

STATE OF NORTH CAROLINA

COUNTY OF VANCE

The Vance County Board of Commissioners met in regular session on Monday, July 2, 2018 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 Thomas S. Hester, Jr., Vice-Chairman Archie B. Taylor, Jr., Commissioners Dan Brummitt, Carolyn Faines, Yolanda J. Feimster, Leo Kelly, Jr., and Gordon Wilder.

Absent: None.

Also present were County Manager Jordan McMillen, Finance Director David C. Beck, County Attorney Jonathan S. Care, and Clerk to the Board Kelly H. Grissom.

Pastor Carolyn Roy, Plank Chapel United Methodist Church, gave the invocation.

Before the meeting began, several county employees were recognized for volunteering during the recent Spring Litter Sweep. County Manager Jordan McMillen noted that 17 employees worked to clean litter from Bill Bragg Morton Road and Dabney Road. A total of 53 bags of trash were collected. A certificate of appreciation from the Department of Transportation and a letter of appreciation from the Board of Commissioners were presented to each volunteer present at the meeting. Chairman Hester thanked the volunteers for all their help and a job well done.

At this time, Commissioner Dan Brummitt requested that a personnel matter be added to the closed session at the end of the meeting. The board agreed to add this item to the agenda.

The next item on the agenda was the annual meeting of the ABC Composite Board consisting of the Board of Commissioners, the Chair of the Board of Education, and the Mayor of the City of Henderson. Board of Education Chair Darlynn Oxendine and Mayor Eddie Ellington were absent.

It was noted that Arnold Bullock and Nancy Wilson had submitted letters seeking reappointment to the Vance County ABC Board for a three year term. Ms. Nancy Wilson also requested to be reappointed as Chair for a one year term. No other applications were received. Although Mayor Ellington was unable to attend the meeting, he did submit a letter affirming his support of these reappointments.

Motion was made by Commissioner Gordon Wilder to reappoint Arnold Bullock and Nancy Wilson to the Vance County ABC Board for three year terms and reappoint Nancy Wilson

as Chair for a one year term. This motion was seconded by Commissioner Leo Kelly, Jr. and unanimously approved.

Public comments were heard next. Pastor Frank Sossamon and Pastor Ronald Regular voiced their concerns with a viper being chosen as our new high school mascot. They stated that a viper or snake is an undesirable symbol for our schools, creates a negative message, and does not represent a positive image for our community. They asked the board of commissioners to do all it can to influence the board of education to reconsider this choice. The board agreed with these comments and directed the county manager to send a letter to the school board regarding this matter.

As advertised, a public hearing was held to amend the text in the Vance County Zoning Ordinance to reflect changes made in the North Carolina State Statutes regarding Bona Fide Farm Exemptions and Accessory Structures/Buildings. Ms. Angie Blount, County Planner, stated that the Bona Fide Farm amendment would drop the USDA Farm ID number as one of the evidences to prove Bona Fide Farm status. This legislative update has been approved by the General Assembly and signed by the governor.

The Accessory Structures amendment was initiated by staff. It is less restrictive and will better address the placement of accessory structures. Currently the ordinance allows one 1,000 sq. ft. structure per 20,000 sq. ft. lot. For every additional 20,000 sq. ft. of land, any structure may not exceed 1,200 sq. ft. Potentially, someone with an acre and a half could have three, 1,200 sq. ft. structures on their property, but would not be allowed to have one larger structure that could take the place of all three. This amendment will simplify the process for homeowners by allowing structures based on impervious coverage maximums per zoning, and not based on square footage. It will also clarify the location of proposed structures.

For the Bona Fide Farm amendment, Commissioner Dan Brummitt stated that we need to try to promote small business startups in the agriculture industry. He asked if the county would be prohibited from having some provision in our ordinance that would not penalize a startup. County Attorney Jonathan Care stated that we would possibly be able to offer an exemption from zoning, but we could not expand or contract the exemption to the building codes because that is controlled by the state.

Regarding the Accessory Structures amendment and impervious coverage, Commissioner Dan Brummitt stated that a survey is now required to establish the impervious surface. He stated

that this is an expense that could easily be avoided with a scaled plat map by the owner. He noted that this may be under the Subdivision Ordinance and he would address this during that public hearing.

As there were no other comments on this matter, Chairman Hester declared the public hearing closed.

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Leo Kelly, Jr., vote unanimous, to approve the following resolutions amending the Vance County Zoning Ordinance to clarify provisions in response to approved session law 2017-108 (House Bill 615); and amending the Vance County Zoning Ordinance regarding the placement and size of accessory structures:

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**VANCE COUNTY
ORDINANCE AMENDING THE VANCE COUNTY ZONING ORDINANCE TO
CLARIFY PROVISIONS IN RESPONSE TO APPROVED SESSION LAW 2017-108
(HOUSE BILL 615)**

WHEREAS, The North Carolina General Assembly approved Senate Bill 615 (Session Law 2017-108) which provided changes to the agricultural zoning exemptions;

WHEREAS, The Vance County Planning Board has reviewed the proposed amendment to the Vance County Zoning Ordinance and has provided a recommendation for their approval.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that:

A. The Vance County Zoning Ordinance be amended as follows(deletions as ~~strikethroughs~~, additions shown as underlined text):

1) AMEND section 1.5 BONA FIDE FARMS as per Session Law 2017-108, house bill 615 as follows:

B. For purposes of determining whether a property is being used for bona fide farm purposes, N.C. G.S. 153A-340, as amended, recodified or replaced, shall control. ~~any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:~~

NOTE: For ease of reference for our citizens, the following constitute sufficient evidence that the property is being used for bona fide farm purposes. *Please verify these prior to proceeding with activity.*

- a. A farm sales tax exemption certificate issued by the Department of Revenue.
- b. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3.
- c. A copy of the farm owner's or operator's Schedule F from the owner's or operators most recent federal income tax return.
- d. A forest management plan.
- e. ~~A Farm Identification Number issued by the United States Department of Agriculture Farm Service Agency.~~

C. The above amendments are effective upon adoption of this ordinance.

Adopted this 2nd day of July, 2018.

ATTEST:

Thomas S. Hester, Jr. (signed)
Thomas S. Hester Jr., Chairman
Vance County Board of Commissioners

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



**VANCE COUNTY
ORDINANCE AMENDING THE VANCE COUNTY ZONING ORDINANCE
REGARDING THE PLACEMENT AND SIZE OF ACCESSORY STRUCTURES**

WHEREAS, The Vance County Department of Planning and Development have initiated a change in the zoning ordinance to simplify the placement of accessory structures on residential lots.

WHEREAS, The Vance County Planning Board has reviewed the proposed amendment to the Vance County Zoning Ordinance and has provided a recommendation for their approval.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that:

A. The Vance County Zoning Ordinance be amended as follows(deletions as strikethroughs additions shown as underlined text):

1) AMEND Article Four, Section 4.12.

4.12 ACCESSORY STRUCTURES/BUILDINGS

Only one accessory structure/building (separate and free standing of the principal building) shall be permitted on lots less than twenty thousand (20,000) square feet and shall not exceed one thousand (1,000) square feet in size. Larger lots are allowed an extra accessory building/structure for each additional twenty thousand (20,000) square feet and shall not exceed one thousand two hundred (1,200) square feet in size provided that such accessory buildings/structures are a minimum of thirty (30) feet apart from any other secondary building/structures. Accessory structures/buildings shall not be placed any closer to the front right of way than any portion of the dwelling. For all lots facing on more than one road, all accessory structures shall meet the front setback requirements for each road right of way. A survey showing all improvements and proposed improvements shall be presumptive evidence of compliance with this section.

B. The above amendments are effective upon adoption of this ordinance.

Adopted this 2nd day of July, 2018

ATTEST:

Thomas S. Hester, Jr. (signed)
Thomas S. Hester Jr., Chairman
Vance County Board of Commissioners

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



As advertised, a public hearing was held to amend the text in the Vance County Subdivision Ordinance to reflect changes made in the North Carolina State Statutes regarding the addition of Exceptions to the Subdivision rules. Ms. Angie Blount, County Planner, stated that this amendment adds divisions, done as part of the settlement of an estate, to the State's definition of

Exemption from Subdivision regulations. As there was no one who wished to speak on this matter, Chairman Thomas S. Hester, Jr. declared the public hearing closed.

Motion was made by Commissioner Carolyn Faines to approve the following resolution amending the Vance County Subdivision Ordinance to clarify provisions in response to approved session law 2017-10 (House Bill 131). This motion was seconded by Commissioner Yolanda Feimster.

Commissioner Dan Brummitt asked that we work with plats and scale drawings rather than requiring a survey. Chairman Hester agreed.

Vote on the motion was unanimous.

Ms. Stephanie Harmon, Council of Governments Regional Planner, appeared before the board and provided an update on Vance County DOT projects. She stated that 40% of funding is allocated to statewide projects, 30% to regional projects, and 30% to division projects. Regional projects being submitted to DOT include two KARTS transit buses, modernize roadway between US 1 Bypass and Dabney Drive, improve flow of traffic through the intersection of Raleigh Road and Old County Home Road/Belmont Drive, and widen US 1 & 158 to multi-lanes between Satterwhite Point Road and Ridgeway Drewry Road. It was noted that Vance County is in the same division with Durham, Franklin, Granville, Person, Wake and Warren counties, so we are competing with much larger counties for the same source of funds. The board discussed various projects and thanked Ms. Harmon for her report.

Water District Board

At this time, Chairman Thomas S. Hester, Jr. called the Water District Board to order.

County Manager Jordan McMillen presented the following updated project schedule for Phase 3. He noted that the construction start date is only approximate at this time.

Obtain Final Construction Permits	Feb 18
Submit for USDA Review	Mar 18
Receive USDA Approval to Advertise	July 18
Open Construction Bids	July 18
Receive LGC Approval	Oct 18
Receive USDA Approval for Construction	Oct 18
Award Contracts	Nov 18
Start Construction	Nov 18
Finish Construction	Apr 18

The June 2018 operations report was presented to the board for information. Chairman Hester closed the Water District Board.

Committee Reports and Recommendations

Public Safety Committee - Fire Service Restructure. Commissioner Gordon Wilder reported that the committee (Wilder [C], Brummitt & Faines) met Tuesday, June 5, 2018 to continue discussing restructuring of the county's fire services. The committee reviewed data indicating the average annual calls by fire district and the percentage of property values within each district and requested staff to compile and provide road miles for each district. The committee recognized that the Goldenbelt and Bearpond fire districts have the highest populations, calls, and property values and requested staff to provide additional maps showing actual call locations broken down by fire and first responder calls to begin exploring redistricting of the fire districts. The committee then reviewed maps indicating scenarios for restructuring the fire service:

- Scenario one represents Goldenbelt fire district becoming a volunteer district with county full-time fire department employees being distributed among the Goldenbelt and Bearpond districts which would provide two staff members in each district 24/7. This scenario includes filling in 11 part-time positions to all of the other volunteer stations (except Epsom) at an increased cost of \$305,650 from the fire tax (equivalent to 1.8 cents on tax rate).
- Scenario two is the same as scenario one with the difference being keeping the existing four part-time positions funded by the fire tax and shifting them to the Townsville and Hicksboro stations in the northern part of the county. This scenario could be accomplished with no additional cost to the fire tax.
- Scenario three represents keeping the fire department intact in the Goldenbelt district and filling in the volunteer stations with part-time positions during the day-time. This scenario provides 13 part-time positions and has an increased cost of \$392,965 (or 2.3 cents on the fire tax rate) depending upon the number of part-time positions added.

The committee felt it was important to continue the conversation on restructuring and asked staff to prepare an organizational structure for the county department if the Goldenbelt district were to become volunteer. The committee indicated a desire to explore redistricting the fire districts in future meetings. He noted that the committee will be meeting again later this month.

Public Safety Committee - EMS Matters. Commissioner Wilder stated that the committee reviewed data indicating that the Quick Response Vehicle (QRV) was utilized on a total of 719 responses in 2017 or approximately 60 calls per month. The committee was informed that due to callouts, the Division Chiefs have had to operate on the ambulance as opposed to operating the QRV 48% of the days thus far in 2017. The committee was informed that the pool of part-time EMS employees was recently increased to attempt to reduce the instances of callouts and a few part-time EMS positions have already been authorized to be subject to the retirement system allowing work up to 29 hours per week. The EMS director discussed the need for captain positions (three total; one per shift) to allow division chiefs to handle administrative duties and to operate

the QRV. The EMS director informed the committee that all surrounding counties have shifted to a 24/72 schedule with the exception of Warren County which has looked at the possibility. The committee requested staff to prepare cost calculations for transitioning to a 24/72 schedule for further discussion.

County Manager's Report

Surplus Property - Police Canine. County Manager Jordan McMillen stated that Sheriff White has requested that the Board of Commissioners declare police canine Prince as surplus property and allow him to be sold to his handler, Sergeant Donald R. Roberson for \$1.00. The animal is beyond the normal life expectancy of a useful police dog and has failed certification due to his age. Recommendation: Declare police canine Prince surplus county property and sell him to Sergeant Donald R. Roberson for the sum of \$1.00.

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Dan Brummitt, vote unanimous, to declare police canine Prince as surplus county property and sell him to his handler Sergeant Donald R. Roberson for the sum of \$1.00.

Uniform Guidance - Procurement Policy Amendment. Mr. McMillen noted that last month the board approved a Uniform Guidance Procurement Policy which set thresholds for the purchases of goods, services, and construction or repair projects when federal funds are being used. This policy is a requirement for the county to continue to receive and utilize federal funds and will apply to the next phase of construction for the water project. During the past month, the Office of Federal Financial Management issued a memorandum increasing the purchase thresholds for micro-purchases from \$3,500 to \$10,000 and increasing the simplified Acquisition Threshold from \$150,000 to \$250,000. These minor changes have been made to the policy and require board approval. Recommendation: Approve the revised Uniform Guidance Procurement Policy to increase the micro-purchase threshold from \$3,500 to \$10,000 and increase the Simplified Acquisition Threshold from \$150,000 to \$250,000.

Motion was made by Commissioner Dan Brummitt to approve the revised Uniform Guidance Procurement Policy to increase the micro-purchase threshold from \$3,500 to \$10,000 and increase the Simplified Acquisition Threshold from \$150,000 to \$250,000. This motion was seconded by Commissioner Carolyn Faines and unanimously approved.

Duke Energy Saver Program. Mr. McMillen noted that the board discussed the Duke Energy Small Business Energy Saver program during the retreat in January as a way to create

efficiencies in government. The program focuses on upgrading lighting systems from fluorescent to LED lighting with Duke Energy providing a significant portion of the upfit cost. The total project cost for replacing fixtures and lighting at the jail, county administration building, and fire/EMS station is 105,143, of which the county would pay \$35,905 or 34% with Duke Energy providing the balance. Due to the increased efficiency in lighting, it is estimated that the county will recoup 72% of this investment in the first year alone in reduced energy costs. The recently approved FY18-19 budget identified a portion of funds within the county’s capital reserves to fund this initiative at the jail, county administration building and Fire/EMS station. Recommendation: Approve the Duke Energy Small Business Energy Saver Program for the jail, county administration building, and Fire/EMS Station in an amount not to exceed \$35,905 plus a 10% contingency.

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Carolyn Faines, vote unanimous, to approve the Duke Energy Small Business Energy Saver Program for the jail, county administration building, and Fire/EMS Station in an amount not to exceed \$35,905 plus a 10% contingency.

Consent Agenda

Commissioner Dan Brummitt requested that the EDC monthly report be pulled for discussion and made a motion to approve the following consent agenda items as presented. This motion was seconded by Commissioner Gordon Wilder and unanimously approved: May 2018 Tax Refunds and Releases and Departmental Monthly Reports.



TAX OFFICE REFUND AND RELEASE REPORT FOR MAY 2018

TAXPAYER NAME	TAX YR	REAL	PERSONAL	SOLID WASTE FEE	REASON
FLORES JUAN JOSE BANDA	2015	0	49.47	105.00	PERS PROP BILLED
FLORES JUAN JOSE BANDA	2016	0	47.95	105.00	PERS PROP BILLED
FLORES JUAN JOSE BANDA	2017	0	47.95	105.00	PERS PROP BILLED
ALSTON FAYE EVELYN	2018	0	8.35	0	PERS PROP BILLED
GREENE ANDREW JACKSON	2018	0	67.00	0	PERS PROP BILLED
TAYLOR RAY ARTHUR	2018	0	13.01	0	CORRECT VALUE
TAYLOR RAY ARTHUR	2018	0	20.91	0	CORRECT VALUE
TOTAL REFUNDS & RELEASES			254.64	315.00	

MONTHLY REPORTS: Administrative Ambulance Charge-Offs, Cooperative Extension, Economic Development, EMS, Health Department, Human Resources, Information Technology, Planning and Development, and Veterans Service.

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Commissioner Dan Brummitt stated that the Economic Development Commission voted 5-4 to not join the Research Triangle Regional Partnership (RTRP). He explained that this 10 county regional organization would be an essential marketing tool for economic development and he expressed his opinion that Vance County should be a part of RTRP. He noted that all counties surrounding Vance County are members of RTRP.

Commissioner Dan Brummitt made a motion to amend the Economic Development budget to reflect the RTRP membership dues of \$13,300, bring that money to our administrative budget, and join the RTRP. This motion was seconded by Commissioner Yolanda Feimster.

Commissioner Carolyn Faines asked for clarification on this matter. Chairman Hester stated that the Economic Development Commission voted against joining the RTRP because they have a new marketing plan, which was approved by the Board of Commissioners in May. The total cost of this marketing plan is \$80,500. The majority of the EDC wants to wait and see the result of this marketing plan before making any decision about RTRP. He stated that he is not comfortable overruling the EDC's decision on this matter. Commissioner Dan Brummitt responded that we cannot afford to wait on the marketing plan as it will take a year or more to complete.

Mr. Dennis Jarvis, EDC Director, was present and Commissioner Leo Kelly, Jr. asked him how he felt about this matter. Mr. Jarvis stated that if the EDC Board chose to be a part of the RTRP, he would guarantee maximum utilization of the investment. If the EDC Board chose not to be a part of the RTRP, and look at other opportunities, we would derive that same benefit. He stated that the benefits of being a member of RTRP are only as good as our level of involvement in the organization.

Commissioner Yolanda Feimster asked, if we were to join the RTRP, would it have any negative effect on the new marketing plan. Mr. Jarvis stated that whether we join the RTRP or not, it would have no impact, either way, on our new marketing plan.

Commissioner Gordon Wilder stated that he respects the decision of the EDC and suggested that we wait until our marketing plan is up and running before making a decision about RTRP.

Commissioner Archie B. Taylor, Jr. stated that he supports the decision of the Economic Development Commission and does not support overruling them on this matter. Commissioner Carolyn Faines echoed this remark.

Commissioner Yolanda Feimster stated that we need to take advantage of any organization that could help Vance County.

After further discussion, vote on the motion to amend the Economic Development budget to reflect the RTRP membership dues of \$13,300, bring that money to our administrative budget, and join the RTRP was ayes - three (3); noes - four (4), with the dissenting votes being cast by Commissioner Carolyn Faines, Commissioner Thomas S. Hester, Jr., Commissioner Archie B. Taylor, Jr., and Commissioner Gordon Wilder.

Miscellaneous

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

KARTS Board - two year term

Reappoint Krystal Harris

Perry Library Board of Trustees - three year term

Reappoint Cynthia Walker and Barbara Foster. Appoint Emily Abbott to fill vacant position.

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Archie B. Taylor, Jr., vote unanimous, to approve the appointments as presented.

Appointment of Voting Delegate. It was noted that a voting delegate needed to be appointed for the NCACC Annual Conference in August. Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Archie B. Taylor, Jr., vote unanimous, to appoint Yolanda Feimster as voting delegate for the NCACC Annual Conference in August.

At this time, motion was made by Commissioner Gordon Wilder to enter into closed session to discuss a contract negotiation and a personnel matter. This motion was seconded by Commissioner Carolyn Faines and unanimously approved.

Upon return to open session, motion was made by Commissioner Carolyn Faines to approve payment of up to \$50,000, disbursed from loan proceeds, to NC Water Systems Association, Inc. as payment in full for services to Kittrell Water Association and in consideration for getting four hours of Mr. Blake Haley's time with Envirolink, subject to NC Water Systems Association, Inc. providing a full release to Kittrell Water Association, its heirs and assigns for any additional amount due. The payment will be paid out with \$40,000 upon approval, and the remaining \$10,000 upon completion of Mr. Haley's time commitment. 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.

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Dan Brummitt, vote unanimous, to return to closed session to discuss a personnel matter.

Upon return to open session, and as there was no further business, motion was made by Commissioner Gordon Wilder, seconded by Commissioner Carolyn Faines, vote unanimous, that the meeting be adjourned.

Approved and signed August 6, 2018.

Thomas S. Hester, Jr. (signed)
Thomas S. Hester, Jr., Chairman