



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

**Rutherford County
Board of Commissioners
Minutes of April 6, 2026**

**Monday, April 6, 2026
6:00 PM**

I. Call to Order

Chairman King called the April 6, 2026 meeting of the Rutherford County Board of Commissioners to order.

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

A. Pledge of Allegiance

Mr. David Guy led in the Pledge of Allegiance.

B. Agenda Approval

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

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

II. Public Comments

There were no public comments.

III. Consent Agenda

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

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

Noes: None

Consent Agenda Items approved were:

- A. **ID-26-4423 Minutes of February 26, 2026 Special County Commissioners' Meeting**
- B. **ID-26-4422 Minutes of March 2, 2026 County Commissioners' Meeting**
- C. **ID-26-4435 Minutes of March 26, 2026 Special County Commissioners' Meeting**
- D. **ID-26-4424 Tax Refunds and Releases**
Refund amount totaling \$5,059.61
Releases greater than \$100 totaling \$15,278.65
Releases less than \$100 totaling \$320.88
(A copy of these tax refunds and releases is typed in the Minute Book.)

IV. Commissioners/Appointments

- A. **ID-26-4429 National Day of Prayer Proclamation**

Vice Chairman Toney presented a National Day of Prayer Proclamation for the Board's consideration and moved its passage. Commissioner Donnie Haulk seconded the motion. The vote on the motion was:

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

Noes: None

By the Rutherford County Board of Commissioners

Whereas, from the earliest days of our county's history, people have turned to Almighty God for help and guidance; and

Whereas, in times of national crisis when the country is striving to strengthen the foundations of peace and security, citizens stand in special need of divine support; and

Whereas, the Congress, by a joint resolution approved on April 17, 1952 (66 Stat. 64), has provided that the President "shall set aside and proclaim a suitable day each year, other than a Sunday, as a National Day of Prayer, on which the people of the United States may turn to God in prayer and meditation"; and

Whereas, the first Thursday of May has been designated, by the Congress of the United States, as the National Day of Prayer; and

Whereas, the Rutherford County Board of Commissioners recognizes that distinction; and

Whereas, the Rutherford County Board of Commissioners recognizes the need for our citizens to join in this prayer effort; and

Now, therefore, be it hereby resolved that the Rutherford County Board of Commissioners encourages Rutherford County citizens to unite in prayer on May 7, 2026.

Adopted this the 6th day of April, 2026.

PROC 26-002

B. ID-26-4436 Resolution Recognizing April 12 to 18, 2026 as National Public Safety Week

In recognition of the important contribution of telecommunications personnel in the public safety community, Communications' Director Scott Schiefelbein asked that the Board recognize the second week in April as NPSTW (National Public Safety Telecommunicator Week). A resolution depicting this request was presented.

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

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

Noes: None

RESOLUTION RECOGNIZING APRIL 12-18, 2026, AS

NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK

Whereas, The National Public Safety Telecommunications Week was established in 1981 and has been nationally recognized each year since; and

Whereas, the purpose of the week is the celebrate and show thanks, support, and appreciation for all those individuals who serve the public through Public Safety Communications; and

Whereas, this second week of April has been set aside to honor and recognize all telecommunicator personnel and the hard work they do each day to protect citizens and first responders.

NOW, THEREFORE, BE IT RESOLVED BY THE RUTHERFORD COUNTY BOARD OF COMMISSIONERS that the week commencing April 12, 2026, and concluding April 18, 2026, shall be recognized as National Public Safety Telecommunications Week in Rutherford County.

Adopted this the 6th day of April, 2026.

RES 26-008

V. New Business

A. ID-26-4430 Budget Amendments – April 2026

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

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

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

**Budget Amendments
April 6, 2026**

	Expense	Revenue
GENERAL FUND		
Mtns Branch Library/EMS - HVAC Replacement	\$ 40,230	
Fund Balance Appropriated - HVAC Plan		\$ 40,230
*appropriate reserved funds for replacement unit		
Sheriff - Training	\$ 500	
NCACC Reimbursement		\$ 500
*reimbursement received from insurance for eligible training		
Sheriff - Equipment Purchased with Seizure Funds	\$ 14,297	
NCDOR - Unauthorized Substance Tax Distribution		\$ 14,297
*unauthorized substance tax received		
Sheriff - K9 and Related Supplies/Equipment	\$ 20,000	
Sheriff - Donations		\$ 20,000
*donation received to support an additional K9		
Sheriff - Reading Project	\$ 100	
Sheriff - Donations		\$ 100
*donation received for reading project		
Youth Detention	\$ 40,000	
Fund Balance Appropriated		\$ 40,000
*additional costs anticipated based upon recent invoices		
Detention Center - Out of County Inmates	\$ 400,000	
Fund Balance Appropriated		\$ 400,000
*additional costs for housing inmates in surrounding counties based upon trends through February 2026		
Senior Center - Purchases with Donations	\$ 66,000	
Senior Center Donations		\$ 66,000
*donation received to assist with the construction of a pickleball court		

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	Expense	Revenue
Senior Center - Senior Games Supplies	\$ 9,885	
Senior Center Senior Games Donations/Registrations		\$ 9,885
*senior games donations/fees to assist with program		
Senior Center - Home Delivered Meals Food and Supplies	\$ 56,064	
Senior Center Meals on Wheels Donations		\$ 56,064
*donations received to support home delivered meals program		
Library - Digital Materials	\$ 10,000	
Digital Bridge Collaborative Grant		\$ 10,000
*grant received to provide staffing or materials to assist with digital navigation/services		
DSS FUND		
State Foster Care Program	\$ 239,062	
IVE Foster Care Program	\$ 362,776	
Kinship Foster Care Program	\$ 53,705	
State Foster Care Program Revenues		\$ 119,531
IVE Foster Care Program Revenues		\$ 290,221
Kinship Foster Care Program Revenues		\$ 26,853
Contribution from General Fund - Programs		\$ 218,939
*adjust budget to current spending estimates for FYE2026; State/Kinship 50/50 State/County; IVE Foster Care 80/20 State/County		
SCHOOL CAPITAL FUND		
CHASE Middle HVAC Repairs	\$ (52,500)	
RS Central High HVAC Repairs	\$ 52,500	
Pinnacle Elementary HVAC Repairs	\$ (30,000)	
RS Central High HVAC Repairs	\$ 30,000	
*transfer Helene Capital Recovery funds as requested by RCS to NC DPI		
TRANSIT FUND		
Vehicle Replacement	\$ 95,799	
Insurance Proceeds		\$ 63,306
Fund Balance Appropriated		\$ 32,493
*replace total loss van		

B. ID-26-4431 2026 Audit Contract

Finance Director Paula Roach presented 2026 Audit Contract with Gould Killian CPA Group for the Board's consideration.

Commissioner Michael Benfield moved to approve the 2026 Audit Contract. Vice Chairman Alan Toney seconded the motion. The vote on the motion was:

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

Noes: None

C. ID-26-4434 North Carolina Department of Transportation Right-of-Way Acquisition

Planning and Public Works Director Danny Searcy said the North Carolina Department of Transportation had presented an offer to purchase property described in Deed Book 2067, page 516, Rutherford County Registry that contains approximately 5.109 acres of which approximately 0.007 acres is being acquired as right of way, leaving approximately 5.102 acres remaining on the right with access to West Main Street (US 221A). Also being acquired is a Permanent Utility Easement containing approximately 0.062 acres.

The total contingent offer (\$25,250.00) includes payment for the improvements and appurtenances described as Asphalt, Concrete Curb & Gutter.

Vice Chairman Alan Toney moved to accept the offer. Commissioner Donnie Haulk seconded the motion. The vote on the motion was:

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

Noes: None

D. ID-26-4426 Lease with Jingoli Power, LLC

County Attorney Richard Williams told the Board that a notice has been published that the County intends to enter into a lease with Jingoli Power, LLC for 15 acres of the 103.67-acre parcel owned by Rutherford County known as Henson Road Property. (Address 311 Henson Road, Tax Parcel 1610404). The proposed lease has a term of 60 months with the option to renew for an additional term of two years with annual rent payments to be \$27,000 per month for a total annual rent of \$324,000. A resolution approving the proposed lease was presented for the Board's consideration.

Commissioner Donnie Haulk moved to approve the resolution. Commissioner Michael Benfield seconded the motion. The vote on the motion was:

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

Noes: None

Resolution Authorizing Lease of County Property

WHEREAS, Rutherford County owns a vacant, unimproved 103.67-acre parcel of land located at 311 Henson Road, Tax Parcel ID 1610404, and owned by the County through deed recorded in Deed Book 845 at Page 550, Rutherford County Registry, which property the Board of Commissioners of Rutherford County finds is currently surplus to the county's needs; and

WHEREAS, Jingoli Power, LLC, a New Jersey limited liability company, desires to lease 15 acres of this tract situate on the north side of Henson Road as shall be specifically agreed by the parties for the use of a warehouse and distribution center for the operation of a motor vehicle fleet and the storage and distribution of equipment, materials and inventory in order to service, repair and improve this area's electric utility

infrastructure as a contractor for Duke Energy, its successors and affiliates; and

WHEREAS, Rutherford County and Jingoli Power, LLC, have agreed upon a lease under which Jingoli Power, LLC, will lease the 15-acre portion for the term of sixty months commencing upon the execution by all parties of a Lease Agreement, contingent upon approval of the Board of Commissioners, with the right to renew the lease for one additional term of two years; and

WHEREAS, in consideration of leasing this portion of the County's land, Jingoli Power, LLC, has agreed to pay the County annual rent of \$324,000, payable at \$27,000 per month, with the annual rent remaining at \$324,000, payable at \$27,000 per month, for the additional two-year term at the tenant's option; and

WHEREAS, North Carolina General Statute § 160A-272 authorizes Rutherford County to enter into leases of up to 10 years upon resolution of the Board of Commissioners adopted at a regular meeting after 30 days' public notice; and

WHEREAS, the required notice has been published and the Board of Commissioners is convened in a regular meeting;

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

The proposed lease of 15 total acres of parcel owned by Rutherford County referenced above to Jingoli Power, LLC, and its approved assigns, for sixty months, with the lessee holding a right to renew for one additional two-year term, annual rent at the rate of \$324,000 payable at \$27,000 per month throughout the term and the two-year renewal, if applicable, and directs the chairman of the Board of Commissioners, working with the County Attorney and County staff, to negotiate the remaining terms and conditions and execute any instruments necessary to the lease.

ADOPTED this the 6th day of April, 2026.

RES 26-009

VI. Commissioner Reports

A. ID-26-4433 Tourism Development Authority Report

Tourism Development Authority Director Don Cason provided the quarterly update on the TDA for the Board's information.

VII. Closed Session

A. ID-26-4425 Closed Session – ATTORNEY CLIENT NCGS 143-318.11(a)(3)

At 6:50 pm, Commissioner Michael Benfield moved to go into Closed Session for a discussion with the County Attorney. The County Manager, the Deputy Clerk to the Board, and the County Attorney, would be included in the session. Vice Chairman Alan Toney seconded the motion. The vote on the motion was:

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

Noes: None

6:50 P.M. - **The Board went into Closed Session.**

7:23 P.M. - **The Board returned to Regular Session.**

A. ID 26-4437 Resolution Authorizing Participation in Opioid Settlements and Execution of All Required Documents for Remnant Defendants

Commissioner Donnie Haulk moved to approve the resolution. Commissioner Michael Benfield seconded the motion. The vote on the motion was:

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

Noes: None

**RESOLUTION BY THE COUNTY OF RUTHERFORD
AUTHORIZING PARTICIPATION IN OPIOID SETTLEMENTS AND EXECUTION OF
ALL REQUIRED DOCUMENTS FOR REMNANT DEFENDANTS**

WHEREAS, Rutherford County is a participant in the National Prescription Opioid Litigation and has received notice of a new national settlement in that litigation finalized as the “Remnant Defendants’ Settlement Agreement” dated February 23, 2026, and involving six additional opioid distributor/dispenser defendants (collectively known as the “Remnant Defendants”), including: Associated Pharmacies, Inc. (and American Associated Pharmacies); J M Smith Corporation; Morris and Dickson Co, LLC; Louisiana Wholesale Drug Company, Inc.; North Carolina Mutual Wholesale Drug Company, Inc.; and United Natural Foods, Inc. (and SuperValu), as well as their respective subsidiaries, affiliates, officers and directors (collectively “the Remnant Defendants”) with a total national settlement value of \$97,625,000; and

WHEREAS, participation in these settlements maximize opioid settlement funds to ensure the needed resources reach communities, as quickly, effectively, and directly as possible in order to provide funding for opioid abatement and related services in Rutherford County; and

WHEREAS, the recommendation of the National Consortium has been reviewed by the County Attorney and participation in these settlements requires timely action by Rutherford County to execute and submit all required participation forms, releases, and other documents required by the

Remnant Defendants Settlement Agreement by the agreement's established deadline of Monday, May 4, 2026;

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of Rutherford County hereby authorizes and approves Rutherford County's participation in the Remnant Defendants' Settlement Agreement, and authorizes the Interim County Manager and necessary County staff, working with the County Attorney, to review, execute and submit all participation forms, releases and other documents necessary for participation in the Remnant Defendants' Settlement Agreement, and to take such further action as may be necessary to effectuate Rutherford County's participation in these settlements and to receive and administer Rutherford County's share of allocated funds, to be effective as of this date so adopted.

Adopted this the 6th day of April, 2026.

RES 26-010

VIII. Adjournment

At 7:45 pm Vice Chairman Alan Toney made a motion to adjourn. Commissioner Michael Benfield seconded the motion. The vote on the motion was:

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

Noes: None

Chairman, Board of Commissioners

Vice Chairman, Board of Commissioners

ATTEST:

Clerk, Board of Commissioners