



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

**Rutherford County
Board of Commissioners
Minutes of June 3, 2024**

**Monday, June 3, 2024
6:00 PM**

I. Call to Order

Chairman King called the June 3, 2024 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

District Attorney Ted Bell led in the Pledge of Allegiance.

B. Agenda Approval

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

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

II. Public Hearings

A. ID-24 3781 Public Hearing - Holding of Real Property for Disposition as Economic Development Property

At 6:01 P.M. Chairman King opened the Public Hearing to listen to comments regarding the holding of Rutherford County real property for disposition as economic development property pursuant to N.C. General Statute 158-7.1

Economic Development Director Birgit Dilgert spoke regarding two tracts of property purchased by the County in 2008 for certain county building projects anticipating that these projects would move to fruition. The projects did not proceed at that time, and the land remained vacant. In 2014-2015 Fiscal

Year, money was budgeted and set aside for grading and site improvements. Since that time, the property has continually been marketed for economic development purposes. The tracts include real property on Daniel Road and College Avenue (U.S. 74-A Highway) containing 39.27 acres as shown on Plat Book 29 at Page 112, Rutherford County Registry, and shown in a certain deed to Rutherford County recorded in Deed Book 962 at Page 769, Rutherford County Registry. The second tract of real property was on College Avenue (U.S. 74-A Highway) adjacent to the aforementioned tract containing 3.34 acres as shown on Plat Book 29 at Page 112, Rutherford County Registry, and as shown in a certain deed to Rutherford County recorded in Deed Book 962 at Page 773, Rutherford County Registry. A resolution presented would formalize the County's intent to hold these tracts for Economic Development purposes.

There was no one else who wished to speak.

At 6:03 P.M. Chairman King closed the public hearing.

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, Commissioner Hunt and Commissioner Lovelace.

Noes: None

**Resolution to Hold Certain Real Property Owned by Rutherford County
for Economic Development Purposes**

WHEREAS, on June 24, 2008, Rutherford County purchased a certain tract of real property on Daniel Road and College Avenue (U.S. 74-A Highway) containing 39.27 acres as shown on Plat Book 29 at Page 112, Rutherford County Registry, for the purchase price of \$1,178,100.00 as shown in a certain deed to Rutherford County recorded in Deed Book 962 at Page 769, Rutherford County Registry, and being shown as Tract One below; and

WHEREAS, on that same day, Rutherford County purchased a tract of real property on College Avenue (U.S. 74-A Highway) adjacent to the one referenced above containing 3.34 acres as shown on Plat Book 29 at Page 112, Rutherford County Registry, for the purchase price of \$1,000,000.00 as shown in a certain deed to Rutherford County recorded in Deed Book 962 at Page 773, Rutherford County Registry, and being shown as Tract Two below; and

WHEREAS, these two tracts were originally purchased for the purpose of certain County building projects, potentially including farmers market and livestock arena, animal control facility, soccer fields and/or expansion for Isothermal Community College but these tracts two tracts were later determined to be better suited for economic development; and

WHEREAS, these two tracts are located in an area conducive to industrial and commercial use; and

WHEREAS, the Board of Commissioners of Rutherford County in 2014 concluded that both of these tracts were not needed for any County building projects or activities or other purposes but are appropriate for industrial and commercial use for economic development; and

WHEREAS, the Board of Commissioners, following duly noticed public hearing for the Budget Ordinance for Fiscal Year 2014-2015 on June 2, 2014, and passage of an interim budget ordinance on June 23, 2014, included appropriation of \$650,000.00 from the general fund for Land Improvement for Gateway West towards the grading and other preparation work necessary for industrial pad in its Budget Ordinance for Fiscal Year 2014-2015 approved on July 15, 2014, which said land improvement project was completed as the Board believed it would attract new industry seeking such prepared sites and resulting in the creation of a substantial number of jobs and the investment of capital in the county; and

WHEREAS, it was the clear intent and belief of the Board of Commissioners that the two tracts of real property referenced herein were thereby duly being held for economic development purposes pursuant to N.C. Gen. Stat. §158-7.1; and

WHEREAS, Rutherford County has held the two tracts of real property referenced herein for economic development purposes continuously since that time and still desires to hold them for these purposes; and

WHEREAS, Rutherford County has not made any action, appropriation or use of the two tracts contrary to this intent since that time; and

WHEREAS, Rutherford County, following due public notice, has held a public hearing on June 3, 2024, regarding its intent to hold these tracts for such use;

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF RUTHERFORD COUNTY RESOLVES THAT:

The two tracts of real property owned by Rutherford County more particularly described below is and has been held by Rutherford County for economic development purposes pursuant to N.C. Gen. Stat. §158-7.1.

TRACT ONE:

Situate, lying and being in Cool Springs Township, Rutherford County, North Carolina, being a portion of the First Tract in that certain deed from Dorothy L. Jolly and husband, John M. Jolly, and Lois L. Holshouser, unmarried, to Samuel L. Lawing and Elizabeth L. Morris, widow, dated December 20, 1972, of record in Deed Book 346, Page 789, Rutherford County Registry, and being that property referenced as First Tract in Deed Book 801, Page 67, Rutherford County Registry, and being a 39.27 acre tract more particularly described from map and survey of Professional Surveying Services being map number 22147, dated May 16, 2008, which is of record in Plat Book 29, at Page 112, Rutherford County Registry, reference to said plat being made for a more full and complete description of the property herein being conveyed.

TRACT TWO:

Situate, lying and being in Cool Springs Township, Rutherford County, North Carolina, and being that same property in that certain deed from Ray Robert Riffle to Alta Grace Riffle dated June 3, 1999, of record in Deed Book 773, Page 715, Rutherford County Registry, and being a 3.34 acre tract more particularly described from map and survey of Professional Surveying Services being map number 22147, dated May 16, 2008, which is of record in Plat Book 29 at Page 112, Rutherford County Registry, reference to said plat being made for a more full and complete description of the property herein being conveyed.

ADOPTED this the 3rd day of June, 2024

RES 24-012

B. ID-24 3784 Public Hearing – Budget for Fiscal Year 2024-2025

At 6:05 P.M. Chairman King opened the public hearing to listen to comments regarding the recommended Rutherford County Budget for Fiscal Year 2024-2025.

County Manager Steve Garrison reviewed highlights of the recommended budget which included a total general fund budget of \$80,826,507 with a total budget for all funds of \$107,510,713. This was a 4.283% increase over the current fiscal year budget and a 5.68% increase of all funds.

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The recommended budget maintained the tax rate of 45.5 cents with no increase. However, it was necessary to appropriate \$2,431,359 from fund balance to balance the budget. A 4% cost of living adjustment was included.

The primary factors impacting the budget were continued inflation and supply chain issues, wage competition with local and regional public and private sectors, and the significant decrease in sales tax revenues. The top areas supported by the proposed FY2024-2025 budget were Public Safety at 29%, Education at 26%, Human Services at 23%, and General Government and other at 14%.

For FY2024-2025, an appropriation of \$18,368,689 to the Rutherford County School System was recommended with \$17,368,689 going to operations and \$1,000,000 to capital outlay. Including debt service for school capital, the total county appropriation supporting the Rutherford County School System during FY2024-2025 would be \$25,088,646.

For FY2024-2025, a total of \$3,726,755 was recommended for Isothermal Community College with \$3,026,755 going to operations and \$700,000 to capital outlay. Including debt service for college capital outlay, the total county financial support to ICC in FY2024-2025 was recommended to be \$4,186,165.

The Rutherford County Solid Waste Department is operating as an enterprise system and is self-supported by the revenues generated by the program. Due to the increase in the operating costs, the increase of critical/urgent capital facility and equipment needs, and the reduction in State revenues for State mandated programming, Manager Garrison said it continues to be exceedingly challenging to generate revenues sufficient for meeting the current and ongoing operations and capital facilities/equipment costs for the Department.

Since costs to operate and manage the Solid Waste operations and the costs for vendors and their subcontractors continues to climb, various fees had to be increased to cover these operational increases. These included the following recommendations:

- SWW fee increase from \$153 to \$160
- SWH fee increase from \$60 to \$70
- RA fee increase from \$8 and \$13
- MSW tipping fee increase from \$74 to \$76
- C&D tipping fee increase from \$63 to \$66
- Yard waste tipping fee increase from \$40 to \$45

Mr. Eric Gorney who had spoken to the Board previously said he wished to explain why it was important to him that the tax rate be decreased. Health issues had been extremely costly for him so he requested that the tax rate be lowered to 40 cents.

Ms. Annie Dance said the safety and security of the Thermal let Rail Trail is vital. Recent incidents have raised concerns. She believed adding safety cameras and funding a police presence is important to protect residents and visitors.

Mr. Pat Chamberlain who is founder, executive director, and pastor of Out of the Ashes Recovery Ministries asked that the Board consider assisting the ministry with financial support to help

maintain and expand the services in the future as they are helping the homeless and substance abuse problems, and this service will increase tourism dollars to the community.

No one else wished to speak.

At 6:23 P.M. Chairman King closed the public hearing.

Comments from the Chairman

Chairman King told those present that there was one additional public hearing originally scheduled for the meeting. It was published in the Daily Courier on May 23 regarding the proposed sale of a 27.95-acre tract owned by Rutherford County. Due to circumstances beyond this Board's control, the Board was unable to proceed with that hearing at this meeting, but a special meeting will be held on the first possible date, which will be on Monday, June 17, at 6:00 pm. This will permit the required 10-day notice for the public hearing to be published in the Daily Courier. The public will have the opportunity to speak on this proposal to proceed with this sale. This is an important project to the County and, if acceptable to the Board, it would require county staff to prepare the necessary Notice of Public Hearing for publication in the Daily Courier so the public hearing could be held at the first possible date, June 17, 2024

III. Public Comments

There were no public comments.

IV. 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-24-3810 Minutes of May 6, 2024 County Commissioners' Meeting**
- B. ID-24-3811 Minutes of May 20, 2024 Special County Commissioners' Meeting 1**
- C. ID-24-3785 Tax Refunds and Releases**
 - Refund amount totaling \$5,637.75
 - Releases greater than \$100 totaling \$44,448.72
 - Releases less than \$100 totaling \$308.70
 - (A copy of these tax refunds and releases is typed in the Minute Book.)

V. Commissioners/Appointments

A. ID-24 3817 Voting Delegate for National Association of Counties

The National Association of Counties will have their annual conference in July of 2024. It was requested that a voting delegate be appointed to vote at the business meeting. Commissioner Benfield had indicated that he planned to attend the conference.

Vice Chairman Toney moved to appoint Commissioner Benfield as the Voting Delegate to the National Association of County Commissioners Annual Conference to be held in July of 2024. 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

B. ID-24 3792 Appointments to Rutherford County Boards and Commissions

Commissioner Hunt moved to appoint County Manager Steve Garrison to the Broad River Water Authority to a term ending June 30, 2027. 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

Commissioner Hunt moved to appoint Ms. Susan Henson and Mr. Kevin Goettge to the Historic Preservation Commission to terms ending June 30, 2027. 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

Commissioner Hunt moved to appoint Mr. Roger Jolley and Dr. Seema Daigle to the Isothermal Community College Board of Trustees to terms ending June 30, 2028. 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

Commissioner Lovelace moved to re-appoint Ms. Taran Long, Mr. Brian Gooch, Ms. Tiffany Dodd, Ms. Adrienne Bechton-Marsh, and Ms. Kim Aldridge to the Juvenile Crime Prevention Council to terms ending June 30, 2026. He further moved to appoint Mr. Benjamin Roach to the JCPC as a representative of Under 21 Youth to a term ending June 30, 2026. 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

Commissioner Lovelace moved to reappoint Mr. James Edwards to the Library Board of Trustees to a term ending June 30, 2027. 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 Hunt moved to appoint Mr. Cody Ezell to the Library Board of Trustees to a term ending June 30, 2025. 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

Vice Chairman Toney moved to appoint Ms. Karen Lugo to the Library Board of Trustees to a term ending June 30, 2027. 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 Hunt moved to reappoint Mr. Ronnie Harrill and Mr. Tony Fowler to the Planning Commission and to appoint Mr. Scott Bostic to terms ending June 30, 2027. 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

Commissioner Benfield moved to reappoint Chairman Bryan King, County Manager Steve Garrison, and Mr. Terry Hines to the Rutherford County Economic Development Association to terms 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

Commissioner Lovelace moved to appoint Mr. Kendall Stowe (term ending June 30, 2026) and Mr. Scott Martin (term ending June 30, 2025) to the Tourism Development Board as representatives of occupancy tax collectors. He further moved to appoint Mr. Dave Long as an At Large representative to a term ending June 30, 2026 and to reappoint Dr. Margaret Annunziata as a Travel and Tourism Promoter to terms ending June 30, 2027. 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 Hunt moved to reappoint Ms. Suzanne Porter, Mr. Frankie Hamrick, and Ms. Susan Hall to the Transit Advisory Board to terms ending June 30, 2027. 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

Commissioner Benfield moved to reappoint Ms. Anita Mundy, Mr. Tim Mathis, and Mrs. Cindy Cobb to the Workforce Development Board to terms ending June 20, 2027. 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

VI. New Business

A. ID-24 3816 Budget Amendments

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

Commissioner Lovelace moved to approve the budget amendments. 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

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Budget Amendments		
June 3, 2024		
GENERAL FUND		
Sheriff - Equipment Purchased with Seizure Funds	\$	662
Unauthorized Substance Tax Distributions		\$ 662
*distributions received		
Offsite Storage Bldg - Roof Replacement	\$	54,980
Fund Balance Appropriated - Roof Replacement Plan		\$ 54,980
*appropriate reserved funds for roof		
Senior Center - Purchases with Donations	\$	1,296
Senior Center - Donations		\$ 1,296
*appropriate funds received for health program		
Senior Center - Purchases with Donations	\$	6,264
Senior Center - Donations		\$ 6,264
*appropriate donations received		
Senior Center Games	\$	7,059
Senior Center Games Donations		\$ 7,059
*donations received		
Veterans - Purchases with Donations	\$	2,100
Veterans - Donations		\$ 2,100
*donations received		
Sheriff - Vehicle Repairs	\$	71,155
EMS - Vehicle Repairs	\$	16,660
Maintenance - Vehicle Repairs	\$	1,000
Insurance Claims and Dividends		\$ 88,815
*appropriate insurance proceeds		
Contribution to DSS Funds	\$	345,000
Fund Balance Appropriated		\$ 345,000
*additional allocation needed due to increased demands and out of county placements		
DSS FUND		
State Foster Care Expenses	\$	665,000
State Foster Care Revenues		\$ 332,500
IVE Foster Care Expenses	\$	100,000
IVE Foster Care Revenues		\$ 87,500
Contribution from General Fund - Programs		\$ 345,000
*additional allocation needed due to increased demands and out of county placements		
DSS - Vehicle Repairs	\$	1,000
Insurance Claims and Dividends		\$ 1,000
*appropriate insurance proceeds		

GRANT FUND		
Sheriff - STAR Program	\$ 710	
Donations - STAR Program		\$ 710
*donations received for Sheriff's Teaching Abuse Resistance program		
Detention - Inmate Supplies	\$ 10,340	
Dogwood Health Trust Grant		\$ 10,340
*grant received for behavioral health blankets		
DSS Collaborative Funding - Safe Sleep Information program	\$ 2,000	
Partners MOE - Collaborative Program Funds		\$ 2,000
*purchase equipment to promote safe sleep		
TRANSIT FUND		
Transit - Vehicle Repairs		
Insurance Claims and Dividends	\$ 28,275	
*appropriate insurance proceeds		\$ 28,275
COUNTY CAPITAL PROJECTS		
911 Sparks Drive Bldg - Renovation	\$ (2,355)	
EMS Main Station Renovation	\$ (11,062)	
Contribution to Debt Service Fund	\$ 13,417	
*close out completed projects		
DEBT SERVICE FUND		
Contribution from County Capital Projects Fund		\$ 13,417
Fund Balance Appropriated - County Projects		\$ (13,417)
*close out completed projects - 911 Bldg and EMS Renovation		

B. ID-24-3789 GOVDEALS Auctions for Rutherford County Property

Public Works and Planning Director Danny Searcy presented a resolution for the Board's consideration that would authorize the electronic auction of Parcel Number 1609107, being Lot Number 61 of Riverbend Section 2, as described more fully in Plat Book 10, Page 78, ("the Plat"), Rutherford County Registry, to which plat reference is hereby made for a more full and accurate description. This would be the same and identical property conveyed to Rutherford County by Commissioners' Deed recorded in Deed Book 789, Page 481 Rutherford County Registry.

Commissioner Lovelace moved to approve the resolution. 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

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

WHEREAS, Rutherford County owns a certain parcel of real property showing as Lot 61 of Riverbend at Lake Lure, Section 2, subdivision, Rutherford County Revenue Department Parcel ID Number:1609107, 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(s) 61 all in Riverbend at Lake Lure, Section 2, a subdivision located in Chimney Rock Township as recorded in Plat Book 10, Page(s) 78-81 of the Public Records of Rutherford County Registry, to which reference is hereby made for a full and complete description.

Subject to all easements, restrictions, reservations and other matters of public record.

Being the same and identical property conveyed to Rutherford County by General Warranty Deed recorded in Book 789 at Page 481, 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 12:00 Noon, June 7, 2024 and ending at 9:00 P.M. on, July 12, 2024.

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 3rd day of June, 2024

RES 24-013

C. ID-24 3787 GOVDEAL Auctions for Rutherford County Property

Director Searcy also 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 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. 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

**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:1204078e 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 Noon, June 7, 2024 and ending at 9:00 P.M. on July 12, 2024.

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 3rd day of June, 2024

RES 24-014

D. ID-24 3786 Resolution Declining Offer of Surplus Property

County Manager Steve Garrison told the Board that the school board would like to sell an unused 5.88-acre parcel of land along East 2nd Street in Rutherfordton adjacent to the former R-S Middle School campus to the Town of Rutherfordton for future development as a site for workforce housing. However, the school board must first declare the property surplus and offer the County the right of first refusal.

The school board adopted a resolution declaring the property surplus during its business meeting on Tuesday, May 7, 2024. Manager Garrison advised that if the Board of Commissioners wishes to decline the offer of the property, a resolution which was presented for their consideration would accomplish this.

Commissioner Lovelace moved to approve the 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

RUTHERFORD COUNTY BOARD OF COMMISSIONERS

A RESOLUTION DECLINING TO ACQUIRE SURPLUS SCHOOL PROPERTY

WHEREAS, the Rutherford County Board of Education (hereinafter "Board") owns certain real property located on East 2nd Street, Rutherfordton, NC, 28043, consisting of approximately 5.88 acres, Rutherford County Parcel Number 1653467 (the "East 2nd Street Property");

WHEREAS, pursuant to N.C. Gen. Stat. § 115C-518, the Board is required to offer surplus real property to the Board of County Commissioners of Rutherford County (the "County") for acquisition, prior to disposal according to applicable law; and

WHEREAS, the County does not desire to entertain acquisition of the East 2nd Street Property at this time;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Rutherford County, that the County declines to acquire the East 2nd Street Property from the Rutherford County Board of Education.

Adopted this the 3rd day of June, 2024.

RES 24-015

E. ID-24 3813 Opioid Settlement Funds Project Proposals

Manager Garrison advised that Rutherford County had joined national settlement agreements with companies engaged in the manufacturing, distribution, and dispensing of opioids. The allocation, use and reporting of funds stemming from these national settlement agreements and bankruptcy resolutions are governed by the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation and the Supplemental Agreement for Additional Funds from Additional Settlements of Opioid Litigation. The Rutherford County Opioid Settlement Funds Request for Application (RFA) Review Sub-Committee has completed their review of submitted RFAs and recommend that the County Commissioners approve three projects for funding via *A Resolution by the County of Rutherford to Direct the Expenditure of Opioid Settlement Fund*. The three recommended projects would begin on July 1, 2024 and would cover two years, FY2024-2025 and FY2025-2026.

Manager Garrison introduced members of the committee who were present and thanked them for their work.

The proposal is to fund approximately \$500,000 per year so funds will continue to be available over the eighteen-year period of the settlement.

Commissioner Lovelace asked about accountability. Manager Garrison reminded the Board that at the May meeting the County entered into an agreement with Scott Luetgenau doing business as Gatespring Consulting to provide professional planning and consulting services for the County related to Collaborative Strategic Planning under Option A of the State Memorandum of Agreement (MOA). Mr. Luetgenau will provide ongoing project management as required by the MOA. Primary functions will

include monitoring, mentoring, coaching, and reporting. This is a two-year contract effective July 1, 2024 through June 30, 2026.

Commissioner Hunt moved to approve the resolution. 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

**A RESOLUTION BY THE COUNTY OF RUTHERFORD
TO DIRECT THE EXPENDITURE OF OPIOID SETTLEMENT FUNDS**

WHEREAS Rutherford County has joined national settlement agreements with companies engaged in the manufacturing, distribution, and dispensing of opioids.

WHEREAS the allocation, use, and reporting of funds stemming from these national settlement agreements and bankruptcy resolutions ("Opioid Settlement Funds") are governed by the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation ("MOA") and the Supplemental Agreement for Additional Funds from Additional Settlements of Opioid Litigation ("SAAF");

WHEREAS Rutherford County has received Opioid Settlement Funds pursuant to these national settlement agreements and deposited the Opioid Settlement Funds in a separate special revenue fund as required by section D of the MOA;

WHEREAS section E.6 of the MOA states that, before spending opioid settlement funds, the local government's governing body must adopt a resolution that:

- (i) indicates that it is an authorization for expenditure of opioid settlement funds; and,
- (ii) states the specific strategy or strategies the county or municipality intends to fund pursuant to Option A or Option B, using the item letter and/or number in Exhibit A or Exhibit B to identify each funded strategy; and,
- (iii) states the amount dedicated to each strategy for a specific period of time.

NOW, THEREFORE BE IT RESOLVED, in alignment with the NC MOA and SAAF, Rutherford County authorizes the expenditure of opioid settlement funds as follows:

1. That the first strategy authorized hereby is as follows:
 - a. Name of strategy: Recovery Support Services
 - b. Strategy is included in Exhibit A
 - c. Item letter and/or number in Exhibit A to the MOA: Strategy 3
 - d. Amount authorized for this strategy: \$258,000.00 total for two fiscal years, of which \$130,000.00 will be funded for Fiscal Year 2024-25 and \$128,000.00 will be funded for Fiscal Year 2025-26.
 - e. Period of time during which expenditure may take place:
Start date July 1, 2024 through End date June 30th, 2026
 - f. Description of the program, project, or activity:
 - i. Expanding recovery supports by adding two NC Certified Peer Support Specialists to their team with the ultimate goal of reducing overdoses in Rutherford County.
 - ii. Implementing evidence-based practices and trauma informed supports for people seeking recovery, including those who have been historically

marginalized.

iii. Increase program capacity, specifically in their Community Healing, Recovery, and Thriving (HRT) Center where individuals will receive linkage to care/harm reduction/recovery support services/overdose prevention education.

g. Provider: United Way

2. That the second strategy authorized hereby is as follows:

a. Name of strategy: Recovery Support Services

b. Strategy is included in Exhibit A

c. Item letter and/or number in Exhibit A to the MOA: Strategy 3

d. Amount authorized for this strategy: \$335,705.00 total for two fiscal years, of which \$168,652.50 will be funded for Fiscal Year 2024-25 and \$167,052.50 will be funded for Fiscal Year 2025-26.

e. Period of time during which expenditure may take place:
Start date July 1, 2024 through End date June 30th, 2026

f. Description of the program, project, or activity:

i. Pilot program providing Family Centered Treatment to families who are engaged in In Home Services through Rutherford County Department of Social Services with one or more parents who meet criteria for opioid use disorder.

Intended to improve provider accessibility and to support families.

g. Provider: Preferred Choice Healthcare

3. That the third strategy authorized hereby is as follows:

a. Name of strategy: Evidence-Based Addiction Treatment

b. Strategy is included in Exhibit A

c. Item letter and/or number in Exhibit A to the MOA: Strategy 2

d. Amount authorized for this strategy: \$400,000.00 total for two fiscal years, of which \$200,000.00 will be funded for Fiscal Year 2024-25 and \$200,000.00 will be funded for Fiscal Year 2025-26)

e. Period of time during which expenditure may take place:
Start date July 1, 2024 through End date June 30th, 2026

f. Description of the program, project, or activity:

i. Expand care for individuals with opioid use disorder in their 14-bed inpatient adult unit, as well as developing an intensive outpatient program (IOP).

ii. The program will be staffed by medical professionals, including psychiatrists, licensed clinical social workers, and licensed therapists.

iii. Case management services will include medication for opioid use disorder, behavioral health services, and vocational support.

g. Provider: Rutherford Regional Health System

4. That, pursuant to this authorized strategy, the County Manager, working with the County Attorney, shall negotiate the terms and conditions for the agreement and such documentation to commence said strategy with United Way, Preferred Choice Healthcare, and Rutherford Regional Health System, and further authorizes the Chairman of the Board of County Commissioners, the Clerk to the Board, and other necessary County officials to execute any such documents in support of this action.

5. That the total amount of Opioid Settlement Funds appropriated across the above-named and authorized strategies is \$993,705.00, of which \$498,652.50 will be funded for Fiscal Year 2024- 25 and \$495,052.50 will be funded for Fiscal Year 2025-26.

Adopted this the 3rd day of June 2024.

RES 24-016

VII. Commissioner Reports

A. ID-24 3791 Tourism Development Authority Report

Tourism Development Director Don Cason told the Board that TDA puts one-third of occupancy tax collections revenue back into Rutherford County projects by working with towns and the County to create Rutherford Bound which has nine projects completed and fourteen in place. Through 2023-2024 there will be over \$21 million in funding for the projects. Another \$1 million will be invested by TDA in the Rutherford Bound project in 2024-2025. Director Cason reviewed the Rutherford Bound projects.

Updates were provided by Director Cason on the Tourism Master Plan Update, marketing highlights, Agri-Tourism, Community Programs, and Keep Rutherford County Beautiful. The TDA will continue to market all community festivals and events.

Ms. Jenna Bailey has resigned her post as Executive Director of Pick-Up Roco. Mr. Jerry Stensland will be assuming that program of work. The TDA will continue to fund \$50,000 per year for Keep Rutherford County Beautiful.

Chairman King advised that Sheriff Ellenburg is interested in using prisoners for litter pickup, but is experiencing a deficit in funding for this program. He asked that Director Cason reach out to the Sheriff to coordinate the efforts.

III. Adjournment

At 7:03 P.M. Commissioner Hunt made a motion to adjourn. 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

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

ATTEST:

Clerk, Board of Commissioners