



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

**Rutherford County
Board of Commissioners
Minutes of December 2, 2024**

**Monday, December 2, 2024
6:00 PM**

I. Call to Order

Chairman King called the December 2, 2024 meeting of the Rutherford County Board of Commissioners to order.

Present: Chairman Bryan King, Vice Chairman Alan Toney, Commissioner Michael Benfield, and Commissioner Hunter Haynes.

Absent: Commissioner Greg Lovelace.

A. Pledge of Allegiance.

Commissioner Hunter Haynes led in the Pledge of Allegiance.

B. Agenda Approval

Chairman King asked that the Board consider adding an item under ID-24-3986 regarding an additional grant in the amount of \$50,000 from Duke Energy to Rutherford Bound Disaster Recovery Fund for Lake Lure and Chimney Rock.

Commissioner Benfield moved to approve the agenda with the additional item. Commissioner Haynes seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Toney, Commissioner Benfield, and Commissioner Haynes.

Noes: None.

Absent: Commissioner Lovelace.

II. Public Comments

Mr. Pat Chamberlain, founder and executive director of Out of the Ashes told the Board that this organization provides support for over 300 individuals each year. It operates without any county, state, or federal funding, and the need continues to grow. He asked that the Board consider what the community would do if this resource was not available. The organization creates lasting changes in those they serve.

Mr. Michael Dalton saluted all veterans, law enforcement, and those who worked hard during the Hurricane Helene disaster. He reminded the Board that he had been addressing County issues which mainly involved opposition to zoning and imminent domain since 2002. The past three boards had not required his input on these issues, but he is prepared in case they should arise again.

Another issue troubling Mr. Dalton was a group in Rutherford County that has a closed Facebook page and had made accusations at a recent County Commissioner meeting. If they have evidence to support the accusations, Mr. Dalton said these should be presented to law enforcement.

III. Consent Agenda

Commissioner Benfield moved to approve the Consent Agenda. Vice Chairman Toney seconded the motion. The vote on the motion was:

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

Consent Agenda Items approved were:

- A. ID-24-3972 Minutes of November 4, 2024 County Commissioners' Meeting**
- B. ID-24-3985 Tax Refunds and Releases**
 - Refund amount totaling \$2,087.31
 - Releases greater than \$100 totaling \$3,322.47
 - Releases less than \$100 totaling \$758.33
 - (A copy of these tax refunds and releases is typed in the Minute Book.)

IV. Commissioners/Appointments

A. ID-24 -3982 Appointments of Commissioners to Boards and Commissions

Commissioner Benfield moved to defer consideration on this item. Vice Chairman Toney seconded the motion. The vote on the motion was:

- Ayes:** Commissioner King, Commissioner Toney, Commissioner Benfield, and Commissioner Haynes.
- Noes:** None.
- Absent:** Commissioner Lovelace.

B. ID-24-3973 Appointments to Rutherford County Boards and Commissions

Vice Chairman Toney made a motion to re-appoint or appoint the following to the fire department boards of trustees for firemen’s relief fund. Commissioner Haynes seconded the motion. The vote on the motion was:

- Ayes:** Commissioner King, Commissioner Toney, Commissioner Benfield, and Commissioner Haynes.
- Noes:** None.
- Absent:** Commissioner Lovelace.

Name	Board name
Mr. Louis Welge	Bill's Creek Fire Department Board of Trustees for Firefighters' Relief Fund
Mr. Steven McDaniel	Cherry Mountain Fire Department Board of Trustees for Fireman's Relief Fund
Mr. Peter O'Leary	Chimney Rock Fire Department Board of Trustees for Fireman's Relief Fund
Mr. Max Hamrick	Cliffside Fire Department Board of Trustees for Fireman's Relief Fund
Mr. Charles Horn	Ellenboro Fire Department Board of Trustees for Fireman's Relief Fund
Mr. Gary Wilson	Fairfield Mountain Fire Department Board of Trustees for Fireman's Relief Fund
Mr. Kenny Craig	Green Hill Fire Department Board of Trustees for Fireman's Relief Fund
Mr. Billy Samuel	Hudlow Fire Department Board of Trustees for Fireman's Relief Fund
Mr. Scott Morrow	S.D.O. Fire Department Board of Trustees for Fireman's Relief Fund
Mr. Brian Oursler	S.D.O. Fire Department Board of Trustees for Fireman's Relief Fund
Mr. Bryan Melton	Sandy Mush Fire Department Board of Trustees for Fireman's Relief Fund
Mr. Mark Sylvester	Shingle Hollow Fire Department Board of Trustees for Fireman's Relief Fund
Ms. Angie Pritchard	Shingle Hollow Fire Department Board of Trustees for Fireman's Relief Fund
Ms. Patsy Arrowood	Union Mills Fire Department Board of Trustees for Fireman's Relief Fund

Vice Chairman Toney moved to reappoint Mr. Joseph Deyak and Mr. Michael Benfield and to appoint Mr. Michael Dalton to the Rutherford County Board of Equalization and Review to terms of office that would expire December 31, 2026. He further moved to appoint Mr. Bill Eckler to an unexpired term on the Board of E&R ending December 31, 2025. Commissioner Benfield seconded the motion. The vote on the motion was:

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

Commissioner Benfield moved to appoint Mr. John Teddar, Mr. Ronald Hawkins, and Mr. Johnny Bradley to the Farmland Preservation Advisory Board to terms ending December 31, 2026. Commissioner Haynes seconded the motion. The vote on the motion was:

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

Commissioner Benfield moved to reappoint Mr. Bob Owens and Mr. Michael Hargett to the Watershed Review Board to terms ending December 31, 2025. Vice Chairman Toney seconded the motion. The vote on the motion was:

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

C. ID-24-3987 Vacancy on Social Services Board

A vacancy had occurred on the Social Services Board.

Commissioner Haynes moved to advertise the vacancy, accept applications, and make an appointment at a future meeting. Vice Chairman Toney seconded the motion. The vote on the motion was:

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

V. Commissioner Reports

A. ID-24-3986 Rutherford County Awarded \$25,000 Grant from Duke Energy for Swift Water Rescue Equipment

Mr. Craig Debrew, Duke Energy's Local Government and Community Relations Manager, announced that the Duke Energy Foundation had awarded a \$25,000 grant to Rutherford County for swift water rescue equipment. The grant is part of a \$2.2 million commitment from Duke Energy and its Foundation to support disaster readiness, relief and recovery across North Carolina, including support for mountain region communities impacted by Hurricane Helene.

Mr. DeBrew also advised that Duke Energy is making a \$50,000 contribution to the Rutherford Bound Disaster Recovery Fund for Lake Lure and Chimney Rock. Tourism Development Authority Director Don Cason accepted the award on behalf of the County.

VI. Old Business

A. ID-24-3989 GOVDEAL Auction for Rutherford County Property – 0 Cedar Street

Planning and Public Works Director Danny Searcy presented a resolution for the Board's consideration that would authorize the electronic auction of Parcel Number 1204078, 0 Cedar Street, Rutherfordton, NC, as described more fully in Plat recorded in Plat Book 7, Page 24, ("the Plat"), Rutherford County Registry. It is the same and identical property conveyed to Rutherford County by Commissioners' Deed recorded in Deed Book 2076, Page 903-904 Rutherford County Registry.

Commissioner Benfield moved to approve the resolution authorizing a new electronic auction of Parcel Number 1204078, 0 Cedar Street, Rutherfordton, NC. Vice Chairman Toney seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Toney, Commissioner Benfield, , and Commissioner Haynes.

Noes: None.

Absent: Commissioner Lovelace.

**Resolution Approving Certain Tract of Real Property
Be Sold by Electronic Auction**

WHEREAS, Rutherford County owns a certain parcel of real property showing as having address of 0 Cedar Street, Rutherfordton, NC 28139, Rutherford County Revenue Department Parcel ID Number:1204078 as shown and described hereinbelow, that is surplus to its needs; and

WHEREAS, North Carolina General Statute §160A-270 permits Rutherford County to sell real property at electronic auction upon approval of the Board of Commissioners and, upon resolution previously adopted by the Board, after publication of an electronic notice announcing the electronic auction;

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS OF RUTHERFORD COUNTY APPROVES THE FOLLOWING:

1. The Board of Commissioners of Rutherford County authorizes the sale by electronic auction of that certain parcel of land hereby deemed as surplus and being more particularly described as follows:

Situate on the east side of Shotwell Avenue in the town of Rutherfordton and being described and bounded as follows"

BEGINNING on an iron pin, which is the southeast corner of a lot conveyed by the grantors to Fred McBrayer, the iron pin being in Otis Lovelaces' line and runs thence with the old line North 82 East 133 feet to an iron pin, Cowan's corner; thence North 8 West 112 feet to an iron pin, Cowan and Hix Edwards' corner; thence with Hix Edwards's line South 82 West 133.5 feet to an iron pin; thence South 8 West 112 feet to the place of beginning.

Subject to easements, restrictions and rights of way of record, and matters of survey.

*Also being identified as Parcel ID#1204078, Rutherford County Tax Office.
Address: 0 Cedar Street*

Being the same and identical property conveyed to Rutherford County by Commissioner's Deed recorded in Book 2076 at Pages 903-904, Rutherford County Registry.

2. The County Manager or his designee is authorized to sell the above described real property by electronic auction at www.govdeals.com, to be conducted beginning at 9:00 A.M., January 2, 2025, and ending at 9:00 P.M. on January 24, 2025.

3. The terms of the sale shall be net cash. The buyer must present at the auction a bid deposit of five percent (5%) of the amount of the bid, either in cash or with a certified check. This deposit will be held by Rutherford County until either the Board of Commissioners rejects the high bid for the property or, if the Board of Commissioners accepts the high bid, the closing of the sale. The deposit will be forfeited to Rutherford County if the high bidder refuses to close the sale after the bid has been approved by the Board of Commissioners.

4. The property shall be sold as-is with no warranty of physical condition. County shall provide deed with special warranty. Winning bidder shall be responsible for existing liens, taxes, HOA fees and any title search upon the property.

5. After the auction, the high bid for each parcel shall be reported to the Board of Commissioners. The Board of Commissioners will accept or reject the bid within 30 days after the bid is reported to it. No sale may be completed until the council has approved the high bid.

6. Rutherford County reserves the right to withdraw any listed property from the auction at any time before the auction sale of that property.

ADOPTED this the 2nd day of December, 2024

RES 24-033

VII. New Business

A. ID-24-3965 Budget Amendments

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

Vice Chairman Toney moved to approve the budget amendments. Commissioner Benfield seconded the motion. The vote on the motion was:

Ayes: Commissioner King, Commissioner Toney, Commissioner Benfield, , and Commissioner Haynes.

Noes: None.

Absent: Commissioner Lovelace.

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Budget Amendments		
December 2, 2024		
GENERAL FUND		
Senior Center - Home Delivered Meals Food and Supplies	\$ 20,000	
Gateway Wellness Foundation Grant		\$ 20,000
*grant received to support the home delivered meals program		
Library - Supplies	\$ 5,000	
John Henry Eldred Jr Foundation Grant		\$ 5,000
*unrestricted grant received for supporting the county Helene recovery efforts		
College - Capital Equipment	\$ 23,925	
Contribution from College Capital Reserve		\$ 23,925
*mower replacement and water jetter as requested by ICC; copies of quotes attached		
COLLEGE CAPITAL RESERVE		
Transfer to General Fund	\$ 23,925	
Reserved for Future Projects	\$ (23,925)	
*mower replacement and water jetter as requested by ICC; copies of quotes attached		
GRANT FUND		
Emergency Management - Swift Water Equipment	\$ 25,000	
Duke Energy Foundation Grant		\$ 25,000
*grant received for swift water rescue equipment		
FEMA-4827 PROJECT BUDGET - NC TS HELENE		
NC TS Helene - Salaries Overtime/Benefits	\$ 400,000	
Emergency Management - Fuel/Supplies/EOC and Operations Support	\$ 150,000	
NC TS Helene - Debris Removal Hauling and Monitoring	\$ 11,000,000	
FEMA-4827 NC Tropical Storm Helene Reimbursement		\$ 11,550,000
*adjust project budget related to NC Tropical Storm Helene FEMA-4827 project; additional budget amendments will be presented monthly the County moves forward with FEMA staff; previously \$3.5M approved for debris removal as of 11/5/2024		
Right of Way Debris estimated at 500k cubic yards as of 11/19/2024		
Carryforward Projects Incomplete as of June 30th, 2024:		
GENERAL FUND		
Article 46 Sales Tax - Contr to Debt Svc - Critical Education Facilities	\$ 308,602	
Fund Balance Appropriated		\$ 308,602
*carryforward FYE2024 balance sales tax proceeds		
DEBT SERVICE FUND		
Reserve for Future Critical Education Facilities	\$ 308,602	
Art 46 Sales Tax - Trsf from Gen Fd		\$ 308,602
*carryforward FYE2024 balance sales tax proceeds		
AIRPORT FUND		
Airport - Capital Outlay/Truck	\$ 60,000	
Fund Balance Appropriated		\$ 60,000
*carryforward project incomplete as of June 30th		

**B. Sole Source Request Detention Center - Millennium Access Control Technology - MPACS
200 Frame and Tray Assembly, with Paracentric Locks and Keys**

Finance Director Roach advised that the Detention Center staff submitted a request for Commissioner consideration that a Sole Source Purchase and competitive procurement be waived as allowed under NCGS 143-129(e)(6) exemption which states: *Purchases of apparatus, supplies, materials, or equipment when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration. Notwithstanding any other provision of this section, the governing board of a political subdivision of the State shall approve the purchases listed in the preceding sentence prior to the award of the contract.*

Detention staff has advised that Millennium Access Control no contact food port system is the best product/solution for their facility. The current traps on cell doors are severely rusted and damaged beyond repair. To mitigate this, barrel bolt locks with padlocks were added to secure the traps and prevent inmates from tampering with or opening them. Installing new trap attachments will eliminate the need for padlocks on the PODs, which could otherwise be misused as weapons. This upgrade will also address the issue of items and bodily fluids being thrown at officers and other inmates, creating a safer and more secure environment. Additionally, the new traps will allow food trays to be passed through a secure port, minimizing direct contact with certain inmates.

Commissioner Benfield moved to approve the Sole Source Purchase. Commissioner Haynes seconded the motion. The vote on the motion was:

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

C. ID-24-3983 NC Arts Council Grassroots Committee Recommendations

Economic Development Director Birgit Dilgert reported that the NC Arts Council Grassroots Committee met to review and make funding recommendations for the Grassroots projects submitted by Rutherford County agencies. Rutherford County serves as a partner with the NC ARTS Council under the Grassroots Arts Program. This year the county was awarded \$47,786 to be subgranted to various arts organizations. Awards are based on the grant application strength, average score from the committee and the priority of the proposed program/project as identified by the North Carolina Arts Council. Recommended for the funding were the following:

Organization Name	Selection Committee's Award Recommendation
The Symphony of Rutherford County	\$8,500
Town of Forest City	\$9,000
Dreaming Stone Arts and Ecology Center	\$7,606
Rutherford County Visual Arts Guild	\$3,000
Dream Weavers Dance Studio	\$5,000
The Foundation Performing Arts Center	\$6,180
The Rutherford Chamber Consort	\$5,925
L. E. A. P.	\$2,575
Total Awards	\$47,786

Commissioner Benfield asked that the Board approve his abstention from voting on the issue as he is a member of the NC Arts Council Grassroots Committee.

Vice Chairman Toney moved to allow Commissioner Benfield to abstain from voting for his reason stated. Commissioner Haynes seconded the motion. The vote on the motion was:

- Ayes:** Commissioner King, Commissioner Toney, Commissioner Benfield, , and Commissioner Haynes.
- Noes:** None.
- Absent:** Commissioner Lovelace.

Commissioner Benfield left the meeting.

Vice Chairman Toney moved to approve the recommendations of the NC Arts Council Grassroots Committee. Commissioner Haynes seconded the motion. The vote on the motion was:

- Ayes:** Commissioner King, Commissioner Toney, and Commissioner Haynes.
- Noes:** None.
- Abstained:** Commissioner Benfield
- Absent:** Commissioner Lovelace.

At 6:35 P.M. Commissioner Benfield returned to the meeting.

D. ID-24-3975 Resolution Awarding Lieutenant Jimmy Upton's Side Arm and Badge

Chief Deputy Randy Greenway requested that the Board approve a resolution in accordance with G.S. 20-187.2 awarding Lieutenant Jimmy Upton's service side arm and badge to him for the sum of \$1.00. Lieutenant Upton who has a total of twenty-seven years of law enforcement service with Rutherford County serving as a Rutherford County Sheriff's Deputy, a Detective with the Narcotics Division, and as a Detective Lieutenant overseeing the operations of the Investigative Branch of the Sheriff's Office will retire on January 1, 2024. Chief Greenway said Lieutenant Upton served each assignment with upmost honor and integrity.

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

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

**Resolution Acknowledging the Service of
Lieutenant Jimmy Upton
and Awarding His Service Side Arm and Badge to Him**

WHEREAS, Lieutenant Jimmy Upton has served a total of twenty-seven plus years of law enforcement service to Rutherford County; and

WHEREAS, Lieutenant Upton served honorably and with integrity in his positions as a Sheriff's Deputy, as a Detective with the Narcotics Division and the Criminal Investigative Division, and as a Detective Lieutenant overseeing the operations of the Investigative Branch of the Sheriff's Office.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Rutherford, in accordance with NC General Statute 20-187.2, do hereby award Lieutenant Upton his service side arm (Glock, Model 48 MOS, Serial Number BWMP927) and badge in exchange for the consideration of \$1.00.

Approved this the 2nd day of December, 2024.

RES 24-034

E. ID-24-3988 Design/Build Expansion/Renovation Project for Rutherford County Detention Center

Planning and Public Works Director Danny Searcy said Rutherford County had issued an RFQ for the Design/Build of the Rutherford County Detention Facility Renovation/Expansion Project. Following interviews with three design/build teams, the selection committee chose the Vannoy/Moseley team. Over the past months County staff has worked with Vannoy Construction on the project scope and contract.

The project will be broken into 2 phases: Phase 1: Design and Preconstruction Services. Phase 2: Construction

Phases 1 will consist of:

1. Programming/Master Planning /Conceptual Design \$69,345
2. Preliminary Site Investigation \$28,750
3. Schematic Design \$46,230
4. Preconstruction Services \$24,335
- 5. Total Phase 1 Design and Preconstruction Services \$173,660**

With additional services to consist of:

1. Existing Conditions/Laser Scanning Services \$29,755
2. Geotechnical Exploration \$9,350
- 3. Total Phase 1 Additional Services \$39,105**

With a Phase 1 total of **\$212,765.00**

Commissioner Benfield moved to Authorize the County Manager and the County Attorney to negotiate terms of contract 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 Haynes seconded the motion. The vote on the motion was:

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

F. ID-24- 3994 GOVDEAL Auction for Rutherford County Property – 0 Roundabout Road

Planning and Public Works Director Danny Searcy presented a resolution for the Board’s consideration that would authorize the electronic auction of Parcel Number 232269, 0 Roundabout Road, Lake Lure, NC, as described more fully in Plat recorded in Plat Book 10, Page 123, (“the Plat”), Rutherford County Registry, to which plat reference is made for a more full and accurate description - this being the same and identical property conveyed to Rutherford County by Commissioner’s Deed recorded in Book 702 at Pages 194-195, Rutherford County Registry.

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

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

**Resolution Approving Certain Tract of Real Property
Be Sold by Electronic Auction**

WHEREAS, Rutherford County owns a certain parcel of real property showing as having address of 0 Roundabout Rd., Lake Lure, NC 28746, Rutherford County Revenue Department Parcel ID Number:232269 as shown and described hereinbelow, that is surplus to its needs; and

WHEREAS, North Carolina General Statute §160A-270 permits Rutherford County to sell real property at electronic auction upon approval of the Board of Commissioners and, upon resolution previously adopted by the Board, after publication of an electronic notice announcing the electronic auction;

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS OF RUTHERFORD COUNTY APPROVES THE FOLLOWING:

1. The Board of Commissioners of Rutherford County authorizes the sale by electronic auction of that certain parcel of land hereby deemed as surplus and being more particularly described as follows:

Lot 138, Section 05, Deerfield, Fairfield Mountains the Town of Lake Lure, Rutherford County, North Carolina, as shown on a plat of record on Plat Book 10, at Page 123, Rutherford County Registry, Subject to restrictive covenants and Restrictions, as filed of record in Book 386, pages 404 through 440, Register of Deeds, Rutherford County, North Carolina.

*Also being identified as Parcel ID#232269, Rutherford County Tax Office.
Address: 0 Roundabout Rd.*

Being the same and identical property conveyed to Rutherford County by Commissioner's Deed recorded in Book 702 at Pages 194-195, Rutherford County Registry.

2. The County Manager or his designee is authorized to sell the above-described real property by electronic auction at www.govdeals.com, to be conducted beginning at 9:00 A.M., January 2, 2025, and ending at 9:00 P.M. on January 24, 2025.

3. The terms of the sale shall be net cash. The buyer must present at the auction a bid deposit of five percent (5%) of the amount of the bid, either in cash or with a certified check. This deposit will be held by Rutherford County until either the Board of Commissioners rejects the high bid for the property or, if the Board of Commissioners accepts the high bid, the closing of the sale. The deposit will be forfeited to Rutherford County if the high bidder refuses to close the sale after the bid has been approved by the Board of Commissioners.

4. The property shall be sold as-is with no warranty of physical condition. County shall provide deed with special warranty. Winning bidder shall be responsible for existing liens, taxes, HOA fees and any title search upon the property.

5. After the auction, the high bid for each parcel shall be reported to the Board of Commissioners. The Board of Commissioners will accept or reject the bid within 30 days after the bid is reported to it. No sale may be completed until the council has approved the high bid.

6. Rutherford County reserves the right to withdraw any listed property from the auction at any time before the auction sale of that property.

ADOPTED this the 2nd day of December, 2024

RES 24-035

G. ID-24-3993 GOVDEAL Auction for Rutherford County Property – 0 Yates Lane

Director Search presented an additional resolution for the Board's consideration that would authorize the electronic auction of Parcel Number 1617637, 0 Yates Lane, Lake Lure, NC, as described more fully in Plat recorded in Plat Book 15, Page 51, ("the Plat"), Rutherford County Registry, to which plat reference is made for a more full and accurate description - this being the same and identical property conveyed to Rutherford County by Commissioner's Deed recorded in Book 702 at Pages 190-191, Rutherford County Registry.

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

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

**Resolution Approving Certain Tract of Real Property
Be Sold by Electronic Auction**

WHEREAS, Rutherford County owns a certain parcel of real property showing as having address of 0 Yates Lane, Lake Lure, NC 28746, Rutherford County Revenue Department Parcel ID Number:1617637 as shown and described hereinbelow, that is surplus to its needs; and

WHEREAS, North Carolina General Statute §160A-270 permits Rutherford County to sell real property at electronic auction upon approval of the Board of Commissioners and, upon resolution previously adopted by the Board, after publication of an electronic notice announcing the electronic auction;

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS OF RUTHERFORD COUNTY APPROVES THE FOLLOWING:

1. The Board of Commissioners of Rutherford County authorizes the sale by electronic auction of that certain parcel of land hereby deemed as surplus and being more particularly described as follows:

*Situate, lying and being in the Town of Lake Lure, Chimney Rock Township, Rutherford County, North Carolina, and being more particularly described as follows:
Lot 113, Section 13, Apple Valley Phase II, Fairfield Mountains, Rutherford County, North Carolina, as shown on a plat of record in Plat Book 15 at Page 51, Rutherford County Registry. Subject to restrictive covenants and restrictions as filed of record in Book 386, Pages 404 through 440, Register of Deeds, Rutherford County, North Carolina and any amendments and Supplemental Declarations pertaining thereto.*

BEING a portion of the property which was conveyed by Fairfield Communities, Inc., a Delaware Corporation with a principal office at Lake Lure, North Carolina as beneficial owner, and Lawyers Title Insurance Corporation, a Virginia Corporation, as Nominee for Fairfield Communities, Inc., under the terms of a Title clearing Agreement dated January 27, 1983 to Charles Boesch by deed dated October 9, 1988, and of record in Deed book 536 at page

267, Rutherford County Registry. See Deed from Bruce Franklin Anderson to Wilder Wadford and Steve Herman recorded in the Office of the Register of Deeds in Rutherford County in Deed Book 627, Page 404

*Also being identified as Parcel ID#1617637, Rutherford County Tax Office.
Address: 0 Yates Ln.*

Being the same and identical property conveyed to Rutherford County by Commissioner's Deed recorded in Book 702 at Pages 190-191, Rutherford County Registry.

2. The County Manager or his designee is authorized to sell the above described real property by electronic auction at www.govdeals.com, to be conducted beginning at 9:00 A.M., January 2, 2025, and ending at 9:00 P.M. on January 24, 2025.

3. The terms of the sale shall be net cash. The buyer must present at the auction a bid deposit of five percent (5%) of the amount of the bid, either in cash or with a certified check. This deposit will be held by Rutherford County until either the Board of Commissioners rejects the high bid for the property or, if the Board of Commissioners accepts the high bid, the closing of the sale. The deposit will be forfeited to Rutherford County if the high bidder refuses to close the sale after the bid has been approved by the Board of Commissioners.

4. The property shall be sold as-is with no warranty of physical condition. County shall provide deed with special warranty. Winning bidder shall be responsible for existing liens, taxes, HOA fees and any title search upon the property.

5. After the auction, the high bid for each parcel shall be reported to the Board of Commissioners. The Board of Commissioners will accept or reject the bid within 30 days after the bid is reported to it. No sale may be completed until the council has approved the high bid.

6. Rutherford County reserves the right to withdraw any listed property from the auction at any time before the auction sale of that property.

ADOPTED this the 2nd day of December, 2024

RES 24-036

H. ID-24 24-3992 GOVDEAL Auction for Rutherford County Property – 0 Rumbling Bald Road

Another resolution was presented by Director Searcy that would authorize the electronic auction of Parcel Number 1600620, 0 Rumbling Bald Road, Lake Lure, NC, as described more fully in Plat recorded in Plat Book 12, Page 19, ("the Plat"), Rutherford County Registry, to which plat reference is made for a more full and accurate description - this being the same and identical property conveyed to Rutherford County by Commissioner's Deed recorded in Book 702 at Pages 194-195, Rutherford County Registry.

Vice Chairman Toney moved to approve the resolution authorizing an electronic auction of Parcel Number 1600620, 0 Rumbling Bald Road, Lake Lure, NC. Commissioner Haynes seconded the motion. The vote on the motion was:

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

**Resolution Approving Certain Tract of Real Property
Be Sold by Electronic Auction**

WHEREAS, Rutherford County owns a certain parcel of real property showing as having address of 0 Rumbling Bald Rd., Lake Lure, NC 28746, Rutherford County Revenue Department Parcel ID Number:1600620 as shown and described hereinbelow, that is surplus to its needs; and

WHEREAS, North Carolina General Statute §160A-270 permits Rutherford county to sell real property at electronic auction upon approval of the Board of Commissioners and, upon resolution previously adopted by the Board, after publication of an electronic notice announcing the electronic auction;

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS OF RUTHERFORD COUNTY APPROVES THE FOLLOWING:

1. The Board of Commissioners of Rutherford County authorizes the sale by electronic auction of that certain parcel of land hereby deemed as surplus and being more particularly described as follows:

Lot 48, Section 11, Quail Ridge, Fairfield Mountains the Town of Lake Lure, Rutherford County, North Carolina, as shown on a plat of record on Plat Book 12, at Page 19 Rev., Rutherford County Registry. Subject to restrictive covenants and restrictions as filed of record in Book 386, pages 404 through 440, Register of Deeds, Rutherford County, North Carolina.

*Also being identified as Parcel ID#1600620, Rutherford County Tax Office.
Address: 0 Rumbling Bald Rd.*

Being the same and identical property conveyed to Rutherford County by Commissioner's Deed recorded in Book 702 at Pages 194-195, Rutherford County Registry.

2. The County Manager or his designee is authorized to sell the above described real property by electronic auction at www.govdeals.com, to be conducted beginning at 9:00 A.M., January 2, 2025, and ending at 9:00 P.M. on January 24, 2025.

3. The terms of the sale shall be net cash. The buyer must present at the auction a bid deposit of five percent (5%) of the amount of the bid, either in cash or with a certified check. This deposit will be held by Rutherford County until either the Board of Commissioners rejects the high bid for the property or, if the Board of Commissioners accepts the high bid, the closing of the sale. The deposit will be forfeited to Rutherford County if the high bidder refuses to close the sale after the bid has been approved by the Board of Commissioners.

4. The property shall be sold as-is with no warranty of physical condition. County shall provide deed with special warranty. Winning bidder shall be responsible for existing liens, taxes, HOA fees and any title search upon the property.

5. After the auction, the high bid for each parcel shall be reported to the Board of Commissioners. The Board of Commissioners will accept or reject the bid within 30 days after the bid is reported to it. No sale may be completed until the council has approved the high bid.

6. Rutherford County reserves the right to withdraw any listed property from the auction at any time before the auction sale of that property.

ADOPTED this the 2nd day of December, 2024

RES 24-037

I. ID-24 -3991 Amendments to Technology Policy

Information Technology Director Jai Doherty advised that the new North Carolina General Statute 143-805 added provisions regarding pornography on County networks or County devices. In order to be in compliance with these new provisions by the required date of January 1, 2025, the Rutherford County Technology Use Policy needed to be amended. A copy of the proposed amendments to the policy was provided to the Board. It was requested that the Board approve these amendments.

Vice Chairman Toney moved to approve the amendments to the Technology Use Policy. Commissioner Haynes seconded the motion. The vote on the motion was:

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

J. ID-24-3974 Designation of Child Fatality Prevention Team/Community Child Protection Team (CFPT/CCPT), Future Local Team, as a Single/Multi County team

Social Services' Director Delores Hunt said the the NC Child Fatality Prevention System is a statewide multi-disciplinary system that was developed in the 1990's consisting of the North Carolina Child Fatality Prevention Team, North Carolina Child Fatality Task Force and local teams (CFPTs and CCPTs).

N.C.G.S. 7B Article 14 defines the membership composition of CCPTs and CFPTs, statutorily required to represent disciplines among the community, as well as the responsibilities and duties of the local CFPT to review resident county child fatalities, assess potential gaps in systems and policies that may have contributed to the deaths, and make recommendations to policy makers to improve local and statewide systems to better protect children and prevent future deaths.

Passed in 2023, changes to the law via the 2023 Appropriations Act [Section 9H.15 of Session Law 2023-124] now requires all Boards of County Commissioners to determine if the local team proceeds as a single or multicounty team. Director Hunt said Rutherford County would like to continue as a single county team and requests the Board of County Commissioners' confirmation of this operational model.

Commissioner Benfield moved to confirm Rutherford County's designation of Child Fatality Prevention Team/Community Child Protection Team (CFPT/CCPT), Future Local Team, as a single county team. Vice Chairman Toney seconded the motion. The vote on the motion was:

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

VIII. Closed Session

- A. ID-24-3996 ATTORNEY CLIENT NCGS 143-318.11(a)(3)**
- B. ID-24-3990 INDUSTRIAL LOCATION N.C.G.S. 143-318.11(a)(4)**

Vice Chairman Toney moved to go into Closed Session for discussion with the County Attorney under N.C.G.S. 143-318.11(a)(3) and to discuss industrial location under N.C.G.S. 143-318.11(a)(4) . The County Manager, the Clerk to the Board, and Economic Development Director Birgit Dilgert would be included in the session. Commissioner Benfield seconded the motion. The vote on the motion was:

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

6:48 P.M. The Board went into Closed Session.
7:11 P.M. The Board returned to Regular Session.

IV. Adjournment

At 7:12 P.M. Vice Chairman Toney made a motion to adjourn. Commissioner Benfield seconded the motion. The vote on the motion was:

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

Vice Chairman, Board of Commissioners

ATTEST:

Clerk, Board of Commissioners