



Rutherford County

Meeting Minutes - Draft - Outline Board of Commissioners

Monday, August 1, 2022

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

I. Call to Order

Chairman King called the August 1, 2022 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

Board of Education Member Angel King led in the Pledge of Allegiance.

B. Agenda Approval

Commissioner Hunt 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 Hunt

Nay: 0

II. Public Comments

There were no public comments.

III. 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 22-3205](#) Minutes of July 5, 2022 County Commissioners' Meeting

Attachments: [20220705 Minutes.doc](#)

- B. [ID 22-3214](#) Tax Refunds and Releases July 2022

Attachments: [Tax Refunds Releases July 2022.pdf](#)

IV. Commissioners/Appointments

A. [ID 22-3206](#) Appointment of Chairperson of the Rutherford County Tourism Development Authority

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

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 chair 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 of Commissioners as Chairperson of the TDA for the upcoming year.

Commissioner Hunt moved to appoint Mr. Dave Long to serve as Chairperson of the Tourism Development Authority. 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 22-3204](#) Appointment to Workforce Development Board

Chamber of Commerce Director Cindy Cobb had indicated her willingness to serve on the Workforce Development Board representing Small Business. She would be replacing former Chamber of Commerce Director Clark Poole.

Commissioner Lovelace made a motion to appoint Ms. Cindy Cobb to the Workforce Development Board representing Small Business to a term 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

V. New Business

A. [ID 22-3216](#) Budget Amendments - August 2022

Attachments: [Budget Amendments 8-1-22.xls](#)
[Isothermal Community College Email Request.pdf](#)
[ICC Beautification Bid Tab_certified.pdf](#)
[ICC Dental Assist Bid Tab_certified.pdf](#)

County Manager Steve Garrison presented budget amendments for the Board's consideration.

Commissioner Lovelace moved to approve budget amendments. 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 22-3220](#) Agreement for Purchase of Real Property Contingent on Due Diligence

Manager Garrison presented an Agreement for Purchase and Sale of Real Property owned by the Rutherford County Fire/Rescue Association located at 545 Laurel Hill Drive in Rutherfordton. The negotiated purchase price would be \$47,000 for five (5) acres. He explained that the property would be used for the possible relocation of the Animal Control Department. An old fire tower on the property would be demolished. A metal building which is also on the property is in good condition and could be reused.

Commissioner Benfield moved to approve the Agreement for Purchase and Sale of Real Property located at 545 Laurel Hill Drive in Rutherfordton. 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 22-3215](#) Updated Pricing for Tire Recycling

Attachments: [Tire Price Increase 7-18-22.doc](#)

Solid Waste Director told the Board that the new Recycling and Disposal Contract for tire recycling includes increased prices from U.S. Tire Recycling. He requested that the Solid Waste Department be authorized to adjust pricing to cover this increase. Recommended pricing was:

	Current Price	Proposed Price
Lawnmower/golf cart tires	\$.50 each	\$ 1.00 each
Car/Motorcycle Tires	\$ 1.00	\$ 3.00
Truck Tires	\$ 5.00	\$10.00
Tractor Tires	\$10.00	\$20.00
Skidder Tires	\$30.00	\$40.00

Commissioner Hunt moved to approve the recommended pricing for the recycling of used tires at the landfill. 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

D. [ID 22-3217](#) Scrap Tire Recycling and Disposal Contract

Attachments: [Recycling and Disposal Contract.doc](#)

Solid Waste Director James Kilgo presented a renewed contract between Rutherford County and U.S. Tire Recycling for the recycling and disposal of tires and other scrap rubber. The current contract will expire at the end of September, 2022.

Commissioner Benfield moved to approve the renewal of the contract with U.S.

Tire Recycling negotiated by the County Manager and the County Attorney 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 Hunt

Nay: 0

E. [ID 22-3203](#) 2023-2024 North Carolina Association of County Commissioners Legislative Goals

Attachments: [Legislative Goals Rutherford County Recommendations for 2022-2023 FINAL.pdf](#)
[Chairman Letter for 2022-2023 NCACC Legislative Goals Submittal.pdf](#)

County Manager Garrison said the North Carolina Association of County Commissioners (NCACC) solicits goals from each for the 100 counties to give all counties a voice in developing the Association's legislative agenda. Commissioners from all across the state review, debate and ultimately approve a goals package. Goals had been solicited from community stake holders in Rutherford County. He presented possible goals that could be submitted by Rutherford County for the Board's consideration. The recommendations from Rutherford County included eight (8) Public Education goals, eight (8) Tax & Finance goals, four (4) Justice & Public Safety goals, four (4) General Government goals, five (5) Health & Human Services goals, two (2) Agriculture goals and two (2) Environment goals for a total of thirty-three (33) goals. Several of the goals are carry-overs from prior NCACC legislative goals that have not been addressed or prioritized.

The goals may be submitted with a letter from the Chairman on behalf of the full Board.

Commissioner Hunt moved to authorize the Chairman to submit a letter on behalf of the Board requesting that Rutherford County's goals be considered for addition to the NCACC's legislative goals package. 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

**2022-2023 NCACC Commissioner Legislative Goals —
Rutherford County**

Public Education:

· **PUBLIC EDUCATION** – Restore the full funding for school construction needs either on an equitable basis and/or with a preference to the most impoverished counties. The addition of one of the other proposed funding formulas for school capital, would certainly accelerate much needed replacement and renovation of school buildings in our low wealth, Tier I county.

· **PUBLIC EDUCATION** - Remove \$100M cap from Lottery Proceeds that are allocated to school capital. When the Lottery started in 2006, 40% of proceeds were to be allocated to the Public School Building Capital Fund. With the cap in place this

contribution percentage has continued to decrease. With funding ending in 2013 with the elimination of corporate income tax allocations, many counties were at a disadvantage as those funds were already committed to debt service. Fortunately, there have been some new programs such as the Needs-Based Public School Fund grant, but this does not help all counties equitably as the funds within the \$100M cap would do (allocated based upon ADM of LEAs).

- **PUBLIC EDUCATION** – The legislative budget appropriations over the last couple of budget cycles have provided some relief to community colleges, but the funding continues to be inadequate to address the post-recession capital facility needs of the community colleges. With the ConnectNC bonds, over \$600 million went to the universities, which are in sixteen counties (predominantly urban areas), and \$350 million went to the 58 community colleges and satellite campuses (predominantly rural areas). The glaring difference being that rural counties are carrying the primary financial burden and debt service for the significant repair and renovation costs as the community colleges age. An infusion of money into rural counties to help with construction and repair and renovation of community college buildings would relieve the tax burden on the more challenged counties and help to rebuild the economy in those counties. It goes without saying that it would also enhance the educational environment of the colleges, which are very important to North Carolina and its future. One of our goals should be to seek legislation to address statewide community college capital challenges—including but not limited to maintenance, renovation, construction and debt—through a dedicated, stable funding stream that is consistent from county to county and sufficient to meet the facility needs of the community colleges.

- **PUBLIC EDUCATION** – Support legislation to fully fund state-mandated education programs from state revenue sources including Exceptional Children's Services. Legislators have been hesitant to make funding formula changes due to discussion regarding changes in the method of funding public education in NC. Although full funding for all programs is important, the actual decreases in the per pupil funding levels for Exceptional Children (EC) is most impactful as the costs and requirements for these students continue to increase and flat or decreased funding is not sustainable due to the annual Maintenance of Effort (MOE) requirements imposed by the federal government for provision of EC services as detailed in their IEP plans. Well over half, 61%, of the State's school districts are subjected to the arbitrary EC funding cap (13%). Legislators could help relieve this deficit, simply by increasing the annual per pupil funding amount, if they are not yet prepared to lift the cap or make other major formula changes.

- **PUBLIC EDUCATION** – Support legislation providing for funding to help school systems implement school security measures via technology and staff resources, primarily School Resource Officers (SROs). Current funding for the school systems receive to cover a portion of the cost of the SROs is not keeping pace with the annual salary and benefit adjustments, which places additional burden on the County taxpayers to cover these additional expenditures.

- **PUBLIC EDUCATION** — Support full funding for public education as detailed in the recent WestEd recommendations to resolve the Leandro court case. Support of the Leandro funding is still a valid and important goal and does include a provision for an increase in Exceptional Children program funding.

- **PUBLIC EDUCATION** - Increase the recurring student FTE value for community colleges to that equivalent to UNC courses that earn the same academic credit for students. This increase will bring North Carolina community colleges to the average percentage state funding per FTE student of our four surrounding states (Georgia, South Carolina, Tennessee, Virginia). Students in NC community colleges are currently funded at only 54% of UNC system freshman and sophomore students in comparable classes, despite smaller average class sizes and faculty credentials that meet or exceed those in the UNC System. An increase in the value of FTE would allow community colleges to

enhance and expand their programs, delivery systems, and student support systems to better address the needs of rural NC. It would also allow community colleges to build much needed capacity to grow and adapt, innovating to improve student success and completion.

- **PUBLIC EDUCATION** - Encourage lawmakers to build on the 5% employee salary increases from the 2021-23 budget. An additional recurring 8%, over the next three years brings our faculty salaries to the projected average (\$56,693) of the four states neighboring North Carolina (Georgia, South Carolina, Tennessee, Virginia). These recurring increases would be applied to all employee salaries. Providing the necessary education and services requires talent and human capital, which are proving to be the scarcest resources for our colleges as well, especially so in the rural colleges. Colleges are struggling to attract and retain the talent needed to satisfy this demand from students and employers. We are competing for talent against not only other educational entities, but also those same businesses we strive to serve. This competition crosses our borders, as we are often losing talent to neighboring states.

Tax & Finance:

- **TAX & FINANCE** — Restore funding to the State Aid to Public Libraries Fund to the pre-2011 level of \$15.7 million.

- **TAX & FINANCE** — Expand incentives and funding for local economic development projects including Site Development Revolving Assistance fund.

- **TAX & FINANCE** — Reduce pressure on property taxpayers by expanding locally-controlled options for revenue generation. Property taxes remain the primary revenue stream over which local governments exercise control. Local governments have limited ability or authority to raise significant revenue in other ways. A lack of diverse, local tax options can affect economic growth, as well as cause large swings in revenue based on economic changes. Local governments should have more local authority for calling for referendums for local options sales taxes, prepared food, and beverage taxes, or even real estate transfer tax.

- **TAX & FINANCE** - Increase public safety grant funding and expand allowable uses. More effective and equitable policing can be achieved by additional funding for community policing programs, as well as putting more dollars toward alternative programs that seek to address mental health calls and other issues through non-uniformed personnel. The funding could come as public safety without the tag of reducing police forces and increasing programs. Funding for communication equipment and staffing is not as readily available as it has in prior years.

- **TAX & FINANCE** - Ensure state funding for any new, state-mandated benefits for local government employees.

- **TAX & FINANCE** – Water and sewer system infrastructures across NC are aging/antiquated and are becoming increasingly insufficient to handle the growing demands placed on these systems, which are locally controlled by local government bodies. Provide funding to keep aging water and sewer systems financially solvent today and viable for the future. Also, create a permanent and adequate funding stream for local infrastructure needs and extend repayment terms of State Revolving Fund Loans to 40 years, or the life of the asset – as the USDA loan programs often do.

- **TAX & FINANCE** – Provide local governments with the legal tools and funding to revitalize vacant and abandoned properties.

- **TAX & FINANCE** – Municipal governments are not able to keep pace with the demands placed on them to repair and resurface their secondary streets. Increased Powell Bill and other funding sources are needed.

Justice and Public Safety:

- **JUSTICE & PUBLIC SAFETY** – In 2009 during the second year of the great recession, budget writers recommended to the legislature, which they approved, that the

State shift to the counties the responsibility of covering the cost of housing and providing utilities for their State justice employees who are employed to manage and operate State Probation & Parole, Juvenile Services and Public Defenders Offices in county governments owned or leased spaces. We do not provide housing for other State departments/employees assigned to or county (e.g., NCDOT, Highway Patrol, DMV, ESC, etc.) and the State previously leased spaces from the County for their employees. Counties are currently carrying the burden of housing Probation & Parole, Juvenile Services and the Public Defenders Offices, which creates an additional burden when providing office space and parking is critical to county operations. Now that the State has experienced multiple budget cycles of revenues above projections, it is time to shift this burden back to the state and off the backs of the counties.

- JUSTICE & PUBLIC SAFETY – Support legislation to categorize public safety telecommunicators as First Responders in the protective service occupation under the Standard Occupational Classification System instead of in the Administrative Support classification. Public safety telecommunicators play a critical role in emergency response and the work performed by telecommunicators goes far beyond merely relaying information between the public and first responders. Information obtained and actions taken by telecommunicators form the foundation of an effective response. As an example, when a hostage taker or suicidal person calls 911, the first contact is with the telecommunicator whose negotiation skills can prevent the situations from worsening. Telecommunicators coach callers through first aid, give advice to prevent further harm, and they often communicate with people in great distress, harm, fear, or injury while employing their experience and training to recognize a critical piece of information. The work of public safety telecommunicators comes with an extreme emotional and physical impact that is compounded by long hours and the around-the-clock nature of the job.

- JUSTICE & PUBLIC SAFETY – Amend legislation to permit border counties to enter into mutual aid agreements with border counties in other states. NCGS 160A-288 is the current legislation regarding this topic.

- JUSTICE & PUBLIC SAFETY – Support legislation that provides Counties with greater flexibility in our use of 911 funds and protects our current funding streams.

General Government:

- GENERAL GOVERNMENT – Allow Counties the discretion to create public-private partnerships to manage TDA functions. This would afford counties the opportunity to encourage public-private partnerships when in the best interest of the citizens.

- GENERAL GOVERNMENT – Advocate to the legislators to change the current State Transportation Improvement Program NCDOT SPOT 4.0 scoring methodology that we feel currently excludes rural communities (RPOs) from competing for state funding for our local interstate, highway and secondary road projects to ensure our economic prosperity. Based on the current scoring methodology, rural communities will NEVER have the population base, excessive congestion or traffic counts to compete with the MPOs. A continuation of this scoring methodology will negatively and exponentially impact our ability to create some level of our own economic sustainability, which will increase outward migration of our population to the larger, better served urban centers. NCACC's advocacy for Legislative consideration is requested to stave off this widening urban vs. rural gap.

- GENERAL GOVERNMENT – Advocate for legislation to reinstate funding levels for electronics, tires and white goods recycling, which current legislation requires counties to separate these items and make available for recycling purposes. This is especially critical as the recycling market as severely eroded in NC and counties are especially hit with this financial burden.

- GENERAL GOVERNMENT – Allow local governments greater flexibility for publishing Public Notices including delinquent taxes via electronic formats (e.g., website, social media platforms, etc.). Printed news mediums continue to see huge declines in their

subscriptions and are attempting to make up for lost revenue by charging local governments outrageous fees for publishing required public notices.

Health & Human Services:

- *HEALTH & HUMAN SERVICES – Revisit advocating for the reintroduction of legislation regarding adequately funding Public Health services.*
- *HEALTH & HUMAN SERVICES – Advocate for legislation for Medicaid reimbursement to EMS for mental health and substance abuse transport to crisis centers. This would assist county efforts to lower the number of patients at the ER and help open the door to allow us to be reimbursed for transports to other places than just hospitals.*
- *HEALTH & HUMAN SERVICES – Revisit 2017-2018 Legislative Goal HHS-3 and expand this to include Guardianship. The APS and Guardianship funds that we receive from the state are used very quickly and then we have to revert to county funds. During FY2017-2018, Rutherford County DSS expended approximately \$70,000 in county funds. For APS statewide, funding was 3% state, 79% county and 18% federal.*
- *HEALTH & HUMAN SERVICES – Support legislation that will increase the recurring state funding for Home and Community Care Block Grant (HCCBG) programming. HCCBG funds non-Medicaid funded services like In-Home Aide, Meals on Wheels, Adult Daycare, etc. These are services that help maintain adults in their own homes, which is much less expensive than placement in a facility.*
- *HEALTH & HUMAN SERVICES – Support a revision to the provision in G.S. 108A-74 requiring counties to enter in annual written agreements for all social services program other than medical assistance and further support that this legislation be retracted. County DSS agencies exist as an arm/extension of the State government and are mandated to provide DSS services. Requiring counties to sign a written agreement for services we are mandated to provide is unreasonable.*

Agriculture Goals:

- *AGRICULTURE — Support state funding and staffing for equine-agricultural research, NC State Extension Services and other equine-agriculture related efforts to support one of the potentially largest agriculture based economic drivers impacting counties within a 75-mile radius of the Tryon International Equestrian Center located in Polk County.*
- *AGRICULTURE — Support legislation allowing counties to partner with neighboring counties to establish multijurisdictional regional Agricultural Business Districts that allow for favorable taxation and incentives to attract agricultural businesses to the region.*

Environment Goals:

- *ENVIRONMENT – Support state funding to research and combat invasive plant species that are overrunning many counties such as kudzu, ground ivy, Japanese Wisteria, Princess Tree, etc.*
- *ENVIRONMENT – Support legislation to increase funding for the Clean Water Management Trust Fund for water and sewer infrastructure projects.*

F. [ID 22-3218](#) Request for Additional School Resource Officers (SRO)

Attachments: [SRO Billing Process.doc](#)

Sheriff Chris Francis and Rutherford County Board of Education Chairman Phillip Morrow presented a request to add seven (7) new SROs to the County's total Full Time Employees. Funds to cover the employees and to purchase additional vehicles and officer equipment will come from Rutherford County School's local appropriation budgeted in FY 2022-2023, possibly from State SRO Funds, and from the Sheriff's Department's

drug seizure and/or other Sheriff's Department eligible and uncommitted revenue lines. County Manager Steve Garrison said the unknowns at the moment are what will be the ongoing/recurring expenses going forward (e.g., fuel, equipment replacement, future vehicle replacement, impact to risk management/liability policy, etc.). The number of new SROs could increase to eight (8) as Thomas Jefferson Classical Academy may request an additional officer.

Chairman Morrow said Board of Education members were interested in putting fulltime SROs in each school after a recent tragedy at a school in Texas. Presently there are four (4) SROs for the ten (10) elementary schools. There are grants available that will pay for a portion of the salaries of each officer; however, there is no timeline on how long the grants will continue though it is anticipated that the grant program will continue next year.

Chairman King advised that although the Board of Education will fund salaries for the additional SROs, the County must approve the number of officers for the Sheriff's Department.

A motion was made by Commissioner Lovelace and seconded by Commissioner Benfield to approve increasing up to eight (8) fulltime employees in the Sheriff's Department as long as the parameters for the funding continue as explained by the Sheriff and Chairman Morrow. The vote on the motion was:

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

Nay: 0

Stating the constraints of the budget, Commissioner Hunt asked that the eighth position not be added if it is determined that it is not needed. The Sheriff advised that he will not be utilizing the position unless it is funded by the local school system.

Point of Order

County Attorney Richard Williams called for a Point of Order explaining that there is a second reason for which a Closed Session is needed which is land acquisition under NCGS 143-318.11(a)(5).

Commissioner Lovelace moved to add discussion regarding land acquisition under NCGS 143-318.11(a)(5) to the Closed Session 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

VI. Closed Session

- A. ID 22-3224** Closed Session - ATTORNEY CLIENT NCGS 143-318.11(a)(3) LAND ACQUISITION NCGS 143.318.11(a)(5)

Vice Chairman Toney moved to go into Closed Session for discussion with the County Attorney (NCGS 143.318.11(a)(3)) and to discuss land acquisition (NCGS 143.318.11(a)(5)). The County Manager and the Clerk to the Board would be included in the session. Project Manager Aubrey Clay would also be included in a portion of the discussion. 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

6:41 P.M. - The Board went into Closed Session.

7:05 P.M. - The Board returned to Regular Session.

VII. Information

A. [ID 22-3201](#) Tax Collector's Report

Attachments: [Net Collections Report 06.30.22](#)

VIII. Adjournment

At 7:06 P.M. Commissioner Lovelace 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