



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

**Rutherford County  
Board of Commissioners  
Minutes of February 5, 2024**

**Monday, February 5, 2024  
6:00 PM**

**I. Call to Order**

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Chairman King called the February 5, 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**

Dr. Paul Brintley led in the Pledge of Allegiance.

**A. 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.

**Noes:** None

**II. Public Hearings**

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**A. ID-23 3683 Public Hearing – Fire Protection Service Districts**

At 6:02 P.M. Chairman King opened the public hearing to hear comments regarding the relocation of boundaries of certain existing fire protection districts with adjoining existing fire protection service districts.

Fire Marshal and Emergency Management Coordinator Frankie Hamrick told the Board that a Rutherford County Fire Protection Service District Report required by NCGS 153A-304.3(b) was available for review along with maps of the proposed districts. The report provided information concerning the changes in adjoining Service Districts for fire protection and the effects of this on property owners and fire departments. Its intent is to provide direction for how the County may assist in providing a reduction in fire insurance premiums to approximately forty-four (44) property owners.

Two resolutions which would approve changes in the service districts and also the insurance districts were presented for the Board's consideration.

No one else wished to speak.

At 6:06 P.M. Chairman King declared the public hearing to be closed.

**Commissioner Hunt moved to approve the Resolution Approving Service District Boundaries. 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

**RUTHERFORD COUNTY BOARD OF COMMISSIONERS**  
**RESOLUTION**  
**APPROVING SERVICE DISTRICT BOUNDARIES**

**WHEREAS**, the County of Rutherford (hereinafter referred to as County) has established county service districts pursuant to Article 16 of Chapter 153A of the North Carolina General Statutes for the purposes of fire protection (hereinafter referred to as County Service Districts); and

**WHEREAS**, these county service districts were established on the basis that would maximize the number of individual tracts of real property located within Rutherford County that would be located within six (6) miles of an established fire department; and

**WHEREAS**, in order to implement this purpose, each individual tract of real property was placed within the six-mile radius of the nearest said fire department as best as could be determined using tax maps, aerial photographs, and other methods by County staff; and

**WHEREAS**, certain individual tracts of real property are not placed in the most efficient or correct county service district due to such factors as best and safest access being through roads better served by a different fire department than serving their current county service district, or by simple error or inadvertence; and

**WHEREAS**, at the establishment of these county service districts for fire protection purposes, certain individual tracts of real property were not able to be placed within the six-mile radius of any fire department due to their location but are now able to be placed within such a six-mile radius due to new fire substations being established, new routes for such servicing being created, and/or by correction of simple error or inadvertence; and

**WHEREAS**, it is the desire of the County: to account for more efficient fire protection service for certain properties after better assessment of road access; to correct any errors; to account for the opening of the new fire substation in the most efficient and beneficial manner to the public in relation to the county service districts; and to include tracts subsequently entering the six-mile radius; each to be accomplished by changing the boundaries of adjoining county service districts in such a manner as to ensure that each such tract is actually served by the appropriate fire department; and

**WHEREAS**, each of the adjoining service districts affected hereby were established for substantially similar purposes with each other, and a report was prepared and available to the public in the office of the clerk to the board at least two weeks prior to the public hearing, which report included the appropriate information required by N.C. Gen. Stat. §153A-304.3(b); and

**WHEREAS**, notice of the public hearing for the changing of such county service districts for fire protection purposes has been provided by publication of notice of hearing at least once not less than one week before the date of the hearing and that such public hearing has been conducted; and

**WHEREAS**, the Rutherford County Fire Marshal has caused to be created new fire service district maps using the GIS system as shown in Exhibit "A", Exhibit "B", Exhibit "C", Exhibit "D", Exhibit "E", Exhibit "F", Exhibit "G", Exhibit "H", and Exhibit "I".

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

THAT, pursuant to N.C. Gen. Stat. §153A-304.3, the Rutherford County Board of Commissioners approves the new boundary lines for each of the nine (9) proposed boundary changes as follows:

- (1) Boundary lines from the Service District serviced by Union Mills to the Service District serviced by Green Hill as shown on the map attached hereto as Exhibit "A" certified by the County Fire Marshal;
- (2) Boundary lines from the Service District serviced by Bostic to the Service District serviced by Cherry Mountain as shown on the map attached hereto as Exhibit "B" certified by the County Fire Marshal;
- (3) Boundary lines from the Service District serviced by Hudlow to the Service District serviced by Forest City as shown on the map attached hereto as Exhibit "C" certified by the County Fire Marshal;
- (4) Boundary lines from the Service District serviced by Shingle Hollow to the Service District serviced by Bills Creek as shown on the map attached hereto as Exhibit "D" certified by the County Fire Marshal;
- (5) Boundary lines from the Service District serviced by Spindale to the Service District serviced by Forest City as shown on the map attached hereto as Exhibit "E" certified by the County Fire Marshal;
- (6) Boundary lines from the Service District serviced by Bostic to the Service District serviced by Forest City as shown on the map attached hereto as Exhibit "F" certified by the County Fire Marshal;

(7) Boundary lines from the Service District serviced by Union Mills to the Service District serviced by Hudlow as shown on the map attached hereto as Exhibit "G" certified by the County Fire Marshal;

(8) Boundary lines from the Service District showing as Outside Response Area to the Service District serviced by Shingle Hollow as shown on the map attached hereto as Exhibit "H" certified by the County Fire Marshal;

(9) Boundary lines from the Service District showing as Outside Response Area to the Service District serviced by Union Mills as shown on the map attached hereto as Exhibit "I" certified by the County Fire Marshal.

The effective date for the changes for each of the above districts shall be July 1, 2024.

**ADOPTED** this the 5<sup>th</sup> day of February, 2024.

**RES 24-001**

**Commissioner Lovelace moved to approve the Resolution Approving Insurance District Boundaries. 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  
R E S O L U T I O N  
APPROVING INSURANCE DISTRICT BOUNDARIES**

**WHEREAS**, Chapter 153A-233 of the North Carolina General Statutes authorizes the Board of Commissioners of any County to designate the boundaries of fire insurance districts for the purpose of insurance grading; and

**WHEREAS**, the fire district boundaries in the unincorporated portion of Rutherford County need to be revised to reflect changes; and

**WHEREAS**, the Rutherford County Fire Marshal has caused to be created new fire insurance district maps reflecting the same said proposed changes using the GIS system as shown in Exhibit "A", Exhibit "B", Exhibit "C", Exhibit "D", Exhibit "E", Exhibit "F", Exhibit "G", Exhibit "H", and Exhibit "I".

**NOW, THEREFORE IT BE RESOLVED** that the Rutherford County Board of Commissioners approves the boundary lines of the fire insurance districts as shown in Exhibit "A", Exhibit "B", Exhibit "C", Exhibit "D", Exhibit "E", Exhibit "F", Exhibit "G", Exhibit "H", and Exhibit "I", exclusive of current or future municipal town limits, and as represented in the GIS produced maps certified by the County Fire Marshal.

**ADOPTED** this the 5<sup>th</sup> day of February, 2024.

**RES 24-002**

**B. ID-24-367 Public Hearing – Amendment to Rutherford County Code of Ordinances re: Alarm Systems Section 8-1**

At 6:08 P.M. Chairman King opened the public hearing to listen to comments regarding amending Section 8-1 Alarm Systems of the Rutherford County Code of Ordinances.

Information Technology Director Jai Doherty presented an amendment to Section 8-1 of the Rutherford County Code of Ordinances that was adopted in 1982 and which provided that private citizens, business firms or other organizations may have alarms monitored by the Rutherford County Communications Center. He explained that circumstances of alarm monitoring have changed, and it is desirable to amend Section 8-1 to reflect those changes in circumstances.

No one else wished to speak.

At 6:09 P.M. Chairman King declared the public hearing to be closed.

**Commissioner Hunt moved to approve the recommended Section 8-1 Amendment to Ordinance Alarm Systems in the Rutherford County Code of Ordinances. 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

**AMENDMENT TO ORDINANCE  
ALARM SYSTEMS**

**WHEREAS**, Section 8-1 of the Rutherford County Code was adopted by resolution of the Rutherford County Board of Commissioners in May, 1982, upon the creation of Rutherford County Communications Center;

**WHEREAS**, the Board of Commissioners in that resolution provided that private citizens, business firms or other organizations to have alarms be monitored by the Rutherford County Communications Center;

**WHEREAS**, the circumstances of alarm monitoring have changed in the past 42 years, including: the relocation of the Rutherford County Communications Center; the passage of Chapter 74D of the North Carolina General Statutes in 1983; and the growth in private businesses licensed by the State of North Carolina offering security services, including alarm monitoring, to Rutherford County's citizens and businesses; and

**WHEREAS**, the Board of Commissioners recognizes the value in private enterprise, trained and developed with the goal of providing security, licensed and overseen by the State of North Carolina, to furnish these services to its citizens;

**WHEREAS**, the Board of Commissioners desires to amend Section 8-1 of the Rutherford County Code to reflect the change in circumstances over the past 42 years since originally adopted;

**NOW, THEREFORE, BE IT RESOLVED** by the Rutherford County Board of Commissioners that the Rutherford County Code is hereby amended by amending the language of Section 8-1, entitled "Alarm systems", as follows:

Sec. 8-1. – Alarm systems.

(a) The board of commissioners may permit alarms from private citizens, business firms or other organizations located in the county to be monitored by the Rutherford County Communications Center on Sparks Drive in Forest City, North Carolina, provided that the alarm system is formatted and compatible with the existing monitoring system of the county communications center. It is understood that the owners of alarm systems, if so monitored by the county communications center, will be responsible for any cost incurred in the transfer or installation of systems. Should the county communications center agree to monitor any such alarms, it will monitor such alarms and dispatch law enforcement officers and emergency personnel as necessary.

**(b) Any such monitoring of alarms by county communications center will require written agreement with the private citizen, business firm or other organization.**

(c) An annual assessment for the alarm monitoring services, if any, shall be imposed in an amount to be determined by the board of commissioners. In the event that an owner of an alarm system fails to timely pay the annual assessment and/or any other penalties assessed pursuant to section 8-1 and section 8-1.5 of this article, or violate the terms of the written agreement with the county in any manner, the alarm system shall be removed from the monitoring system of the county communications center.

**ADOPTED** this 5th day of February, 2024.

**ORD 24-001**

**C. ID-24-3672 Public Hearing for Project Closeout by Rutherford County for Community Development Block Grant #20-V-3519**

At 6:10 P.M. Chairman King opened the public hearing to hear comments relative to the closeout of Rutherford County CDBG-CV grant #20-V-3519, funded under Title I of the Housing and Community Development Act.

Ms. Alison Heim of McGill and Associates said in 2020, Rutherford County was awarded \$900,000 in CDBG Coronavirus funds for the construction of three (3) fixed wireless broadband distribution points in the county, each including a 100 ft. tower, climate-controlled equipment room, LP tank and backup generator, and to provide emergency rent mortgage and utility payments to low-to moderate households. These points expanded broadband capability to approximately 2,532 low/moderate income households residing in designated low/moderate income areas within Rutherford County. The grant also provided rent/utility assistance to approximately 16 low-income Rutherford County residents in danger of eviction.

Ms. Heim requested that the Board consider the closeout of the grant.

No one else wished to speak.

At 6:25 P.M. Chairman King declared the public hearing to be closed.

**Commissioner Benfield moved to close out Community Development Block Grant #20-V-3519. 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

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### **III. Public Comments**

There were no public comments.

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### **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 24-3671 Minutes of Commissioners' Meeting of January 8, 2024**

**B. ID 24-3646 Tax Refunds and Releases – February 5, 2024**

Refund amount totaling \$2,167.49

Releases greater than \$100 totaling \$14,691.26

Releases less than \$100 totaling \$550.55

(A copy of these tax refunds and releases is typed in the Minute Book.)

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### **V. Commissioners/Appointments**

**A. ID 24- 3690 Certificate of Achievement in Financial Reporting**

Chairman King recognized Finance Director Paula Roach and her staff. The County received notification that the County's CAFR (Comprehensive Annual Financial Report) for the fiscal year ending June 30, 2022 qualified for the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association. This is the County's thirty-fourth consecutive year to achieve this award.

**B. ID-24-3679 Appointment to Community Child Protection Team/Child Fatality Prevention Team**

A request had been received from the Community Child Protection Team/Child Fatality Prevention Team that Ms. Jamie Hill, RN with Rutherford Regional, be appointed to the Community Child Protection Team/Child Fatality Prevention Team. Ms. Hill had agreed to serve.

**Commissioner Hunt moved to appoint Ms. Jamie Hill to the Community Child Protection Team/Child Fatality Prevention 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

**C. ID-24-3678 Appointment to Foothills Regional Commission Board of Directors**

The agenda noted that the term of County Manager Steve Garrison on the Foothills Regional Commission Board of Directors will expire on April 1, 2024. This vacancy had been advertised, and applications had been accepted. Manager Garrison had indicated his willingness to serve an additional term.

**Commissioner Lovelace moved to appoint County Manager Steve Garrison to the Foothills Regional Commission Board of Directors to a term ending April 1, 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

**D. ID-24-3677 Appointments to Foothills Workforce Development Board**

Two vacancies exist on the Foothills Workforce Development Board. The vacancies had been advertised, and applications had been accepted. An application was received from Mr. Josh Krigbaum to serve as a representative of Private Sector/Small Business. Mr. Scott Smiles submitted an application to serve as a Rehabilitation Representative.

**Commissioner Benfield moved to appoint Mr. Josh Krigbaum and Mr. Scott Smiles to the Workforce Development Board 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

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**VI. Commissioner Reports**

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**A. ID-24-3676 Audit Report**

Mr. Travis Keeter, CPA at Gould Killian CPA Group, presented the Rutherford County audit for fiscal year ended June 30, 2023. He advised that a unmodified opinion was issued on the June 30, 2023 financial statements. No material weaknesses in internal control over financial reporting, and no material noncompliance with laws and regulations were reported.



The General Fund Summary included revenues and expenditures which were:

Revenues

Ad Valorem Taxes	61%	\$48,629,147
Local Option Sales Tax	13%	\$10,879,245
Restricted Intergovernmental	13%	\$10,499,236
Other	13%	\$10,148,918

Expenditures by Function

General Government	12%	\$ 9,078,967
Public Safety	28%	\$20,675,373
Education	28%	\$20,934,961
Human Services	21%	\$15,855,961
Other	11%	\$ 7,825,086

Local option sales tax showed a growth over the previous year. Bank interest earnings were \$1,900,000 versus \$42,000 the previous year. Expenditures for public safety, education, and human services were the big-ticket items. Public safety showed an increase from \$17,600,000 to \$20,675,373 over the previous year. Salary increases accounted for much of this.

The total fund balance is \$54,673,121 with an available fund balance of \$45,754,599.

**Commissioner Benfield made a motion to accept the audit. 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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## **VII. Old Business**

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### **A. ID-24-3688 GOVDEAL Auction for Rutherford County Property**

Planning and Public Works Director Danny Searcy stated that at the December 4, 2023 meeting the Board approved authorizing a new electronic auction for Lot Number 209 of Queen's Gap, Phase 1 through GOVDEALS. The property is recorded in Plat Book 27, Pages 280-292, ("the Plat"), Rutherford County Registry, to which plat reference is hereby made for a more full and accurate description and is Subject to Declaration of Covenants, Conditions, and Restrictions for Queen's Gap as recorded in Book 917, Pages 402-442, Rutherford County Register of Deeds, and recorded in Book 891, Pages 624-664, McDowell County Register of Deeds, and any amendments and supplements thereto. It is subject to all matters shown on subdivision plat of Queen's Gap, Phase 1, as recorded in Plat Book 27, Pages 280-292, Rutherford County Register of Deeds, and Plat Book 13, Pages 60-72, McDowell County Register of Deeds, hereinafter referred to as "the Plat".

The property is the same and identical property conveyed to Rutherford County by Commissioner's Deed recorded in Book 2037 at Pages 2624-2625, Rutherford County Registry.

The auction initiated on December 11, 2023 and ran through January 19, 2024 at 5:00 PM. A high bid for the property was received from Mr. Rafek Gerges in the amount of \$17,700 with an administrative fee of \$1,327.50 for a total of \$19,027.50.

A resolution was presented for the Board's consideration approving the acceptance of the high bid of \$17,700.00 from Mr. Rafek Gerges for Queen's Gap Phase 1 Lot Number 209.

**Commissioner Benfield moved to approve the resolution accepting the high bid of \$17,700.00 from Mr. Rafek Gerges for Queen's Gap Phase 1 Lot Number 209. 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 High Bid for Certain Tract of Real Property  
Sold by Electronic Auction**

**WHEREAS**, on December 4, 2023, Rutherford County authorized an electronic auction at [www.govdeals.com](http://www.govdeals.com) for that certain parcel of real property showing as Lot Number 209 of Queens Gap, Phase 1, subdivision as shown and described hereinbelow, that is surplus to its needs; and

**WHEREAS**, Rutherford County conducted said electronic auction at [www.govdeals.com](http://www.govdeals.com) beginning December 11, 2023, at 8:30 a.m., and ending January 19, 2024, at 5:00 p.m., for that said parcel of real property; and

**WHEREAS**, high bid of \$17,700.00 was submitted for the said parcel of real property by Gerges Rafek.

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

1. The Board of Commissioners of Rutherford County accepts the high bid of \$17,700.00 from Gerges Rafek for that same said certain parcel of land being more particularly described as follows:

*Being Lot Number 209 of Queen's Gap, Phase 1, as described more fully in Plat recorded in Plat Book 27, Pages 280-292, ("the Plat"), Rutherford County Registry, to which plat reference is hereby made for a more full and accurate description. Subject to Declaration of Covenants, Conditions, and Restrictions for Queen's Gap as recorded in Book 917, Pages 402-442, Rutherford County Register of Deeds, and recorded in Book 891, Pages 624-664, McDowell County Register of Deeds, and any amendments and supplements thereto. Subject to all matters shown on subdivision plat of Queen's Gap, Phase 1, as recorded in Plat Book 27, Pages 280-292, Rutherford County Register of Deeds, and Plat Book 13, Pages 60-72, McDowell County Register of Deeds, hereinafter referred to as "the Plat".*

*Being the same and identical property conveyed to Rutherford County by Commissioner's Deed recorded in Book 2037 at Pages 2624-2625, Rutherford County Registry.*

2. The Chairman of the Board of Commissioners shall be authorized to execute any instruments necessary to convey the said property described herein in accordance herewith.

**ADOPTED** this the 5<sup>th</sup> day of February, 2024.

**RES 24-003**

**B. ID-24-3673 Interlocal Agreement Between Foothills Health District and Rutherford County**

County Manager Steve Garrison reminded the Board that at the November 6, 2023 meeting, the Board authorized the County Manager and the County Attorney to negotiate terms of an interlocal agreement between Foothills Health District and Rutherford County for Foothills Health District to assume responsibility of the management and operation of the Animal Control Department services. He presented a resolution for the Board's consideration approving the proposed agreement.

**Commissioner Hunt 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

**RESOLUTION TO APPROVE AN INTERLOCAL AGREEMENT  
FOR ANIMAL CONTROL SERVICES**

**WHEREAS**, the County of Rutherford (hereinafter referred to as County), is a local government established pursuant to the laws of the State of North Carolina, and provides animal control services in Rutherford County pursuant to Appendix C of the Rutherford County Code of Ordinances, including the operation of an animal shelter presently located at 578 Laurel Hill Drive, Rutherfordton, NC 28139 (hereinafter the "Animal Control Facility"); and

**WHEREAS**, Foothills Health District (hereinafter referred to as Foothills) is a public authority established pursuant to the laws of the State of North Carolina and is a multi-county district health department comprising Rutherford County and McDowell County established pursuant to N.C. Gen. Stat. §130A-36; and

**WHEREAS**, Foothills presently provides for the public health in Rutherford County, including for matters involving animals such as rabies control and enforcement; and

**WHEREAS**, County has reviewed various options for operation of the Animal Control Facility and provision of certain animal control services; and

**WHEREAS**, Foothills agrees to operate the Animal Control Facility and provide such animal control services as will be set forth by written agreement with the County; and

**WHEREAS**, N.C. Gen. Stat. §160A-461 authorizes County and Foothills to enter into an interlocal agreement for these purposes; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of Rutherford County hereby approves the Animal Control Interlocal Agreement by and between the County of Rutherford and the Foothills Health District; authorizes the County Manager, working with the County Attorney and county staff, to negotiate and amend said Agreement as necessary to fulfill the purposes set forth therein; and authorizes the Chairman of the Board of Commissioners of Rutherford County to execute the same on behalf of the County.

**ADOPTED** this the 5<sup>th</sup> day of February, 2024.

**RES 24-004**

**C. ID-23-3638 Amended Audit Contract**

Finance Director Paula Roach told the Board that due to additional timing needed to complete the Annual Comprehensive Financial Report, the County's audit presentation had been scheduled for the February agenda. Since the work was not completed by December 1, 2023, the Local Government Commission requires the Board to approve an amendment to the audit contract. The amendment would update the completion date to January 31<sup>st</sup>, 2024. The contract must be amended before final invoices can be paid.

**Commissioner Lovelace moved to approve the amended audit contract. 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

**VIII. New Business**

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**A. ID-24-3681 Budget Amendments**

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

**Vice Chairman Toney 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>February 5, 2024</b>		
<b>GENERAL FUND</b>		
Library - Part-Time Salaries/Benefits	\$ 8,500	
Library - Computer Service/Maintenance	\$ 5,000	
Library - Program Supplies	\$ 15,462	
Library State Aid		\$ 28,962

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*appropriate additional funds received		
Contribution to Health District - Animal Control Operations	\$ 195,000	
Professional Services - Veterinary	\$ 70,000	
Animal Control - Salaries/Benefits	\$ 30,000	
Fund Balance Appropriated		\$ 295,000
*transfer operating costs to Health District for Animal Control for balance of fiscal year; appropriate funds for comp payout and anticipated veterinary bills incurred by county		
Sheriff - Uniforms	\$ (5,427)	
Transfer to Grant Fund	\$ 5,427	
*matching funds for 50/50 bulletproof grant program		
<b>GRANT FUND</b>		
Sheriff - Bulletproof Vest Grant	\$ 10,854	
Bureau of Justice - BPV Grant		\$ 5,427
Contribution from General Fund		\$ 5,427
*grant received; 50% match required		
Communications -Equipment	\$ 40,923	
NCDIT Portable Radio PSAP Grant		\$ 40,923
*grant awarded for radios to be used at PSAP facility; no match required		

**B. ID-24-3689 Report on 2023 Real Property Tax Liens and Request to Advertise Real Property Tax Liens**

A report on the 2023 real property tax liens was presented by Revenue Director Lawson. He stated that a list of these liens is available on the Revenue Department page on the county website at [www.rutherfordcountync.gov/tax](http://www.rutherfordcountync.gov/tax). The collection rate was 91.27%.

**Commissioner Hunt moved to accept the report on the 2023 real property tax liens. 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

Director Lawson also requested authority to advertise the unpaid taxes one time in the local newspaper between March 1 and May 31, 2024, pursuant to NCGS 105-369(c).

**Commissioner Hunt moved to authorize the advertisement of unpaid taxes one time in the local newspaper between March 1 and May 31, 2023. 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

**C. ID-24-3680 Resolution for Rutherford County Board of Education**

County Manager Garrison said the Board of Education had requested that a resolution be approved by the Board of Commissioners that would allow the Board of Education to extend a contract with Apple, Inc. for the lease and option to purchase certain computer equipment. A copy of the resolution was presented for the Board's consideration.

**Commissioner Lovelace moved to approve the resolution presented. 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**

**WHEREAS**, the Rutherford County Board of Education ("Board of Education") wishes to enter into an extension of its existing contract, entered into as of September 2, 2010 with Apple Inc. ("Apple"), for the lease and option to purchase certain laptop computer hardware, software, and related equipment and services to be used for instructional purposes, over a 48-month term effective March 5, 2024, the payment schedule for which is incorporated herein by reference (the "contract");

**WHEREAS**, the Board of Education advises the Board of Commissioners for the County of Rutherford ("Board of Commissioners") that the new contract agreement will result in substantial savings over that of the current agreement and permit the school children of Rutherford County to replace used computers with new updated computers to enable continued academic enhancement;

**WHEREAS**, the Board of Education intends to satisfy the full cost of the contract out of the annual budget of the Board of Education during each fiscal year;

**WHEREAS**, the contract between the Board of Education and Apple is not an obligation of the County of Rutherford and does not require direct funding from the Board of Commissioners to the Board of Education for successive fiscal years;

**WHEREAS**, pursuant to N.C. Gen. Stat. § 115C-528(i), no deficiency judgment may be rendered against the Board of Education or the Board of Commissioners with regards to the sums to be paid by the Board of Education; and

**WHEREAS**, the Board of Education and Board of Commissioners intend that the entire cost of the contract with Apple will be covered by the Board of Education's annual budget, the contract is nevertheless being approved by resolution of the Board of Commissioners, at the request of the Board of Education, in order to comply with the technical requirements of N.C. Gen. Stat. §§ 115C-441(c1) and 528, to the extent such requirements are applicable to the contract.

**NOW, THEREFORE, BE IT RESOLVED** that pursuant to N.C. Gen. Stat. § 115C-441(c1), the Rutherford County Board of Commissioners agree to execute this Resolution and shall appropriate sufficient funds to the Rutherford County Board of Education in ensuing fiscal years in an amount which is sufficient to meet the contract obligations. Said funds for this

contract shall be part of, and not in addition to, the regular annual appropriations made to the Board of Education by the Board of Commissioners each year.

Adopted this the 5<sup>th</sup> day of February, 2024.

**RES 24-005**

**D. ID-24-3684 Transit Department's Title VI Plan**

Transit Director Kerry Giles told the Board that the North Carolina Department of Transportation requires the County's governing board to approve the Title VI plan for the Transit Department every three years. The last plan was approved in January of 2021. A copy of the 2023 plan had been provided to the Board. The revisions included:

- Section 8.1 - 8.6: Service Area Population Characteristics - updated Census data
- Section 10.5: Limited English Proficiency - updated Census data
- Section 10.7: Key contacts - update to Transit Advisory Board and other community contacts
- Section 10.8: Community Outreach - update of dates of public hearings
- Section 12.0: Non-elected boards and committees - update to demographic information of Transit Advisory Board

Title VI of the Civil Rights Act of 1964 and Civil Rights Restoration Act of 1987, states that no person shall, on the grounds of race, color, national origin, sex, religion, age or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

**Commissioner Lovelace moved to approve the Title VI Plan for the Transit Department. 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

**E. ID-24-3685 Approval for Revised Zero Tolerance Drug and Alcohol Policy for Rutherford County Transit**

Director Giles advised that on May 2, 2023, the US Dept of Transportation updated 49 CFR Part 40 which is the USDOT drug and alcohol testing regulation. Rutherford County Transit falls under this regulation due to receipt of federal funds through the USDOT. On October 2, 2023, the Rutherford County Board of Commissioners approved an addendum to the current policy per this update to the regulation. This addendum was specific to the use of oral fluid specimen for drug testing. Director Giles asked that the Board now approve the entire revised policy as received from NCDOT.

**Commissioner Lovelace moved to approve the Rutherford County Transit Drug and Alcohol Testing Policy (Zero Tolerance.) 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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**IX. Closed Session**

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**At 6:57 P.M. Commissioner Benfield moved to go into Closed Session for a discussion with the County Attorney. The County Manager and the Clerk to the Board would be included in the session. 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

**6:57 P.M. - The Board went into Closed Session.**

**7:12 P.M. - The Board returned to Regular Session.**

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**XI. Adjournment**

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**At 7:13 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, 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