

STATE OF NORTH CAROLINA

COUNTY OF VANCE

The Vance County Board of Commissioners met in regular session on Monday, March 6, 2017 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 Dan Brummitt, Vice-Chairman Thomas S. Hester, Jr., Commissioners Carolyn Faines, Yolanda J. Feimster, Leo Kelly, Jr., Archie B. Taylor, 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 Ron Cava, First Baptist Church, gave the invocation.

Public comments were first on the agenda. Ms. Sandra Butler Tubbs spoke about the NC Senior Tar Heel Legislature. She stated that the top five 2017 legislative priorities that will be taken to the legislature are as follows: Reestablish the Study Commission on Aging, Increase the Home and Community Care Block Grant funding, increase funding for senior centers, sustain and expand project C.A.R.E. (Caregiver Alternative to Runny on Empty), and strengthen and fund North Carolina's Adult Protective Services Program (APS). She stated that these priorities will be submitted to the Legislature on March 15.

As advertised, a public hearing was held to gain citizen input regarding an installment financing agreement not to exceed \$1,500,000. The agreement is for the purpose of financing the cost of various improvements, repairs and renovations to certain county buildings including, without limitation, improvements, repairs and renovations to the County Administration and Courthouse buildings and associated equipment and parking facilities and the demolition of certain other county buildings (collectively, the "Project"). To secure its obligations under the Agreement, the county will grant a lien on all or a portion of the sites of the Project, together with any improvements or fixtures located or to be located thereon.

As there was no one from the public who wished to speak on this matter, Chairman Dan Brummitt declared the public hearing closed. It was noted that formal action will be taken on this matter under the Finance Director's Report.

As advertised, a public hearing was held to gain citizen input on a rezoning request for a 4.25 acre lot at 2550 US 1/158 Hwy, Parcel 0208 02001.

Chairman Dan Brummitt recused himself from this matter as he represents one of the parties and would be compensated from this transaction if it is approved. Vice-Chairman Thomas S. Hester, Jr. opened the public hearing.

County Planner Amy Sandidge stated that the property owner is Amerifunds Secured Fund II, LLC and the applicant is Corey Edwards. The request is to amend the zoning map and to rezone one parcel from Office & Institutional (O-I) to Light Industrial (L-I). The property fronts along US 1/158 Hwy. The adjacent property to the south is zoned GC-1 and is used as a mobile home sales lot. Northern Vance High School is located just east of the site. The overall area is zoned Highway Commercial and Light Industrial, with the exception of the school. The property consists of two buildings, both are vacant. The applicant is proposing that the parcel will be used as a holding area for vehicles that have been wrecked. The vehicles will be held until they are picked up by the insurance company. The applicant is subject to some screening and landscaping requirements, which he is aware of. Buffering is already in place on the property with existing trees and natural vegetation.

Ms. Sandidge stated that the Planning Board recommended approval of the rezoning on February 9 on the basis that the rezoning would cause the property to fit the character of the surrounding land use.

Mr. Curtis White, WW Properties, spoke and stated that he was not for or against the rezoning. He cautioned the board that the proposed use of the property could end up being a junkyard, could limit future development in this area, and could affect the value of the surrounding properties.

Mr. Doyle Carpunky spoke in support of the rezoning.

Mr. Corey Edwards, the applicant in this matter, spoke in support of the rezoning and stated that he is going to make improvements to the existing building, landscape the area, and keep this property looking nice. The vehicles that will be on the property are impounded from law enforcement. He will hold the vehicles temporarily in the back of the lot where they cannot be seen from the highway. The average amount of time a vehicle will be on the lot is a week, depending on insurance coverage. If the vehicle doesn't have insurance, it could be on the lot as long as 30 to 60 days.

As there was no one else present who wished to speak on this matter, Vice-Chairman Thomas S. Hester, Jr. declared the public hearing closed.

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Carolyn Faines, vote unanimous, to approve the rezoning request on the basis that it is reasonable and consistent with the county's land use plan by focusing on commercial-industrial development within a designated development area. Commissioner Dan Brummitt abstained.

As advertised, a public hearing was held to gain citizen input on a proposed text amendment to the Vance County Zoning Ordinance. County Planner Amy Sandidge explained that the request is to revise the Permitted Uses Table, specifically Vehicle/Boat Sales, Rental and Service section. The board of adjustment requested the three uses (sales, rental and repair) be separated in the use chart. The current ordinance groups the three uses into one single category. The category as a whole is permitted in HC, GC1, and LI zoning classifications and is allowed as a conditional use permit in AR zoning. The conditional use permit process covered all three uses, so a conditional use permit could be approved for a sales lot and then turned into a repair garage. The board of adjustment was uncomfortable with this idea in the AR zoning.

As there was no one from the public who wished to speak on this matter, Chairman Dan Brummitt declared the public hearing closed.

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Thomas S. Hester, Jr., to approve the following resolution amending the Vance County Zoning Ordinance to revise auto repair-sales-service into separate uses:

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ORDINANCE AMENDING THE VANCE COUNTY ZONING ORDINANCE TO REVISE AUTO REPAIR-SALES-SERVICE INTO SEPARATE USES

WHEREAS, the Board of Commissioners has asked staff and the planning board to review the county's auto/boat repair-sales-service regulations; 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 ~~strikethroughs~~, additions shown as red underlined text):

	AR	R30	R20	R10	RMHC	HC	GC	LI	IM	EIA	OI	OS	WOZ	
Vehicle/Boat Sales, Rental, and Service (repairs)	CU	X	X	X	X	P	P	P	X	X	X	CU	CU	Parking: 1/15 vehicles on lot Loading: 2/30,000 SF
<u>Auto Repair/Service Garage</u>	<u>CU</u>	X	X	X	X	P	P	P	X	X	X	X	CU	Parking: 1/15 vehicles on lot Loading: 2/30,000 SF
<u>Auto Sales</u>	<u>CU</u>	X	X	X	X	P	P	P	X	X	X	X	CU	Parking: 1/15 vehicles on lot Loading: 2/30,000 SF
<u>Auto-Boat-RV Storage</u>	<u>CU</u>	X	X	X	X	P	P	P	X	X	X	X	CU	Parking: 1/15 vehicles on lot Loading: 2/30,000 SF

Adopted this the 6th day of March, 2017.

ATTEST:

R. Dan Brummitt (signed)
R. Dan Brummitt, 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 gain citizen input on a proposed text amendment to the Vance County Zoning Ordinance. County Planner Amy Sandidge explained that the request is to revise the separation between well and septic. The North Carolina Health Department inspects and approves wells and septic systems. The state’s horizontal separation distance (setback) mandates a minimum of 100 feet. However, if you have a well that serves a single family dwelling and due to lot restrictions, you cannot achieve 100 feet, the setback may be reduced to a minimum of 50 feet. The current ordinance requires property owners that cannot meet the 100 foot separation to apply for a variance request. The board of adjustment and the health department have expressed concern over the need for the application time and expense when the NC Statutes allow for the deviation. The planning board unanimously voted to amend this section of the ordinance to allow the requirement to be reduced to 50 feet with approval from the health department.

As there was no one from the public who wished to speak on this matter, Chairman Dan Brummitt declared the public hearing closed.

Motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Gordon Wilder, to approve the following resolution amending the Vance County Zoning Ordinance to update well and septic requirements:



ORDINANCE AMENDING THE VANCE COUNTY ZONING ORDINANCE TO UPDATE WELL AND SEPTIC REQUIREMENTS

WHEREAS, the Board of Commissioners has asked staff and the planning board to review the county’s well and sewage facility regulations; 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 ~~strikethroughs~~, additions shown as underlined text):

Section 3.2.D.4.a

Per the Vance County Subdivision Ordinance the following applies to Zoning:

- a. All sewage facilities shall be located one hundred (100) feet from any existing well or proposed new well. This requirement may be reduced to fifty (50) feet with written approval from the Vance County Health Department.

Adopted this the 6th day of March, 2017.

ATTEST:

**R. Dan Brummitt (signed)
R. Dan Brummitt, 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 gain citizen input on a proposed text amendment to the Vance County Zoning Ordinance. County Planner Amy Sandidge explained that the request is to add General Store and Convenience Store to the Permitted Uses Table as well as a definition for each category. The current ordinance has a broad reference to Retail on the Permitted Uses Chart. This could include uses ranging from a tack and feed shop, to a big-box store. Retail is allowed in HC and GC1 by right and with a conditional use permit in LI and

OS. A property owner has proposed reopening an existing building in the R30 district as a convenience store. The particular site in question is already built out and does not offer room for expansion with fuel pumps. Staff felt that a small general store concept in AR or R30 would be beneficial to the citizens in outlying areas. Staff and the planning board have reviewed definitions for General Store and Convenience Store. The main distinguishing difference is that a General Store has no fuel pumps and is located in predominately rural areas. The Convenience Store would provide fuel pumps and is more likely to be found along a busy highway. The proposed definitions are:

Convenience Store: A one story retail store containing less than 5,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a “supermarket”). It is designed to attract a large volume of stop-and-go traffic. May have gas pumps and sell propane.

General Store: A retail establishment (up to 5,000 square feet) that contains limited amounts of a wide variety of goods for retail sale, including but not limited to, milk, eggs, gloves, gardening supplies, fishing tackle, ice cream, food snacks, refrigerated beverages, etc. It may contain a small grill for food preparation but no indoor seating area. Does not have fuel pumps.

The Permitted Uses chart would be updated as follows:

	AR	R30	R20	R10	RMHC	HC	GC	LI	IM	EIA	OI	OS	WOZ	
General Store	CU	CU	X	X	X	X	P	X	X	X	X	CU	CU	Parking: 4/1000 SF Loading: N/A
Convenience Store	CU	X	X	X	X	P	P	P	X	X	X	X	X	Parking: 4/1000 SF Loading: N/A
Retail	X	X	X	X	X	P	P	CU	X	X	X	CU	CU	Parking: 4/1000 SF Loading: N/A
Gas Station	X	X	X	X	X	P	P	P	X	CU	CU	X	CU	Parking: 4/1000 SF Loading: N/A

Black text is from the current zoning ordinance. Red text is PROPOSED on the chart

The chart above shows Retail and Gas Station as they are in the current ordinance, no proposed changes to either of these uses.

Chairman Brummitt requested that General Store be allowed in Highway Commercial. Commissioner Archie B. Taylor, Jr. stated that the language in the two definitions does not really distinguish between the broad titles - convenience versus general. The only difference is the gas pumps. Chairman Brummitt stated that there is really no need to include a definition for a

convenience store; just create a general store category and allow that category in Highway Commercial.

As there was no one from the public who wished to speak on this matter, Chairman Dan Brummitt declared the public hearing closed.

Motion was made by Commissioner Gordon Wilder seconded by Commissioner Thomas S. Hester, Jr., vote unanimous, to approve the following resolution amending the Vance County Zoning Ordinance to add the definition of a General Store and allow a general store in Highway Commercial:

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ORDINANCE AMENDING THE VANCE COUNTY ZONING ORDINANCE TO ADD THE DEFINITION OF A GENERAL STORE

WHEREAS, the Board of Commissioners has asked staff and the planning board to update the county’s definitions and define a general store; 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 ~~strikethroughs~~, additions shown as red underlined text):

General Store: A retail establishment (up to 5000 square feet) that contains limited amounts of a wide variety of goods for retail sale, including, but not limited to, milk, eggs, gloves, gardening supplies; fishing tackle; ice cream and food snacks, refrigerated beverages, etc. It may contain a small grill for food preparation but no indoor seating area. Does not have fuel pumps.

	AR	R30	R20	R10	RMHC	HC	GC	LI	IM	EIA	OI	OS	WOZ	
General Store	CU	CU	X	X	X	P	P	X	X	X	X	CU	CU	Parking: 4/1000 SF Loading: N/A

Adopted this the 6th day of March, 2017. ATTEST:

R. Dan Brummitt (signed)
R. Dan Brummitt, Chairman
Vance County Board of Commissioners

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

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Mr. Scott Bailey, Carr Riggs & Ingram, was next on the agenda to present the FY 2015-16 Audit Report. Mr. Bailey reported that the County had received an unmodified opinion which is the best a county can receive. A copy of the audit report was distributed to the board. Chairman Brummitt stated that his concerns are items that exist from a prior audit - reconciliation of accounts in a timely manner; and information technology controls. He referred these matters to the appropriate committees.

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Thomas S. Hester, Jr., vote unanimous, to receive the FY 2015-16 audit report as presented.

Ms. Porcha Brooks, Tax Administrator, was next on the agenda and presented a late listing appeal and untimely exemption applications for 2016 as follows:

Late Listing Appeals

Name and Property	Penalty Appealed	Tax Administrator's Recommendation
Dana Rawson Parcel 0371B01003	2013 40% - \$382.00 2012 50% - \$477.50 2011 60% - \$563.28	Enforce Penalty

Ms. Brooks explained that Ms. Rawson's house was not picked up by the tax office since 2008. She has been paying the taxes on the land, but not the house. She is willing to pay the discovery on the house, but requests that the late penalties be waived since this was an oversight by the tax office.

Motion was made by Commissioner Thomas S. Hester, Jr. to waive the late listing penalty for Dana Rawson. This motion was seconded by Commissioner Leo Kelly, Jr. and unanimously approved.

Untimely Exemptions

Name	Exemption Requested	Tax Administrator's Recommendation
Henderson Church of God of Prophecy Davis Alley	Religious Exemption	Approve Application
Cora Hawley 149 Dick Faines Road	Disabled 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 applications must be made by the Board of Commissioners.

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Thomas S. Hester, Jr., vote unanimous, to approve the religious exemption application for Henderson Church of God of Prophecy.

It was noted that this is the second time an untimely exemption application has been received from this church. Ms. Brooks was directed to send them a letter stating that this is the last time this untimely exemption will be approved.

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Leo Kelly, Jr., vote unanimous, to approve the disabled exemption application for Cora Hawley.

Water District Board

The February 2017 operations report was presented to the board for information.

Committee Reports and Recommendations

Human Resources Committee - Retirement System Participation for Three Part-time EMS Positions. Commissioner Carolyn Faines reported that the Human Resources Committee (Faines [C], Taylor & Wilder) met Monday, February 20 and reviewed a request to make three part-time EMS positions subject to the retirement system. The committee discussed the requirement for the county to pay into the retirement system for positions that exceed 1,000 hours per year and made note that a similar arrangement was made in the fire department in October 2014. By making this arrangement, the EMS department will avoid additional overtime hours for full-time positions and will ensure the necessary part-time personnel are available as needed. The committee was made aware that the cost will be dependent upon the hours worked, but will not exceed \$4,800 annually. Recommendation: Approve payment of retirement system contributions for three part-time paramedic positions, effective March 1, 2017.

Motion was made by Commissioner Gordon Wilder to approve the payment of retirement systems contributions for three part-time paramedic positions, effective March 1, 2017. This motion was seconded by Commissioner Thomas S. Hester, Jr. and unanimously approved.

Human Resources Committee - Senior Center Oversight. Commissioner Carolyn Faines stated that the committee reviewed a request from the Social Services Board to transfer oversight of the Senior Center to the county. Within the request, the DSS Board identified an additional \$14,415 in revenue that would be received annually by DSS if the senior center were transferred to county oversight. The committee discussed several concerns with the move which included a discussion on the growing span of control for the manager with an additional department being

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 \$3,000.00 subject to the terms and conditions as included in the submitted offer to purchase bid, submitted by *Metamorphosis Property Development, LLC*; and,

WHEREAS, the County has made a counteroffer to amend the terms of the Offer to Purchase County Owned Property; and,

WHEREAS, *Metamorphosis Property Development, LLC* has paid the required deposit in the amount of \$750.00 with his initial 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. Upon acceptance of the County's counter offered terms and conditions, 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.

Adopted this the 6th day of March, 2017.

R. Dan Brummitt (signed)
R. Dan Brummitt, Chairman
Vance County Board of Commissioners

ATTEST:

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

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**RESOLUTION AUTHORIZING UPSET BID PROCESS
FOR SALE OF REAL PROPERTY
1324 Hargrove Street, Henderson, NC 27536**

WHEREAS, Vance County owns certain real property with an address of **1324 Hargrove Street, Henderson, North Carolina**, and more particularly described by the Vance County Tax Department as Parcel Number **0006 06003**; and,

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

WHEREAS, the County has received an offer to purchase the real property described herein above in the amount of **\$1,250.00** subject to the terms and conditions as included in the submitted offer to purchase bid, submitted by *Metamorphosis Property Development, LLC*; and,

WHEREAS, the County has made a counteroffer to amend the terms of the Offer to Purchase County Owned Property; and,

WHEREAS, *Metamorphosis Property Development, LLC* has paid the required deposit in the amount of **\$750.00** with his initial 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. Upon acceptance of the County's counter offered terms and conditions, 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.

Adopted this the 6th day of March, 2017.

R. Dan Brummitt (signed)
R. Dan Brummitt, Chairman
Vance County Board of Commissioners

ATTEST:

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

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

WHEREAS, Vance County owns certain real property with an address of **416 Harriett Street, Henderson, North Carolina**, and more particularly described by the Vance County Tax Department as Parcel Number **0091 04024**; and,

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

WHEREAS, the County has received an offer to purchase the real property described herein above in the amount of **\$1,000.00** subject to the terms and conditions as included in the submitted offer to purchase bid, submitted by **Metamorphosis Property Development, LLC**; and,

WHEREAS, the County has made a counteroffer to amend the terms of the Offer to Purchase County Owned Property; and,

WHEREAS, **Metamorphosis Property Development, LLC** has paid the required deposit in the amount of **\$750.00** with his initial 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. Upon acceptance of the County's counter offered terms and conditions, 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.

Adopted this the 6th day of March, 2017.

R. Dan Brummitt (signed)
R. Dan Brummitt, Chairman
Vance County Board of Commissioners

ATTEST:

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

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Properties Committee - Lease Renewal – Scott Parker Building. The committee reviewed a request from Gang Free, Inc. to extend the lease agreement for use of the Scott Parker Building. The committee recognized that the neighboring lease with Henderson Collegiate runs through June 2018 and recommended adding flexibility within the Gang Free lease after June 2018. The flexibility would allow the county to market approximately 15 contiguous acres

which the county owns in this area. The committee members discussed the positive momentum surrounding the Gang Free program and recommended extending the Gang Free lease for an additional three years. Recommendation: Approve extension of the Scott Parker Building lease agreement with Gang Free, Inc. through October 31, 2020.

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Leo Kelly, Jr., vote unanimous, to approve the extension of the Scott Parker Building lease agreement with Gang Free, Inc. through October 31, 2020.

Properties Committee - Replacement of Courthouse Plaza Lettering. The committee reviewed a request to replace the “VANCE COUNTY COURTHOUSE AND ADMINISTRATIVE COMPLEX” lettering in two places on the plaza between the buildings. The total cost is \$9,268 and will include replacing the existing plastic letters with longer lasting white cast aluminum letters. The existing letters are original to the courthouse construction in 2001 and are cracked and broken in several places. The committee recommended proceeding with the replacement. Recommendation: Authorize the expenditure of \$9,268 from fund balance for replacement of “Vance County Courthouse and Administrative Complex” signage in two areas.

Motion was made by Commissioner Thomas S. Hester, Jr. to authorize the expenditure of \$9,268 from fund balance for replacement of “Vance County Courthouse and Administrative Complex” signage in two areas. This motion was seconded by Commissioner Gordon Wilder and unanimously approved.

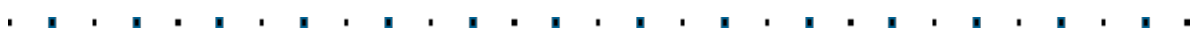
County Attorney's Report

Vance Solar 1 LLC - Untimely Exemption Application. County Attorney Jonathan S. Care stated that the Construction in Progress application for exemption is up on appeal from the Vance County Tax Office. It was the tax administrator's determination that Vance Solar did not qualify for the exemption. Attorney Care provided a redacted version of the general statutes that relates to this matter. The statute does not provide for this exemption (“under construction”). Based on this, Attorney Care recommended that the board uphold the tax administrator's determination and denial.

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Thomas S. Hester, Jr., vote unanimous, to uphold the tax administrator's recommendation that the Construction in Progress valuation of \$8,935,368 stands.

REO Property - 517 Neathery Street. County Attorney Jonathan S. Care noted that during its February 2017 meeting, the board of commissioners approved the public sale process for the tax foreclosure property at 517 Neathery Street - parcel number 0093 03011. 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 Thomas S. Hester, Jr., seconded by Commissioner Gordon Wilder, vote unanimous, to approve the following resolution accepting the bid for 517 Neathery Street, Henderson, NC - parcel number 0093 03011.



**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:

517 Neathery Street, Henderson, North Carolina 27536, Vance County Tax Department Parcel Number 0093 03011.

WHEREAS, pursuant to NCGS 160A-269, a notice was published in the *Daily Dispatch* on **February 16, 2017**, 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 *Natalie Butler* in the amount of **\$750.00** 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.

Adopted this the 6th day of March, 2017.

**R. Dan Brummitt (signed)
R. Dan Brummitt, Chairman
Vance County Board of Commissioners**

ATTEST:

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



County Manager's Report

Regional Hazard Mitigation Plan. County Manager Jordan McMillen stated that the Federal Disaster Mitigation Act of 2000 and the passing of Senate Bill 300 in NC in 2001 requires local jurisdictions to have a FEMA approved Hazard Mitigation Plan in place in order to

be eligible for Hazard Mitigation Grant funds. The county's original plan was adopted in December 2004, was revised in April 2012, and recently was converted to a regional hazard mitigation plan along with Franklin, Warren and Granville Counties. The latest plan was approved by FEMA last year and has since been adopted locally by all of the participating counties and their municipalities with the exception of us. The plan was made available for public review and the board held the required public hearing at the February meeting. The final step is formal adoption of the plan.

Motion was made by Commissioner Gordon Wilder to approve the following resolution adopting the Tar River Regional Hazard Mitigation Plan. This motion was seconded by Commissioner Thomas S. Hester, Jr. and unanimously approved.



RESOLUTION
by the
Vance County Board of Commissioners
Adopting the Tar River Regional Hazard Mitigation Plan

WHEREAS, Vance County is vulnerable to an array of natural hazards that can cause loss of life and damages to public and private property; and

WHEREAS, Vance County desires to seek ways to mitigate situations that may aggravate such circumstances; and

WHEREAS, the development and implementation of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards; and

WHEREAS, it is the intent of the Vance County Board of Commissioners to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan; and

WHEREAS, it is also the intent of the Vance County Board of Commissioners to fulfill its obligation under North Carolina General Statutes, Chapter 166A: North Carolina Emergency Management Act and Section 322: Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to remain eligible to receive state and federal assistance in the event of a declared disaster affecting Vance County; and

WHEREAS, Vance County, in coordination with Franklin County, Granville County, Warren County, and the participating municipalities within those counties, has prepared a multi-jurisdictional hazard mitigation plan with input from the appropriate local and state officials; and

WHEREAS, the North Carolina Division of Emergency Management and the Federal Emergency Management Agency have reviewed the Tar River Regional Hazard Mitigation Plan for legislative compliance and have approved the plan pending the completion of local adoption procedures.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Vance County hereby adopts the Tar River Regional Hazard Mitigation Plan.

This, the sixth day of March, 2017.

R. Dan Brummitt (signed)
R. Dan Brummitt, Chairman

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Finance Director's Report

CIP Financing – Selection of Bank. Finance Director David C. Beck stated that the fiscal year 2016-17 budget included approval for various renovations and repairs to the County Administration Building and County Courthouse. The projects are part of the current fiscal year capital improvements plan. The largest projects include replacing the roof on the Administration Building, extensive elevator repairs at the Administration Building, window replacements at the Administration Building, and HVAC system replacements at both the Administration Building and Courthouse. Bids and pricing are currently being solicited for these repairs and an application is being prepared to submit to the Local Government Commission for approval of the needed financing. Our financial advisors, Davenport & Company, distributed an RFP to a multitude (around 50) of banks to receive bids on the proposed financing. Six responses were received. A summary of the bid results was provided to the board, and it is recommended the County select BB&T to provide financing for these projects. Recommendation: Approve the resolution accepting the proposal of BB&T for an installment financing of the CIP projects as noted.

Mitch Brigulio with Davenport & Company was present and stated that six responses for this type of transaction is a very good return. Commissioner Thomas S. Hester, Jr. asked if our local banks were included in the RFP distribution. He was told no, but they would be included in the future.

Motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Leo Kelly, Jr., vote unanimous, to approve the following resolution accepting the proposal of Branch Banking and Trust Company in connection with an installment financing of certain improvements for the county:

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**RESOLUTION ACCEPTING THE PROPOSAL OF BRANCH BANKING
AND TRUST COMPANY IN CONNECTION WITH AN INSTALLMENT
FINANCING OF CERTAIN IMPROVEMENTS FOR THE COUNTY**

WHEREAS, the County of Vance, North Carolina (the “County”) intends to enter into an installment financing agreement pursuant to Section 160A-20 of the General Statutes of North

Carolina for the purpose of paying the costs of various improvements, repairs and renovations to certain County buildings including, without limitation, improvements, repairs and renovations to the County’s Administration and Courthouse Buildings and associated equipment and parking facilities and the demolition of certain other County buildings (collectively, the “Project”);

WHEREAS, the County has solicited proposals from banks to provide the financing for the Project; and

WHEREAS, upon careful review and consideration of the proposals submitted by banks to provide such financing, the County desires to accept the proposal of Branch Banking and Trust Company (the “Bank”);

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

1. The proposal of the Bank to provide financing through an installment financing agreement in the principal amount not to exceed of \$1,500,000 for the purpose of providing funds, together with any other available funds, to pay the costs of the Project is hereby accepted, subject to further approval of the particular documentation related thereto by the County.
2. The County Manager and the Finance Director of the County are each hereby authorized and directed to execute and deliver such documentation as may be necessary to accept the proposal of the Bank.
3. This resolution shall take effect immediately upon its passage.

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Financing Resolution – New Vehicles. Mr. Beck stated that the fiscal year 2016-17 budget included approval for the purchase of several capital outlay items including an ambulance, cardiac monitor, and five patrol vehicles. As the County typically does, it is proposed to finance the costs of these automobiles and equipment over a four year period. A Request for Proposal (RFP) was distributed to area banks soliciting proposals for the financing as described. Four RFP responses were received with the bid tabulation was provided to the board for review. Recommendation: Select First Citizens Bank as the lending institution and approve the financing resolution as presented for the installment purchase of the vehicles and equipment as described.

Motion was made by Commissioner Thomas S. Hester, Jr. to select First Citizens Bank as the lending institution and approve the financing resolution as presented for the installment purchase of the vehicles and equipment as described. This motion was seconded by Commissioner Gordon Wilder and unanimously approved.

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RESOLUTION APPROVING FINANCING TERMS

WHEREAS, the County of Vance (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.

WHEREAS, the County solicited and received competitive proposals from financial institutions to purchase one (1) ambulance, (1) cardiac monitor, and (5) police vehicles with the total amount financed not to exceed \$322,500.00;

WHEREAS, First-Citizens Bank & Trust Company offers the lowest fixed interest rate of 2.03% for a 4 year term for this purchase;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Vance, that the Board of Commissioners authorizes the Finance Director to enter into a contract with First-Citizens Bank & Trust Company on behalf of the County to finance the Project with the total amount financed not to exceed \$322,500.00. 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.

BE IT FURTHER RESOLVED that the aforesaid contracts by and between the County, various State contracts and other vendors, and First-Citizens Bank & Trust Company, together with the amounts to be paid thereunder, be and the same are hereby designated as qualified tax-exempt obligations of the County for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

BE IT FURTHER RESOLVED that the Vance County Board of Commissioners does not reasonably expect that the Purchaser (and any subordinate entities) will issue more than \$10,000,000 in qualified tax-exempt obligations pursuant to such Sections 265(b)(3)(ii) during the current calendar year.

BE IT FURTHER RESOLVED 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 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.

This resolution is effective upon its adoption this 6th day of March, 2017. The motion to adopt this resolution was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Gordon Wilder, and was passed by a vote of 7 to 0.

SEAL

R. Dan Brummitt (signed)
Chairman

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Consent Agenda

Motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Gordon Wilder, vote unanimous, to approve the following consent agenda items as presented: Budget Amendment #23, Budget Transfer #6, January 2017 Tax Refunds and Releases, Departmental Monthly Reports, and the minutes of the February 6, 2017 regular meeting and the February 20, 2017 special meeting.

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**Budget Amendment #23
FY 2016-2017
911 - ETS Fund**

Revenue Amendment Request	Account Number	Revenue Increase (Decrease)
911 ETS Funds	71-371-437103	199,542
Total Revenue Increase (Decrease)		\$ 199,542

Expenditure Amendment Request	Account Number	Expense Increase (Decrease)
Capital Outlay	71-751-500074	199,542
Total		\$ 199,542

Purpose: A funding reconsideration request was approved by the NC 911 Board. Additional funding is being provided to build up the 911 Fund balance as well as funding for an address point layer GIS update, replacement CAD workstations, and replacement servers at both PSAP sites. No additional county funds are needed.

Authorization: Vance County Board of Commissioners
March 6, 2017



**Budget Transfer #16
FY 2016-2017
Tax Office**

Transfer From:	Account Number	Amount
Special Contracted Services	10-450-500044	3,000
Total		\$ 3,000

Transfer To:	Account Number	Amount
Travel/Training	10-450-500014	3,000
Total		\$ 3,000

Purpose: Funds are needed to send newly hired appraiser to trainings to achieve certification.

Authorization: Vance County Board of Commissioners
March 6, 2017



Tax Office Refund and Release Report for January 2017

Taxpayer Name	Tax Year	Real	Personal	Motor Vehicle	MV Fee	Solid Waste Fee	Reason
Foster Carol N.	2011	41.63	0	0	0	105.00	real prop - bill
Foster Carol N.	2012	42.35	0	0	0	105.00	real prop - bill
Foster Carol N.	2013	42.35	0	0	0	105.00	real prop - bill
Foster Carol N.	2014	42.87	0	0	0	105.00	real prop - bill
Foster Carol N.	2015	42.87	0	0	0	105.00	real prop - bill
Ayscue Anthony	2016	0	0	0	0	105.00	remove solid was
Benson Bernard	2016	0	50.48	0	0	105.00	pers prop billed

At this time, motion was made by Commissioner Gordon Wilder, seconded by Commissioner Thomas S. Hester, Jr., vote unanimous, to enter into closed session to discuss an economic development project.

Upon return to open session, and as there was no further business, at 8:10 p.m., motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Gordon Wilder, vote unanimous, that the meeting be adjourned.

Approved and signed April 3, 2017.

R. Dan Brummitt (signed)
R. Dan Brummitt, Chairman