



# Rutherford County

## Meeting Minutes - Draft - Outline Board of Commissioners

Tuesday, July 6, 2021

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

### I. Call to Order

*Chairman King called the July 6, 2021 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 David Hunt

#### A. Pledge of Allegiance

*Transportation Director Kerry Giles led in the Pledge of Allegiance.*

#### B. Agenda Approval

*Chairman King asked that the Board consider adding an additional item to the agenda following the Closed Session.*

**Commissioner Lovelace moved to approve the agenda with an additional item added following the Closed Session. Commissioner Benfield seconded the motion. The vote on the motion was:**

**Aye:** 5 - Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Lovelace and Commissioner Hunt

**Nay:** 0

### II. Public Hearings

#### A. [ID 21-2872](#) Public Hearing - Proposed NCGS 160D Amendments to County Planning Documents

**Attachments:** [Public Hearing Notice](#)

*At 6:01 P.M. Chairman King opened the public hearing to listen to comments regarding proposed North Carolina General Statutes 160D Amendments to Rutherford County planning documents.*

*Planning and Public Works Director Danny Searcy told those present that in 2019 the NC General Assembly adopted the long-debated Chapter 160D which is the first major recodification and modernization of municipal and county development regulations since the early 1900's.*

*The changes to the statutes as a result of 160D affect the language of local ordinances, the option for local decision-making processes, and administrative practices related to development regulations. Text amendments to County ordinances are necessary as portions of 160D denote mandatory legislative changes for local jurisdictions. Director*

Searcy said staff and legal counsel have worked to ensure that the amended County's ordinances which were presented for the Board's consideration are compliant with state statutes. The Planning Commission, Manager, Legal Counsel, and staff recommend adoption in order to be in compliance with NC Statutory guidance.

No one else wished to speak.

At 6:04 P.M. Chairman King declared the public hearing to be closed.

**Commissioner Hunt made a motion to adopt the Historic Preservation Commission Ordinance, Planning Commission Ordinance, Subdivision Ordinance and Mobile Home Park Ordinance amendments as recommended by the County's Planning Commission. Commissioner Lovelace seconded the motion. The vote on the motion was:**

**Aye:** 5 - Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Lovelace and Commissioner Hunt

**Nay:** 0

[ID 21-2907](#) Historic Preservation Ordinance

Enactment No: ORD 21-001

[ID 21-2908](#) Planning Commission Ordinance

Enactment No: ORD 21-002

[ID 21-2909](#) Subdivision Ordinance

Enactment No: ORD 21-003

[ID 21-2910](#) Mobile Home Park Ordinance

Enactment No: ORD 21-004

### III. Public Comments

*There were no public comments.*

### IV. 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 Hunt

**Nay:** 0

A. [ID 21-2884](#) Minutes of County Commissioners' Meeting on June 7, 2021

Attachments: [20210607Minutes](#)

B. [ID 21-2885](#) Minutes of County Commissioners' Special Meeting on June 10, 2021

Attachments: [20210610 Special Meeting Minutes](#)

- C. [ID 21-2865](#) Tax Refunds and Releases - June, 2021

Attachments: [Tax Refunds Releases July 2021](#)

## V. Commissioners/Appointments

- A. [ID 21-2878](#) Appointments to Home and Community Care Block Grant Committee

*The terms of office for Ms. Sybil Walker and Ms. Faye Hassell on the Home and Community Care Block Grant Committee expired on June 30, 2021. Ms. Walker and Ms. Hassell are willing to be reappointed. The vacancies had been advertised and applications had been accepted.*

**Commissioner Benfield moved to reappoint Ms. Sybil Walker and Ms. Faye Hassell to the Home and Community Care Block Grant Committee to terms expiring June 30, 2024. Commissioner Hunt seconded the motion. The vote on the motion was:**

**Aye:** 5 - Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Lovelace and Commissioner Hunt

**Nay:** 0

- B. [ID 21-2873](#) Appointment of Chairperson of the Rutherford County Tourism Development Authority

Attachments: [TDA Chairman Recommendation \(2\)](#)  
[Session Law 2011-115 House Bill 414](#)  
[TDA Bylaws](#)

*Chairman King advised that House Bill 414 enacted on June 9, 2011 states that the Rutherford County Board of Commissioners shall designate one member of the Rutherford County Tourism Development Authority (TDA) to serve as chairperson of the TDA. The bylaws of the Rutherford County Tourism Development Authority contain the same language. The TDA voted to recommend that Mr. Dave Long be appointed by the Board as Chairperson of the TDA for the upcoming year.*

**Commissioner Hunt moved to appoint Mr. Dave Long as Chairman of the Rutherford County Tourism Development Authority. The motion was seconded by Commissioner Benfield. The vote on the motion was:**

**Aye:** 5 - Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Lovelace and Commissioner Hunt

**Nay:** 0

## VI. New Business

- A. [ID 21-2889](#) Budget Amendments July, 2021

Attachments: [Budget Amendments 7-6-21](#)

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

**Commissioner Lovelace moved to approve the budget amendments.**

**Commissioner Benfield seconded the motion. The vote on the motion was:**

**Aye:** 5 - Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Lovelace and Commissioner Hunt

**Nay:** 0

**B. [ID 21-2867](#) Reimbursement Resolution for Vehicles and Equipment**

**Attachments:** [Resolution to Reimburse - Lease Purchase 21-22](#)  
[Replacement Plan - Vehicle 2021-2022](#)

*Based on the Board's decision as part of the FY 2021-2022 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 2021-2022 Vehicle and Equipment Plan Summary was also presented.*

**Commissioner Benfield moved to approve the resolution. Commissioner Hunt seconded the motion. The vote on the motion was:**

**Aye:** 5 - Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Lovelace and Commissioner Hunt

**Nay:** 0

Enactment No: RES 21-015

**C. [ID 21-2868](#) Joint Resolution of the Boards of County Commissioners of Burke, Catawba, Cleveland, Gaston, Iredell, Lincoln, Rutherford, Surry, and Yadkin Counties**

**Attachments:** [Resolution Approving Partners Bylaws](#)  
[Partners Bylaws Final 5-20-21](#)

*Ms. Tara Conrad, Community Engagement Director of Partners Behavioral Health told the Board that at their meeting on May 20, 2021, Partners' Board of Directors approved changes to the Board bylaws. The amended bylaws add a voting member for each county joining Partners' catchment area. This would increase the maximum board size beyond the current 21. Because by NCGS 122C-118.1(a), the cap is 21 board members, the bylaws were amended with the condition that the current Boards of County Commissioners and the Secretary approve the variation from the statute.*

*A joint resolution by the Boards of County Commissioners in the current catchment area was presented for the Board's consideration which states that Partners' board of directors may be appointed in a manner or composition other than as required by NCGS 122C-118.1, including that the voting members of the Partners' board of directors may exceed the 21 maximum reflected in that statute and as reflected in the Partners' approved bylaws.*

**Commissioner Lovelace moved to approve the resolution. Commissioner Hunt seconded the motion. The vote on the motion was:**

**Aye:** 5 - Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Lovelace and Commissioner Hunt

**Nay:** 0

Enactment No: RES 21-016

**D.** [ID 21-2866](#) Charge to Collect and Annual Tax Collections' Settlement Report

**Attachments:** [Memo from Revenue Director \(3\)](#)  
[ChargetoCollect\\_2021.doc](#)

*The Annual Tax Collections' Settlement Report for FY 2020-2021 was presented by Revenue Director Richard Lawson. The report showed total tax collections for fiscal year 2020-2021 in the amount of \$45,973,550.99 with a final collection rate of 98.32%. which is .5% higher than the previous year.*

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

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

**Aye:** 5 - Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Lovelace and Commissioner Hunt

**Nay:** 0

**E.** [ID 21-2888](#) Contract for 2023 Reappraisal

**Attachments:** [Revenue Department Memo Wampler Eanes Appraisal](#)  
[Reappraisal Contract Wampler-Eanes.k.RL.210619.RPW](#)  
[adjusteddocx](#)

*Revenue Director Lawson presented a service contract and specifications with Wampler-Eanes Appraisal Group, Ltd. for the 2023 revaluation of commercial properties within Rutherford County.*

**Commissioner Hunt moved to authorize the County Manager to enter into contract negotiations with Wampler Eanes Appraisal Group, Ltd. to complete the 2023 Rutherford County General Appraisal 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 Hunt

**Nay:** 0

**F.** [ID 21-2875](#) Resolution to Assign and Convey Gravity Sewer Collection System To the Village of Chimney Rock

**Attachments:** [Chimney Rock Sewer Resolution to Convey](#)

*Planning and Public Works Director Danny Searcy presented a resolution which would transfer ownership of the Chimney Rock Village sewer collection system currently owned by Rutherford County to Chimney Rock village.*

Commissioner Benfield moved to approve the resolution authorizing the County Manager, working with the County Attorney, to negotiate the terms and conditions of an agreement to transfer, convey and assign all County ownership interest in and to the gravity sewer collection system located within the Village of Chimney Rock to the Village of Chimney Rock, and further authorizing the Chairman of the Board of County Commissioners, the Clerk to the Board, and other necessary County officials to sign and execute any such 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 Hunt

**Nay:** 0

Enactment No: RES 21-017

**G.** [ID 21-2870](#) Resolutions Regarding Plat Review Officers

**Attachments:** [PlatReviewOfficer](#)  
[Removal of Plat Review Officers](#)  
[General Statute 47-30.2](#)

*Public Works Director Searcy also told the Board that North Carolina General Statute 47-30.2 requires the Board of Commissioners to appoint plat review officers whose responsibilities include reviewing land plats to determine whether these plats meet recording requirements. He requested that the Board approve a resolution appointing Stephanie Williams as a Plat Review Officer for Rutherford County and Michael Williams who is the Lake Lure Planner as a Plat Review Officer for the Town of Lake Lure.*

*Individuals have been appointed as Plat Review Officers during their employment with Rutherford County or other relevant local government entities but they no longer perform these duties. A second resolution was presented which revokes/removes Mitchell Anderson (Town of Lake Lure) and Rachel Bland (Rutherford County) and Steve Webb (Rutherford County) as Plat Review Officers.*

**Commissioner Lovelace moved to approve a resolution appointing Stephanie Williams as a Plat Review Officer for Rutherford County and Michael Williams who is the Lake Lure Planner as a Plat Review Officer for the Town of Lake Lure. Commissioner Hunt seconded the motion. The vote on the motion was:**

**Aye:** 5 - Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Lovelace and Commissioner Hunt

**Nay:** 0

Enactment No: RES 21-018

**ID 21-2906** Resolution Regarding Plat Review Officer

**Commissioner Benfield moved to approve a resolution revoking/removing Mitchell Anderson (Town of Lake Lure) and Rachel Bland (Rutherford County) and Steve Webb (Rutherford County) as Plat Review Officers. Commissioner Hunt seconded the motion. The vote on the motion was:**

**Aye:** 5 - Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Lovelace and Commissioner Hunt

**Nay:** 0

Enactment No: RES 21-019

**H.** [ID 21-2880](#) EMS Revised Contracts with Rescue Squads

**Attachments:** [Hickory Nut Gorge Contract Clean 2021 2022](#)  
[Rutherford County Rescue Crew Contract Clean 2021 2022](#)

*Transportation Director Kerry Giles requested approval on amended contracts for both Hickory Nut Gorge EMS & Rescue and Rutherford County Rescue Crew for FY 2021-2022. Revisions include performance-based measures and clarity on state requirements through the Office of EMS.*

**Commissioner Lovelace moved to approve the amended contracts for Hickory Nut Gorge EMS and Rescue and Rutherford County Rescue Crew for 2021-2022. Commissioner Hunt seconded the motion. The vote on the motion was:**

**Aye:** 5 - Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Lovelace and Commissioner Hunt

**Nay:** 0

**I.** [ID 21-2876](#) Transit Drivers

*Transportation Director Giles also told the Board that there is an ongoing demand for part time workers which continues to be an issue for most business in Rutherford County. Transit has been hit especially hard due to the large number of part-time drivers. Twelve part-time drivers have resigned out of the 25 positions over the past few months, and there are very few candidates applying for jobs. COVID has resulted in many drivers deciding to fully retire to spend more time with their families or because they can get either a full-time or better-paying part-time position elsewhere. As the demand for Transit services is opening back up, there is concern that Transit will not be able to meet the demand with the current staff available.*

*Transit is requesting that Commissioners consider consolidating 4 part-time positions into 2 full-time positions, per Section 5 of the Personnel Policy. This request can be done at no additional cost to Transit or to the County*

*General Fund.  
2 Full-Time Drivers: \$48,906  
Benefits: \$14,672  
Total for 2 Full-Time Drivers: \$63,578*

*4 Part Time-Drivers: \$53,579  
Benefits: \$13,154  
Total for 4 Part-Time Drivers: \$66,733*

*This change would give Transit:*  
•  Full-Time Drivers: Currently 3 positions, requesting a move to a total of 5 positions  
•  Part-Time Drivers: Currently 25 positions, requesting a move to a total of 21 positions

**Commissioner Hunt moved to approve the request to consolidate 4 part-time**

positions in the Transit Department into two full-time positions. Commissioner Benfield seconded the motion. The vote on the motion was:

**Aye:** 5 - Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Lovelace and Commissioner Hunt

**Nay:** 0

## VII. Closed Session

Commissioner Lovelace moved to go into Closed Session for a discussion with the County Attorney and to discuss personnel. The County Manager and the Clerk to the Board would be included in the session. Commissioner Hunt seconded the motion. The vote on the motion was:

**Aye:** 5 - Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Lovelace and Commissioner Hunt

**Nay:** 0

- A. **ID 21-2891** PERSONNEL/N.C.G.S. 143-318.11(a)(6)
- B. **ID 21-2869** ATTORNEY CLIENT NCGS 143-318.11(a)(3)

6:31 P.M. - The Board went into Closed Session.  
7:09 P.M. - The Board returned to Regular Session.

- C. [ID 21-2895](#) Employment Agreement

Commissioner Benfield made a motion to approve an employment agreement with Steven W. Garrison to serve as County Manager for Rutherford County. The term of the agreement would begin on September 1, 2021 and expire on August 31, 2025. Commissioner Hunt seconded the motion. The vote on the motion was:

## VIII. Information

- A. [ID 21-2874](#) Tax Collector's Report

**Attachments:** [Tax Collector Report July 2021](#)

## IX. Adjournment

At 7:11 P.M. Commissioner Benfield made a motion to adjourn. Commissioner Hunt seconded the motion. The vote on the motion was:

**Aye:** 5 - Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Lovelace and Commissioner Hunt

**Nay:** 0