

STATE OF NORTH CAROLINA

COUNTY OF VANCE

The Vance County Board of Commissioners met in regular session on Monday, August 1, 2022 at 6:00 p.m. in the commissioners' conference room, Vance County Administration Building, 122 Young Street, Henderson, NC. Those commissioners present were as follows: Chairman Leo Kelly, Vice-Chair Yolanda J. Feimster, Commissioners R. Dan Brummitt, Carolyn Faines, Archie B. Taylor, Jr., and Gordon Wilder.

Absent: Commissioner Thomas S. Hester, Jr.

Also present were County Manager Jordan McMillen, Finance Director Katherine Bigelow, and County Attorney Jonathan S. Care. Clerk to the Board Kelly H. Grissom was absent.

Pastor Robin Farner, Flat Rock United Methodist Church, gave the invocation.

Mr. Frankie Nobles, Vance County Employee Engagement Team Chair, was first on the agenda to recognize the new employee of the month. He noted that employees are nominated by their peers, and this month's recognition goes to Finance Director Katherine Bigelow. Her peers noted that she is a team player, is always willing to help others as needed, brings new ideas to save money and find additional revenue, and always has a positive attitude. Ms. Bigelow will receive a \$100 gift card and a designated parking space for the month. She was presented a certificate of appreciation and the board congratulated her on receiving this recognition.

Fire Chief Chris Wright was next on the agenda and recognized several individuals who went above and beyond the call of duty to save others. On April 26, 2016, a man was trapped and rescued from a grain silo. Captain John O'Neal and Battalion Chief Brian Williams were presented the Medal of Merit for their bravery in saving this individual.

On May 14, 2018, a call came in about a man who was pinned between his truck and a fifth wheel camper. He was successfully freed from the truck and camper and taken to the hospital. A few days later, the man went to the fire station to thank those responders who saved him. Battalion Chief Adam Pegram and part-time Officer Christopher Gibbons were presented the Medal of Merit for their actions in saving this individual. Captain John O'Neal received a Merit Commendation Bar.

On December 14, 2020 a call came in regarding a female that had driven off into a pond. She was safely extricated from the vehicle and Battalion Chief Adam Pegram was instrumental in

getting her the help she needed. Battalion Chief Adam Pegram was presented a Merit Commendation Bar for his efforts.

Emergency Operations Director Brian Short then recognized several dispatchers for their outstanding job during a house fire on March 27, 2022. Multiple agencies participated in a lifesaving effort at a fire on Port Drive. 911 operators guided and stayed on the line with a resident who was overcome by smoke and became unconscious. Their outstanding, lifesaving performance helped to save the life of the trapped occupant by guiding firefighters to her location inside the house. Mr. Short presented a Meritorious Services Awards to Supervisor Fannie Kincaid, Supervisor Michelle Shearin, Senior Telecommunicator Easton Massie and Senior Telecommunicator Teri Williams.

At this time, Fire Chief Chris Wright recognized Firefighter Tyler Crews and stated that without hesitation, Firefighter Crews made entry into the house, found the victim laying in the floor, and carried her out of the house. Firefighter Crews was presented with the highest award with the Vance County Fire Department, the Medal of Valor, for his heroic efforts on March 27, 2022. County Manager Jordan McMillen recognized Chief Wright for also being a part of this rescue. Chief Wright was presented the Medal of Valor for his efforts in this lifesaving situation.

Other agencies involved in this call included Hicksboro VFD, Townsville VFD, Vance County Rescue Squad, Vance County EMS, Vance County Animal Control, 911 Operations, and the Vance County Sheriff's Office.

Ms. Wykia Macon, Vance County 4-H Agent, appeared before the Board and introduced Mr. Calvin Kenyan as Vance County's 4-H representative for the North Carolina Association of County Commissioners' Annual Conference later this month in Cabarrus County. Mr. Kenyan is a rising Junior at Vance County Early College. He thanked the Board for this opportunity and stated that he is looking forward to representing Vance County at the conference.

Tax Administrator Porcha Brooks was next on the agenda and presented the following untimely exemption applications for approval:

Untimely Exemptions

Name	Exemption Requested	Tax Administrator's Recommendation
Bhuvi Properties LLC Glebe Road, Henderson Parcels 0381 02002 and 0381 02008	Present Use Agriculture and Forestry	Approve Application
Andrew James Perkinson 3868 Glebe Road, Henderson Parcel 0382 02009	Present Use Forestry	Approve Application

Albert and Tina Faiella 3945 Old Watkins Road, Oxford Parcel 0433 02004	Present Use Agriculture	Approve Application
Timothy and Andrea Terry 327 W. Young Avenue, Henderson Parcel 0022 09011	Disabled Veteran	Approve Application
Judy Ayscue 2312 Faulkner Town Road, Henderson Parcel 0548 01023	Elderly or Disabled	Approve Application

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Carolyn Faines, vote unanimous, to approve the land use exemptions as requested.

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Carolyn Faines, vote unanimous, to approve the disabled and elderly exemptions as presented.

Ms. Brooks informed the board that about 25% of the revaluation is now complete.

Sheriff Curtis Brame appeared before the board and stated that the current detention center is outdated, poorly designed, and lacks proper areas to segregate, quarantine, or isolate detainees with illnesses and/or behavioral issues. He requested a study be completed to determine the feasibility of a new detention center. He stated that in the meantime, a diversion plan needs to be in place to house Vance County inmates elsewhere.

After discussion, motion was made by Commissioner Yolanda Feimster to approve a feasibility study for a new detention center, with funding for the study to come from Contingency. This motion was seconded by Commissioner Dan Brummitt and unanimously approved.

Sheriff Brame then requested the board to look into why he did not receive a salary adjustment from the salary study that was recently completed.

Water District Board

Chairman Leo Kelly, Jr. called the Water District Board to order.

Phase 1B Reimbursement Resolution and Update. County Manager Jordan McMillen noted that the board approved a reimbursement resolution for Phase 1B on May 3, 2021 in the amount of \$355,000. This amount matches the engineering contract and has allowed for payment of engineering services to date. He stated that the water district's bond council has recommended approval of an updated reimbursement resolution increasing the potential reimbursement amount to \$1,672,000 which matches the proposed USDA loan funds for the project. He stated that a reimbursement resolution allows the district to pay for services in advance and then be reimbursed by USDA funding at a later time. At the current time, USDA is reviewing the district's complete project submittal package with an anticipated authorization to bid from USDA in the coming

weeks. The funding package from USDA for Phase 1B is as follows: \$1,672,000 USDA loan, \$2,800,000 USDA grant, \$26,200 in county tap fee contributions, and \$2,000,000 from the county's American Rescue Plan (ARP) grant funding.

Motion was made by Commissioner Carolyn Faines, seconded by Commissioner Dan Brummitt, vote unanimous, to approve the following Phase 1B Reimbursement Resolution.

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**RESOLUTION OF THE VANCE COUNTY WATER DISTRICT
DECLARING ITS OFFICIAL INTENT TO REIMBURSE
EXPENDITURES UNDER UNITED STATES DEPARTMENT OF
TREASURY REGULATIONS**

BE IT RESOLVED by the Board of Commissioners (the "Board") for the County of Vance, North Carolina, in its capacity as the governing body of the Vance County Water District (the "District"):

Section 1. The Board does hereby find and determine as follows:

(a) Section 1.150-2 of the Treasury Regulations (the "Regulations") prescribes specific procedures which will be applicable to certain bonds or notes issued by or on behalf of the District including, without limitation, a requirement that the District declare its official intent to reimburse certain expenditures with proceeds of debt to be incurred by the District prior to, or within sixty (60) days of, payment of the expenditures to be reimbursed.

(b) The District intends to advance its own funds in order to pay certain capital costs (the "Original Expenditures") relating to the acquisition, construction and equipping of various improvements to the District's water system including, without limitation, the Phase 1B expansion of system (the "Project").

(c) The District reasonably expects to reimburse itself for the Original Expenditures from the proceeds of debt to be incurred by the District.

(d) \$1,672,000 is the maximum principal amount of debt expected to be incurred for the purpose of paying the costs of the Project.

(e) This declaration of official intent is made pursuant to Section 1.150-2 of the Treasury Regulations to expressly declare the official intent of the District to reimburse itself from the proceeds of debt to be hereinafter incurred by the District for certain expenditures paid by the District on or after the date which is sixty (60) days prior to the date hereof.

(f) The funds heretofore advanced or to be advanced by the District to pay the Original Expenditures are or will be available only on a temporary basis, and do not consist of funds that

were otherwise earmarked or intended to be used by the District to permanently finance the Original Expenditures.

(g) All Original Expenditures to be reimbursed by the District were paid no more than sixty (60) days prior to, or will be paid on or after the date of, this declaration of official intent, except with respect to certain amounts incurred before such 60-day period not exceeding 20% of the issue price of the proceeds of the debt to be hereinafter incurred which are expended for “preliminary expenditures” within the meaning of Section 1.150-2 of the Treasury Regulations (the “Preliminary Expenditures”). The District understands that, except for the Preliminary Expenditures, such reimbursement must occur not later than eighteen (18) months after the later of (a) the date the Original Expenditures were paid and (b) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the Original Expenditures were paid.

Section 5. On May 3, 2021, the District adopted a reimbursement resolution related to certain preliminary expenditures related to the Project in the amount of \$355,000 (the “Prior Resolution”). This resolution supplements the Prior Resolution and does not revoke the Prior Resolution.

Section 6. This resolution shall take effect immediately upon its passage.

This, the 1st day of August, 2022

Leo Kelly, Jr. (signed)
Leo Kelly, Jr., Chairman

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The June 2022 monthly operations report was presented to the board for information.

Chairman Kelly adjourned the Water District Board.

Committee Reports and Recommendations

Properties Committee – Juvenile Justice Relocation. County Manager Jordan McMillen stated that the committee (Kelly, Brummitt & Taylor) met Tuesday, July 26 to discuss a request from Juvenile Justice (NC Department of Public Safety) for the county to sign a non-binding letter of intent supporting efforts of Juvenile Justice to relocate from the Dennis Building to the Vaya Building on S. Garnett Street. In October 2021, Juvenile Justice requested to be relocated from the Dennis Building due to potential health and safety issues as well as a preference for better access. This request followed a safety inspection conducted by NCDPS and a follow up inspection that determined the building meets the intent of the life safety code due to the age of the building. At that time, the properties committee recognized the need for making improvements to the interior

of the building and the county has since completed lead abatement work and repainted major portions of the building. The committee reiterated their preference from October for keeping Juvenile Justice within county space, but is amendable to Juvenile Justice exploring the space further with Vaya. The committee felt there was no action necessary to support this until such time as a reasonable lease rate can be discussed.

Properties Committee – Sale of 350 Ruin Creek Road. Mr. McMillen stated that the committee discussed revised offers from the YMCA and from Vaya Healthcare to purchase the former DSS building (19,684 square feet) and property (2.46 acres) on Ruin Creek Road. The YMCA offer includes purchasing the property for \$1 million while the recently revised Vaya offer includes purchasing the property for \$1.1 million with the condition that the county act in good faith to identify and secure alternative funding that could be used to offset upfit costs and/or fund ongoing operational costs. A previous offer from Vaya included a provision requiring the county to fund 50% of the upfit cost. The committee met with Vaya last month and heard their plans for using the property as a regional diversion center for behavioral and mental health and this month provided an opportunity for the YMCA to share information regarding their planned use. He stated that the YMCA intends to renovate the facility over the next few years and use it as a dedicated space for youth services and to assist in expanding its summer camp and existing youth programming. The committee had a great deal of conversation regarding both offers and recognized that both organizations help the community and provide a public benefit qualifying the property for private sale as per NCGS 160A-279. The committee members discussed the idea that the Vaya offer provides unknowns as to the county's funding or good faith efforts to identify funding for upfit and operational costs and also discussed the idea that the YMCA offer would not require this of the county. Ultimately the committee recommended proceeding forward with the next steps for selling the property to the YMCA.

Motion was made by Commissioner Archie B. Taylor, Jr. to enter further negotiations with the YMCA for the sale of 350 Ruin Creek Road and authorize the county attorney and manager to develop an offer to purchase contract for future board approval. This motion was seconded by Commissioner Gordon Wilder.

Commissioner Dan Brummitt stated that he supports the YMCA purchasing this building, but the county needs to also support Vaya Health in their efforts for a diversion center. Commissioner Carolyn Faines and Commissioner Yolanda Feimster agreed and echoed these

remarks. Commissioner Feimster stated that she would like to see an extended proposal from both Vaya and the YMCA before making a decision and would like others to have an opportunity to make an offer on the building. Mr. McMillen responded that the committee determined that a private sale meets the statutory requirements in that it provides a public benefit.

After further discussion, vote on the motion was ayes – four (4); noes – two (2), with the dissenting votes being cast by Commissioner Carolyn Faines and Commissioner Yolanda Feimster.

County Manager's Report

Justice Assistance Grant. County Manager Jordan McMillen stated that the Vance County Sheriff's Office and the Henderson Police Department jointly receive federal funds from the Edward Byrne Memorial Justice Assistance Grant Program (JAG) to purchase equipment. The City submits the application and conducts the required due diligence. The distribution of funds is 70% City (\$35,092) and 30% County (\$15,092). He stated that the two governing bodies must enter into a Memorandum of Understanding (Inter-local Agreement) in order to receive and utilize the federal funds. Due to the timeframe for the grant, both city and county managers have authorized submittal of the grant with receipt subject to final action by the Board.

Motion was made by Commissioner Carolyn Faines to approve the inter-local agreement between the City and County for the purpose of receiving and using federal JAG funds in the amount of \$15,092. This motion was seconded by Commissioner Dan Brummitt and unanimously approved.

Semi-Annual Jail Inspection Report. Mr. McMillen advised that the State conducted its periodic jail inspection on June 14 and submitted its report to the county. Although the Sheriff oversees the jail, it is necessary for the commissioners to be aware and to receive the report. The report indicated various issues throughout the jail and the sheriff and jail administrator have provided a corrective action plan that has been accepted by the state. He noted that the corrective action indicates several measures have already been taken and jail staff is planning other maintenance projects to address issues within the report.

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Archie B. Taylor, Jr., vote unanimous, to receive the jail inspection report as information.

Shell Building Update. Mr. McMillen advised that the Henderson-Vance Industrial Park Board intends to receive bids this week. He stated that depending on the bid amounts, we

anticipate hearing from the HVIP board soon to discuss next steps. He noted that we were able to work with Senator Lisa Barnes who assisted with getting \$500,000 in the approved state budget to assist with the shell building. The county also has funds available within the economic development fund to assist.

Select Products – Job Creation Update. Mr. McMillen noted that staff recently completed reporting for the Select Products building reuse grant and is able to report they are on track to exceed their jobs and investment commitments. Select Products recently reported 67 fulltime jobs and thus far has made investments totaling \$14.2 million. He anticipates closing out the state building reuse grant in the next month or so. He stated that the county will be providing its first of five annual tax grant payments to Select Products in the coming days and is also coordinating with the state for payment of OneNC grant funds to the company in the near future.

County Attorney’s Report

REO Properties – Bid Acceptance Resolution. County Attorney Jonathan S. Care noted that during its July 5th meeting, the board approved the public sale process for real property located at Hall Street – Parcel 0058 03007. He stated that the property has been through the upset bid process and the board is now free to sell the property or reject the offer.

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Archie B. Taylor, Jr., vote unanimous, to approve the following resolution accepting the bid for Hall Street Lot – Parcel 0058 03007.

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**RESOLUTION ACCEPTING BID FOR
COUNTY OWNED REAL PROPERTY**

WHEREAS, the Vance County Board of County Commissioners received an offer for the purchase and sale of County owned real property, which is more particularly described below:

Hall Street Lot, Henderson, NC, Vance County Tax Department Parcel Number 0058 03007.

WHEREAS, pursuant to NCGS 160A-269 and the Resolution Authorizing Upset Bid Process for Sale of Real Property adopted by the Vance County Board of Commissioners on July 5, 2022, a notice was published in the *Daily Dispatch* on **July 9, 2022**, stating that said offer by **Terrence Foster** in the amount of **\$1,500.00** had been received and that any person wishing to submit an upset bid should do so within 10 days; and

WHEREAS, no upset bids were received within the statutorily prescribed time period;

THEREFORE, BE IT RESOLVED by the Vance County Board of Commissioners, pursuant to NCGS 160A-269 that:

The bid submitted by **Terrence Foster** in the amount of **\$1,500.00** subject to the terms and conditions contained in the submitted bid, attached hereto as Exhibit “A”, is hereby accepted for

the property described herein and the Board’s Chairperson shall execute the documents necessary to complete the transfer of title to such property.

This the 1st day of August, 2022.

Leo Kelly, Jr. (signed)
Leo Kelly, Jr., Chairman
Vance County Board of Commissioners

ATTEST:

Kelly H. Grissom (signed)
Kelly H. Grissom, Clerk to the Board

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REO Properties – New Offer. Attorney Care stated that a new offer had been received for real property located at Pool Rock Road – Parcel 0359C01002. He stated that the board needs to vote on whether or not to proceed with the sale by advertising for upset bids and recommended approval of the resolution to begin the upset bid process for the property.

Motion was made by Commissioner Gordon Wilder to approve the upset bid process for real property located at Pool Rock Road – Parcel 0359C01002. This motion was seconded by Commissioner Carolyn Faines and unanimously approved.

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**RESOLUTION AUTHORIZING UPSET BID PROCESS
FOR SALE OF REAL PROPERTY
Pool Rock Road Lot, Henderson, NC 27537**

WHEREAS, Vance County owns certain real property with an address of **Pool Rock Road Lot, Henderson, North Carolina**, and more particularly described by the Vance County Tax Department as Parcel Number **0359C01002**; and

WHEREAS, North Carolina General Statute §160A-269 permits the county to sell real property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the real property described herein above in the amount of **\$1,200.00** subject to the terms and conditions as included in the submitted offer to purchase bid, submitted by **Meredith Sossamon**; and

WHEREAS, **Meredith Sossamon** has paid the required deposit in the amount of **\$750.00** with the offer.

THEREFORE, THE VANCE COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

1. The Board of County Commissioners declares the real property described above surplus and authorizes its sale through the upset bid procedure of North Carolina General Statute §160A-269.
2. A notice of the proposed sale shall be published which shall describe the property and the amount of the offer and shall require any upset offer be subject to the same terms and conditions as contained therein except for the purchase price.
3. Any person may submit an upset bid to the Clerk to the Board of County Commissioners within 10 days after the notice of sale is published. Once a qualifying higher bid has been received, that bid will become the new offer.

4. If a qualifying bid is received, a new notice of upset bid shall be published and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of County Commissioners.
5. A qualifying higher bid is one that raises the existing offer by the greater of \$750 or ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of the offer and is subject to the same terms and conditions of the previous bid.
6. A qualifying higher bid must also be accompanied by a deposit in the amount of the greater of \$750 or five percent (5%) of the bid, which may be made by cashier's check or certified funds. The County will return the deposit of any bid not accepted and will return the bid of an offer subject to upset if a qualifying higher bid is received.
7. The terms of the final sale are that the Board of County Commissioners must approve the final high offer before the sale is closed and the buyer must pay with certified funds or wire transfer the bid amount and any other amounts as required pursuant to the terms and conditions of the bid at the time of closing, which shall be no later than 30 days following the approval by this Board of the final bid. The real property is sold in its current condition, as is, and the County gives no warranty with respect to the usability of the real property or title. Title will be delivered at a closing by a **Non Warranty Deed**, subject to exceptions for ad valorem taxes, assessments, zoning regulations, restrictive covenants, street easements, rights of others in possession and any other encumbrances of record. Buyer shall pay for preparation and recording of the Deed and revenue stamps.
8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted **and the right to reject all bids at any time.**
9. If no qualifying upset bid is received, the Board of County Commissioners will accept or reject the bid submitted within 60 days after the close of the 10-day upset period.

This the 1st day of August, 2022.

Leo Kelly, Jr. (signed)
Leo Kelly, Jr., Chairman
Vance County Board of Commissioners

ATTEST:

Kelly H. Grissom (signed)
Kelly H. Grissom, Clerk to the Board

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Consent Agenda

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Carolyn Faines, vote unanimous, to approve the following consent agenda items as presented: Budget Amendments #5 and #6, departmental monthly reports, and the minutes of the July 5, 2022 regular meeting.

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**Budget Amendment #5
FY 2022-2023
Social Services**

Revenue Amendment Request	Account Number	Revenue Increase (Decrease)
Chafee Links Funding	10-348-434814	7,000
Total Revenue Increase (Decrease)		\$ 7,000

Expenditure Amendment Request	Account Number	Expense Increase (Decrease)
Chafee Links Funding	10-610-500040	7,000
Total		\$ 7,000

Purpose: One time additional funding Chafee (LINKS) funding.

Authorization: Vance County Board of Commissioners
August 1, 2022



**Budget Amendment #6
FY 2022-2023
Senior Center**

Revenue Amendment Request	Account Number	Revenue Increase (Decrease)
Kerr Tar ARPA Funds	10-350-435027	26,800
Total Revenue Increase (Decrease)		\$ 26,800

Expenditure Amendment Request	Account Number	Expense Increase (Decrease)
Kerr Tar ARPA Funds – new line item	10-611-500151	26,800
Total		\$ 26,800

Purpose: Funds received from Kerr Tar used to implement evidence based programming and to create intergenerational events, along with senior outreach.

Authorization: Vance County Board of Commissioners
August 1, 2022



MONTHLY REPORTS: 911 Emergency Operations, Administrative Ambulance Charge-Offs, Cooperative Extension, EMS, Human Resources, Information Technology, Parks and Recreation, Planning and Development, Tax Collections and Veterans Service.



Miscellaneous

Appointments. The following appointments were presented to the board for consideration:

Economic Development Commission – three year term
Reappoint James Crawford III and Al Rivers

Motion was made by Commissioner Gordon Wilder to approve the reappointments as presented. This motion was seconded by Commissioner Archie B. Taylor, Jr. and unanimously approved.

September Meeting Date. Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Carolyn Faines, vote unanimous, to approving the following resolution changing the September 2022 meeting date from Monday, September 5, 2022 to Tuesday, September 6, 2022 due to the Labor Day Holiday:

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R E S O L U T I O N
by the
Vance County Board of Commissioners
Changing the Date of the September 2022 Commissioners' Meeting

WHEREAS, the Vance County Board of Commissioners normally holds its regular meetings on the first Monday of each month at 6:00 p.m.; and

WHEREAS, North Carolina General Statute 153A-40 provides that in the event the Board of Commissioners desires to change the date and time of a regular meeting, that the Board may do so by adopting a resolution at least ten (10) days before such meeting; and

WHEREAS, the Vance County Board of Commissioners desires to change its regular meeting scheduled for Monday, September 5, 2022 at 6:00 p.m. to Tuesday, September 6, 2022 at 6:00 p.m.

NOW, THEREFORE, BE IT RESOLVED by the Vance County Board of Commissioners that it does hereby change its regular meeting date from September 5, 2022 at 6:00 p.m. to September 6, 2022 at 6:00 p.m. at the usual place, the Commissioners' Conference Room, Vance County Administration Building, Henderson, NC.

BE IT FURTHER RESOLVED that a copy of this resolution is to be posted on the Administration Building bulletin board, and the news media within Vance County is to be made aware of this change.

This, the 1st day of August, 2022.

Leo Kelly, Jr. (signed)
Leo Kelly, Jr., Chairman

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As there was no further business, at 8:00 p.m., motion was made by Commissioner Gordon Wilder, seconded by Commissioner Carolyn Faines, vote unanimous, that the meeting be adjourned.

Approved and signed September 6, 2022.

Leo Kelly, Jr. (signed)
Leo Kelly, Jr., Chairman