

STATE OF NORTH CAROLINA

COUNTY OF VANCE

The Vance County Board of Commissioners met in regular session on Monday, December 7, 2015 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 Archie B. Taylor, Jr., Commissioners Gordon Wilder, Deborah F. Brown, Dan Brummitt, Terry E. Garrison and Thomas S. Hester, Jr.

Absent: None.

Also present were Interim County Manager Robert M. Murphy, Deputy County Manager Jordan McMillen, Finance Director David C. Beck, and County Attorney Jonathan S. Care. Clerk to the Board Kelly H. Grissom was absent.

Pastor Brenda Peace-Jenkins, Greater Little Zion Holiness Church, gave the invocation.

Old Business

*Minutes.* Motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Dan Brummitt, vote unanimous, to approve the minutes of the November 2, 2015 regular meeting and the November 23, 2015 special meeting.

*Remarks from Outgoing Chairman.* Chairman Taylor thanked the Board and staff for their support during this past year and stated that the Board has done well in reaching most goals that were set this past January. He also thanked two citizens, Mr. Lawrence Brame and Mr. Jesse Stem, whose attendance and input during water meetings and Board meetings has been very helpful. He wished Mr. Gordon Wilder well during this coming year as Chairman.

At this time, Judge J. Henry Banks administered the oath of office for newly appointed Commissioner Leo Kelly, Jr.

The next order of business was the election of the Chairman. Commissioner Deborah F. Brown nominated Commissioner Gordon Wilder for the position of Chairman. Commissioner Dan Brummitt seconded the nomination. Motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Terry E. Garrison, to close the nominations. Vote to close the nominations and appoint Commissioner Gordon Wilder as Chairman for the coming year was unanimous.

Commissioner Thomas S. Hester, Jr. nominated Commissioner Dan Brummitt for the position of Vice-Chairman. Commissioner Terry E. Garrison seconded the nomination. Motion



As advertised, a public hearing was held to gain citizen input on a rezoning request for three parcels located at Spring Valley Road and NC Hwy 39 North. The property owners are Edward and Donna Spain. Planning Director/Deputy County Manager Jordan McMillen stated that the request is to amend the zoning map and to rezone three parcels (53.88 acres) from Low Density Residential (R-30) to Agricultural Residential (A-R). The surrounding land use is mixed as it extends outward from the Extra Territorial Jurisdiction. The County landfill and transfer station is located to the west and is zoned Light Industrial, a mobile home park and housing community is located directly to the south and is a mix of R-M-H-C and R-20. R-30 zoning is located directly north of the properties. The properties are in close proximity to the Corps of Engineer land, which is zoned Open Space (OS) to the east.

This rezoning would change the allowable uses of the property from residential to allowing uses compatible with rural, agriculture areas. The following uses which are not currently permitted in R-30 zoning would be permitted with the change to AR zoning: kennels. The following uses which are not currently permitted in R-30 zoning would be permitted with a conditional use permit in the AR zoning: junkyards, recycling and storage, cell towers, shooting ranges, and solar energy systems. Overall, the lot standards, setbacks and density requirements are similar between R-30 and AR. This rezoning appears to have minimal, if any, impacts on traffic, school, or Fire/EMS.

Mr. McMillen stated that the Planning Board feels that the proposed zoning and allowable uses would be consistent with the zoning of the general surrounding area within a rural part of the county, and is consistent with the land use plan. The Planning Board recommended approval of this rezoning request on November 12.

Ms. Beth Trahos and Mr. Edward Spain spoke in favor of the rezoning. Mr. Ron Gregory asked a few questions including how many solar farms were on minority property. He asked the Board to make sure that there is equity among property owners in the selection and establishment of future solar farms, and they should not be placed in one location; it becomes a political matter rather than an economic matter.

As there were no other persons who wished to speak on this matter, Chairman Gordon Wilder declared the public hearing closed.

Motion was made by Commissioner Dan Brummitt to approve the rezoning request on the basis that it is consistent with the County's Land Use Plan by promoting, expanding and

diversifying the economic base while protecting important natural resources. This motion was seconded by Commissioner Thomas S. Hester, Jr.

Commissioner Deborah F. Brown asked if this matter would be brought back to the Board before any construction is allowed. Mr. McMillen responded that a conditional use permit would need to be issued, which would go through the Board of Adjustments. She expressed her concerns about solar farm construction because of run-offs that would impact Kerr Lake.

Vote on the motion was unanimous.

As advertised, a public hearing was held to gain citizen input on a rezoning request for one parcel located at the intersection of Gillburg Road and Julian Smith Road. The property owners are Claude and Nancy Bobbitt. Planning Director/Deputy County Manager Jordan McMillen stated that the request is to amend the zoning map and to rezone one parcel (53 acres) from Low Density Residential (R-30) to Agricultural Residential (A-R). The parcel consists of mostly open, agricultural land and has a 2.2 acre pond and an existing double-wide mobile home. The subject property is situated in a pocket of residential subdivisions in a rural part of the county which is surrounded by agricultural lands. All parcels in this area are zoned as they were since countywide zoning was established in November 2011.

This rezoning would change the allowable uses of the property from residential to allowing uses compatible with rural, agriculture areas. The following uses which are not currently permitted in R-30 zoning would be permitted with the change to AR zoning: kennels. The following uses which are not currently permitted in R-30 zoning would be permitted with a conditional use permit in the AR zoning: junkyards, recycling and storage, cell towers, shooting ranges, and solar energy systems. Overall, the lot standards, setbacks and density requirements are similar between R-30 and AR.

Mr. McMillen stated that the Planning Board feels that the proposed zoning and allowable uses would be consistent with the rural character of the general area. The Board also felt that any potential negative impacts from uses permitted with a conditional use can be mitigated with extensive screening during the conditional use permit process. The Planning Board recommended approval of this rezoning request on November 12.

Mr. Mike Fox and Mr. Mike Wallace spoke in favor of the rezoning.

As there were no other persons who wished to speak on this matter, Chairman Gordon Wilder declared the public hearing closed.

Motion was made by Commissioner Thomas S. Hester, Jr. to approve the rezoning request on the basis that it is consistent with the County's Land Use Plan by promoting, expanding and diversifying the economic base while protecting important natural resources. This motion was seconded by Commissioner Dan Brummitt and the vote was ayes - four (4); noes - three (3), with the dissenting votes being cast by Commissioners Deborah Brown, Leo Kelly, Jr., and Gordon Wilder.

Commissioner Deborah F. Brown expressed her displeasure that these matters go before the Board of Adjustments and not the Board of Commissioners. She asked what action the Board of Commissioners needs to take to ensure that requests for construction of solar farms or any other construction project comes back to the Board of Commissioners and not the Board of Adjustments. She stated that that authority should be taken away from the Board of Adjustments. County Attorney Jonathan S. Care stated that that would require a change to the Zoning Ordinance. Commissioner Brown asked the Chairman to research this matter. Commissioner Dan Brummitt disagreed with this approach. Commissioner Archie B. Taylor, Jr. suggested that a moratorium or a cap be placed on solar farms within the county.

As advertised, a public hearing was held to gain citizen input on a rezoning request for one parcel located at the intersection of NC 39 Hwy South and Walter Bowen Road. The property owner is Joyce Duke. Planning Director/Deputy County Manager Jordan McMillen stated that the request is to amend the zoning map and to rezone one parcel (38 acres) from Low Density Residential (R-30) to Agricultural Residential (A-R). The parcel consists of approximately 65% open, agricultural land and 45% woodland. The surrounding land use is predominantly Agricultural Residential with a mix of smaller residential properties along NC 39 Hwy South. The properties to the east, west and south are all zoned agricultural residential. The existing parcel is 38 acres, and if rezoned, would be combined with the parcel to the west making the parcel approximately 71 acres.

This rezoning would change the allowable uses of the property from residential to allowing uses compatible with rural, agriculture areas. The following uses which are not currently permitted in R-30 zoning would be permitted with the change to AR zoning: kennels. The following uses which are not currently permitted in R-30 zoning would be permitted with a conditional use permit in the AR zoning: junkyards, recycling and storage, cell towers, shooting

ranges, and solar energy systems. Overall, the lot standards, setbacks and density requirements are similar between R-30 and AR.

Mr. McMillen stated that the Planning Board recommended approval of the rezoning on November 12 on the basis that approval would situate the property to be zoned similarly and be in harmony with surrounding parcels of similar size.

Mr. Mike Fox and Mr. Mike Wallace spoke in favor of the rezoning.

As there were no other persons who wished to speak on this matter, Chairman Gordon Wilder declared the public hearing closed.

Motion was made by Commissioner Thomas S. Hester, Jr. to approve the rezoning request on the basis that it is consistent with the County's Land Use Plan by promoting, expanding and diversifying the economic base while protecting important natural resources. By approving the rezoning, the property would be zoned similarly to the surrounding properties of similar size and use. This motion was seconded by Commissioner Dan Brummitt and vote was ayes - four (4); noes - three (3), with the dissenting votes being cast by Commissioners Deborah Brown, Leo Kelly, Jr., and Gordon Wilder.

As advertised, a public hearing was held to gain citizen input on a rezoning request for one parcel adjacent to Lynnbank Estates Subdivision. The property owners are Rachel Allen Daye and Norma Diane Allen Bullock. Planning Director/Deputy County Manager Jordan McMillen stated that the request is to amend the zoning map and to rezone one parcel (54 acres) from Low Density Residential (R-30) to Agricultural Residential (A-R). The parcel consists of woodland and includes two stream tributaries leading into Ruin Creek. The surrounding land use is predominantly Agricultural Residential on three sides to the north, east and south. Lynnbank Estates Subdivision is located directly to the east and is zoned R-30. Due to the existing vegetation and access point on the rear of the subdivision, the parcel appears secluded among other large parcels in a very rural part of the county.

This rezoning would change the allowable uses of the property from residential to allowing uses compatible with rural, agriculture areas. The following uses which are not currently permitted in R-30 zoning would be permitted with the change to AR zoning: kennels. The following uses which are not currently permitted in R-30 zoning would be permitted with a conditional use permit in the AR zoning: junkyards, recycling and storage, cell towers, shooting

ranges, and solar energy systems. Overall, the lot standards, setbacks and density requirements are similar between R-30 and AR.

Mr. McMillen stated that the Planning Board recommended approval of the rezoning on November 12 on the basis that the rezoning would cause the property to be rezoned in a similar fashion to surrounding property and that the property fits the character of the surrounding agricultural lands. Mr. McMillen noted that since the Planning Board's decision, the applicant submitted a request to revise the map and cut out a three acre parcel on the front of the property to remain R-30.

Mr. Timothy Daye spoke in favor of the rezoning.

As there were no other persons who wished to speak on this matter, Chairman Gordon Wilder declared the public hearing closed.

Motion was made by Commissioner Dan Brummitt to approve the rezoning request on the basis that it is consistent with the County's Land Use Plan by promoting the county's agricultural character. This motion was seconded by Commissioner Thomas S. Hester, Jr. and the vote was ayes - six (6); noes - one (1), with the dissenting vote being cast by Commissioner Deborah Brown.

As advertised, a public hearing was held to gain citizen input concerning the Proposed Schedule of Standards and Values for the 2016 property revaluation. Porcha Brooks, Tax Administrator, explained that the Schedule is an outline of the way values are determined. She stated that copies for public viewing have been located at the Tax Office, the County Manager's Office, the Perry Memorial Library, and on the County's website. She noted that the Schedule of Values will need to be officially adopted no earlier than December 14.

As there was no one present who wished to speak on this matter, Chairman Gordon Wilder declared the public hearing closed.

#### Water District Board

*Operations Report.* Commissioner Terry E. Garrison stated that the committee (Garrison [C], Taylor, Brummitt) met Tuesday, December 1 to review the operations report and to review a financial feasibility analysis for Phase 3 of the water system. In reviewing the operations report, the committee made note that a total of 1,178 customers are committed to the water system within Phases 1 and 2, with a total of 945 bills sent out in November; 568 of those being water users or metered customers. The committee also noted that a total of 105 availability customers

(equating to approximately \$44,000) are over 90 days late in paying their base fee. Staff made note that the majority of these are property owners who committed to paying the base fee and have not paid this fee to date. The committee discussed the potential for legal judgments in the future and believes this may be an option to consider beyond the current debt setoff mechanism being used. In addition to this discussion, the committee talked through options to cut costs and/or raise additional revenues to address the debt service gap for the water system. Staff is preparing options on expenditures and revenues.

Commissioner Deborah F. Brown asked staff to provide information on residents who committed to a \$30 base fee and those who committed to a \$20 base fee.

*Phase 3 (NC 39 Hwy South Corridor) – Financial Feasibility Analysis.* During last month's meeting, the committee reviewed construction alternatives for completion of Phase 3 along the NC 39 Hwy South Corridor and Foster Road. During last month's board meeting, the Board authorized contracting with LKC Engineering for engineering services related to this project. During this month's meeting, the committee reviewed a financial analysis prepared by the engineer to determine the cost/benefits of borrowing \$300,000 for completion of this project. The total project cost is estimated at \$1.3 million with \$1 million in grant funds from USDA and the need for an additional \$300,000 to reach the majority of customers located at the end of Foster Road. In reviewing the analysis, the committee noted that the project would result in net annual revenue to the water district of \$27,000 if amortized over 40 years and \$5,000 if amortized over 10 years. This accounts for paying the debt on the additional \$300,000 as well as water usage and operations and maintenance expenses. As a result of this analysis, the committee made note that completing Phase 3 will offset the additional debt and will contribute positively to the overall financial condition of the water system. In the meantime, the engineer is proceeding to prepare the preliminary engineering report and environmental assessment for this project. At this time, Chairman Gordon Wilder adjourned the Water District Board.

#### Committee Reports and Recommendations

*Properties Committee - Offers to Purchase REO Properties.* Commissioner Deborah F. Brown stated that the committee (Brown [C], Hester & Brummitt [absent]) met Wednesday, December 2<sup>nd</sup> and reviewed three offers to purchase county owned property as follows:

- 1214 Epsom Road (Tax Parcel 0112 06004) - \$1,000 (County Owned)
- Lot 27 Hillside Avenue (Tax Parcel 0092 01016) - \$750 (County Owned)
- 715 Chestnut Street (Tax Parcel 0075 01010) - \$2,000 (City/County Owned)



The committee noted that the Epsom Road property is deteriorated, overgrown and actual access to the property is limited by vegetation. The Hillside Avenue property is a vacant parcel with an offer from the neighboring property owner, and the Chestnut Street property is a small vacant, non-conforming lot. The committee reviewed each offer and the property conditions and recommended proceeding with the upset bid process for all three offers. The committee was informed that a previous property approved for the upset bid process (152 S. Bullock Street) continues to gain interest and has been upset several times with the bids starting at \$750 and currently reaching \$8,050. The Committee recommended proceeding with the upset bid process for 1214 Epsom Road (tax parcel 0112 06004), Lot 27 Hillside Avenue (tax parcel 0092 01016), and 715 Chestnut Street (tax parcel 0075 01010).

Motion was made by Commissioner Deborah F. Brown, seconded by Commissioner Archie B. Taylor, Jr., vote unanimous, to approve the following resolutions authorizing the upset bid process for 1214 Epsom Road, Lot 27 Hillside Avenue, and 715 Chestnut Street:



**RESOLUTION AUTHORIZING UPSET BID PROCESS  
FOR SALE OF REAL PROPERTY  
1214 Epsom Road, Henderson, NC 27536**

**WHEREAS**, Vance County owns certain real property with an address of **1214 Epsom Road, Henderson, North Carolina**, and more particularly described by the Vance County Tax Department as Parcel Number **0112 06004**; 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 **\$1,000.00** subject to the terms and conditions as included in the submitted offer to purchase bid, submitted by **Reyna Hernandez**; and,

**WHEREAS**, **Reyna Hernandez** has paid the required deposit in the amount of **\$750.00** with her 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 upset 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 cash, 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 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 7<sup>th</sup> day of December, 2015.**

*Gordon Wilder* (signed)  
**Gordon Wilder, Chairman**  
**Vance County Board of Commissioners**

**ATTEST:**

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

.....

**RESOLUTION AUTHORIZING UPSET BID PROCESS  
FOR SALE OF REAL PROPERTY  
Lot 27 Hillside Avenue, Henderson, NC 27536**

**WHEREAS**, Vance County owns certain real property with an address of **Lot 27 Hillside Avenue, Henderson, North Carolina**, and more particularly described by the Vance County Tax Department as Parcel Number **0092 01016**; 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 **\$750.00** subject to the terms and conditions as included in the submitted offer to purchase bid, submitted by **Elvire A. Lizaire**; and,

**WHEREAS**, **Elvire A. Lizaire** has paid the required deposit in the amount of **\$750.00** with their 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 upset 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 cash, 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 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 7<sup>th</sup> day of December, 2015.**

**Gordon Wilder (signed)**  
**Gordon Wilder, Chairman**  
**Vance County Board of Commissioners**

**ATTEST:**

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

.....

**RESOLUTION AUTHORIZING UPSET BID PROCESS  
FOR SALE OF REAL PROPERTY  
715 Chestnut Street, Henderson, NC 27536**

**WHEREAS**, Vance County owns certain real property with an address of **715 Chestnut Street, Henderson, North Carolina**, and more particularly described by the Vance County Tax Department as Parcel Number **0075 01010**; 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 **\$2,000.00** subject to the terms and conditions as included in the submitted offer to purchase bid, submitted by *Susan Silva*; and,

**WHEREAS**, *Susan Silva* has paid the required deposit in the amount of **\$750.00** with his 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 upset 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 cash, 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 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 7<sup>th</sup> day of December, 2015.

Gordon Wilder (signed)  
Gordon Wilder, Chairman  
Vance County Board of Commissioners

ATTEST:

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

. . . . .

*Properties Committee - Building Needs Assessment and Space Study Update.*

Commissioner Brown stated that the committee was made aware that the County’s consulting architect (Oakley-Collier Architects) is continuing its work on the space study. The architects were on site November 16<sup>th</sup> and visited with several department heads and county staff and completed building tours of the Fire Station, Henry A. Dennis Building, County Office Building, Social Services Building and the planning department. They will be following up and visiting as necessary during the month of December with a goal of having the study completed by early January.

*Properties Committee - Scott Parker Building Disposition.* Commissioner Deborah F.

Brown stated that the committee also discussed potential disposition options for the Scott Parker Building. This building will be vacated by Alliance Rehabilitative Care in mid-January and consists of one main block structure, a second smaller block structure and a double wide mobile home. All of the structures are obsolete in terms of the structure and layout for active use by the County, and the committee discussed the potential of selling the property. Staff will explore options for selling the property and for the potential of bundling surrounding properties and will provide a recommendation to the committee in the coming months. In the meantime, staff will be continuing the current lawn maintenance and alarm system security contracts to keep the property maintained once the property is vacated.

Finance Director’s Report

*Financing Resolution – Kittrell VFD.* Finance Director David C. Beck stated that Kittrell

Volunteer Fire Department would like to secure bank financing for the purchase of a new fire truck. In order for the financing to be carried out on a tax-exempt basis, the Board of Commissioners must first approve the financing. Kittrell VFD has fulfilled their obligation of holding a public hearing regarding this matter and is now requesting the County approve the proposed purchase to move it forward. The County is not a guarantor on the loan and no County

funds will be committed towards this purchase. As of the most recent financial review of Kittrell VFD, the department has no long-term debt and is on solid financial footing. Mr. Beck recommended that the Board approve the resolution to allow Kittrell Volunteer Fire Department to enter into a financing arrangement for the purchase of a new fire truck.

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Thomas S. Hester, Jr., vote unanimous, to approve the following resolution to allow Kittrell Volunteer Fire Department to enter into a financing arrangement for the purchase of a new fire truck.

. . . . .

**RESOLUTION**  
by the  
**Vance County Board of Commissioners**  
*Approving Financing by Kittrell Volunteer Fire Department, Inc.*  
*of up to \$150,000 for the Financing of a Tanker Truck*

**WHEREAS**, Kittrell Volunteer Fire Department, Inc. has determined to finance an amount of up to \$150,000 for a Tanker Truck. The United States Internal Revenue Code requires that for such financing to be carried out on a tax-exempt basis, this Board must first approve the financing. The Fire Department has held a public hearing on the financing after published notice, as required by the Code. The Fire Department has reported the proceedings of such hearing to this Board.

**BE IT THEREFORE RESOLVED** by the Board of Commissioners of Vance County, North Carolina as follows:

The County approves the Kittrell Volunteer Fire Department's entering into the financing, as required under the Code for the financing to be carried out on a tax-exempt basis. The Fire Department's conduct of the required public hearing is approved.

**Approved this 7<sup>th</sup> day of December, 2015.**

Gordon Wilder (signed)  
Gordon Wilder, Chairman  
Vance County Board of Commissioners

- - - - -

I hereby certify that the foregoing resolution was duly adopted at a meeting of the Vance County Board of Commissioners duly called and held on December 7, 2015, and that a quorum was present and acting throughout such meeting. Such resolution remains in full effect as of today.

**Dated this 7<sup>th</sup> day of December, 2015**

Kelly H. Grissom (signed)  
Kelly H. Grissom, Clerk to Board  
Vance County Board of Commissioners

**SEAL**

. . . . .

*Interim Financing Proposal and Resolution – Animal Shelter.* Mr. Beck stated that the County distributed a Request for Proposal to 43 banks soliciting bids for interim financing on the Animal Shelter project. In response to the RFP, the County received two financing proposals. The proposal from BB&T offers the lowest total financing cost and is for a term up to 18 months with an interest rate at 1.49%. That rate is competitive based on the current short-term financing market. The cost of interim financing will be paid for with USDA loan proceeds. The financing arrangement is still subject to LGC approval. Mr. Beck recommended that the Board approve the resolution and select BB&T to provide interim financing for the construction of a new Animal Shelter at the proposed terms, contingent on LGC approving the project and the Board awarding the construction contract.

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Leo Kelly, Jr., vote unanimous, to approve the following resolution and select BB&T to provide interim financing for the construction of a new Animal Shelter at the proposed terms, contingent on LGC approving the project and the Board awarding the construction contract.



**RESOLUTION**  
by the  
**Vance County Board of Commissioners**  
*Approving Financing Terms*

**WHEREAS**, Vance County, North Carolina (the “County”) has previously determined to undertake a project for new animal shelter (the “Project”), and the Finance Officer has now presented a proposal for the financing of such Project.

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

1. The County hereby determines to finance the Project through Branch Banking and Trust Company (BB&T), in accordance with the proposal dated November 6, 2015. The amount financed shall not exceed \$1,720,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.49%, and the financing term shall not exceed eighteen months from closing.
2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the County are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement as BB&T may request.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer’s satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by County officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer

shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The County shall not take or omit to take any action the taking or omission of which will cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The County hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).
5. The County intends that the adoption of this resolution will be a declaration of the County's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The County intends that funds that have been advanced, or that may be advanced, from the County's general fund, or any other County fund related to the project, for project costs may be reimbursed from the financing proceeds.
6. All prior actions of County officers in the furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

**Approved this 7<sup>th</sup> day of December, 2015.**

**Gordon Wilder (signed)**  
**Gordon Wilder, Chairman**  
**Vance County Board of Commissioners**

**Kelly H. Grissom (signed)**  
**Kelly H. Grissom, Clerk to Board**  
**Vance County Board of Commissioners**

SEAL

. . . . .

*Capital Project Ordinance – Carver Elementary Multipurpose Room.* Mr. Beck noted that the Board of Commissioners authorized the use of \$883,469 of education lottery funds for the construction of a multipurpose room at Carver Elementary School at its meeting on May 4, 2015. The Board of Education has solicited bids for the project and selected H.G. Reynolds as the contractor. The total cost of the project is \$982,495. The Board of Education will use funds from its fund balance to pay the project costs beyond the available lottery funds of \$883,469. Mr. Beck recommended that the Board approve the capital project ordinance setting the budget for the construction of a multipurpose room at Carver Elementary School as presented.

Motion was made by Commissioner Terry E. Garrison to approve the capital project ordinance setting the budget for the construction of a multipurpose room at Carver Elementary School as presented. This motion was seconded by Commissioner Archie B. Taylor, Jr. and vote



was ayes - six (6); noes - one (1), with the dissenting vote being cast by Commissioner Dan Brummitt.

. . . . .  
**Carver Elementary School Multipurpose Room Capital Project Ordinance**

BE IT ORDAINED by the Governing Board of the County of Vance, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the construction of a multipurpose room at Carver Elementary School to be financed through available education lottery funds and appropriated fund balance from the Vance County Board of Education.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Contracted Services	\$ 40,000
Contingency	40,000
Construction	902,492
<b>TOTAL</b>	<b>982,495</b>

Section 4. The following revenues are anticipated to be available to complete this project:

Education Lottery Funds	\$ 883,468
Vance County Schools Contribution	99,027
<b>TOTAL</b>	<b>982,495</b>

Section 5. The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements, and federal regulations.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The Finance Director is directed to report, on a monthly basis, on the financial status of each project element in Section 3.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 9. Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Director for direction in carrying out the project.

Adopted this 7th day of December, 2015.

Gordon Wilder (signed)  
Gordon Wilder, Chairman

. . . . .

County Attorney's Report

*REO Property - 701 Powell Street.* County Attorney Jonathan S. Care noted that during a previous meeting, the Board of Commissioners approved the public sale process for the tax foreclosure property at 701 Powell Street - Parcel Number 0095 01009. The property was advertised for upset bids and none were received. The Board is now free to sell the property or reject the offer. This should be done by resolution.

Motion was made by Commissioner Terry E. Garrison, seconded by Commissioner Dan Brummitt, vote unanimous, to approve the following resolution accepting the bid for the property at 701 Powell Street, Henderson, NC - Parcel Number 0095 01009.



**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:

**701 Powell Street, Henderson, North Carolina 27536, Vance County Tax Department Parcel Number 0095 01009.**

**WHEREAS**, pursuant to NCGS 160A-269, a notice was published in the *Daily Dispatch* on **November 5, 2015**, stating that said offer 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 **Javier Plummer** in the amount of **\$9,900.00** 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 7<sup>th</sup> day of December, 2015.**

**Gordon Wilder** **(signed)**  
**Gordon Wilder, Chairman**  
**Vance County Board of Commissioners**

**ATTEST:**

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



*Resolution - Transfer of School Administrative Building.* Attorney Care presented a resolution to the Board to transfer ownership of the School Administrative Building from the County to the Schools. The property is scheduled to be paid off in January 2016, and the

Schools have requested that the property be deeded over to them. The resolution acknowledges the process and authorizes the transfer of the property in January, once the last payment has been made and documents are received cancelling the deed of trust.

Motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Terry E. Garrison, vote unanimous, to adopt the following resolution to transfer the School Administrative Building property to the School Board once the amount of the loan has been satisfied.



**RESOLUTION**  
**By the Vance County Board of Commissioners**  
Authorizing the Sale of Property Pursuant to NCGS §160A-274

**WHEREAS**, pursuant to NCGS § 153A-176 and 160A-274, Vance County may, upon such terms and conditions as it deems wise, with or without consideration, sell to any other governmental unit any interest in real or personal property; and,

**WHEREAS**, the Vance County Board of County Commissioners did previously purchase the former Harriet and Henderson Headquarters property located on Graham Avenue and did enter into an installment financing agreement for the purchase price of the property; and,

**WHEREAS**, the Vance County Board of Education has relocated their administrative offices into a portion of the Graham Avenue premises, with additional space being leased to Kerr-Tar Regional Council of Governments; and,

**WHEREAS**, Upon the January 2016 installment financing payment, the property will be paid for free and clear, and the Vance County Board of County Commissioners has been requested by the Vance County Board of Education to convey the Graham Avenue property to the School Board, and assign the rights in and to that certain lease with Kerr-Tar Regional Council of Governments.

**NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners for the County of Vance as follows:**

1. The real property known as the former Harriet and Henderson headquarters, and more specifically identified 1724 Graham Avenue, Henderson, NC, Tax Parcel 0213 05001, shown on Plat "W", Page 886 and "X", Page 662 and recorded in Deed Book 1029, Page 314 and Book 1181, Page 529 of the Vance County Registry be conveyed after such time as the installment financing agreement is paid in full to the Vance County Board of Education pursuant to NCGS § 160A-274 according to the terms and conditions set forth in the attached Warranty Deed.
2. The current lease with Kerr-Tar Regional Council of Governments shall be assigned to the Vance County Board of Education.
3. A notice of the sale shall be published at least once and not less than 30 days before the sale in the local newspaper. The notice shall contain a general description of the land sufficient to identify it, and the intention of Vance County to transfer the property to the Vance County Board of Education.
4. The Chairman of the Vance County Board of Commissioners is hereby authorized to execute any and all documents related to effecting the above authorized transfer.

This resolution shall be effective upon its adoption.

**This the 7<sup>th</sup> day of December, 2015.**

**Gordon Wilder (signed)**  
**Gordon Wilder, Chairman**  
**Vance County Board of Commissioners**

**ATTEST:**

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

. . . . .

*Contract Extension - Interim County Manager.* Attorney Care stated that the current contract with the Interim County Manager is scheduled to expire on December 31, 2015. He presented an extension of the contract for Board approval. The extension will be until the County Manager’s position is filled.

Motion was made by Commissioner Terry E. Garrison, seconded by Commissioner Dan Brummitt, vote unanimous, to extend the contract with the Interim County Manager until the County Manager’s position is filled.

County Manager’s Report

*Annual Planning Retreat.* Interim County Manager Robert M. Murphy noted that the Board has traditionally held a planning retreat during the months of January or February. The Board has used the retreat to develop goals for the upcoming year and/or to discuss significant policy issues. It is proposed that the 2016 retreat be held on Tuesday, January 26 in the Farm Bureau Room of the Perry Memorial Library. Mr. Murphy noted that the staff will work with the incoming chairman to develop an agenda.

Motion was made by Commissioner Thomas S. Hester, Jr. to schedule the 2016 Planning Retreat for Tuesday, January 26 in the Farm Bureau Room of the Perry Memorial Library. This motion was seconded by Commissioner Deborah F. Brown and unanimously approved.

*Investment in RTRP Program of Work.* Mr. Murphy presented correspondence pertaining to the County’s membership in the Research Triangle Regional Partnership. He noted that the Board approved FY 2015-16 funding for this agency in the amount of \$4,506, which was based on the County’s historical funding rate of \$.10 per capita. The agency had requested that the funding be based on a \$.30 per capita rate, which would have increased the County’s annual contribution to \$13,517. The RTRP has renewed the request for additional funding, and appears

to have conditioned continued Vance County participation in the RTRP on the \$.30 per capita contribution. The Henderson-Vance Economic Development Commission has voted to maintain membership in the RTRP, and requests that the Board of Commissioners appropriate the additional \$9,011 required to continue the County’s membership.

Mr. Tom Church, EDC Chairman, was present and stated that RTRP has asked the County to make a good faith effort to appropriate the additional funding. Commissioner Terry E. Garrison stated that it is a value for our county to be a part of the RTRP and supports this request. Mr. Tom Church noted that Ms. Andrea Harris, EDC member, supports this request. Commissioner Thomas S. Hester, Jr. stated that he cannot support this request because he has not seen any benefits or jobs created in Vance County from this organization. He suggested that Vance County change to a public/private partnership.

After further discussion, motion was made by Commissioner Terry E. Garrison to appropriate an additional \$9,011 to the Research Triangle Research Partnership to continue Vance County’s membership. This motion was seconded by Commissioner Leo Kelly, Jr. and vote was ayes - six (6); noes - one (1), with the dissenting vote being cast by Commissioner Thomas S. Hester, Jr.



**Budget Amendment #8  
FY 2015-2016  
Economic Development**

Revenue Amendment Request	Account Number	Revenue Increase (Decrease)
Fund Balance Appropriated	10-399-439900	9,011
<b>Total Revenue Increase (Decrease)</b>		<b>\$ 9,011</b>

Expenditure Amendment Request	Account Number	Expense Increase (Decrease)
EDC Funds Restricted	10-491-500090	4,720
Dues & Subscriptions	10-491-500053	4,291
<b>Total</b>		<b>\$ 9,011</b>

Purpose: To allocate additional funding for County membership in the Research Triangle Regional Partnership. RTRP is requesting a \$0.30 per capita fee from all members, and Vance County has paid \$0.10 per capita so far for FY 2015-16.

Authorization: Vance County Board of Commissioners  
December 7, 2015



*Special Called Meeting.* Mr. Murphy stated that the Board will need to hold a special meeting to adopt the 2016 Tax Revaluation Schedule of Values. This cannot be done before December 14. See below.

*Fire/EMS Reorganization.* Mr. Murphy stated that staff is ready to meet with the Human Resources Committee and the Public Safety Committee to discuss the reorganization of the Fire/EMS Departments. A joint meeting of the Human Resources Committee and the Public Safety Committee will immediately follow the special called meeting on December 16.

Motion was made by Commissioner Dan Brummitt to schedule a special meeting of the Board of Commissioners for Wednesday, December 16 at 4:00 p.m. followed by a joint committee meeting of the Human Resources Committee and the Public Safety Committee. This motion was seconded by Commissioner Deborah F. Brown and unanimously approved.

Consent Agenda

Motion was made by Commissioner Deborah F. Brown, seconded by Commissioner Archie B. Taylor, Jr., vote unanimous, to approve the following consent agenda items as presented: November 2015 Ambulance Charge-offs in the amount of \$1,953.18, October 2015 Tax Refunds and Releases, and Departmental Monthly Reports received and filed.



**Tax Office Refund and Release Report for October 2015**

Taxpayer Name	Tax Year	Real	Personal	Motor Vehicle	MV Fee	Solid Waste Fee	Reason
Abbott Wade Thomas	2015	0	1.45	0	0	0	correct value
Alston Lizzie	2015	0	0	0	0	0	add solid waste
BW & Company Properties LLC	2015	0	0	0	0	105.00	remove solid was
Beckwith Stephanie	2015	0	0	0	0	0	add solid waste
Boyd Dallas	2009	0	52.92	0	0	102.50	pers prop billed
Boyd Dallas	2010	0	58.21	0	0	102.50	pers prop billed
Boyd Dallas	2011	0	58.21	0	0	105.00	pers prop billed
Boyd Dallas	2012	0	59.22	0	0	105.00	pers prop billed
Boyd Dallas	2013	0	59.22	0	0	105.00	pers prop billed
Bullock Emily O.	2014	0	20.32	0	0	105.00	pers prop billed
Burnette Financial Group Inc.	2014	0	254.21	0	0	0	correct val per
Burnette Financial Group Inc.	2015	0	254.21	0	0	0	correct val per
C&T Sweepers LLC	2015	0	96.10	0	0	0	correct val per
Coleman Linda H.	2015	0	0	0	0	105.00	remove solid was
Condrey Donald	2013	0	30.06	0	0	105.00	discharged bankr
Durham Rosa Lee heirs	2014	0	0	0	0	0	add solid waste
Eaton Albert	2012	174.08	0	0	0	105.00	foreclosure
Eaton Albert	2013	174.08	0	0	0	105.00	foreclosure
Eaton Albert	2014	67.39	0	0	0	105.00	foreclosure
Eaton Albert	2015	67.39	0	0	0	105.00	foreclosure
Edwards Billy C.	2015	0	0	0	0	105.00	remove solid was
Greenway Charlie Jr. Mrs.	2015	0	0	0	0	105.00	remove solid was
Haines Philip Wayne	2015	0	96.00	0	0	0	correct value
Half Horse Inc.	2010	119.99	0	0	0	0	foreclosure
Half Horse Inc.	2011	119.99	0	0	0	0	foreclosure
Half Horse Inc.	2013	122.07	0	0	0	0	foreclosure
Half Horse Inc.	2014	123.55	0	0	0	0	foreclosure
Half Horse Inc.	2015	123.55	0	0	0	0	foreclosure
Hawkins Betty B.	2015	313.26	0	0	0	105.00	correct/grant ex



As there was no further business, at 9:30 p.m., motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Archie B. Taylor, Jr., vote unanimous, that the meeting be adjourned.

**Approved and signed January 4, 2016.**

**Gordon Wilder (signed)**  
**Gordon Wilder, Chairman**