



Rutherford County

Meeting Minutes - Draft - Outline Board of Commissioners

Monday, October 4, 2021

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

I. Call to Order

Chairman King called the October 4, 2021 meeting 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

Boy Scouts Alex Grigg and Mason Jones of Spindale Troop 129 led in the Pledge of Allegiance.

B. Welcome and Opening Remarks

[ID 21-2963](#)

Carolina Community Broadband Alliance Announcement

Attachments:

[Carolina Community Broadband Press Release](#)

Chairman King told those present that Carolina Community Broadband Alliance announced the construction of a fixed wireless broadband site in partnership with Sunshine Elementary, Rutherford County Schools, Dogwood Health Trust, and PANGAEA Internet (PANGAEA). The tower signal will reach many homes near Sunshine Elementary School, an area currently underserved by internet service providers.

C. Agenda Approval

Commissioner Hunt 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 Hunt

Nay: 0

II. Public Hearings

A. [ID 21-2952](#)

Public Hearing - 5311 Grant for Transportation Services

Attachments:

[Rutherford.FY23.Transit PublicHearingNotice](#)

[Resolution Transit FY 23](#)

At 6:05 P.M. Chairman King opened the public hearing to listen to comments regarding

the Transit Department's intent to apply for grant funds from North Carolina Department of Transportation (NCDOT) to cover administrative and capital expenses for FY 2022-2023. Transportation Director Kerry Giles told the Board that this is an annual grant application process. The Community Transportation Program provides assistance to coordinate existing transportation programs operating in Rutherford County, as well as, provides transportation options and services for the communities within this service area.

The total estimated amount requested for the period July 1, 2022 through June 30, 2023 is the following:

Project	Total Amount	Local Share	Percentage
Administrative	\$289,469	\$43,420	(15%)
Capital (Vehicles & Other)		\$148,455	\$14,846 (10%)
Total Project	\$437,924	\$58,266	

No one else wished to speak.

At 6:07 P.M. Chairman King declared the public hearing to be closed.

Commissioner Benfield moved to approve the Public Transportation Program Resolution FY 2023. 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 21-023

B. [ID 21-2955](#) Public Hearing -5310 Elderly Individuals and Individuals with Disabilities Grant

Attachments: [FY23 Public Hearing Notice Senior Center](#)
[FY 2023 Program Resolution for Senior Center](#)

At 6:08 P.M. Chairman King opened the public hearing to listen to comments regarding the application by the Senior Center for 5310 Elderly Individuals and Individuals with Disabilities Grant through the Federal Transportation Administration and NCDOT.

Senior Center Director Tammy Aldridge advised that the goal of these funds is to provide transportation services that meet the special needs of elderly persons for whom transportation services are unavailable, insufficient or inappropriate. The Rutherford County Senior Center will contract with Rutherford County Transit to provide daily transportation services to the Senior Center. The total estimated amount requested for the period July 1, 2022 through June 30, 2023 is \$110,000. This request requires a 10% local match which will be requested in the Senior Center's budget request for FY 2022-2023.

No one else wished to speak.

At 6:10 P.M. Chairman King declared the public hearing to be closed.

Vice Chairman Toney moved to approve the FY 2022 Public Transportation Program Resolution. 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

Enactment No: RES 21-024

III. Public Comments

Mr. Michael Jennings from Ellenboro spoke to the Board about crime and gangs.

IV. Consent Agenda

Commissioner Lovelace moved to approve the Consent Agenda. 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 21-2950](#) Minutes of September 7, 2021 County Commissioners' Meeting

Attachments: [20210907Minutes](#)

- B. [ID 21-2960](#) Tax Refunds and Releases October 2021

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

V. Commissioners/Appointments

- A. [ID 21-2949](#) Appointment to Isothermal Community College Board of Trustees

Chairman King said a vacancy had occurred on the Isothermal Community College Board of Trustees due to a resignation.

Commissioner Hunt moved to advertise the vacancy, accept applications, and make an appointment at a future meeting. 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

VI. Commissioner Reports

- A. [ID 21-2953](#) COVID19 Update by Foothills Health District Director and Emergency Services Director

Foothills Health Director Karen Powell and Emergency Management Coordinator Frankie Hamrick spoke to the Board regarding COVID19 in Rutherford County. The Health Department concentrated on testing from the onset of the pandemic in March of 2020 until the vaccine became available. In addition to testing at the Health Department, there were at least 30 drive-through testing sites. The department also went into nursing

homes and rest homes.

When the vaccine became available, some testing was stopped because it was considered to be more important to distribute the vaccine. There were 40 to 45 drive through vaccine sites. The Health Department went into homes for those who were homebound.

Director Powell said over the most recent weekend, there were about 200 persons testing positive and 5 additional deaths. Numbers are escalating for several reasons. Citizens have let their guard down and are not doing the things that will prevent them from becoming ill or transmitting the virus. Masks, social distancing and the mitigation strategies that were in place when the pandemic started are not being followed as closely.

Hospitals and pharmacies cannot keep up with the testing that is needed, so the Health Department has resumed drive through testing. The vaccine is available at most pharmacies and hospitals so there is no barrier to the vaccine or testing. Director Powell said the vaccine does not prevent the virus but it has been shown to prevent the seriousness of the disease.

The Board discussed the monoclonal antibody COVID19 treatment and the availability in Rutherford County. Chairman King asked if FEMA could possibly provide this treatment in the County. Could the County partner with others to make it available locally? Director Powell advised that she would seek answers to these questions and advise.

VII. New Business

A. [ID 21-2958](#) Budget Amendments October, 2021

Attachments: [Budget Amendments 10-4-21](#)

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

Commissioner Hunt moved to approve the budget amendments. 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

B. [ID 21-2942](#) Lateral C&D (Construction & Demolition) Landfill Construction Bids

Attachments: [Recommendation of Award Landfill CDLF Phase 2 a](#)
[Contractor Recommendation Letter CD Landfill Expansion](#)

Mr. Scott Roach of Odom Engineering told the Board that bids were opened on September 23 for the lateral construction and demolition landfill (C&D) expansion. Five bids were received with Site Development Corporation being the low bidder at \$673,755.

Site Development Corporation	\$673,755.00
Shamrock Environmental Corporation	\$841,845.00
Kemp Sigmon Construction Company	\$966,405.00
Mountaineer Contractors, Inc.	\$1,108,800.00

Triangle Grading & Paving, Inc. \$1,196,900.00

McGill and Associates, the engineering firm engaged by Rutherford County for design, permitting, and construction administration for the C&D Landfill expansion, reviewed the bid documents and recommended the low bidder. Mr. Roach said Odom Engineering concurs with the recommendation of McGill Associates.

Commissioner Benfield moved to approve the low bid of Site Development Corporation in the amount of \$673,755.00 for the construction of a lateral expansion of the Rutherford County Central Facility C&D Landfill. He further moved to authorize the County Manager and the County Attorney to enter into a contract with Site Development Corporation. 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

C. [ID 21-2957](#) NC Arts Council Grassroots Committee Recommendations

Attachments: [2021-22 Subgrant Grassroots Committee Summary](#)

Public Works and Planning Director Danny Searcy told the Board that the NC Arts Council Grassroots Committee had met to review and make funding recommendations for Grassroots projects submitted by Rutherford County agencies. Rutherford County received \$20,163 this year from the NC Arts Council. Of this amount, \$3,453 must go toward multicultural programs. The funding recommendations by the committee were:

<i>Organization Name</i>	<i>Requested Amount</i>	<i>Average Score of the Selection Committee</i>	<i>Selection Committee's Recommended Award Amount</i>
<i>Rutherford Chamber Consort</i>	<i>\$4,500</i>	<i>4.0</i>	<i>\$5,554.33</i>
<i>Symphony of Rutherford County</i>	<i>\$6,000</i>	<i>4.6</i>	<i>\$7,054.34</i>
<i>Rutherford County Visual Artist Guild</i>	<i>\$3,000</i>	<i>4.1</i>	<i>\$4,054.33</i>
<i>Town of Forest City (DiverseCity)</i>	<i>\$3,500</i>	<i>4.4</i>	<i>\$3,500</i>
	<i>\$17,000</i>		<i>\$20,163</i>

Commissioner Lovelace moved to approve the funding recommendation by the North Carolina Arts Council Grassroots Committee. 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

D. [ID 21-2956](#) Exemption from the Qualifications Based Selection Process for Architectural, Engineering, Surveying or Alternative Construction Services as Authorized by NCGS 143-64.32

Attachments: [Proposal Odom Engineering RS MIDDLE SCHOOL 092121](#)
[NCGS 143-64.31 and 143-64.32](#)

Planning and Public Works Director Danny Searcy requested that the Board approve an exemption per NCGS 143-64.32 for the professional engineering services outlined in a proposal from Odom Engineering, PLLC for the RS Middle School 1925 Building

Redevelopment (Conceptual Phase).

The Engineer will provide site measurements, data collection and CAD Drawings of existing building(s) in addition to structural inspection, conceptual layout with 2 revisions and construction cost estimates. These professional engineering services are required to properly evaluate the integrity of the facility and determine if a future phase of construction plans is suitable.

The County Manager has recommended approval by the Board of Commissioners to exempt professional engineering and architectural services for the 1925 RS Middle facility project from the qualifications-based selection process per NCGS 143-64.32. Local Government may elect to provide this exemption on a project by project basis where estimated professional service fees are in an amount less than \$50,000.

Commissioner Lovelace moved that pursuant to NCGS 143-64.32, the Board of County Commissioners of Rutherford County exempt the Proposal for Engineering Services, RS Middle School Building Redevelopment (Conceptual Phase) dated September 21, 2021, submitted by Odom Engineering, PLLC, from Article 3D of Chapter 143 of the N.C. General Statutes, the proposal being eligible for exemption for the following reason:

- **The Proposal for Engineering Services dated September 21, 2021 from Odom Engineering, PLLC for the RS Middle School Building Redevelopment (Conceptual Phase) is an estimated professional fee in an amount less than \$50,000.**

Commissioner Lovelace further moved to direct the Clerk to the Board, County Manager and staff to prepare written documentation of this exemption in compliance with the statute. 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

E. [ID 21-2959](#) Applications for Property Tax Exemption

Attachments:

[Richard Lawson Memo Tax Exemptions](#)

[Late Application Part 2 Information](#)

[Tax Exemption Application Out of the Ashes 2_1606492](#)

[Tax Exemption Out of the Ashes Application 1604663 2](#)

[Tax Exemption RAIN Ministries Late Application 1642651](#)

[Tax Exemption Rutherford Church of Christ Late app 1205076](#)

Revenue Director Richard Lawson presented four (4) applications for property tax exemption for the 2021 tax year which were received after the deadline which is January 31st of each tax year. The applications were from:

- a) Out of the Ashes Inc – 2 applications (1604663 and 1637818) and (1606492)*
- b) R.A.I.N. Ministries (1642651)*
- c) Rutherford Church of Christ (1205076)*

Director Lawson explained that he is unable to approve the late applications pursuant to

NCGS 105-282.a1 which states that the burden to approve is designated to the Board of County Commissioners. Application deadlines are set by state statutes to protect the County budget processes from being undermined.

According to Director Lawson, the applications would have likely been approved if submitted timely. The parcels that were transferred have been used as specified. Out of Ashes Application 1606492) was a former convenience store and restaurant which has been converted to a shelter for women and children. The restaurant has been closed. The shelter only comprises a portion of the entire building.

Commissioner Lovelace moved to approve the application of Rutherford Church of Christ. 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

Commissioner Hunt moved to approve the application of R.A.I.N Ministries. 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

Commissioner Benfield moved to table the application for exemption from Out of the Ashes, Inc. (1606492). 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

Vice Chairman Toney moved to approve the application from Out of the Ashes (1606663 and 1637818). 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

F. [ID 21-2961](#) Memorandum of Agreement for VetCenter

Attachments:

[Veterans Service Officer Susan Hall Memo](#)

[MEMORANDUM OF AGREEMENT - RUTHERFORD COUNTY](#)

[Veterans Office](#)

[REVOCABLE LICENSE FOR USE OF PROPERTY - RUTHERFORD COUNTY VSO - 8-2021](#)

Veterans Service Director Susan Hall presented a Memorandum of Agreement between Rutherford County Veteran Services Office and Readjustment Counseling Service along with a Revocable License for Use of Property Granted to U.S. Department of Veterans Affairs by Readjustment Counseling Service for the Board's consideration. Director Hall said the Rutherford County Veterans Service Office has housed a VetCenter which is a division of the Veteran Health Administration in their offices as long there has been this outstation in Rutherford County. The VetCenter is a counseling center for veterans.

Rutherford County provides office space, and the VetCenter provides all of their other needed materials. Director Hall recommended that the MOA which is an agreement for the partnership to continue for the next five years be approved.

Commissioner Hunt moved to approve the agreement. 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

G. [ID 21-2962](#) Resolution Awarding Corporal David Cook's Service Side Arm

Attachments: [Letter from Sheriff Francis](#)
[Resolution for Corporal David Cook](#)

Chief Deputy Warren Sprouse requested that the Board approve a resolution in accordance with G.S. 20-187.2 awarding Corporal David Cook's service side arm to him for the sum of \$1.00. Corporal Cook who has six (6) years and seven (7) months of credible service since March 15, 2015 with the Rutherford County Sheriff's Department will retire on November 1, 2021. He also retired after twenty (20) years of service from the U.S. Air Force. Corporal Cook who has served the Rutherford County Sheriff's Department with honor and integrity will be retiring from the (SRO) School Resource Officer Division.

Commissioner Benfield 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 Hunt

Nay: 0

Enactment No: RES 21-025

H. [ID 21-2941](#) Meeting Dates for Rutherford County Board of Commissioners for 2022

Attachments: [Meeting Schedule 2022](#)

A resolution establishing meeting dates for regular County Commissioners' meetings in 2022 was provided for the Board's consideration.

Vice Chairman Toney 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 21-026

VIII. Closed Session

A. [ID 21-2951](#) Closed Session - ATTORNEY CLIENT NCGS 143-318.11(a)(3)

Vice Chairman Toney moved to go into Closed Session for a discussion with the

County Attorney. The County Manager and the Clerk to the Board would be included in the 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

7:21 P.M. - The Board went into Closed Session.

7:55 P.M. - The Board returned to Regular Session

IX. Information

A. [ID 21-2943](#) Tax Collector's Report

Attachments: [Tax Collector Report October 2021](#)

X. Adjournment

At 7:55 P.M. Commissioner Benfield made a motion to adjourn. 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