

STATE OF NORTH CAROLINA

COUNTY OF VANCE

The Vance County Board of Commissioners met in regular session on Monday, July 6, 2015 at 5:30 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: Commissioner Eddie L. Wright.

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

Rev. Mary Anderson, Shiloh Baptist Church, gave the invocation.

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Thomas S. Hester, Jr., vote unanimous, to enter into closed session to discuss economic development projects, a contract negotiation, and a personnel matter.

Upon return to regular session, the first 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 Gloria White and Mayor Pete O'Geary were absent.

It was noted that Mr. John Fogg and Ms. Nancy Wilson had submitted letters seeking re-appointment to the Vance County ABC Board for three-year terms. Ms. Wilson also requested to be re-appointed as Chair for a one-year term. One application was received from Ms. Andrea Harris to fill the unexpired term of Ms. Henrietta Clark, who recently resigned from the Board. Although Mayor O'Geary was unable to attend the meeting, he did submit a letter affirming his support of re-appointing Mr. Fogg and Ms. Wilson for three-year terms and Ms. Wilson as Chair for a one-year term.

Motion was made by Commissioner Gordon Wilder to re-appoint John Fogg and Nancy Wilson to the Vance County ABC Board for three-year terms and appoint Andrea Harris to fill the unexpired term formally held by Henrietta Clark. This motion was seconded by Commissioner Thomas S. Hester, Jr. and unanimously approved.

Motion was made by Commissioner Deborah F. Brown to appoint Nancy Wilson as Chair of the ABC Board for a one-year term. This motion was seconded by Commissioner Thomas S. Hester, Jr. and unanimously approved.

Dr. Stelfanie Williams, VGCC President, appeared before the Board and presented an activities update for the community college. The update included information on 2014-2015 selected highlights which included enrollment data, graduates, funding, the five-year strategic plan, strategic successes, and the economic impact study.

After a brief question and answer session, the Board thanked Dr. Williams for her report and commended her for her leadership at Vance Granville Community College.

The next item on the agenda was an update from Sheriff Peter White, Henderson Police Chief Marcus Barrow, and District Attorney Mike Waters. Sheriff White stated that overall crime outside of the City has decreased by 22% from 2013-2014. From 2012-2013 there was an 18% decrease, and from 2011-2012 there was a 22% decrease. He stated that the Sheriff's Office is over burdened with an increase in mental patient transports - approximately 7-8 patients per week, all across the state. As far as crime, the main problem is break-ins.

Police Chief Marcus Barrow reported that the City is seeing the same trend. Year to date, there has been a 20% drop in violent crime, mainly robberies. The main problem within the City is retail shoplifting. Drugs are an on-going problem which is addressed daily. This is a national problem, not just local. District Attorney Mike Waters stated that he has assigned a senior level prosecutor to handle narcotic cases that flow through Vance County.

Mr. Waters stated that electronic discovery is being used by both law enforcement entities, which is helping process cases in a timelier manner. He reported that a driving school has been started with the community college which is a deferral program for students ages 16 to 24 that have minor traffic offenses. He asked the Board for its support of our law enforcement agencies during the current DOT widening project at I-85, which is causing a tremendous strain on our local agencies as well as the Highway Patrol with traffic being routed through town. He stated that we need assistance from the State during this project so that our local law enforcement can focus on local matters rather than traffic control. He asked the Board to advocate this need to our State officials.

After a brief question and answer session, the Board thanked the group for their report and commended them for working so closely together to ensure the safety of our citizens.

Mr. George Vital, USDA, was next on the agenda and presented a Letter of Conditions to the Board. The letter establishes conditions which must be understood and agreed upon by the Board before further consideration may be given to the application for a loan not to exceed \$1,703,000 for construction of a new animal shelter. The letter addresses a repayment schedule, loan resolution, debt payments, operating budget, applicant contribution/other funds, disbursement of funds, insurance and bonding, accounting, audits and reports, applicant certifications, closing instructions, etc.

Motion was made by Commissioner Dan Brummitt to accept the Letter of Conditions as presented and authorize the Chairman to execute the USDA loan resolution, request for obligation of funds, and the letter of intent to meet the conditions as specified by USDA for the purpose of construction of an animal shelter. This motion was seconded by Commissioner Gordon Wilder and vote was ayes - four (4); noes - one (1), with the dissenting vote being cast by Commissioner Deborah F. Brown. Commissioner Terry E. Garrison abstained.

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**RESOLUTION**  
**by the**  
**Vance County Board of Commissioners**

**BE IT RESOLVED:**

That the Board of Commissioners of Vance County, NC does hereby accept the conditions set forth in the Letter of Conditions dated July 6, 2015, and Form USDA RD 1942-47, Loan Resolution and Security Agreement; and

That the Board of Commissioners of Vance County, NC approves as shown on Form RD 442-7, Operating Budget, the proposed County operating budget for the loan request; and

That the Chairman and Clerk be authorized to execute all forms necessary to obtain a loan from the USDA Rural Development, including, but not limited to the following forms;

Form RD 1942-46	Letter of Intent to Meet Conditions
Form RD-NC 1942-47	Loan Resolution
Form RD 442-7	Operating Budget
Form RD 1940-1	Request for Obligation of Funds
Form RD 400-1	Equal Opportunity Agreement
Form RD 400-4	Assurance Agreement
Form RD 1910-11	Applicant Certification Federal Collection Policies for Consumer or Commercial Debts
Form AD 1048	Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions
Exhibit A-1, 1940-Q	Certification for Contracts, Grants and Loans
Non-Titled Form	Certification Compliance

That the Board of Commissioners of Vance County, NC elects to have the interest rate charged by RD to be the lower of the rate in effect at either the time of loan approval or loan closing; and

That if the interest rate charged by RD should be changed between this date and the date of actual loan approval, the Chairman and Clerk be authorized to execute new forms reflecting the current interest rate and revised payments as required by USDA Rural Development; and

That this resolution become a part of the official minutes of the Board meeting held on July 6, 2015.

**This, the 6<sup>th</sup> day of July, 2015.**

**Attest:**

**Archie B. Taylor, Jr. (signed)  
Archie B. Taylor, Jr., Chairman**

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

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Motion was made by Commissioner Thomas S. Hester, Jr. to authorize staff to submit an application to the Local Government Commission for approval of interim financing needed during construction of the animal shelter. This motion was seconded by Commissioner Dan Brummitt and vote was ayes - four (4); noes - one (1), with the dissenting vote being cast by Commissioner Deborah F. Brown. Commissioner Terry E. Garrison abstained.

Ms. Porcha Brooks, Tax Administrator, was next on the agenda and presented six untimely exemption applications for 2015 as follows:

Name	Exemption Requested	Tax Administrator's Recommendation
Emma Baskerville 836 State Street	Elderly Exemption	Approve Application
Ennis Lee and Pam Ann Hughes 145 Meridian Way	Disabled Veteran Exemption	Approve Application
Myrtle Lloyd 101 Emerson Lane	Disabled Exemption	Approve Application
The Embassy Cultural Center Foundation, Inc. 2153 Woodland Road	Educational Exemption	Approve Application
Strata Master Lessee 1 LLC 323 Sleepy Eye Lane	Solar Energy Exemption	Approve Application
SunE Bearpond Lessee LLC 1589 Bearpond Road	Solar Energy Exemption	Approve Application

Ms. Brooks noted that all exemption applications met the qualifications of the exemptions and would have been approved if the applications had been submitted by the deadline. Since it is past the deadline, approval of the exemption application must be made by the Board of Commissioners.

*Emma Baskerville.* Motion was made by Commissioner Gordon Wilder to approve the exemption application as requested. This motion was seconded by Commissioner Deborah F. Brown and unanimously approved.

*Ennis Lee and Pam Ann Hughes.* Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Thomas S. Hester, Jr., vote unanimous, to approve the exemption application as requested.

*Myrtle Lloyd.* Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Thomas S. Hester, Jr., vote unanimous, to approve the exemption application as requested.

*The Embassy Cultural Center Foundation, Inc.* Motion was made by Commissioner Deborah F. Brown to approve the exemption application as requested. This motion was seconded by Commissioner Thomas S. Hester, Jr. and unanimously approved.

*Strata Master Lessee 1 LLC.* Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Thomas S. Hester, Jr., vote unanimous, to approve the exemption application as requested.

*SunE Bearpond Lessee LLC.* Motion was made by Commissioner Dan Brummitt to approve the exemption application as requested. This motion was seconded by Commissioner Thomas S. Hester, Jr. and unanimously approved.

As advertised, a public hearing was held to consider an amendment to the zoning ordinance to provide additional flexibility in the development of church and family cemeteries and manufacturing uses. The amendment would permit church and family cemeteries within the office-institutional zoning category and prohibit them in the low density residential (R-10) zoning category. Also, the amendment would allow manufacturing within the highway commercial zoning district with a conditional use permit.

As there was no one from the public who wished to speak on this matter, Chairman Archie B. Taylor, Jr. declared the public hearing closed.

Formal action will be taken on this matter under Committee Reports and Recommendations.

As advertised, a public hearing was held to consider an amendment to the zoning ordinance to update solar farm regulations.

John Davis spoke and stated that the proposed 100 foot setback is too excessive. He suggested a 50 foot setback.

Isais Serna spoke in support of clean energy and asked how much energy would an acre generate? Mr. John Davis responded that the general ratio is five acres per megawatt.

Al Rivers spoke in opposition of the proposed 100 foot setback and suggested 50 feet. He feels that a 100 foot setback is a maneuver to keep solar farms from locating here. He stated that solar farms just sit and collect taxes; and they don't send anybody to school; and they don't commit crimes.

Michael Bobbitt stated that if you don't add to the schools, you are not growing the county.

Jason Spriggs stated that solar energy is innovative and the County should take advantage of solar energy. He stated that the Board needs to compromise on this matter.

Commissioner Deborah F. Brown asked if the Planning Board took into consideration the statement from the Tourism Development Authority. Deputy County Manager Jordan McMillen responded yes.

As there was no one else from the public who wished to speak on this matter, Chairman Archie B. Taylor, Jr. declared the public hearing closed.

Formal action will be taken on this matter under Committee Reports and Recommendations.

As advertised, a public hearing was held to receive public comment on a proposed economic development incentive loan to be considered for an expansion at a local company, Jerry's Artarama NC, Inc. In return for the commitments and the increase in jobs and tax revenues, and maintaining and operating the facility in Vance County for ten years, it is proposed that Vance County will provide a five year interest free loan to the company in the amount of \$400,000. The loan will come from Golden LEAF grant repayments from the Semprius project, not local tax dollars. The total loan request is \$600,000, of which, \$200,000 will come from the Henderson Vance Industrial Park Board; hence, leaving the \$400,000 request to Vance County. The requests have been approved by the Henderson Vance Industrial Park and The Golden LEAF Foundation.

Mr. Michael Bobbitt spoke and expressed his displeasure that more detailed information about this project was not available to the public prior to tonight's public hearing.

As there was no one else from the public who wished to speak on this matter, Chairman Archie B. Taylor, Jr. declared the public hearing closed.

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Dan Brummitt, vote unanimous, to approve the agreement between Vance County and the Henderson Vance Industrial Park to accept the \$200,000 loan.

Motion was made by Commissioner Gordon Wilder to authorize the Chairman to execute the agreement between Vance County and Jerry's Artarama NC, Inc. This motion was seconded by Commissioner Thomas S. Hester, Jr. and unanimously approved.

As advertised, a public hearing was held to receive public comment on a proposed economic development incentive grant to be considered for a company relocating from Oxford, North Central Transport, Inc. In return for the commitments and the potential for increased jobs and tax revenues, and maintaining and operating the facility in Henderson for ten years, it is proposed that Vance County will provide four yearly grants to the property owner and company by virtue of a tax rebate. The grant is for the building and equipment only, not the land.

As there was no one from the public who wished to speak on this matter, Chairman Archie B. Taylor, Jr. declared the public hearing closed.

Motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Gordon Wilder, vote unanimous, to approve the four-year incentive grant for North Central Transport, Inc. and authorize the Chairman to execute the agreement between Vance County and North Central Transport, Inc.

Commissioner Deborah F. Brown asked if the public can be given more information on these matters before the public hearing. County Attorney Jonathan S. Care responded yes, but the time frame would need to be extended in order to give the Board of Commissioners an opportunity to discuss the matter in closed session prior to the public hearing notice being advertised.

Public comments were heard next. Mr. James Mason stated that on his way to the meeting he passed a memorial honoring Vance County veterans. When he gets to the courthouse, he sees a civil war memorial for confederate soldiers. He stated that the civil war memorial should not be on County property.

Mr. Charles Hodge and Ms. Debbie Scott both spoke and requested the Board to consider opening the gyms of Henderson Middle School and Eaton Johnson Middle School for our youth during the summer months. Mr. James Mason also supported this request.

Chairman Taylor referred the request for the use of gyms during the summer months to the Education Committee. He also referred the civil war memorial comment to the appropriate committee (General Government Committee).

#### Water District Board

At this time, Chairman Archie B. Taylor, Jr. called the Water District Board to order.

*Phase 2 Change Orders – 2<sup>nd</sup> Set of Road Additions.* Deputy County Manager Jordan McMillen stated that this committee (Garrison [C], Taylor, Brummitt [absent]) met Thursday, June 25<sup>th</sup> to discuss road additions in Phase 2 and also to review the current policies concerning water account deposits. The committee was informed that waterline construction continues in Phase 2 for the previously approved road additions, and staff is working with the contractor to determine if a 3<sup>rd</sup> and 4<sup>th</sup> crew can be added over the next few weeks. Staff presented a change order and an amendment to the engineer's contract to add an additional four miles of road additions within Phase 2 (a listing of roads with map was provided to the Board). The additional roads would be completed with remaining grant funds and would add an additional 50 committed customers. The committee discussed the deadline imposed by USDA for all work to be complete and was informed that all work needs completed by early September to allow time for closeout paperwork to be submitted to the National USDA office. The staff and engineer do have a concern that all road additions may not be complete within the next two months, but the contractors are working six days a week to complete the work. The committee discussed the need to add customers to the system and recommends approving the additional roads.

**Recommendation #1:** Approve Contract 2 - Change Order #4 for Phase 2A with Tony Hawley Construction in the amount of \$411,548 for road additions. **Recommendation #2:** Approve Amendment 3 to the Phase 2A owner-engineer agreement providing an additional inspection estimate of \$15,000 and an additional \$20,000 in construction administration funds.

Motion was made by Commissioner Terry E. Garrison to approve Contract 2 - Change Order #4 for Phase 2A with Tony Hawley Construction in the amount of \$411,548 for road additions. This motion was seconded by Commissioner Gordon Wilder and unanimously approved. Commissioner Thomas S. Hester, Jr. recused himself from voting stating a conflict of interest in that he has a house in this area and has applied for water.

Commissioner Deborah F. Brown asked Mr. McMillen to double check the Road Additions report to make sure the numbers are correct.



Motion was made by Commissioner Terry E. Garrison, seconded by Commissioner Dan Brummitt, vote unanimous, to approve Amendment 3 to the Phase 2A owner-engineer agreement providing an additional inspection estimate of \$15,000 and an additional \$20,000 in construction administration funds.

*Water Account Deposits – Establishing of Credit.* Mr. McMillen reported that the committee reviewed the water district's current account deposit policies relative to surrounding water systems and held a discussion following a concern that was raised by a citizen at the June board meeting. The citizen questioned the district's policy of holding the account deposit for both homeowners and renters. The committee took additional input from the concerned citizen and acknowledged that the water system is very new and does have payment delinquency issues typically associated with a startup system. The committee reviewed the deposit amounts and terms for establishing credit for surrounding systems and other systems in North Carolina and noted that the Vance County system compares very well with the others. One committee member noted that this was commendable for a system that was built with much less grant money than the other more mature systems. The committee members felt it was premature to change this policy at the current time, but feel this could be revisited in the future.

Commissioner Deborah F. Brown asked the committee to keep this matter on the table.

*Tap Fee Connection Cost.* Mr. McMillen stated that currently the County is continuing to charge the reduced tap fee of \$125 for new connections. The committee discussed whether this should be increased with construction in its final stages and with the construction funds no longer being available. Staff noted that once construction is complete the County will be covering the entire cost of tap installations from the County's water fund budget at a greater cost than the \$125 fee being charged. The committee discussed the need for encouraging participation in the system and is not in favor of increasing the fee at the current time. Additionally, the committee suggested that staff analyze the monetary impact of leaving this reduced fee in place and requested that staff research connection costs that citizens are paying for connecting from the meter to their homes. The committee would like to look at this and consider the possibility of an incentive or County sponsored program in the future that may provide assistance for connection costs to encourage additional customers.

Commissioner Deborah F. Brown asked the committee to keep the Board updated on discussions regarding the \$30 monthly fee and on the refunds to residents that will not be receiving water.

Commissioner Dan Brummitt requested staff to look into the USDA 504 Program, which is a low to no interest loan for low income, elderly and bring that information to the committee.

At this time, Chairman Archie B. Taylor, Jr. adjourned the Water District Board.

#### Committee Reports and Recommendations

*Public Safety Committee - Fire/EMS Reorganization.* Commissioner Dan Brummitt reported that this committee (Brummitt [C], Brown, Wilder) met Monday, June 15 to discuss a proposed Fire and EMS reorganization. An important element of the reorganization has already taken place with the splitting of the Fire and EMS budgets and the addition of another ambulance unit staffed with six additional EMT/paramedics. It has been agreed upon by the committee that separate Fire Chief and EMS Director positions are necessary to manage the newly separated units. The bulk of the committee's discussion focused on options for reorganizing the newly created independent Fire and EMS functions in order to improve efficiency and response times.

The Board was provided with current and proposed organizational charts for the fire department. The committee proposes to reduce the number of full time fire personnel in order to place two part time firefighters at each of the six volunteer stations during the day time hours. The presence of personnel during the day at all of the volunteer stations should substantially improve response times. The substitution of full time with part time positions would be done over time as positions become vacant. The proposed reorganization would also convert the vacant Lead Building Code Enforcement Officer position into a Fire Marshal position. This position would be responsible for coordinating and communicating with the volunteer fire departments and would carry out the State required fire and safety inspections for churches and businesses.

The Board was also provided with current and proposed organizational charts for the EMS Department. The proposed chart includes the creation of three shift supervisor positions and also notes the new ambulance unit that was approved in the FY 2015-16 Budget. Overall, the reorganization would result in one additional full time position and eight additional part time positions. Additional revenue will be generated by the fire incident billing program recently approved by the Board of Commissioners and savings from a potential outsourcing of ambulance

billing. The committee recommends that the reorganization be implemented in stages and believes the first steps should be to hire a Fire Chief and EMS Director. Once hired, these managers will be given the opportunity to evaluate the effectiveness of the proposed reorganization and suggest changes if needed. **Recommendation to Human Resources Committee:** Authorize the filling of the Fire Chief position, EMS Director position and six EMT/Paramedic positions.

*Public Safety Committee - Fire Incident Billing.* Commissioner Dan Brummitt stated that the committee reviewed and discussed the proposed resolution authorizing billing for protection and related services rendered by the Vance County Fire Department. During last month's Board meeting, approval was given to contract with Integrity Billing Service for Fire Incident Billing Services. The committee reviewed the proposed fee schedule which is consistent with typical reimbursement rates encountered by the billing company. The committee recommended approving the proposed resolution and fee schedule. Additionally, the committee discussed the importance of having clear control of dispatching and reporting to avoid confusion over the primary responding department. This will be handled within the current protocols of the Emergency Operations Department. **Committee Recommendation:** Approve the pricing schedule and resolution authorizing billing for fire protection and related services by the Vance County Fire Department.

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Gordon Wilder, vote unanimous, to approve the pricing schedule and resolution authorizing billing for fire protection and related services by the Vance County Fire Department.



**RESOLUTION**  
by the  
**Vance County Board of Commissioners**  
*to Bill for Fire Protection and Related Services Rendered*  
*by the Vance County Fire Department, Vance County, North Carolina*

**WHEREAS**, response to and/or recovery from minor and major emergencies and disasters requires purchases to replace supplies, periodic and scheduled maintenance on apparatus, fuel purchases, rehabilitation supplies, manpower expenses, repair and/or replacement of protective gear and equipment required by Vance County Fire Department, OSHA, NFPA and/or other associated guidance; and

**WHEREAS**, the Vance County Fire Department is an official response agency within the County of Vance, North Carolina, as well as an official responding agency where mutual aid and/or automatic aid agreements exist; and

**WHEREAS**, the Vance County Board of Commissioners and management staff of the Vance County Fire Department acknowledges that expenses should rightfully be recovered from the person(s) or agency(s) insurance company(s) accepting Liability (Financial Responsibility) for the emergency incident; subject to due process of law; and

**WHEREAS**, no law or statute prevents or precludes the Vance County Fire Department from billing and recovering these expenses from the above stated person(s) or agency(s) insurance company(s); and

**WHEREAS**, the costs of services being charged for were actually incurred or implied by the Vance County Fire Department while/when rendering services to a person(s) or agency(s) involved in Vance County, or for other responses in which a mutual or automatic aid agreement exists with the Vance County Fire Department, or where a request for mutual aid was made from another agency.

**NOW THEREFORE BE IT RESOLVED**, that the Board of Commissioners AND management staff of the Vance County Fire Department hereby order and direct as follows:

1. The Vance County Fire Department hereby adopts billing for responses to and/or recovery from minor and major emergencies and disasters requiring purchases to replace supplies, periodic and scheduled maintenance on apparatus, fuel purchases, rehabilitation supplies, repair and/or replacement of protective gear and equipment required by the Vance County Fire Department, OSHA, NFPA and/or other associated guidance.
2. The Fire Chief, his designee, or contracted billing company will submit a billing statement to the insurance company(s) of the person(s) or agency(s) that services were rendered for the services and/or expenses actually provided and/or incurred.
3. The Vance County Fire Department hereby adopts the billing policy as described above.

The contracted cost recovery provider is hereby directed to bill for services provided for highway/road vehicle crash responses, extrication services, landing zone services, rescue services, fire suppression services, hazardous materials services, roadway cleanup/mitigation services and other services or expenses, as directed by the implementation of the foregoing policy. Other fees will be charged according to the current fee schedule maintained by the Vance County Fire Department.

**ADOPTED this 6<sup>th</sup> day of July, 2015.**

**Archie B. Taylor, Jr. (signed)**  
**Archie B. Taylor, Jr., Chairman**

**ATTEST:**

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

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**VANCE COUNTY FIRE DEPARTMENT MOTOR VEHICLE  
ACCIDENT RESPONSE PRICING SCHEDULE**

**LEVEL 1 MVA: \$595**

Hazard Material control and safety including hazard assessment & containment of hazard materials (i.e. hazardous material spills such as gasoline/ diesel fuel, motor oil, coolant or



locations, etc.) to assist in considering the County's interest in adding focus to Convalescent Care transport.

*Human Resources Committee - Position Vacancies.* Commissioner Deborah F. Brown, Chairperson of the Human Resources Committee, stated that the committee endorses filling the following positions and requests approval by the full Board:

Sheriff's Office  
Deputy Sheriff

Social Services  
Social Worker III  
Income Maintenance Caseworker II

Fire/EMS  
Fire Specialist I

Motion was made by Commissioner Deborah F. Brown, seconded by Commissioner Gordon Wilder, vote unanimous, to approve filling the position vacancies as requested.

*Human Resources Committee - Fire/EMS Reorganization.* Commissioner Deborah F. Brown stated that after completing its work on the proposed reorganization of the Fire/EMS Department, the Public Safety Committee asked the staff to develop job descriptions and pay ranges for the Fire Chief and EMS Director's positions called for under the proposed organization plan. The staff completed its work and the Human Resources Committee considered the request that the Fire Chief and EMS Director positions and position descriptions be included in the County's pay and classification plan and that the positions be advertised and filled. Funding for the Fire Chief's position will come from the eliminated Fire/EMS Director's position. Funding for the EMS position will come largely from revenue generated by the new fire incident insurance billings. **Committee Recommendation:** Authorize the advertising and filling of the EMS Director and Fire Chief positions as requested.

Motion was made by Commissioner Deborah F. Brown, seconded by Commissioner Gordon Wilder, vote unanimous, to authorize the advertising and filling of the EMS Director and Fire Chief positions as requested.

*Planning & Environmental Committee - Approval for Sale of Neighborhood Stabilization Program (NSP) Property (661 Charles Street).* Commissioner Gordon Wilder reported that this committee (Wilder [C], Garrison, Taylor) met Friday, June 5 to review two offers to purchase one of the remaining NSP homes located at 661 Charles Street. Due to the time sensitive nature of responding to NSP offers, the Board during its March 10, 2014 meeting authorized the

committee to make decisions on selling the NSP houses subject to the established price parameters. Both offers were within these parameters and the committee has authorized the sale of 661 Charles Street for \$68,000 to Rigoberto Perez & Alma Hernandez Gregorio subject to the County's standard counter offer including the terms and conditions of the NSP program. In order to finalize the sale, it is necessary for the full Board to adopt the following resolution. Following the sale of this property, the County will have two remaining NSP homes to sell. **Committee Recommendation:** Approve resolution authorizing a Private Sale Pursuant to N.C.G.S 153A-378 of Low and Moderate Income Housing from the Vance County NSP Grant Program.

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Terry E. Garrison, vote unanimous, to approve the following resolution authorizing a private sale pursuant to N.C.G.S 153A-378 of Low and Moderate Income Housing from the Vance County NSP Grant Program.



**RESOLUTION**

**By the Vance County Board of Commissioners**

**Authorizing a Private Sale Pursuant to N.C.G.S 153A-378 of Low and Moderate Income Housing from the Vance County NSP Grant Program**

**WHEREAS,** the Vance County Board of County Commissioners has heretofore adopted procedures wherein certain minimum standards for the sale of the Vance County NSP Grant Programs homes were established; and,

**WHEREAS,** Vance County has received Offers to Purchase 661 Charles Street, Henderson, North Carolina; and,

**WHEREAS,** In accordance with their adopted policy and procedures, the Planning and Environmental Committee duly met and approved an acceptable counter offer to Rigoberto Perez & Alma Hernandez Gregorio's (Buyers) offer which has been accepted by the Buyers; and,

**WHEREAS,** in accordance with Vance County's goals and requirements of the Vance County NSP grant the proposed Offer to Purchase should fulfill these goals and requirements subject to protecting the long term occupancy of the residence by the owner.

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

1. Pursuant to N.C.G.S. 153A-378 and the affirmative action taken by the Vance County Planning and Environmental Committee the Vance County Board of Commissioners will sell the property to Rigoberto Perez & Alma Hernandez Gregorio, the Buyer, pursuant to the terms and conditions contained in the executed Offer to Purchase at a sales price of \$68,000, with the following conditions in addition to those terms and conditions contained in the Offer to Purchase;

- a. North Carolina Note and Deed of Trust in a second priority position securing \$3,000 for 5 years, with the balance due and owing decreasing by \$600 for each full year the residence is owned and occupied (owner-occupied) by the Buyer.
  - b. The Buyer fulfills all NSP requirements of education and counseling, and does fulfill the income requirements of the program.
2. A Notice summarizing the contents of such sale shall be published once at least ten days prior to the consummation of the sale.
  3. This resolution shall be effective upon its adoption.

This, the 6<sup>th</sup> day of July, 2015.

Attest:

Archie B. Taylor, Jr. (signed)  
 Archie B. Taylor, Jr., Chairman

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

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*Planning/Environmental Committee - Zoning Ordinance Amendments – Church and Family Cemeteries/Manufacturing Uses.* The committee met Wednesday, June 24 to review the proposed zoning ordinance amendment and was briefed on the Planning Board’s review and recommendation concerning this item. The committee discussed the importance of the amendment to correct an oversight within the zoning ordinance whereas churches are currently unable to construct or expand a cemetery. Currently the O-I zoning designation is primarily made up of churches, schools, and fire station properties and the proposed change should have very little impact. Regarding the manufacturing uses, it is believed that allowing this use within the Highway Commercial zoning district with a conditional use permit will open opportunities for additional jobs in the community and will provide the necessary protections given to manufacturing uses. The committee recommended proceeding with the required public hearing and recommends approval of the ordinance amendment. **Committee Recommendation:** Approve zoning ordinance amendment providing additional flexibility in the development of church and family cemeteries and manufacturing uses.

Motion was made by Commissioner Gordon Wilder to approve the zoning ordinance amendment providing additional flexibility in the development of church and family cemeteries and manufacturing uses. This motion was seconded by Commissioner Dan Brummitt and unanimously approved.

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**ORDINANCE AMENDING THE VANCE COUNTY ZONING ORDINANCE  
 TO PROVIDE FLEXIBILITY IN THE DEVELOPMENT OF CHURCH AND  
 FAMILY CEMETERIES AND MANUFACTURING USES**



**WHEREAS**, the Board of Commissioners has asked staff and the planning board to review the permitted districts for church and family cemeteries; and

**WHEREAS**, the Vance County Planning Board has reviewed the proposed amendments to the Vance County Zoning Ordinance, has determined them to be consistent with the land use plan, and has provided a recommendation for their approval.

**WHEREAS**, the proposed amendments provide additional protections for property owners and citizens of the county while maintaining an environment conducive to economic development; and

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

- A. The amendments as presented are consistent with the county land use plan by encouraging development at a rate and in a pattern which can be efficiently and effectively served by existing and planned services and facilities. Additionally the amendments accommodate and allow economic development and growth while protecting the environment, public health and general welfare.
- B. The Vance County Zoning Ordinance be amended as follows (deletions as ~~strike~~throughs, additions shown as underlined text):
  - 1) AMEND the Table of Permitted Uses by permitting Cemetery (Church, Family) as a Permitted Use within the OI zoning district and prohibiting Cemetery (Church, Family) within the R-10 zoning district.
  - 2) AMEND the Table of Permitted Uses by permitting Manufacturing as a Conditional Use within the (HC) Highway Commercial zoning designation.
- C. The above amendments are effective upon adoption of this ordinance.

This, the 6<sup>th</sup> day of July, 2015.

Attest:

Archie B. Taylor, Jr. (signed)  
 Archie B. Taylor, Jr., Chairman

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

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*Planning/Environmental Committee - Zoning Ordinance Amendments – Solar Farm Regulations.* During its meeting on June 24, the committee reviewed the proposed solar farm regulations as recommended by the Planning Board. Staff noted that the Planning Board did consider a reduced setback requirement of 100 feet on the front and 50 feet on the sides, but felt it was necessary to keep a 100 foot setback surrounding all sides of the solar farm. The Planning Board feels that this will minimize the visual impact of solar farms and will prevent shadows on the panels if existing vegetation were utilized. The committee discussed the responsibility that landowners have regarding the future removal and abandonment for solar farms. The committee briefly discussed cleanup costs and how indications from solar developers and experts from NC Clean Energy Technology Center at NC State University suggest that the value of recyclable

materials will be greater than cleanup costs. The committee recommended proceeding with the required public hearing and recommends approval of the ordinance amendment. **Committee Recommendation:** Approve zoning ordinance amendment providing additional protections for solar farms.

Motion was made by Commissioner Gordon Wilder to approve the zoning ordinance amendment providing additional protections for solar farms and require a 100 foot setback surrounding all sides of the solar farm. This motion was seconded by Commissioner Deborah F. Brown.

Commissioner Dan Brummitt stated that the current ordinance requires a 30 foot buffer, and this seems to be working fine. The 100 foot buffer has no justification, and each site should be considered case by case. The 100 foot buffer makes it appear that “we don’t want them here”, and that is not in the best interest of the County. He stated that the proposed changes are overbearing and hurts the potential for businesses to come into the county and hurts the County’s revenue potential.

Commissioner Deborah F. Brown read the following position of the Tourism Development Authority aloud and asked that it be part of the public record: The Vance County Tourism Authority recognizing the importance of Kerr Lake as a drinking water source and as a major recreational draw, requests that any new projects, including Solar farms, submit a storm-water management plan that insures storm water runoff from the property has no net increase in peak flow leaving the site from the pre development conditions. Attention should be given to the quality of the runoff to eliminate any contaminates contained within the soil making their way into Kerr Lake. Furthermore, the Authority requests that no solar farms be built in residential areas. Note: (AR - agricultural, residential).

Commissioner Thomas S. Hester, Jr. stated that he is not against tightening regulations, but he is against eliminating solar farms in Vance County, which is what may happen if the proposed amendments are approved. Solar farms pay \$28,000 in taxes the first year and are depreciated down to 25% over an 18-year period. After that time, taxes are still being paid. He does not support eliminating tax bases and hurting farmers by telling them what they can or cannot do with their property.

Commissioner Archie B. Taylor, Jr. stated that he cannot support the 100 foot setback all the way around the site.

Vote on the motion to approve the zoning ordinance amendment providing additional protections for solar farms and require a 100 foot setback surrounding all sides of the solar farm was ayes - two (2); noes - four (4), with the dissenting votes being cast by Commissioner Thomas S. Hester, Jr., Commissioner Archie B. Taylor, Jr., Commissioner Terry E. Garrison, and Commissioner Dan Brummitt.

Chairman Taylor referred this matter back to the Planning/Environmental Committee for further review.

Commissioner Deborah F. Brown stated that if any commissioners are taking action because of personal interest or gain from solar farms, they need to refrain from the discussions and votes.

*Properties Committee - Offer to Purchase REO Properties (Spring Valley Road).* This committee (Brown [C], Brummitt, Hester) met Wednesday, June 10 to review an offer to purchase two neighboring parcels of land owned by the County as a result of foreclosure. Staff provided information in a revised format that includes the offer of \$750 as well as photographs, property condition, property value, and costs incurred by the County for the properties. Due to the condition of the structure and the additional cost that would be incurred for future demolition and property upkeep, the committee recommended proceeding with the upset bid process for selling the property.

Motion was made by Commissioner Deborah F. Brown, seconded by Commissioner Dan Brummitt, vote unanimous, to approve the following resolution authorizing the upset bid process for the sale of tax parcels 0201-01001A and 0201-01001B:



**RESOLUTION AUTHORIZING UPSET BID PROCESS  
FOR SALE OF REAL PROPERTY  
2 Lots Spring Valley Road, Henderson, NC 27537**

**WHEREAS**, Vance County owns certain real property with an address of **2 Lots Spring Valley Road, Henderson, North Carolina**, and more particularly described by the Vance County Tax Department as Parcel Number **0201 01001A and 0201 01001B**; 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 **Florence Alexander**; and,

**WHEREAS**, **Florence Alexander** have 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 6<sup>th</sup> day of July, 2015.**

**Archie B. Taylor, Jr. (signed)**  
**Archie B. Taylor, Jr., Chairman**  
**Vance County Board of Commissioners**

**ATTEST:**

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

. . . . .

*Properties Committee - Extension of Henderson Collegiate Land Lease.* Commissioner Deborah F. Brown stated that the committee reviewed a request from the Henderson Collegiate

Charter School to extend their existing lease of 906 Health Center Road for an additional 18 months. The lease term would be from July 1, 2015 until December 30, 2016. The school is completing construction of its middle school and will transition to the new school site in August 2015 for their 4<sup>th</sup> through 8<sup>th</sup> grades. During the upcoming year, the Health Center Road property would be used for 9<sup>th</sup> grade or ¼ of the student population that was on the site this previous year. **Committee Recommendation:** Approve an extension of the Henderson Collegiate Charter School's lease of 906 Health Center Road until December 2016.

Motion was made by Commissioner Deborah F. Brown, seconded by Commissioner Gordon Wilder, vote unanimous, to approve an extension of the Henderson Collegiate Charter School's lease of 906 Health Center Road until December 2016.



**RESOLUTION**  
**By the Vance County Board of Commissioners**

Authorizing the Extension of the Term of the Lease for County owned property to Henderson Collegiate, Inc pursuant to N.C.G.S. 160A-272.

**WHEREAS,** the Vance County Board of County Commissioners has been requested to extend the term of the lease to Henderson Collegiate, Inc.; and,

**WHEREAS,** the proposed extension of the lease would be for a term in excess of one year; and,

**WHEREAS,** notice of the proposed lease has been published in the Henderson Daily Dispatch in excess of ten (10) days of the date of this meeting; and

**WHEREAS,** the proposed amendment to the lease, attached hereto, are the terms and conditions upon which Henderson Collegiate shall be bound under the terms of the lease.

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

1. The attached third amendment to the lease is hereby approved and the Chairman of the Board of Commissioners shall be authorized to execute the same on behalf of the Board.
2. This resolution shall be effective upon its adoption.

**This the 6<sup>th</sup> day of July, 2015.**

Archie B. Taylor, Jr. (signed)  
Archie B. Taylor, Jr., Chairman  
Vance County Board of Commissioners

**ATTEST:**

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



**STATE OF NORTH CAROLINA**

**COUNTY OF VANCE**

**THIRD LEASE AMENDMENT**

**THIS LEASE AMENDMENT**, made and entered into effective the 1<sup>st</sup> day of July, 2015, by and between the **VANCE COUNTY BOARD OF COMMISSIONERS** (hereinafter sometimes referred to as "Lessor") a body politic organized and existing under the laws of the State of North Carolina, party of the first part, and **HENDERSON COLLEGIATE, INC.** (hereinafter sometimes called the "Lessee") a North Carolina Charter School, organized and existing under the laws of the State of North Carolina, party of the second part;

**WITNESSETH:**

**WHEREAS**, the parties hereto have previously entered into a lease agreement dated June 1, 2010, and amended by the first Lease Amendment effective October 1, 2012 and amended by the Second Lease Amendment effective July 1, 2013; and

**WHEREAS**, the Lessee has previously requested to exercise their right to two one year extension terms, thereby extending the term of the lease to June 30, 2015, which such request was agreed to by the Lessor; and,

**WHEREAS**, the Lessee has requested to an additional eighteen (18) months to the term of the lease to extend such term through December 30, 2016.

**NOW THEREFORE**, in consideration of One (\$1.00) Dollar in hand paid, the receipt of which is hereby acknowledged, the parties hereto do agree to this Third Lease Amendment as follows;

The term of the lease within paragraph 8 is hereby amended to terminate on December 30, 2015.

All other terms, conditions and amendments of the Lease are hereby reaffirmed.

**IN TESTIMONY WHEREOF**, the parties hereunto set its hand and seal and caused this Lease to be executed by its Chairman, this the day and year first above written.

**VANCE COUNTY BOARD OF COMMISSIONERS:**

**BY:** \_\_\_\_\_  
**Archie B. Taylor, Jr. Chairman**

**ATTEST:**

\_\_\_\_\_  
**Kelly H. Grissom, Clerk to Board**

**HENDERSON COLLEGIATE, INC.**

**BY:** \_\_\_\_\_  
\_\_\_\_\_, **President**

NORTH CAROLINA

VANCE COUNTY

I, the undersigned Notary Public in and for the State and County aforesaid, hereby certify Archie B. Taylor, Jr, personally came before me this day and acknowledged that he is Chairman of the Board of Commissioners of Vance County and that by authority duly given and as the act of Vance County, the foregoing instrument was signed in its name by himself as the Chairman of the Board of Commissioners, attested by Kelly H. Grissom as Clerk to the Board of Commissioners, and the official seal of Vance County affixed thereto, all by authority of the Board of Commissioners of Vance County duly given.

WITNESS my hand and notarial seal, this the \_\_\_\_ day of July 2015.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

NORTH CAROLINA

VANCE COUNTY

I, the undersigned Notary Public in and for the State and County aforesaid, hereby certify that \_\_\_\_\_ personally came before me this day and acknowledged that she is President of Henderson Collegiate, Inc. and that by authority duly given and as the act of said corporation, the foregoing instrument was signed in its name by herself as the President, all by authority of said corporation duly given.

WITNESS my hand and notarial seal, this the \_\_\_\_ day of July, 2015.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

. . . . .  
*Properties Committee - Surplus Property - Teacherage Building.* Commissioner Deborah F. Brown stated that the committee reviewed a structural analysis and a building reuse analysis for the teacherage building. According to the structural engineer, the building is structurally sound, but does have minor structural damage due to water infiltration of the roof and walls. According to the reuse analysis, the building could be renovated for a cost of approximately \$494,000. The committee discussed a previous offer from the First United Methodist Church to work with the County to demolish the structure and convert the area to a shared parking lot. The committee recommended that staff take a comprehensive approach and explore options for a study to determine the County's future space needs within the immediate vicinity of the courthouse. The committee felt it would be good to wait until a permanent manager is in place to allow for further input.

*Properties Committee - Update on Subdivision Road Maintenance.* The committee was provided an update on the Planning and Development Department's efforts to assist and advise homeowners associations regarding road conditions. The committee was made aware that legally the County has no enforcement authority over conditions of private pre-subdivision ordinance roads; however, staff has taken a proactive approach in meeting with homeowners associations and providing data, maps and advice to assist in their efforts. The committee asked staff to continue with a proactive approach of informing homeowners associations of estimated costs for bringing their roads up to NC Department of Transportation standards.

*Properties Committee - Solid Waste Convenience Sites.* The committee reviewed the collection schedule from Waste Industries for the County’s solid waste convenience sites and reviewed the busiest sites including Warrenton Road, Brodie Road, NC Hwy 39 North, and Aycock. The committee discussed the need for additional education to encourage recycling and recommended the use of spot checks to ensure that the sites are not being used by out of county residents. The committee discussed maintenance of the sites and was made aware that additional funds within the solid waste budget are allowing staff to provide better and timelier replacement of gravel at the sites.

*Properties Committee - Building Maintenance Schedule.* The committee briefly discussed general building maintenance and recommended that a building condition checklist be prepared for each of the building custodians. It is anticipated that this will assist with preventative maintenance.

Finance Director’s Report

*Resolution Approving Financing Terms.* Mr. Beck requested approval of a resolution approving financing terms for the purchase of nine law enforcement vehicles, one ambulance, and equipment.

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Deborah F. Brown, vote unanimous, to approve the following resolution approving financing terms for the purchase of nine law enforcement vehicles, one ambulance, and equipment.

. . . . .

**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 purchase of vehicles and equipment (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 June 30, 2015. The amount financed shall not exceed \$420,262.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.46%, and the financing term shall not exceed four (4) years 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.

**This the 6<sup>th</sup> day of July, 2015.**

**Archie B. Taylor, Jr. (signed)**  
**Archie B. Taylor, Jr., Chairman**  
**Vance County Board of Commissioners**

**ATTEST:**

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

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*Surplus Equipment.* Mr. Beck presented the following item to be declared as surplus:

<b>Equipment Description</b>	<b>Department</b>	<b>Reason</b>
Zoll E-Series Cardiac Monitor	Fire/EMS	Outdated

Motion was made by Commissioner Thomas S. Hester, Jr. to declare the equipment as surplus and authorize the Finance Director to dispose of the equipment in the manner he deems appropriate. This motion was seconded by Commissioner Gordon Wilder and unanimously approved.

County Attorney's Report

*REO Property - Reservoir Street, Berry Street, Carolina Avenue, and unnamed 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 – Reservoir Street, Berry Street, Carolina Avenue, and unnamed street, Henderson, NC. 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 Gordon Wilder to approve the following resolution accepting the bid for the property at Reservoir Street, Berry Street, Carolina Avenue, and unnamed street, Henderson, NC. This motion was seconded by Commissioner Thomas S. Hester, Jr. and unanimously approved.



**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:

**Empty lots on Reservoir Street, Berry Street, Carolina Avenue and unnamed street, Henderson, North Carolina 27536, Vance County Tax Department Parcel Number 0089-02005; 0088-08006; 0088-06019; 0088-06016; 0088-06013.**

**WHEREAS**, pursuant to NCGS 160A-269, a notice was published in the *Daily Dispatch* on **May 9, 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 **Henderson Collegiate, Inc.** in the amount of **\$2,000.00** 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 6<sup>th</sup> day of July, 2015.**

**Archie B. Taylor, Jr. (signed)**  
**Archie B. Taylor, Jr., Chairman**  
**Vance County Board of Commissioners**

**ATTEST:**

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



*REO Property - 646 Warrenton Road.* Attorney Care stated that an offer had been received from Sharon Parker and Barry Parker for real property located at 646 Warrenton Road, Henderson, NC. 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 Dan Brummitt to approve the following resolution authorizing the upset bid process for real property located at 646 Warrenton Road, Henderson, NC. This motion was seconded by Commissioner Deborah F. Brown and unanimously approved.



**RESOLUTION AUTHORIZING UPSET BID PROCESS  
FOR SALE OF REAL PROPERTY  
646 Warrenton Road, Henderson, NC 27537**

**WHEREAS**, Vance County owns certain real property with an address of **646 Warrenton Road, Henderson, North Carolina**, and more particularly described by the Vance County Tax Department as Parcel Number **0212 02012**; 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 ***Sharon Parker and Barry Parker***; and,

**WHEREAS**, ***Sharon Parker and Barry Parker*** have 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 6<sup>th</sup> day of July, 2015.**

Archie B. Taylor, Jr. (signed)  
Archie B. Taylor, Jr., Chairman  
Vance County Board of Commissioners

ATTEST:

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

. . . . .  
*DLP Maria Parham Medical Center Tax Appeal.* Attorney Care requested the Board to enter a settlement agreement with DLP Maria Parham (Hospital) for business personal property tax appeal. He explained that an assessment and revaluation of their property has been completed and the Hospital has requested several items to be reclassified as real property. Attorney Care stated that this is a reasonable request. This will amount to about a \$7 million discovery in value over what the Hospital has already paid property taxes on in 2012.

Motion was made by Commissioner Gordon Wilder to approve the settlement on the appeal from DLP Maria Parham, and authorize the Chairman to enter into a settlement agreement with DLP Maria Parham. This motion was seconded by Commissioner Thomas S. Hester, Jr. and unanimously approved.

County Manager's Report

*Ambulance Franchise Modification.* Interim County Manager Robert M. Murphy stated that in 2008, Vance County granted Bertie Ambulance Service, Inc. a franchise to provide basic

level emergency services in the county. In 2014, Bertie became eligible to provide ALS and has been providing that service for the County; however, the franchise has never been amended to reflect this new level of service. The Board was provided with a copy of the ALS approval letter from the State as well as a recent letter from Bertie indicating its willingness to provide this ALS service. **Recommendation:** Approve the requested Bertie Ambulance Service, Inc. 2008 Ambulance Franchise modification allowing the firm to provide ALS services in Vance County.

Motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Dan Brummitt, vote unanimous, to approve the requested Bertie Ambulance Service, Inc. 2008 Ambulance Franchise modification allowing the firm to provide ALS services in Vance County.

*Renewal of NSP Real Estate Contract.* Mr. Murphy stated that the contract with Century 21 Hancock Properties (Tonya Hester) to market/sell Neighborhood Stabilization Program (NSP) houses needs to be extended. Real Estate Agent Tonya Hester has been successful in selling three of the six houses, and is working on the remaining three. **Recommendation:** Renew the existing contract with Century 21 Hancock Properties (Tonya Hester) through December 31, 2015 for the marketing and sale of Neighborhood Stabilization Program houses.

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Deborah F. Brown, vote unanimous, to renew the existing contract with Century 21 Hancock Properties (Tonya Hester) through December 31, 2015 for the marketing and sale of Neighborhood Stabilization Program houses.

Consent Agenda

Commissioner Dan Brummitt questioned an item under Tax Refunds and Releases and asked why some of the listings for Donald W. Gupton, Inc. were listed as government. Ms. Porcha Brooks, Tax Administrator, was present and responded that the parcels are owned by the federal government.

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Thomas S. Hester, Jr., vote unanimous, to approve the following consent agenda items as presented: June Ambulance Charge-offs in the amount of \$2,003.42, May 2015 Tax Refunds and Releases, June 2015 Monthly Reports received and filed, and the minutes of the June 8, 2015 special meeting, the June 9, 2015 special meeting, and the June 19, 2015 special meeting.



Taxpayer Name	Tax Year	Real	Personal	Motor Vehicle	MV Fee	Solid Waste Fee	Reason
Chads Electric Service	2014	0	49.87	0	0	0	pers prop billed
Chads Electric Service	2014	0	53.75	0	0	0	pers prop billed
Chads Electric Service	2014	0	58.23	0	0	0	pers prop billed
Chads Electric Service	2014	0	61.63	0	0	0	pers prop billed
Chads Electric Service	2014	0	66.03	0	0	0	pers prop billed
Chads Electric Service	2014	0	70.43	0	0	0	pers prop billed
Drumgold Mary C.	2005	0	30.21	0	0	90.00	pers prop billed
Gupton Donald W. Inc.	2005	62.89	0	0	0	0	correct ownershi
Gupton Donald W. Inc.	2005	72.96	0	0	0	0	correct ownershi
Gupton Donald W. Inc.	2005	54.72	0	0	0	0	correct ownershi
Gupton Donald W. Inc.	2005	118.75	0	0	0	0	correct ownershi
Gupton Donald W. Inc.	2006	62.89	0	0	0	0	correct ownershi
Gupton Donald W. Inc.	2006	72.96	0	0	0	0	correct ownershi
Gupton Donald W. Inc.	2006	54.72	0	0	0	0	correct ownershi
Gupton Donald W. Inc.	2006	118.75	0	0	0	0	correct ownershi
Gupton Donald W. Inc.	2007	62.89	0	0	0	0	correct ownershi
Gupton Donald W. Inc.	2007	72.96	0	0	0	0	correct ownershi
Gupton Donald W. Inc.	2007	117.89	0	0	0	0	correct ownershi
Gupton Donald W. Inc.	2007	118.75	0	0	0	0	correct ownershi
Gupton Donald W. Inc.	2008	101.84	0	0	0	0	government
Gupton Donald W. Inc.	2008	109.42	0	0	0	0	government
Gupton Donald W. Inc.	2008	130.02	0	0	0	0	government
Gupton Donald W. Inc.	2008	133.57	0	0	0	0	government
Gupton Donald W. Inc.	2009	99.87	0	0	0	0	government
Gupton Donald W. Inc.	2009	107.30	0	0	0	0	government
Gupton Donald W. Inc.	2009	127.50	0	0	0	0	government
Gupton Donald W. Inc.	2009	130.97	0	0	0	0	government
Gupton Donald W. Inc.	2010	99.87	0	0	0	0	government
Gupton Donald W. Inc.	2010	107.30	0	0	0	0	government
Gupton Donald W. Inc.	2010	127.50	0	0	0	0	government
Gupton Donald W. Inc.	2010	130.97	0	0	0	0	government
Gupton Donald W. Inc.	2011	99.90	0	0	0	0	government
Gupton Donald W. Inc.	2011	107.31	0	0	0	0	government
Gupton Donald W. Inc.	2011	130.94	0	0	0	0	government
Gupton Donald W. Inc.	2011	127.53	0	0	0	0	government
Gupton Donald W. Inc.	2012	101.64	0	0	0	0	government
Gupton Donald W. Inc.	2012	109.17	0	0	0	0	government
Gupton Donald W. Inc.	2012	133.21	0	0	0	0	government
Gupton Donald W. Inc.	2012	129.74	0	0	0	0	government
Gupton Donald W. Inc.	2013	101.64	0	0	0	0	government
Gupton Donald W. Inc.	2013	109.17	0	0	0	0	government
Gupton Donald W. Inc.	2013	133.21	0	0	0	0	government
Gupton Donald W. Inc.	2013	129.74	0	0	0	0	government
Gupton Donald W. Inc.	2014	102.87	0	0	0	0	government
Gupton Donald W. Inc.	2014	110.50	0	0	0	0	government
Gupton Donald W. Inc.	2014	134.83	0	0	0	0	government
Gupton Donald W. Inc.	2014	131.32	0	0	0	0	government
Henderson Brooksie	2011	313.94	0	0	0	105.00	foreclosure
Henderson Brooksie	2012	655.69	0	0	0	105.00	foreclosure
Henderson Brooksie	2013	672.47	0	0	0	105.00	foreclosure
Henderson Brooksie	2014	677.26	0	0	0	105.00	foreclosure
Jones Marie	2011	0	0	0	0	0	add solid waste
Mata Pedro Trejo	2011	0	44.57	0	0	105.00	pers prop billed
Mata Pedro Trejo	2012	0	45.35	0	0	105.00	pers prop billed
Mata Pedro Trejo	2013	0	45.35	0	0	105.00	pers prop billed
Morton Howard	2013	0	0	158.7	10	0	discharged bankr
Ragland Clarrine heirs	2011	0	80.43	0	0	105.00	foreclosure
Ragland Clarrine heirs	2012	0	81.83	0	0	105.00	foreclosure
Ragland Clarrine heirs	2013	0	81.83	0	0	105.00	foreclosure
Smith Ben M. heirs	2003	15.04	0	0	0	0	foreclosure
Smith Ben M. heirs	2003	80.07	0	0	0	0	foreclosure
Smith Ben M. heirs	2004	15.04	0	0	0	0	foreclosure
Smith Ben M. heirs	2004	80.07	0	0	0	0	foreclosure
Smith Ben M. heirs	2005	15.33	0	0	0	0	foreclosure
Smith Ben M. heirs	2005	81.79	0	0	0	0	foreclosure
Smith Ben M. heirs	2006	15.33	0	0	0	0	foreclosure
Smith Ben M. heirs	2006	81.79	0	0	0	0	foreclosure
Smith Ben M. heirs	2007	15.33	0	0	0	0	foreclosure
Smith Ben M. heirs	2007	81.79	0	0	0	0	foreclosure
Smith Ben M. heirs	2008	9.33	0	0	0	0	foreclosure
Smith Ben M. heirs	2008	108.44	0	0	0	0	foreclosure

Taxpayer Name	Tax Year	Real	Personal	Motor Vehicle	MV Fee	Solid Waste Fee	Reason
Smith Ben M. heirs	2009	9.17	0	0	0	0	foreclosure
Smith Ben M. heirs	2009	106.33	0	0	0	0	foreclosure
Smith Ben M. heirs	2010	9.17	0	0	0	0	foreclosure
Smith Ben M. heirs	2010	106.33	0	0	0	0	foreclosure
Smith Ben M. heirs	2011	9.15	0	0	0	0	foreclosure
Smith Ben M. heirs	2011	106.33	0	0	0	0	foreclosure
Smith Ben M. heirs	2012	9.29	0	0	0	0	foreclosure
Smith Ben M. heirs	2012	108.17	0	0	0	0	foreclosure
Smith Ben M. heirs	2013	9.29	0	0	0	0	foreclosure
Smith Ben M. heirs	2013	108.17	0	0	0	0	foreclosure
Smith Ben M. heirs	2014	9.39	0	0	0	0	foreclosure
Smith Ben M. heirs	2014	109.49	0	0	0	0	foreclosure
Waddell Gail B.	2011	124.72	0	0	0	0	foreclosure
Waddell Gail B.	2012	219.72	0	0	0	105.00	foreclosure
Waddell Gail B.	2013	225.34	0	0	0	105.00	foreclosure
Waddell Gail B.	2014	226.95	0	0	0	105.00	foreclosure
West Tammy S.	2011	0	51.91	0	0	105.00	pers prop billed
West Tammy S.	2012	0	52.81	0	0	105.00	pers prop billed
West Tammy S.	2013	0	52.81	0	0	105.00	pers prop billed
Wiggins Lisa B. & others	2004	42.27	0	0	0	0	foreclosure
Wiggins Lisa B. & others	2005	89.35	0	0	0	90.00	foreclosure
Wiggins Lisa B. & others	2006	89.35	0	0	0	90.00	foreclosure
Wiggins Lisa B. & others	2007	89.35	0	0	0	95.00	foreclosure
Wiggins Lisa B. & others	2008	69.24	0	0	0	102.50	foreclosure
Wiggins Lisa B. & others	2009	69.45	0	0	0	102.50	foreclosure
Wiggins Lisa B. & others	2010	69.45	0	0	0	102.50	foreclosure
Wiggins Lisa B. & others	2011	69.49	0	0	0	105.00	foreclosure
Wiggins Lisa B. & others	2012	69.49	0	0	0	105.00	foreclosure
Wiggins Lisa B. & others	2013	71.26	0	0	0	105.00	foreclosure
Wiggins Lisa B. & others	2014	71.77	0	0	0	105.00	foreclosure
Woodlief James R. heirs	2010	174.16	0	0	0	102.50	foreclosure
Woodlief James R. heirs	2011	0	0	0	0	4,921.36	foreclosure
Woodlief James R. heirs	2011	122.75	0	0	0	0	foreclosure
Woodlief James R. heirs	2012	122.75	0	0	0	0	foreclosure
Woodlief James R. heirs	2012	0	0	0	0	200.00	foreclosure
Woodlief James R. heirs	2013	125.90	0	0	0	0	foreclosure
Woodlief James R. heirs	2014	126.80	0	0	0	0	foreclosure
4 Point 0 Student Centered	2014	0	175.79	0	0	0	pers prop billed
4 Point 0 Student Centered	2014	0	189.31	0	0	0	pers prop billed
4 Point 0 Student Centered	2014	0	202.83	0	0	0	pers prop billed
4 Point 0 Student Centered	2014	0	216.35	0	0	0	pers prop billed
<b>Total</b>		<b>10,178.53</b>	<b>1,711.32</b>	<b>158.70</b>	<b>10.00</b>	<b>7,996.36</b>	
<b>Total Releases and Refunds</b>	<b>\$20,054.91</b>						

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MONTHLY REPORTS: 911 Emergency Operations, Administrative Ambulance Charge-Offs, Cooperative Extension, Fire and EMS, Public Health Department, Human Resources, Information Technology, Planning & Development, Department of Social Services, Tax Office, and Veterans Service.

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

Airport Authority - 1 year term  
 Re-appoint Nelson Falkner, Jr.

Nursing Home Advisory Committee - 3 year term  
 Re-appoint Marguerite Anduze

Perry Memorial Library Board of Trustees - 3 year term  
Re-appoint Stelfanie Williams, Cynthia Walker, and Barbara Foster

KARTS Board - 2 year term  
Re-appoint Gordon Wilder

Five County Community Oversight Board (Mental Health) - 3 year term  
Re-appoint Danny Wright

Motion was made by Commissioner Deborah F. Brown, seconded by Commissioner Dan Brummitt, vote unanimous, to approve the appointments as presented.

*Appointment of Voting Delegate.* The Board was advised that a voting delegate needed to be appointed for the NCACC Annual Conference in August. Motion was made by Commissioner Deborah F. Brown, seconded by Commissioner Dan Brummitt, vote unanimous, to appoint Archie B. Taylor, Jr. as voting delegate for the NCACC Annual Conference in August.

As there was no further business, at 9:40 p.m., motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Deborah F. Brown, vote unanimous, that the meeting be adjourned.

**Approved and signed August 3, 2015.**

**Archie B. Taylor, Jr. (signed)**  
**Archie B. Taylor, Jr., Chairman**