

STATE OF NORTH CAROLINA

COUNTY OF VANCE

The Vance County Board of Commissioners met in regular session on Monday, May 4, 2015 at 6:00 p.m. in the Commissioners' Conference Room, Vance County Administration Building, 122 Young Street, Henderson, NC. Those Commissioners present were as follows: Chairman Archie B. Taylor, Jr., Commissioners Gordon Wilder, Deborah F. Brown, Dan Brummitt, Terry E. Garrison, Thomas S. Hester, Jr. and Eddie L. Wright.

Absent: None.

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. Jessie Matthews, South Henderson Pentecostal Holiness Church, gave the invocation.

Chairman Archie B. Taylor, Jr. announced that as advertised, from 6:00 to 8:00 p.m., the Board would be sitting simultaneously as a Board of Equalization and Review to hear appeals from any Vance County taxpayers who believe their property is valued in excess of market value. Tax Administrator Porcha Brooks was also present. There was no one from the public who wished to speak on this matter.

As advertised, a public hearing was held on a proposed installment financing agreement to be entered into by the County in an amount not to exceed \$13,000,000 for the purpose of (a) financing the County's share of the cost of various community college improvements for the Vance-Granville Community College in an amount of approximately \$1,000,000 (collectively, the "Project") and (b) refinancing one or more existing installment financing agreements entered into for the purpose of financing various school improvements and improvements to the County jail facility (collectively, the "Prior Projects"). To secure its obligations under the Agreement, the County will grant a lien on all or a portion of the sites of the Project and the Prior Projects, together with any improvements or fixtures located or to be located thereon.

Mr. Mitch Brigulio, Davenport & Company LLC, addressed the Board and provided an overview of the refinancing and answered questions from the Board. He noted that Davenport distributed a Request for Proposals to secure a bank commitment for the purchase of an Installment Financing Contract to fund the projects mentioned above. BB&T offered the lowest interest rate which was 2.75% for 15 years.

Mr. Jason Spriggs of Henderson, NC asked what the funds would be used for at Vance-Granville Community College. Finance Director David C. Beck responded that the funds would be used for building maintenance such as roof repairs, a sewer project, masonry repairs, etc.

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

Thereupon, motion was made by Commissioner Dan Brummitt to approve the following resolution making certain findings and determinations regarding the financing and refinancing of certain improvements for the County pursuant to an installment financing agreement and requesting the Local Government Commission to approve the financing arrangement. This motion was seconded by Commissioner Gordon Wilder and unanimously approved.

.

**RESOLUTION MAKING CERTAIN FINDINGS AND
DETERMINATIONS REGARDING THE FINANCING AND
REFINANCING OF CERTAIN IMPROVEMENTS FOR THE COUNTY
PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT AND
REQUESTING THE LOCAL GOVERNMENT COMMISSION TO
APPROVE THE FINANCING ARRANGEMENT**

BE IT RESOLVED by the Board of Commissioners (the “Board”) for the County of Vance, North Carolina (the “County”) as follows:

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

(a) Vance-Granville Community College requires certain capital improvements to its facilities and the cost to the County for its share of the improvements is approximately \$1,000,000. In addition, the County has previously entered into installment financing agreements entered into for the purpose of financing various school improvements and improvements to the County jail facility, and under current market conditions, the County may be able to realize debt service savings by refinancing such obligations.

(c) After due consideration, the County has determined to consider entering into an installment financing agreement (the “Agreement”) in the aggregate principal amount not to exceed \$13,000,000 for the purpose of (a) financing the County’s share of the cost of various community college improvements for the Vance-Granville Community College in an amount of approximately \$1,000,000 (collectively, the “Project”) and (b) refinancing one or more existing installment financing agreements entered into for the purpose of financing various school improvements and improvements to the County jail facility (collectively, the “Prior Projects”). The final determination as to whether to refinance the County’s obligations under all of the existing agreements or only certain of those agreements will be based on responses to a request for proposals the County has circulated to potential lenders.

(c) If the County proceeds with all or some part of the financing and refinancing, the County will enter into the Agreement with a financial institution to be selected by the County with the advice of the County’s financial advisor (the “Lender”), pursuant to which the Lender will advance to the County amounts sufficient to pay the costs of financing the Project and refinancing the Prior Projects, and the County will repay the advancement in installments (the “Installment Payments”).

(d) In order to secure the Installment Payments, the Agreement will grant a lien on all or some part of the Prior Projects.

(e) It is in the best interest of the County to enter into the Agreement in that such transaction will result in providing financing for such Project in an efficient and cost effective manner.

(f) Entering into the Agreement is preferable to a general obligation bond and revenue bond issue in that (i) the County does not have the constitutional authority to issue non-voted general obligation bonds pursuant to Article V, Section 4 of the North Carolina Constitution because the County has not retired a sufficient amount of debt in the preceding fiscal year to issue a sufficient amount of general obligation bonds for the Project without an election; (ii) the nature of the financing does not allow for the issuance of revenue bonds; (iii) the cost of the Project exceeds the amount to be prudently provided from currently available appropriations and unappropriated fund balances; (iv) the circumstances existing require that funds be available to commence construction of the Project as soon as practicable and the time required for holding an election for the issuance of voted general obligation bonds pursuant to Article V, Section 4 of the North Carolina Constitution and the Local Government Bond Act will delay the commencement of construction of the Project by several months; and (v) there can be no assurances that the Project will be approved by the voters and the necessity of such Project dictates that the Project be financed by a method that assures that such Project will be constructed in an expedient manner.

(g) It has been determined by the Board that the cost of financing the Project through an installment financing agreement is reasonably comparable to the costs of issuing general obligation bonds or other available methods of financing and is acceptable to the Board.

(h) Counsel to the County will render an opinion to the effect that the proposed undertaking as described above is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of the State of North Carolina.

(i) The debt management policies of the County have been carried out in strict compliance with law, and the County is not in default under any obligation for repayment of borrowed money.

(j) Any tax rate increase necessary to pay the Installment Payments will be reasonable and not excessive.

Section 2. The Board hereby authorizes, ratifies and approves the filing of an application with the Local Government Commission for approval of the Agreement and requests the Local Government Commission to approve of the Agreement and the proposed financing in connection therewith.

Section 3. This resolution shall take effect immediately upon its passage.

.....

Motion was made by Commissioner Gordon Wilder to select BB&T as the financial institution for the refinancing. This motion was seconded by Commissioner Thomas S. Hester, Jr. and unanimously approved.

Education Committee Report - School Construction Request (Multi-purpose Room).

Commissioner Gordon Wilder reported that this committee (Wilder [C], Garrison, and Taylor) met on Wednesday, February 11 to continue reviewing the request from the Vance County Board of Education for County approval of the use of \$883,469 in Education Lottery Funds for a multi-purpose room at Carver Elementary School. The committee reviewed an analysis projecting the lottery fund balance through Fiscal Year 2027-2028 when the current school debt service will be retired. Based on current revenue levels and current debt, the analysis shows an estimated

ending fund balance of approximately \$3.7 million in FY 2027-2028. Additionally, the committee reviewed updated pricing estimates to confirm that the requested funds were sufficient for the project. Based on the information provided, the committee voted 2-1 to approve the Schools' request to use \$883,469 in Education Lottery Funds for the purpose of constructing a multi-purpose room at Carver Elementary School.

Motion was made by Commissioner Terry E. Garrison to approve of the Schools' request to use \$883,469 in Education Lottery Funds for the purpose of constructing a multi-purpose room at Carver Elementary School. This motion was seconded by Commissioner Deborah F. Brown and vote was ayes - four (4); noes - three (3), with the dissenting votes being cast by Commissioners Dan Brummitt, Thomas S. Hester, Jr., and Gordon Wilder.

At this time, Commissioner Eddie L. Wright excused himself from the meeting.

Mr. Edward Gregory, 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 grant funds (\$8,000) for paving at the Farmers Market. The letter addresses procurement of equipment, 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, seconded by Commissioner Gordon Wilder, vote unanimous, to accept the Letter of Conditions as presented.

Mr. Tom Fransen, Water Planning Section Chief, NC Division of Water Resources, appeared before the Board and provided an update to the Board on the Kerr Lake Regional Water System's (KLRWS) request to the US Army Corps of Engineers to increase its interbasin transfer of water from the Roanoke basin by 4.2 million gallons per day. This was requested to meet demands for water to the year 2045. The Vance County Board of Commissioners adopted a resolution during its last regular meeting supporting this request. An environmental assessment was prepared by CH2MHill and has complied with all Department of Environmental and Natural Resources requirements and is posted on their website. The KLRWS published notices of this request in the Mecklenburg Sun, the Franklin Times, and the Daily Herald. The Henderson Dispatch also ran a headline on this matter. Mr. Fransen noted that the request of an additional 4.2 million gallons per day is .0008% of the average 4.8 billion gallons that are released through the Kerr Lake Dam daily.

Commissioner Deborah F. Brown asked what happens to the fish when the lake level is low? Mr. Fransen responded that the environmental impact study took this matter into consideration and the transfer should not have any impact on the environment. Commissioner Brown stated that she feels that information was not fully disclosed to the Board before it took action last month.

Mr. Ed Wyatt, Interim City of Henderson Manager, spoke in favor of the transfer request.

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

Name	Exemption Requested	Tax Administrator's Recommendation
Vision of Hope International, Inc. 251 Pinkston Street	Low/Moderate Income Housing Exemption	Approve Application
Franklin-Vance-Warren Opportunity, Inc. 463 Poplar Street	Low/Moderate Income Housing Exemption	Approve Application

Ms. Brooks noted that both 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.

Motion was made by Commissioner Gordon Wilder to approve the exemption applications as requested for Vision of Hope International, Inc. and Franklin-Vance-Warren Opportunity, Inc. This motion was seconded by Commissioner Deborah F. Brown and unanimously approved.

At this time, Interim County Manager Robert M. Murphy and Finance Director David C. Beck presented the FY 2015-06 Proposed Budget. Mr. Beck provided an overview and stated that the budget is proposed to be \$45,583,600, which represents a 3.2% increase over this year's adopted budget. It is presented with no ad valorem tax increase and no fire tax increase. The Solid Waste Household Fee is proposed to remain the same at \$105 annually. One cent on the tax rate represents \$270,801. There is an increase of 5.4% in personnel costs. The three main points that drive this increase are an additional EMS Unit and personnel, health insurance premiums, and new positions at Social Services. No salary increase is proposed for employees.

After brief discussion, motion was made by Commissioner Dan Brummitt, seconded by Commissioner Deborah F. Brown, vote unanimous, to receive the FY 2015-16 Proposed Budget as presented and schedule a Budget Hearing for June 1, 2015.

The Board scheduled its first budget work session for Thursday, May 14 at 6:00 p.m.

Public comments were heard next. The following persons spoke about the current proposed amendments to the Zoning Ordinance for solar farms: Louis Iannoe, Katie Barker, Jon Davis, Frank Hester and Edward Spain. While they all support solar farms, they suggested that the proposed set back of 100 feet be reduced to 50 feet. Angela Hyson spoke in opposition of the Interbasin Transfer Request by Kerr Lake Regional Water System.

At this time, at 8:00 p.m., Chairman Archie B. Taylor, Jr. adjourned the Board of Equalization and Review.

Water District Board

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

Construction and Operation Reports. Jordan McMillen, Deputy County Manager/Planning Director, reported that the Water Planning Committee (Garrison [C], Brummitt, and Taylor) met Monday, April 27 and reviewed the construction and operation reports, reviewed the final adjusting Change Orders for Phase 2A and 2B and continued its discussion regarding a proposed change in the water pricing structure. The committee took public comments from two separate property owners (three individuals) regarding the Kerr Lake Regional Water System's request for an increase in its interbasin transfer allowance. Regarding the County water project, staff informed the committee that all of the original scope of work is complete within Phase 2. As a result, all contracts within Phase 2A and 2B, except Phase 2A Contract 2, are ready for final deducting change orders, accounting for differences between the contract values and the actual work performed. The remaining contract in Phase 2A with Hawley Construction will be used for all of the previously approved road additions for both Phases 2A and 2B.

Final Adjusting Change Orders – Phase 2A Contract 1; Phase 2B Contract 1; Phase 2B Contract 3 (Tank). The committee reviewed and recommended approval of three separate change orders which will adjust the contract values downward, accounting for work actually performed. The Phase 2A, Contract 1 final change order is a deduction of \$419,247.16 from the Hawley Construction contract, primarily due to the rock allowance and service installation line items. The Phase 2B, Contract 1 final change order is a deduction of \$428,722.42 from the Gaines Construction contract, primarily due to the rock allowance and service installation line items. The Phase 2B, Contract 3 final change order from Phoenix Fabricators for construction of

the water tank is a deduction of \$50,000. This deduction is a result of removing the SCADA allowance which was incorporated into a separate agreement with the company handling the SCADA installation. The committee discussed the fact that significant grant funds will be returned to USDA in Phase 2. In order to reacquire a portion of these deobligated grant funds, the committee directed staff to submit additional grant documents to USDA. Additional grant funds acquired would offset a portion or all of the deobligated funds and will be used in the southeastern part of Phase 1A along Rock Mill Road and NC 39 Hwy South as previously directed by USDA. Recommendation #1: approve Contract 1 – FINAL Change order for Phase 2A with Tony Hawley Construction deducting \$419,247.16 from the contract value. Recommendation #2: approve Contract 1 – FINAL Change order for Phase 2B with Gaines and Company deducting \$428,722.42 from the contract value. Recommendation #3: approve Contract 3 – FINAL Change order for Phase 2B with Phoenix Fabricators deducting \$50,000 from the contract value.

Motion was made by Commissioner Terry E. Garrison to approve recommendation #1: approve Contract 1 – FINAL Change order for Phase 2A with Tony Hawley Construction deducting \$419,247.16 from the contract value; recommendation #2: approve Contract 1 – FINAL Change order for Phase 2B with Gaines and Company deducting \$428,722.42 from the contract value; and recommendation #3: approve Contract 3 – FINAL Change order for Phase 2B with Phoenix Fabricators deducting \$50,000 from the contract value. This motion was seconded by Commissioner Dan Brummitt and unanimously approved.

Alternative Water Pricing Structure. Commissioner Terry E. Garrison stated that the committee continued its discussion of water pricing and reviewed revised customer and water usage projections to be incorporated into a new fee structure. The committee is considering an increasing block structure where an allowance of 1,000 gallons of water would be included in the base fee for active users. The committee has decided to wait until July to further discuss this issue to allow the County to receive updated pricing for the purchase of water from the City of Henderson. Once this is finalized, the committee will revisit the revised fee structure with a goal of adjusting the rates to get to revenue neutral and to encourage additional participation in the system.

Interbasin Transfer Request. Mr. McMillen reported that at the request of the committee, an information sheet has been provided regarding the KLRWS interbasin transfer request.

During the April 6 meeting, the commissioners adopted a resolution supporting the request. In addition to the fact sheet, staff arranged for Mr. Tom Fransen, NCDENR - Division of Water Resources, to address this matter, which he did earlier during tonight's meeting.

Commissioner Deborah F. Brown expressed her concerns with the Resolution that was passed by the Board last month because she feels that the public was not adequately informed of the process. Commissioner Deborah F. Brown made a motion to rescind the action taken by the Board during last month's meeting which approved the resolution in support of the interbasin transfer request. This motion was seconded by Commissioner Terry E. Garrison. The motion failed by a vote of ayes - one (1); noes - five (5), with the dissenting votes being cast by Commissioners Dan Brummitt, Terry E. Garrison, Thomas S. Hester, Jr., Archie B. Taylor, Jr. and Gordon Wilder.

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

Committee Reports and Recommendations

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 Specialist
Deputy Sergeant

Social Services

Social Worker IAT
Income Maintenance Caseworker II
Nutrition Site Manager
Social Worker III

Motion was made by Commissioner Deborah F. Brown, seconded by Commissioner Thomas S. Hester, Jr., vote unanimous, to approve filling the position vacancies as requested.

Public Safety Committee - Reorganization of Fire/EMS Department. Commissioner Dan Brummitt reported that the committee (Brummitt [C], Brown, and Wilder) met on Tuesday, April 7 and on Monday, April 20 to discuss a proposed reorganization of the Fire/EMS Department. During the April 7 meeting, Commissioners Brummitt and Wilder presented a proposal and Commissioner Brown presented a proposal. During the discussion, it was anticipated by committee members that both proposals could be incorporated together into a final version. The proposals from a general standpoint include adding a 4th EMS Unit, splitting out Fire and EMS as separate departments, as well as hiring a separate EMS Director, Fire Chief, and Fire Marshal.

Additionally, the proposal would create additional positions and shift existing positions to accommodate the reorganization. Staff has been tasked with creating a final budgetary impact and will be discussing the proposal further with the committee.

Public Safety Committee - Revisions to Administrative Policy Concerning Adopting and Rescuing Pit Bull and Pit Bull Mixed Animals. Commissioner Brummitt reported that during its April 20 meeting, the committee reviewed a minor revision to the animal control policies as recommended by the animal control advisory group. Existing policy only allows pit bull and pit bull mixes to be rescued by groups and adoption agencies outside of North Carolina. The revised policy allows these animals to be made available for rescue through any and all rescue groups, which must be a 501c3 organization and must be an approved group by Vance County Animal Control. The committee recommended approval of the revised policy.

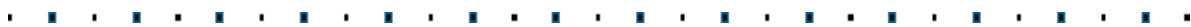
Motion was made by Commissioner Dan Brummitt to approve the revised Administrative Policy Regarding Adoptions and Rescues of Pit Bull or Pit Bull Mixed Animals. This motion was seconded by Commissioner Gordon Wilder and unanimously approved.

Ad Hoc Revaluation Committee. Commissioner Dan Brummitt reported that this committee (Brummitt [C], Brown, and Garrison) met on Monday, April 20 to begin discussion and set parameters for the ongoing revaluation process. The committee discussed the importance of educating the public and acting as a liaison for the full Board. They discussed the need for communicating to the public the process as well as the impacts that the revaluation could have on property values and property taxes. The committee reviewed the concept of a revenue-neutral tax rate whereas the tax rates would be adjusted to account for a loss or gain in property value and the need for communicating this concept to the public. The committee recommended the creation of a page on the County website devoted to providing public information and stressed the importance of mail, web and media in communicating and informing the public. It is anticipated that the committee will meet as needed to be provided updates on the process and outcomes.

Properties Committee - Individual Property Matter. Commissioner Deborah F. Brown reported that this committee (Brown [C], Brummitt, and Hester) met on Wednesday, April 22 and reviewed an offer from Henderson Collegiate to purchase five vacant parcels adjacent to their new school site. The charter school has made an offer of \$2,000 plus the cost of publication to purchase the property that was formerly owned by Harriett and Henderson and deeded to the

County upon the closing of the business. All of the properties are vacant, and the majority of the parcels have no actual roadway access. The committee recommended by a 2-1 vote to proceed with selling the properties.

Motion was made by Commissioner Dan Brummitt to adopt the following resolution authorizing the upset bid process for the sale of tax parcels 0088-06013, 0088-06016, 0088-06019, 0088-08006, and 0089-02005. This motion was seconded by Commissioner Thomas S. Hester, Jr. and vote was ayes - five (5); noes - one (1), with the dissenting vote being cast by Commissioner Deborah F. Brown.



**RESOLUTION AUTHORIZING UPSET BID PROCESS
FOR SALE OF REAL PROPERTY**

**Empty lots on Reservoir Street, Berry Street, Carolina Avenue and unnamed street,
Henderson, NC 27536**

WHEREAS, Vance County owns certain real property with an address of **Empty lots on Reservoir Street, Berry Street, Carolina Avenue and unnamed street, Henderson, North Carolina**, and more particularly described by the Vance County Tax Department as Parcel Number **0089-02005; 0088-08006; 0088-06019; 0088-06016; 0088-06013**; and,

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

WHEREAS, the County has received an offer to purchase the real property described herein above in the amount of **\$2,000.00** subject to the terms and conditions as included in the submitted offer to purchase bid, submitted by **Henderson Collegiate, Inc.**; and,

WHEREAS, **Henderson Collegiate, Inc.** has paid the required deposit in the amount of **\$750.00** with their offer.

THEREFORE, THE VANCE COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

1. The Board of County Commissioners declares the real property described above surplus and authorizes its sale through the upset bid procedure of North Carolina General Statute §160A-269.

2. A notice of the proposed sale shall be published which shall describe the property and the amount of the offer and shall require any upset offer be subject to the same terms and conditions as contained therein except for the purchase price.

3. Any person may submit an upset bid to the Clerk to the Board of County Commissioners within 10 days after the notice of sale is published. Once a qualifying higher bid has been received, that bid will become the new offer.

4. If a qualifying upset bid is received, a new notice of upset bid shall be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of County Commissioners.

5. A qualifying higher bid is one that raises the existing offer by the greater of \$750 or ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of the offer and is subject to the same terms and conditions of the previous bid.

6. A qualifying higher bid must also be accompanied by a deposit in the amount of the greater of \$750 or five percent (5%) of the bid, which may be made by cash, cashier's check or certified funds. The County will return the deposit of any bid not accepted and will return the bid of an offer subject to upset if a qualifying higher bid is received.

7. The terms of the final sale are that the Board of County Commissioners must approve the final high offer before the sale is closed and the buyer must pay with certified funds or wire transfer the bid amount and any other amounts as required pursuant to the terms and conditions of the bid at the time of closing, which shall be no later than 30 days following the approval by this Board of the final bid. The real property is sold in its current condition, as is, and the County gives no warranty with respect to the usability of the real property or title. Title will be delivered at closing by a **Non Warranty Deed**, subject to exceptions for ad valorem taxes, assessments, zoning regulations, restrictive covenants, street easements, rights of others in possession and any other encumbrances of record. Buyer shall pay for preparation and recording of the Deed and revenue stamps.

8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted **and the right to reject all bids at any time.**

9. If no qualifying upset bid is received, the Board of County Commissioners will accept or reject the bid submitted within 60 days after the close of the 10-day upset period.

This the 4th day of May, 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 - Transfer of Ownership Interest – 255 Andrews Avenue and 324 Charles Street Properties. Commissioner Brown reported that the committee discussed an arrangement to transfer the County's ownership interest in 255 Andrews Avenue to the City of Henderson, while the City transfers its interest in 324 Charles Street to the County. Both properties are currently owned by the City and County as a result of foreclosures, and the goal of the transfers is to allow actions concerning the properties to be controlled by only one Board. The County intends to proceed with removing the occupant(s) from 324 Charles Street and the City will manage 255 Andrews Avenue. If either is sold, the proceeds will be divided according to the current percentage of ownership. The Committee recommended that the Board proceed with transferring the County's ownership in 255 Andrews Avenue to the City of Henderson while retaining a beneficial interest in any sales proceeds, and agreeing to accept the City's ownership in 324 Charles Street on like terms, so the County may proceed with removing the current occupant.

Motion was made by Commissioner Deborah F. Brown to proceed with transferring the County's ownership in 255 Andrews Avenue to the City of Henderson while retaining a beneficial interest in any sales proceeds, and agreeing to accept the City's ownership in 324 Charles Street on like terms, so the County may proceed with removing the current occupant. This motion was seconded by Commissioner Dan Brummitt and vote was ayes - four (4); noes - two (2); with the dissenting votes being cast by Commissioners Terry E. Garrison and Gordon Wilder.

Properties Committee - Tax Collection/Foreclosure Procedure. The committee reviewed the written policy as put together by the Tax Administrator and County Attorney concerning the billing and collection process for property taxes. The committee discussed the importance of being fair and equitable in choosing properties for foreclosure and also discussed the importance of having this done in the most economical way for the County.

Properties Committee - Marketing & Disposition of REO Properties. The committee was provided an update on the staff's intention to complete an inventory of Real Estate Owned (REO) properties owned by the City and County. A total of 127 parcels/properties are owned by the City and County with an additional 59 owned by the County as a result of foreclosures. The inventory would allow for pictures to be obtained as well as basic information which could be utilized in marketing the properties. This information would allow the committee to better review the properties as offers to purchase are received.

Properties Committee - Lease Agreements. The committee reviewed a list of the County property leases and requested that they be made available to the full Board. A copy was provided to each Commissioner.

Properties Committee - Maintenance of County Buildings. The committee discussed the need for additional measures to be taken to address building maintenance issues that have been deferred during the past few years of the recession. The staff informed the committee that a specific designation of funds is being recommended within the proposed budget to address a portion of the critical needs. Additional information as well as a list of critical building needs have been provided in the proposed budget submittal to the full Board. The committee requested a schedule/time line for maintenance needs each year.

Planning and Environmental Committee - Review of Zoning Ordinance Amendment. Commissioner Gordon Wilder reported that this committee (Wilder [C], Garrison, and Taylor)

met on Thursday, April 23 following the public hearing held on April 6, to review the proposed zoning ordinance amendments concerning solar farms and providing additional flexibility in the development of church and family cemeteries, manufacturing uses and home occupations. The committee reviewed the ordinance amendment and held a detailed discussion on setbacks, distance separation between solar farms, and the necessity of annual inspections for solar farms. The committee agrees with the Planning Board that a 100 foot setback is necessary particularly to separate the use from other residential and agricultural uses while also allowing space for larger buffer areas. The committee believes that an annual inspection is necessary for three years following the issuance of the zoning permit to verify continued compliance with the zoning ordinance. In association with the creation of an annual inspection and to cover additional staff time necessary for solar farm submittals, the committee recommends updating the fee schedule for the Planning and Development Department adding a fee of \$400 for a Solar Farm Conditional Use Permit.

In regard to requiring a distance separation between solar farms, two committee members favored a ½ mile separation while the third member felt that a distance separation requirement would create an unfair situation for farmers. The committee discussed the fairness of a distance separation and discussed the balance between regulating farmer's ability to develop a solar farm vs. the impact of multiple solar farms in close proximity on neighboring property owners. The committee recommended proceeding with the ordinance amendment inclusive of the 100 foot setback, annual inspection, and fee increase for solar farm conditional use permits. The committee could not reach a consensus on the ½ mile separation requirement, but wanted to discuss further with the full Board in order to decide this matter. The Committee recommended that the Board approve the Zoning Ordinance amendment to provide additional protections for solar farms and to provide additional flexibility in the development of church and family cemeteries, manufacturing uses and home occupations; and to approve a revision to the Planning and Development Department fee schedule adding a fee of \$400 for solar farm conditional use permits.

Motion was made by Commissioner Gordon Wilder to approve the Zoning Ordinance amendment to provide additional protections for solar farms and to provide additional flexibility in the development of church and family cemeteries, manufacturing uses and home occupations. This motion was seconded by Commissioner Deborah F. Brown.

County Attorney Jonathan S. Care requested that the Board approve all committee recommendations with one motion instead of multiple motions. He also asked that the Board resolve the ½ mile issue and include that in the motion as well.

Commissioner Deborah F. Brown questioned why church and family cemeteries was included in the recommendation. Mr. McMillen responded that this was brought to the Board back in November as the first amendment to the zoning ordinance. The amendment for solar farms happened to come along during this same time frame. The two issues are not connected to each other. A public hearing was held on both issues last month, but no one spoke regarding the church and family cemeteries. Several citizens spoke regarding solar farms.

Vote on the motion to approve the Zoning Ordinance amendment to provide additional protections for solar farms and to provide additional flexibility in the development of church and family cemeteries, manufacturing uses and home occupations failed by a vote of ayes - one (1); noes - five (5); with the dissenting votes being cast by Commissioners Dan Brummitt, Deborah F. Brown, Terry E. Garrison, Thomas S. Hester, Jr. and Archie B. Taylor, Jr.

Motion was made by Commissioner Deborah F. Brown to approve the Zoning Ordinance amendment to provide additional protections for solar farms, including the 100 foot setback, and exclude the amendment to provide additional flexibility in the development of church and family cemeteries, manufacturing uses and home occupations. This motion was seconded by Commissioner Terry E. Garrison. The vote failed by a vote of ayes - two (2); noes - four (4); with the dissenting votes being cast by Commissioners Dan Brummitt, Thomas S. Hester, Jr., Archie B. Taylor, Jr. and Gordon Wilder.

This matter was referred back to the Planning/Environmental Committee for further review. Commissioner Deborah F. Brown asked the committee to look into the number of solar farms in the county.

County Manager's Report

Ambulance Franchise Modification. Interim County Manager Robert M. Murphy stated that North Central Medical Transport, Inc. has requested a modification to its 2008 Basic Life Support (BLS) Ambulance Franchise Agreement allowing the company to apply for advanced life support (ALS) transport certification from the State. The company has entered into a transportation agreement with Maria Parham Hospital that requires ALS certification. Under the new agreement, North Central will transport ALS patients from Maria Parham to other hospitals

in the region. An ALS patient can be anyone who must have a cardiac monitor attached or an IV inserted during the transport. The County Fire/EMS administration supports the ALS certification as does the County Medical Director. While the primary purpose of the upgrade is to allow North Central to serve Maria Parham, the presence of an ALS equipped and staffed ambulance in the county on a full time basis will be of benefit to the County. Even with the addition of a fourth County ambulance crew, we will still have occasions when call volume exceeds our ability to respond in a timely way. This ALS ambulance will be another resource that will supplement Bertie Transport and ambulances from surrounding counties. Mr. Murphy recommended that the Board approve the requested North Central Transport, Inc. 2008 Ambulance Franchise modification allowing the firm to provide ALS services in Vance County.

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

Resolution - WWII Merchant Mariners. Mr. Murphy stated that a request had been made from J. Don Horton, President of the World War II Coastwise Merchant Mariners, seeking Board support for a resolution. Mr. Horton and his colleagues have been working for several years to expand WWII Merchant Mariner veteran recognition to coastwise merchant mariners. The Board of Commissioners endorsed this effort in 2009 and is being asked to do so again. The resolution approved by the Board in 2009 is much less detailed than the resolution submitted by Mr. Horton. Mr. Horton has submitted a revised resolution with the hope that it will allow the members of Congress to see in some detail exactly what the problem is and who is in support of these mariners. Mr. Horton feels that the details are required to explain misconceptions regarding this issue. Mr. Murphy recommended that the Board consider adopting the new resolution as presented.

Motion was made by Commissioner Terry E. Garrison, seconded by Commissioner Dan Brummitt, vote unanimous, to adopt the following resolution in support of alternative method of recognition for veterans status to WWII Coastwise Merchant Mariners:



A RESOLUTION OF THE NORTH CAROLINA VANCE COUNTY BOARD OF COMMISSIONERS IN SUPPORT OF ALTERNATIVE METHOD OF RECOGNITION FOR VETERANS STATUS TO WW II COASTWISE MERCHANT MARINERS

Findings 1: Some US Merchant Marine Seamen of WW II gained veteran status under a court ruling via Schmacher, Willner, et al, V. Secretary of the Air Force Edward C. Aldridge, Jr 665 F Supp 41 (D.D.C 1987). The USCG later **required** they meet certain eligibility requirements.

Findings 2: Some 10,000 to 30,000 **coastwise** seagoing tug and barge merchant seamen have been or may be denied recognition upon application because actions taken by government agencies (prior to P. L. 95-202) have removed required eligibility records from being available to the veteran.

Findings 3: Commandant, USCG Ltr 5739 Ltr of 09 Apr 2010 states, **"The US Government did not issue mariner credentials to females during the World War II."**

Findings 4: USCG Information Sheet #77 (April 1992) identifies **acceptable forms of documentation** for eligibility meeting the requirements pursuant to Schmacher V. Aldridge, 655 41(D.D.C 1987)

- a. Certificate of Discharge (Form 718A)
- b. Continuous Discharge Books (ship's deck/engine logbooks. (Non-military document)
- c. Company letters showing vessel names and dates of voyages. (Non-military document)

Findings 5: Commandant USCG Order of 20 March, 1944 **relieves masters** of tugs, towboats and seagoing barges **of the responsibility of submitting reports of seamen shipped or discharged on forms 718A.** This action removes item (a) from the eligibility list in Findings 4.

Findings 6: USCG Information Sheet # 77 (April, 1992) further states "Deck logs were traditionally considered to be the property of the owners of the ships. After World War II, however, the deck and engine logbooks of vessels operated by the War Shipping Administration were turned over to that agency by the ship owners, and **were destroyed during the 1970s because they were too burdensome to keep and too costly to maintain.**" This action effectively eliminates item (b) from the eligibility list in Findings 4

Findings 7: Company letters showing vessel names and dates of voyages are highly suspect of ever existing due to the strict orders prohibiting even the discussion of ship/troop movement. Then consider item (c) of Findings 4 should be removed from the eligibility list. USCG Info Sheet # 77, page 2 refers

Findings 8: Excerpts from Pres. Roosevelt's fireside Chat 23: On the Home Front (Oct. 12, 1942):"In order to keep stepping up our production, we have had to add millions of workers to the total labor force of the Nation. "In order to do this, we shall be compelled to use **older men, and handicapped people, and more women, and even grown boys and girls,** wherever possible and reasonable, to replace men of military age and fitness; **to use their summer vacations, to work somewhere in the war industries.**" Underage combatants had served in all of America's wars from the time of the Revolution. The unknown number who served in the Second World War perpetuated that legacy. They served with distinction and valor, and indisputably demonstrated that, despite their age, they could serve as well as those around them.

Findings 9: Post the Revolutionary War; many Acts of Congress were enacted to provide pensions to those veterans applying for support. Thousands of servicemen were without documented service and remained without any viable means to prove service. Excerpts from documents retained at the NARA provide: **Generally the process required an applicant to appear before a court of record in the State of his or her residence to describe under oath the service for which a pension was claimed.** This establishes precedence for using certified oaths in conjunction with the Social Security documents as alternative documentation.

Findings (10): US CG Official Shipping/Discharge documents (Forms 718A) were obtained from the National Archives and Records Administration, Wash. DC that contained information proving Active Duty (AD) services for some WW II coastwise barge and tug Mariners. Together with information obtained via a FOIA request to the National Maritime Center, research brought forth additional information. **Research** conducted between **June-August 2013, in concert with the NMC,** using official records of 1172 coastwise mariners and the USCG Merchant Marine Casualties of WW II report of 1950 identified:

WW II Coastwise Mariners Listing: Excel Sheet #1

1172 Mariners identified via official USCG Shipping/Discharge Forms 718A
84 Mariners may be women according to their feminine sounding names; OR 7.2%
1058 Mariners' ages were specified. Ages ranged from 10 to 78.
583 Mariners identified within draft age and included those in 4F status; OR 55.1% of known ages.
525 Mariners identified at over the draft age of 37; OR 49.6% of known ages.
114 Mariners with age not specified; OR 09.7%
47 Mariners who served were under the age of 17; OR 4.4% of known ages.
16 Mariners KIA with 1 receiving DD Form 1300.

National Maritime Form DD 214 Listing: Excel Sheet #2

794 Mariners were identified on NMC Coastwise Mariners listing identifying Active Duty services.
291 Mariners on NMC listing had no USCG MMLD numbers listed; OR 36.6%
85 Mariners **issued** DD Form 214 from NMC listing, OR 10.7% of NMC; OR 7.2% of WW II CMM

Merchant Marine KIA & MIA Casualties from all causes = 9521 * (usmm.org)

5662 Mariner Casualties from USCG per 1950 Report * (USCG 1950 casualty report)
3859 Mariner Casualties from Other Sources * (Additional sources = Art. Moore and US Congress)

Merchant Marine Casualties recognized by all sources = 414

- 344 Mariner Casualties from USCG 1950 Casualty Report * (USCG 1950 casualty report)
- 70 Mariner Casualties from NMC report & not listed on USCG 1950 Casualty List * (NMC DD 1300 Report)
- 1 Mariner in NMC DD 1300 files as having received Form DD 1300 yet 16 identified on WW II CM listing

Rationale: 9521 Merchant Mariners KIA or MIA serving and **only 414** receiving Veteran status.

Findings 11: The USCG **cannot** provide a **true estimate** of merchant mariners serving in WW II. **GAO/HEHS-97-196R** refers. Estimates range from 250,000 to 840,000 from recognized historians and GAO audit... None of these historians were aware of these 10,000 to 30,000 coastwise merchant seamen where many served without proper credentials and were not included in above estimates. **Some were elderly handicapped; others women and some were school children** who served in billets, drew wages and paid taxes. They served on the same vessels in the same hostile war zones and performed the same services alongside others who were documented. **Yet, only about 91,000 merchant mariners have been recognized as veterans with just 1192 of these veterans in receipt of compensation or pension benefits the VA refers.** This is a vast disparity in ratio of the other service branches.

Findings 12: DOD and NARA Agreement **N1-330-04-1 of Jul, 08, 2004** puts in place a procedure to transfer military personnel files of individuals from all services, (including civilian personnel or contractual groups who were later accorded military status under the provisions of Schmacher, Willner, et al, V. Secretary of the Air Force Edward C. Aldridge, Jr 665 F Supp 41 (D.D.C 1987). This agreement affects military personnel records of individuals **62 years** after separation from service. Action has taken place for all **except** the US Merchant Marine IAW above stated court order. This **inaction** by the **Department of Homeland Security via (COMDT USCG)** has caused many of the mariners to have **gone unrecognized** for their services. Many seafarers have passed without ever gaining recognition or benefits and soon all will be History. National Personnel Records Center estimate there are between 1400 to 2500 Cubic feet of Shipping/Discharge documents being stored at the NARA district offices and NMC yet to be transferred to the National Personnel Records Center in St. Louis, Missouri. NMC cites **about 91,000 out of 250,000 to 840,000 have ever received recognition** as veterans; and, with many unable to gain access because of age and health condition requiring assistance for others outside family. Had compliance taken place, these records would have been available to all and providing the mariner a chance to being recognized many years ago and enjoying the benefits awarded to them via court order.

Whereas: (1) By court order, Schumacher v. Aldridge 665 F Supp 41 (D.D.C. 1987) **provided for veteran status** to certain US Merchant Marine seamen during WW II (07 December, 1941 to 31 December, 1946) with the same benefits accorded all veterans as administrated by the Veterans Administration. There were **no provisions** for the elderly handicapped, women or schoolchildren to even be considered for their services as mariners serving anywhere within the US Merchant Marine providing an avenue to veteran status.

Whereas: (2) The USCG Information Sheet #77 of Apr. 1992 identifies specific criteria to be used to prove active duty performed by an individual seaman for the purpose of attaining veteran status and findings (5), (6) & (7) identified specific **official government actions** that **removed** these particular documents from the reach of the mariner. This **clearly identifies the requirement** to put in place a method of utilizing **alternative** documentation and other approved methods to replace specific documents removed from use by the government actions cited elsewhere in this document.

Whereas: (3) Women **were removed** from ships at the onset of WW II and not allowed to serve in any capacity by direction of the War Shipping Administrator, Admiral Emory S. Land. The Captains of the Ports (USCG COTP) were given specific directions to **deny** official USCG maritime credentials to any woman requesting them. They **served but without official credentials** in every capacity on most vessels. Families were the sole crew on many barges throughout the WW II and afterwards. Companies **welcomed this** arrangement because **critical** crew replacements were **reduced** considerably. This allowed those barges to move the bulk war materials more quickly and freed the more abled bodied seaman to man the larger seagoing ships taking vital supplies to troops on all the fronts, keeping the enemy from our doors. A **win win** situation vital to war defense. **To date** there is **no law or other avenue** recognizing women as veterans of the US Merchant Marine during WW II

Whereas: (4) President Roosevelt's speech of 12 Oct, 1942 **puts in place the use of elderly and handicapped individuals, school children and women in an effort to support war efforts** by replacing men of military age and fitness, and in stepping up our production of war materials for those on the front lines. Because of this speech, women, the elderly disabled and schoolchildren entered the varied war defense plant services in droves and many found their way into the coastwise barge and tug trades as well.

Whereas: (5) DOD & NARA Agreement N1-330-04-1 of July 08, 2004 **provides for the transfer** of military records to the National Personnel Records Center, St. Louis, MO for use as archival records, open to the public. But **inaction by the DHS for the mariner in over 10** years has caused the veteran loss of due access of his records that may have accorded him recognition as a veteran. Recommend Congressional inquiry into delay of WW II Merchant Mariners personnel records.

Whereas: (6) Previously attempted bills, HR 1288 and S-1361, would have provided for **alternative records** to be used in place of **records lost, destroyed or denied** for coastwise seamen affected; and

allowed women and school children be recognized for their services rendered for the first time ever. There are **no laws** in place to allow for resolution of this issue.

Whereas: (7) The elderly disabled, children and women have served in every war this nation has ever known. Most have served without recognition but history is replete with actions of young children stepping up to serve, some receiving our highest honors and others serving in our highest ranks of service, congress and the presidency; e.g. President Andrew Jackson (age **13**); America's first Admiral, David Glasgow Farragut was appointed a midshipman at (age **9**) by President James Madison; Willie Johnson (age **11**) was recipient of the Medal of Honor; Albert Cohen of Memphis TN who enlisted at age **11** & KIA age **15**. History is filled with children defending this nation and Coastwise Mariners had their fair share of them. **Findings #9 & #10 provide support info.**

Whereas: (8) Although they served gallantly and with honor, actions taken against those that were elderly and disabled, school children and women by denying them official credentials during WW II is considered **discrimination** today.

Whereas: (9) The process used to determine whether an individual performed service under honorable conditions that satisfies the requirements of a coastwise merchant seamen who is recognized as having performed active duty service under the court ruling via Schmacher, Willner, et al, V. Secretary of the Air Force Edward C. Aldridge Jr 665 f Supp 41 (D.D.C.1987). There are no considerations in any **existing** legislation that provides for women who served, under aged schoolchildren or elderly handicapped seaman any avenue to attain veteran status. **Nor** is there a current avenue to use alternative methods of recognition or other actions that have proved effective in past wars for use in lieu of documents that were denied and/or destroyed by several specific official government actions.

The following actions are recommended:

(1) Initiate congressional actions to: Provide sufficient response to support Merchant Mariners' provisions of HR 1288 (with wording intact to insure all coastwise barge and tugboat mariners who served during WW II (regardless of age, gender or disability) are recognized as veterans in accordance with or similar to: court ruling via Schmacher, Willner, et al, V. Secretary of the Air Force Edward C. Aldridge, Jr 665 F Supp 41 (D.D.C 1987, **granting veterans status**

(2) Initiate congressional inquiry into: Delay of WW II Merchant Mariners personnel records movement to National Military Personnel Center.

(3) Initiate congressional actions to: Recognize WW II Mariners identified as KIA/MIA as Veterans of this Nation.

Now, therefore, be it resolved that the Vance County, North Carolina Board of Commissioners hereby supports these efforts on behalf of the World War II Coastwise Merchant Mariners and urges our Representatives in the Senate (Senators Richard Burr and Thom Tillis) and in the House (Representatives Walter Jones and George K. Butterfield) to fully support and initiate all necessary actions, including full support of HR 1288, "WW II Merchant Mariners Service Act", to pass legislation approving the above findings and recommendations.

Adopted this 4th day of May, 2015.

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

Consent Agenda

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Deborah F. Brown, vote unanimous, to approve the following consent agenda items as presented:

Budget Transfer #14, March Ambulance Charge-offs in the amount of \$3,395.25, March 2015

Tax Refunds and Releases, April 2015 Monthly Reports received and filed, and the minutes of the April 6, 2015 regular meeting.

**Budget Transfer #14
FY 2014-2015
Fire & EMS (NC Forest Service)**

