



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

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

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

**I. Call to Order**

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Chairman King called the September 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**

Mr. Benjamin Roach 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.

**II. Public Comments**

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Mr. David Hurley who said he spoke on behalf of the people of Rutherford County through the Justice, Accountability, and Transparency Initiative of Rutherford County presented the results of a 24-hour poll which he had taken of citizens of Rutherford County to collect their thoughts and feelings of the different aspects of the County. He received almost 200 responses, and he shared some of those. Mr. Hurley presented four (4) demands for action for which he expected an update at the October 7<sup>th</sup> County Commissioners' meeting.

Mr. Eric Gorney who lives in Henrietta asked that the Board begin looking at the budget for next year as his taxes had increased. The biggest portion of the budget is salaries so he asked that the number of employees be reduced in order to reduce taxes.

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### III. Consent Agenda

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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, Commissioner Hunt and Commissioner Lovelace.

**Noes:** None

Consent Agenda Items approved were:

- A. ID-24-3887 Minutes of August 5, 2024 County Commissioners' Meeting
- B. ID-24-3849 Tax Refunds and Releases
  - Refund amount totaling \$4,797.89
  - Releases greater than \$100 totaling \$727,696.49
  - Releases less than \$100 totaling \$1,385.63
  - (A copy of these tax refunds and releases is typed in the Minute Book.)

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### IV. Commissioners/Appointments

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A. **ID 24-3889 Appointments to Airport Appeals Board**

The term of office for Mr. Wiley Thomas on the Airport Appeals Board is due to expire on September 30. This vacancy had been advertised, and applications had been accepted. No additional applications were received. Mr. Thomas is willing to serve an additional term.

Vice Chairman Toney moved to re-appoint Mr. Thomas to the Airport Appeals Board to a term ending September 30, 2027. 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

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### V. Commissioner Report

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A. **ID 24-3893 North Carolina Association of County Commissioners Youth Voice 2024**

Mr. Benjamin Roach appeared before the Board to report on Youth Voice 2024 activities in which he participated during the week of August 9-10. Youth Voice 2024 which is sponsored by the NCACC, 4-H Youth Development and Boys and Girls Clubs of North Carolina was held in conjunction with the NCACC's Annual Conference in Forsyth County.

**B. ID 24-3892 Fund Balance Presentation**

Mr. Doug Carter of DEC Associates, Rutherford County's financial advisor provided a presentation regarding the County's fund balance. He explained that a healthy fund balance is very important as it

- Provides protection from future economic changes – recession as example.
- Provides ability to potentially meet unforeseen one-time financial events.
- Provides “cash liquidity” to meet expenses that are not in sync with revenue collections.
- Demonstrates a focus on sound financial management.
- LGC focuses on fund balance levels and peer comparisons.
- Essential to maintaining high credit rating – 30% of rating based on fund balance levels and can be offset to other criteria – economy as an example.

The adoption of a fund balance policy is considered a credit and a positive by the Local Government Commission. It could be adopted as part of an annual budget and could be reviewed and confirmed annually. Most counties have a range of 45% to 55%. Mr. Carter stressed that fund balance should only be used for one-time purposes – capital or extraordinary other costs.

**C. ID 24-3891 Farmland Preservation Plan**

Soil and Water Conservation Director Brandon Higgins told the Board that it had been almost a year since the Board approved the Rutherford County Farmland Preservation Plan. He provided some information regarding the farms in Rutherford County.

- Only 69% have internet access
- Only 8% sell directly to consumers
- Only 17% hire farm labor
- 98% are family farms

Preserving farmland within Rutherford County is important as the number one threat to this is growth. The Piedmont Atlantic is the fastest growing megaregion in the United States. Director Higgins listed short term, near-term, and long-term timelines for implementation of the Farm Land Preservation Plan. Education is an important part as it will help farmers understand about trusts so that their farmland can be passed on to future generations; however, these trusts and trust planning is expensive. Issues for consideration are:

- Education
- Number of permanent easements
- Cost associated with farm/family planning
- Infrastructure/Coordination/Staffing

**VI. Old Business**

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**A. ID-24 3898 Cliffside Sanitary District Board**

County Manager Steve Garrison advised that the operation of the Cliffside Sanitary sewer service is to be managed by the Cliffside Sanitary District Board whose members are elected; however, members who have served on the board have resigned and no one has filed for election to the governing board. Due to deficiencies, the North Carolina Local Government Commission assumed control of the financial affairs of the district. The deficiencies have been addressed and corrected and the Commission staff has recommended that the Commission return financial control to the District. Since there is no active governing board, the County Commissioners must fill the district board vacancies until the next election. The Board had taken action at the August 5, 2024 meeting to advertise vacancies on the Cliffside Sanitary District Board and request applications for the Board. The request for applications is listed on the County's website, and individual letters with an application form attached were mailed to residents living in the district. No applications have been received.

**VII. New Business**

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**A. ID 24-3896 Budget Amendments - September, 2024**

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

**Commissioner Benfield 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

<b>Budget Amendments</b>		
<b>September 3, 2024</b>		
<b>FY2023-2024 Budget Amendments</b>		
Medical Examiner Fees	\$ 12,000	
Fund Balance Appropriated		\$ 12,000
*autopsy fees		
<b>FY2024-2025 Budget Amendments</b>		
<b>GENERAL FUND</b>		
Commissioners - Professional Services	\$ 56,400	
Fund Balance Appropriated		\$ 56,400
*to complete feasibility study		
Sheriff - Software Maintenance	\$ 12,320	
NCACP/NC Sheriffs Association Grant		\$

**Minutes of Rutherford County Commissioners' Meeting on September 3, 2024**  
**Page 5 of 8**

		12,320
*NC Association of Chiefs of Police grants to enhance the performance and wellness of law enforcement agencies and their officers; pays for 12-months service for Essper/Essential Personnel Services software		
Library - Travel	\$ 1,500	
NC LSTA Grant		\$ 1,500
*scholarship to assist an employee to attend annual conference		
College - Capital Improvements	\$ 225,000	
Contribution from College Capital Reserve		\$ 225,000
*critical roof repairs at Student Services Building over swimming pool area		
<b>COLLEGE CAPITAL RESERVE</b>		
Transfer to General Fund	\$ 225,000	
Reserved for Future Projects	\$ (225,000)	
*critical roof repairs at Student Services Building over swimming pool area		
<b>COUNTY CAPITAL PROJECTS FUND</b>		
SCIF - Soccer Complex Project	\$ 109,789	
Interest Earnings		\$ 109,789
*interest earned for the life of the project; earnings are restricted to the State designated project		
<b>ARPA ENABLED FUND</b>		
County Project - Purchase and Renovate Building	\$ 3,500,000	
Contingency - Critical Capital Facility Projects		\$ 3,500,000
*reallocate funds for the purchase of property from RCS and renovate facility		
<b>COVID 19/ARPA GRANT FUND</b>		
Library - Operating Supplies and Program Materials	\$ 5,422	
NC State Library Grant		\$ 5,422
*additional funds received from the State/Federal ARPA Funding for library operations		

**B. ID 24-3897 GOVDEAL Auction 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 1204078, 0 Cedar Street, Rutherfordton, NC, as described more fully in Plat recorded in Plat Book 7, Page 24, (“the Plat”), Rutherford County Registry and being 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](http://www.govdeals.com), to be conducted beginning at 9:00 A.M. Sep.5, 2024, and ending at 9:00 P.M. on Sep.19, 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 3<sup>rd</sup> day of Sep. 2024.

**RES 24-023**

**C. ID 24-3842 San Pure Maintenance Contract 3-Year Renewal**

Information Technology Director Jai Doherty requested that the Board approve a three-year hardware maintenance contract renewal with SHI for maintenance of the 911 San Pure storage.

**Commissioner Hunt moved to authorize the County Manager and the County Attorney to negotiate terms of contract with SHI and authorize the County Manager, Finance Director, Clerk to the Board, and other County officials to sign and execute all documents in support of this action. Commissioner Benfield 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-24 3890 Rutherford County Community Child Protection/Child Fatality Prevention Team Annual Report to the Board of Commissioners**

Social Services Director Delores Hunt said the Rutherford County Community Child Protection Team/Child Fatality Prevention Team is required by NC GS 7B 1406(a)(2) to report annually to the Board of County Commissioners on the activities of the team. She presented a copy of the report. The composition of the Team is mandated by NC GS 7B 1407(b)(1)-(10) and (c)(1)-(5). In addition, section (d) of 1407 states the board of county commissioners may appoint a maximum of five additional members to represent county agencies or the community at large. A list of the current membership was included in the report showing the organization or CCPT/CFPT position that each member represents and those who have been appointed by the county commissioners. Historically, the team has appointed members to these five positions as needed and then presented the list to the Board annually for approval, or to make changes as the Board may deem necessary. There is no term limit on the appointments. Director Hunt asked that the Board accept the report and approve appointments to the Team.

**Commissioner Hunt moved to accept the report and to appoint Dr. Paul Holden, Ms. Heather Kennedy, Ms. Anitra McKinney, Ms. Kayla Fox, and Ms. Jamie Hill to the Community Child Protection Team/ Community Fatality Protection Team. 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

**IX. Adjournment**

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**At 7:19 P.M. Commissioner Lovelace made a motion to adjourn. 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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Chairman, Board of Commissioners

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Vice Chairman, Board of Commissioners

ATTEST:

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Clerk, Board of Commissioners