



Rutherford County Airport Authority

289 N. Main Street
Rutherfordton, NC 28139

Monday, March 4, 2024, 4:00 pm

I. Call to Order

Chairman Michael Benfield called the March 4, 2024, meeting of the Airport Authority to order.

Present: 4 Michael Benfield, Bryan King, David Hunt, and Greg Lovelace

Absent: 1 Alan Toney

A. Pledge of Allegiance

Chairman Michael Benfield led in the Pledge of Allegiance.

B. Agenda Approval

A motion was made by Vice Chairman Hunt and seconded by Member King and to approve the agenda. The vote on the motion was:

Aye: 4 Member King, Chairman Benfield, Member Lovelace, and Vice Chairman Hunt

Nay: 0

II. Public Comments

There were no Public Comments.

III. Consent Agenda

[ID 24-3661](#)

Minutes of January 8, 2024, Rutherford County Airport Authority Board Meeting

A motion was made by Vice Chairman David Hunt and seconded by Member Bryan King to approve the Minutes of January 8, 2024. The motion carried by the following vote:

Aye: 4 Member King, Chairman Benfield, Member Lovelace,

and Vice Chairman Hunt

Nay: 0

IV. Director's/Financial Report

[ID 24-3708](#) **Financial Report**

Airport Director Devon Raisch reported on the Financial Report and noted all was trending well to date. He reported that maintenance to an airport vehicle went over budget, but monies were taken from another line item to balance account. Director Raisch also noted that the Tracking Service requires an upfront fee of \$1800, but in July, half of that amount will be reimbursed to the Airport.

V. Informational Updates

[ID 24-3709](#) **Informational Updates**

Director Raisch gave updates on the following:

- **Approach Lighting was approved by NC Division of Aviation.**
- **Fuel sales were up.**
- **Working through details on several projects and events.**

Information only.

VI. New Business

[ID 24-3695](#) **Hangar 3A/3B Transfer**

A Resolution which authorized the transfer of Hangar 3A and 3B from Philip O'Reilly to Casey Keating for \$120,000 contingent upon the execution of an Assignment of Lease Agreement was presented to the Board for approval.

A motion was made by Member Lovelace and seconded by Vice Chairman Hunt to adopt the Resolution of Assignment of Lease Agreement which authorized the transfer of Hangar 3A and 3B from Philip O'Reilly to Casey Keating, thus waiving its right of first refusal and is contingent upon the execution of a binding Assignment of Lease Agreement and any corrections that may be required. The motion carried by the following vote:

Aye: 4 Member Bryan King, Member Greg Lovelace, Vice Chairman David Hunt, and Chairman Michael Benfield

Nay: 0

**A RESOLUTION AUTHORIZING
ASSIGNMENT OF LEASE AGREEMENT**

WHEREAS, the Rutherford Airport Authority (“Airport Authority”) entered into a Lease Agreement with Mike Price dated June 22, 2011, for the premises known as Hangar 3A, and recorded in Book 2039 at Page 2484, Rutherford County Registry, and said Mike Price assigned the said Lease to Duncan Creek Properties, LLC, in that certain Assignment of Lease Agreement dated November 17, 2020, recorded in Book 2039 at Page 2499, Rutherford County Registry; and

WHEREAS, the Airport Authority entered into a Lease Agreement with Mike Price dated June 22, 2011, for the premises known as Hangar 3B, and recorded in Book 2039 at Page 2519, Rutherford County Registry, and said Mike Price assigned the said Lease to Duncan Creek Properties, LLC, in that certain Assignment of Lease Agreement dated November 17, 2020, recorded in Book 2039 at Page 2534, Rutherford County Registry; and

WHEREAS, both the Lease Agreement for Hangar 3A and for Hangar 3B were assigned to Phillip O’Reilly in that certain Assignment of Lease Agreement dated December 29, 2022, recorded in Book 2069 at Page 403, Rutherford County Registry; and

WHEREAS, said Assignment of Lease Agreement recorded in Book 2069 at Page 403, Rutherford County Registry, requires a correction instrument to correct certain references and misspellings and to clarify the disposition and conveyance of the interest of Duncan Creek Properties, LLC, and

WHEREAS, Section 12 of the Lease Agreement for Hangar 3A recorded in Book 2039 at Page 2484, Rutherford County Registry, allows Lessee therein to assign the full rights under the said Lease Agreement upon the written consent of the Airport Authority, and states that such consent shall not be unreasonably withheld, as well as provide for right of first refusal by the Airport Authority to purchase any improvements and buildings built thereon; and

WHEREAS, Section 12 of the Lease Agreement for Hangar 3B recorded in Book 2039 at Page 2519, Rutherford County Registry, allows Lessee therein to assign the full rights under the said Lease Agreement upon the written consent of the Airport Authority, and states that such consent shall not be unreasonably withheld, as well as provide for right of first refusal by the Airport Authority to purchase any improvements and buildings built thereon; and

WHEREAS, Lessee Phillip O’Reilly now wishes to assign his full rights under both the Lease Agreement for Hangar 3A and the Lease Agreement for Hangar 3B to Casey Keating for the consideration One Hundred Twenty Thousand Dollars (\$120,000.00).

NOW, THEREFORE, BE IT RESOLVED by the Rutherford Airport Authority, that:

The Airport Authority consents and authorizes Phillip O’Reilly to assign his rights under the Lease Agreement for Hangar 3A recorded in Book 2039 at Page 2484, Rutherford County Registry, and the Lease Agreement for Hangar 3B recorded in Book 2039 at Page 2519, Rutherford County Registry, to Casey Keating contingent upon the execution of a duly binding Assignment of Lease Agreements for both Hangar 3A and Hangar 3B in the general form attached hereto as Exhibit A; and

The Airport Authority chooses not to exercise its right of first refusal to purchase home improvements and buildings constructed on the premises of Hangar 3A nor of Hangar 3B set forth in the Lease Agreements referenced herein. The waiver of each right of first refusal is effective only as to the specific transactions referenced above and any and all such rights in both Lease Agreements referenced herein are specifically reserved as to all other transactions and parties.

The Airport Authority does also authorize the Chairman, working with the Airport Director and County Attorney, to execute such documents as necessary to correct any prior Assignment of Lease Agreement for Hangar 3A and Hangar 3B in recordable form.

Adopted this 4th day of March 2024.

ID 24-3696 Commemorative Bench Policy

Director Devon Raisch presented documents that support a Commemorative Bench Policy, including information to ensure the memorial is consistent with Airport's recommendations. The documents were presented for the Board's consideration.

A motion was made by Vice Chairman David Hunt and seconded by Member Bryan King to approve the Commemorative Bench Policy. The motion carried by the following vote:

Aye: 4 Member Bryan King, Member Greg Lovelace, Vice Chairman David Hunt, and Chairman Michael Benfield

Nay: 0

ID 24-3694 Application for Commemorative Bench with Plaque

Director Devon Raisch noted that Ms. Jenna Washburn Bailey requested permission to place a commemorative bench in honor of family member, Edward N. Washburn, III, who served as a member of the Airport Authority from 1979 to 1995. The bench, with remembrance plaque mounted, will be installed in accordance with the Rutherford County Airport's recommendations. The bench has been purchased by the family and will be installed contingent upon the execution of an Agreement between parties. Director Devon Raisch, along with Attorney Richard Williams, reviewed the application for the commemorative bench and submitted application to the Board for their consideration and approval.

A motion was made by Member Greg Lovelace and seconded by Vice Chairman David Hunt to approve the Application for Commemorative Bench with Plaque contingent upon the execution of an Agreement between parties. The motion carried by the following vote:

Aye: 4 Member Bryan King, Member Greg Lovelace, Vice Chairman David Hunt, and Chairman Michael Benfield

Nay: 0

ID 24-3714 Fee Schedule

Director Devon Raisch presented the current fee schedule with additional Box Hangar Fee and Rate to the Board for consideration and approval.

A motion was made by Member Greg Lovelace and seconded by Vice Chairman David Hunt to approve the Fee Schedule with additional Box Hangar Fee and Rate. The motion carried by the following vote:

Aye: 4 Member Bryan King, Member Greg Lovelace, Vice Chairman David Hunt, and Chairman Michael Benfield

Nay: 0

ID 24-3697 Box Hangar Lease Draft Document

Director Devon Raisch presented a Box Hangar Lease Draft Document to the Board for their consideration. This document was presented as a proposal and authorizes Director Raisch and Attorney Richard Williams to finalize language and make any changes or corrections needed in support of this document.

A motion was made by Vice Chairman David Hunt and seconded by Member Greg Lovelace to approve the Box Hangar Lease Draft Document and authorized Director Raisch and Attorney to finalize language and make any changes or corrections needed in support of this document.. The motion carried by the following vote:

Aye: 4 Member Bryan King, Member Greg Lovelace, Vice Chairman David Hunt, and Chairman Michael Benfield

Nay: 0

VII. Adjournment

Chairman Benfield called the meeting to adjourn.

A motion was made by Vice Chairman Hunt and seconded by Member Bryan King to adjourn. The motion carried by the following vote:

Aye: 4 Vice Chairman Hunt, Chairman Benfield, Member Lovelace, and Member King

Nay: 0

Chairman, Airport Authority

Vice Chairman, Airport Authority

Attest:

Secretary to the Airport Authority