



**Rutherford County Office Building
289 N. Main Street
Rutherfordton, NC 28139**

**Rutherford County
Board of Commissioners
Minutes of July 5, 2022**

**Tuesday, July 5, 2022
6:00 PM**

I. Call to Order

Chairman King called the July 5, 2022, meeting of the Rutherford County Board of Commissioners to order.

Present: Chairman Bryan King, Vice Chairman Alan Toney, Commissioner Michael Benfield, Commissioner David Hunt, and Commissioner Greg Lovelace.

A. Pledge of Allegiance

Commissioner Hunt led in the Pledge of Allegiance.

B. Agenda Approval

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

Ayes: Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

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:

Ayes: Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

Consent Agenda items approved were:

- | | |
|-----------------------|---|
| A. ID 22-3188 | Minutes of Commissioners' Meeting of June 6, 2022 |
| B. ID 22- 3189 | Minutes of Special County Commissioners' Meeting on June 9, 2022 |
| C. ID 22- 3196 | Tax Refunds and Releases June 2022 |
| | Refund amount totaling \$5,251.90 |
| | Releases greater than \$100 totaling \$300.57 |
| | Releases less than \$100 totaling \$858.70 |
| | (A copy of these tax refunds and releases is typed in the Minute Book.) |

IV. Commissioners/Appointments

A. ID 22- 3195 Voting Delegate to NCACC Annual Conference and NCACC Legislative Goals Conference

A request had been received from the North Carolina Association of County Commissioners asking that voting delegates be appointed for the NCACC Annual Conference to be held in August in Cabarrus County and for the NCACC Legislative Goals Conference to be held in November in Wake County. It was also requested that alternates be appointed for each conference.

Vice Chairman Toney moved to appoint Commissioner Benfield as the Voting Delegate from Rutherford County for the NCACC Annual Conference in August. Commissioner Lovelace seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

Commissioner Benfield moved to appoint Vice Chairman Toney as the Alternate Voting Delegate for the NCACC Annual Conference. Commissioner Hunt seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

Commissioner Benfield moved to appoint Vice Chairman Toney as the Voting Delegate from Rutherford County for the NCACC Legislative Goals Conference in November. Commissioner Lovelace seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

Vice Chairman Toney moved to appoint Commissioner Benfield as the Alternate Voting Delegate for the NCACC Legislative Goals Conference. Commissioner Lovelace seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

B. ID 22- 3197 Appointment to Historic Preservation Commission

Mr. Nick Bell applied to serve on the Historic Preservation Commission. Currently, there are several vacancies on this commission. The vacancies had been advertised and applications had been accepted.

Commissioner Lovelace moved to appoint Mr. Nick Bell to the Historic Preservation Commission to a term ending June 30, 2025. Commissioner Hunt seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

C. ID 22- 3187 Appointment to Isothermal Community College Board of Trustees

Chairman King said a term of office on the Isothermal Community College Board of Trustees expired on June 30, 2022. The vacancy had been advertised, and applications had been accepted. The Board discussed the appointment at the June meeting but voted to defer consideration until a future meeting.

Commissioner Hunt made a motion to revive consideration on the appointment to the Isothermal Community College Board of Trustees. Vice Chairman Toney seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

Commissioner Hunt moved to appoint Mr. Grady Franklin to the Isothermal Community College Board of Trustees to a term expiring June 30, 2026. Vice Chairman Toney seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

V. New Business

A. ID 22- 3198 Budget Amendments – July 2022

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

Commissioner Hunt made a motion to approve the budget amendments. Commissioner Benfield seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

Budget Amendments		
July 5, 2022		
FY2021-2022 Budget Amendments		
GENERAL FUND		
Medical Examiners	\$ 20,000	
Fund Balance Appropriated		\$ 20,000
*estimated costs for autopsies through year end		
Detention - Inmate Medical	\$ 80,000	
Fund Balance Appropriated		\$ 80,000
*estimated costs for inmate medical through year end		
Animal Control - Professional Services	\$ 25,000	
Animal Control - Donations		\$ 10,000
Fund Balance Appropriated		\$ 15,000
*estimated costs through year end		
GRANT FUND		
NC Commerce - Building Reuse Grant Expenditures	\$ 52,500	
NC Commerce - Building Reuse Grant		\$ 50,000
Contr from General Fund - Economic Development		\$ 2,500
*grant received for CrossAire - awarded June 2022		
NATIONAL OPIOID SETTLEMENT FUND		

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Opioid Settlement Eligible Expenses	\$ 738,324	
National Opioid Settlement Distribution		\$ 738,324
*Spring 2022 distribution \$229,847; Summer 2022 distribution \$508,477; distributions going forward will be summer only; unused funds will be carried forward each year for eligible program expenses		
FY2022-2023 Budget Amendments		
GRANT FUND		
RHP Urgent Repairs Program Expenditures	\$ 132,000	
NC Housing Finance - URP22 Grant		\$ 132,000
*grant received for housing repairs with Rutherford Housing Partnership		
ARPA/COVID19 GRANT FUND		
ARPA Grassroots Grant Expenditures	\$ 30,163	
ARPA Grassroots Grant NC Arts		\$ 30,163
*Additional grant received from the State for cultural grassroot activities		

B. ID 22- 3191 Reimbursement Resolution for Vehicles and Equipment

Finance Director Paula Roach said based on the Board's decision as part of the FY 2022-2023 Budget to move forward with the purchase of certain equipment and vehicles within Solid Waste, an amended resolution, *Declaration of Official Intent to Reimburse*, was provided for the Board's consideration.

Director Roach elaborated that during the past year, supply chain issues, backorders and cancellations have prevented the County moving forward with most of the FY 2021-2022 plan other than order placement. Staff recommends amending the prior year reimbursement resolution and proceeding with one financing mid- or late- FY2023 to incorporate both plans. The FYE2022 plan was for General Fund Vehicles/Equipment and the FYE2023 plan included Solid Waste Vehicles/Equipment only.

Commissioner Lovelace moved to approve the reimbursement resolution. Vice Chairman Toney seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

RESOLUTION

RUTHERFORD COUNTY, NORTH CAROLINA

DECLARATION OF OFFICIAL INTENT TO REIMBURSE

This declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of Rutherford County, North Carolina (the "Issuer") with respect to the matters contained herein.

1. **Expenditures to be Incurred.** The Issuer anticipates incurring expenditures (the "Expenditures") for the purchase of vehicles and equipment (the "Project").
2. **Plan of Finance.** The Issuer intends to finance the costs of the Project with the proceeds of debt to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.
3. **Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is ~~\$601,500~~ \$1,138,500.
4. **Declaration of Official Intent to Reimburse.** The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Adopted this 6th day of July, 2021.
Amended this 5th day of July, 2022.

RES 22-007

C. ID 22- 3200 Credit Card Processing Agreement for Building Inspections

Finance Director Roach also told the Board that Tyler Technology, Building Inspections, and Information Technology have been working for the past two years to move to a more customer friendly and mobile platform for inspectors and builders. The tentative go live date is August 1st. Therefore, the final documents needed to complete the setup were presented for Commissioner consideration. As a multi-year agreement, staff must have Board approval before proceeding. The three-year agreement allows the County to take advantage of more competitive pricing and lock in pricing for consistency in upcoming years.

Commissioner Benfield moved to authorize County Manager and staff to execute the Tyler Technologies quote and Credit Card Purchasing Agreement and the JP Morgan Chase Bank Merchant Member Bank Agreement, all of which are necessary to complete the credit card processing conversion for the Building Inspections Tyler Technologies Software Upgrade. Commissioner Hunt seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.
Noes: None

D. ID 22- 3186 Charge to Collect and Annual Tax Collections' Settlement Report

The Annual Tax Collections' Settlement Report for FY 2021-2022 was presented by Revenue Director Richard Lawson. The report showed total tax collections for fiscal year 2021-2022 in the amount of \$43,546,885.44 with a final collection rate of 98.61%. which is 2.9% higher than the previous year.

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

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

Ayes: Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

State of North Carolina
Rutherford County

ORDER OF THE BOARD OF COUNTY COMMISSIONERS
IN ACCORDANCE WITH G.S.105-321

TO: RICHARD LAWSON, REVENUE DIRECTOR

You are hereby authorized, empowered, and commanded to collect the taxes remaining unpaid as set forth in in the 2012 through 2022 tax records filed in the office of the Tax Collector, and in the tax receipts herewith delivered in you in the amounts and from the taxpayers likewise therein set forth. You are further authorized, empowered, and commanded to collect the 2012 through 2022 taxes charged and assessed as provided by law for the adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law. Such taxes are hereby declared to be a first lien on all real property of the respective taxpayers in Rutherford County. This order shall be a full and sufficient authority to direct, require and enable you to levy on and sell, any real or personal property, and attach wages and /or other funds, of such taxpayers, for and on account thereof, in accordance with law.

You are further authorized to call upon the Sheriff to levy upon and sell personal property under execution for the payment of taxes.

Within available funds in the budget ordinance and personnel positions established, the Tax Collector may appoint employees and they have authority to perform those functions authorized by the Machinery Act of Chapter 105 of North Carolina General Statutes and other applicable laws for current and previous years' taxes.

VI. Adjournment

At 6:21 P.M. Vice Chairman Toney made a motion to adjourn. Commissioner Lovelace seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Toney, Commissioner Benfield, Commissioner Hunt and Commissioner Lovelace.

Noes: None

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

ATTEST:

Clerk, Board of Commissioners