the budget amendments. Chairman King 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 20-2497](#) Reimbursement Resolution for Vehicles and Equipment

Attachments: [Resolution to Reimburse - Lease Purchase 20-21](#)
[Replacement Plan - Vehicle 2020-2021](#)

Based on the Board's decision as part of the FY 2020-2021 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 2020-2021 Vehicle and Equipment Plan Summary was also presented.

Commissioner Lovelace moved to approve the resolution. Chairman King 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 20-010

C. [ID 20-2493](#) Maintenance of Effort Funds Recommendation

Attachments: [Partners Rutherford Co. Outside Agency Budget Request 2020-2021](#)

Partners Behavioral Health Management Regional Director of Community Operations Katie Varnadoe presented a request to the Board that the \$102,000 in Maintenance of Effort funds in the 2020-2021 approved budget be utilized on services recommended by the local committee that had met on May 18, 2020 and approved the recommendations. Those recommendations were:

- *Therapy services in the Rutherford County Jail- A licensed therapist will be utilized to provide assessments and therapy in the jail setting, as well as consultation and advisement to the jail staff in regard to individuals' behavioral health needs while they are incarcerated.*
- *Peer support services in DSS- A peer support specialist embedded in the Department of Social Services will assist children and families involved with DSS connect with behavioral health services. The peer support specialist will also help families reach goals set by DSS.*
- *Consumer housing reserves- to assist individuals in need of emergency housing*

resources.

- Consumer reserves – Fund services not covered by other funding sources.
- United Way funding to support grant writing for behavioral health programs.

Commissioner Benfield moved to approve the recommendations for the 2020-2021 Maintenance of Effort funds. Chairman King 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 20-2492](#) Charge to Collect and Annual Tax Collections' Settlement Report

Attachments: [Memo_SettlementReport_CTC_06172020](#)
[ChargetoCollect 2020](#)

The Annual Tax Collections' Settlement Report for FY 2019-2020 was presented by Revenue Director Sherry Lavender. The report showed total tax collections for fiscal year 2019-2020 in the amount of \$43,028,699.66 with a final collection rate of 97.8%. which is down slightly from the previous year. This reduction could be due to the fact that the Revenue Office was closed for 12 weeks due to COVID19.

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

Chairman King moved to approve the Charge to Collect. 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

E. [ID 20-2501](#) Hickory Nut Gorge EMS and Rescue Lease Agreement

Attachments: [Hickory Nut Gorge Lease Agreement 2020](#)
[HNG Lease 1995](#)

Transportation Director Kerry Giles told the Board that Rutherford County EMS is recommending an updated lease agreement with Hickory Nut Gorge for the use of the county facility at 140 Bills Creek Road, Lake Lure, NC 28746. The original lease agreement, dated June 1, 1995 was never updated when Rutherford County EMS began co-sharing the location in 2006. The new lease agreement covers repairs and maintenance to the facility, expanded space in the bay area for EMS, and brings the facility in line with other county leases and building requirements. The lease payment is structured as a stair step approach with increased lease payments over the next five years.

Commissioner Benfield moved to authorize the County Manager and the County Attorney to negotiate a lease agreement with Hickory Nut Gorge EMS and Rescue and authorize the Chairman of the County Commissioners, the Finance Officer, the Clerk to the Board, and the County Attorney to sign and execute all documents in support of this action

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

Nay: 0

F. [ID 20-2494](#) Resolution Awarding Sergeant David Jenkins' Service Side Arm

Attachments: [Request from Sheriff Francis regarding Sgt David Jenkins](#)
[Resolution for Sgt David Jenkins](#)

Sheriff Chris Francis requested that the Board approve a resolution in accordance with G.S. 20-187.2 awarding Sergeant David Jenkins' service side arm to him for the sum of \$1.00. Sergeant Jenkins, who has thirty (30) years of credible service was sworn in with the Rutherford County Sheriff's Office in August of 1988. During his law enforcement career, he served as the Police Chief at Alexander Mills before returning to the Sheriff's Department in August of 1997. Sergeant Jenkins worked in the Road Patrol Division, Community Oriented Policing Division, and will be retiring as Sergeant in the Courthouse Security Division. He has served as a Rutherford County Sheriff's Deputy with honor and integrity.

Commissioner Benfield moved to approve the resolution. Chairman King 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 20-011

G. [ID 20-2500](#) Rutherford County 911 Data Center IRU Agreement

Attachments: [Rutherford County 911 Data Center IRU Agreement - Final](#)

A proposed agreement between PANGAEA and Rutherford County for strands of fiber to provide internet service to the 911 Data Center on Sparks Drive in Forest City was presented by Information Technology Director Jai Doherty.

Commissioner Lovelace moved to approve the agreement. Chairman King 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 20-2491](#) Closed Session - ATTORNEY CLIENT NCGS 143-318.11(a)(3)

Commissioner Holland moved to go into Closed Session for discussion with the County Attorney. Also included in the Closed Session would be the County Manager, the County Attorney, and the Clerk to the Board. Chairman King seconded the motion. The vote on the motion was:

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

Nay: 0

7:45 P.M. - The Board went into Closed Session.
8:10 P.M. - The Board returned to Regular Session.

IX. Information

A. [ID 20-2477](#) Tax Collector's Report - July, 2020

Attachments: [Net Tax Collections Report 5.31.20.pdf](#)

X. Adjournment

At 8:11 P.M. Commissioner Benfield 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