

STATE OF NORTH CAROLINA

COUNTY OF VANCE

The Vance County Board of Commissioners met in regular session on Tuesday, September 5, 2023 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: Chair Yolanda J. Feimster, Vice-Chair R. Dan Brummitt, Commissioners Sean A. Alston, Sr., Carolyn Faines, Thomas S. Hester, Jr., Leo Kelly, Jr., and Archie B. Taylor, Jr.

Absent: None.

Also present were Interim County Manager Scott Elliott, Finance Director Katherine Bigelow, County Attorney Jonathan S. Care, and Clerk to the Board Kelly H. Grissom.

Rev. Joseph Ratliff, Shiloh Baptist Church, gave the invocation.

Public comments were heard first. Fire Chief Chris Wright invited the board to the Public Safety Expo on September 30 from 10:00 a.m. to 2:00 p.m. at the old Charles Boyd Chevrolet parking lot.

Mr. Frankie Nobles, Vance County Employee Engagement Team Chair, appeared before the board to recognize the new employee of the month. He noted that employees are nominated by their peers, and this month's recognition goes to Sgt. Clevon Dozier with the Vance County Sheriff's Office. His peers noted that he is a team player, demonstrates leadership in court and ensures safety of those in court proceedings. Mr. Dozier will receive a \$100 gift card and a designated parking space for the month. He was presented a certificate of appreciation and the board congratulated him on receiving this recognition.

District Attorney Mike Waters provided an update to the board on Vance County Criminal Courts. He noted that in 2014, our district had the second highest dismissal rate in the state for DWI's. In 2022, the district had the highest conviction rate in the state for the second year in a row. He provided an overview of the DA's office which has realigned employee positions in order to be more efficient. He discussed recruitment of assistant district attorneys and the lack of availability of indigent defense counsel which delays the judicial process (it was noted that all inmates in the Vance County jail accused of homicide are indigent). He noted some factors that affect the disposition of cases include spending on criminal courts, delays in forensic testing, digital evidence review, and the COVID-19 pandemic. Other factors include unavailability of

jurors, delays in subpoenas being served, delays in response from the Sheriff's Office, and GIGLIO investigations.

Ms. Tucker Charns, Chief Regional Defender at NC Office of Indigent Defense Services, provided information on indigent services and stated that Vance County is experiencing a crisis with the lack of court appointed attorneys for indigent clients. She stated that the primary reason for this is low salaries for these attorneys. She encouraged the board to contact our state representative about this matter. She also noted that the Vance County jail is not conducive for attorneys to meet with their clients. The board thanked Mr. Waters and Ms. Charns for their presentation.

Mr. Rodney Gray, Zitel LLC, appeared before the board and provided information on his company, a broadband provider, and its application to the North Carolina Department of Information Technology GREAT grant for broadband services in Vance County. He noted that Zitel was awarded the grant in the amount of \$2.6M for these services and Zitel's match is \$1.1M. The grant will build 1,080 eligible address passings, 3,748 total address passings, and 126 miles of fiber. He provided maps to the board highlighting these areas. He also provided information on customer pricing and service structure. He noted that the project should begin within 90 days. After a brief question and answer session, the board thanked Mr. Gray for his report.

Water District Board

Chair Yolanda J. Feimster called the Water District Board to order and the July 2023 monthly operations report was presented to the board for information. Chair Feimster adjourned the Water District Board.

Committee Reports and Recommendations

Properties Committee – FVW Head Start Kitchen Lease Agreement. Interim County Manager Scott Elliott stated that the Properties Committee (Commissioners Alston, Brummitt and Taylor) met on August 28, 2023. The committee discussed leasing the kitchen at the Eaton Johnson Complex to Franklin-Vance-Warren Head Start. The kitchen will be an extension/addition to its current lease of \$10/sq ft at 3,737 sq ft. The lease will be reviewed and approved by the county attorney before sending to Head Start. Recommendation: Approve lease agreement with FVW Head Start for use of the kitchen at the Eaton Johnson Complex, subject to county attorney review.

Motion was made by Commissioner Carolyn Faines to approve the lease agreement with FVW Head Start for use of the kitchen at the Eaton Johnson Complex, subject to county attorney review. This motion was seconded by Commissioner Dan Brummitt and unanimously approved.

Properties Committee – Tungsten Mine Road Property. Mr. Elliott stated that the committee discussed the Tungsten Mine Road acquisition and recommended that we continue to reach out for the potential acquisition of this property. He noted that he is having difficulty reaching the property owner, but will continue to try to reach her.

Properties Committee – EMS Substation Land. Mr. Elliott reported that the committee asked for a status update on acquiring land for an EMS substation. He stated that as of today, he has looked into the New Hope Middle School area and hopes to bring information to the board in the near future.

Finance Director's Report

Fleet Management Software. Interim County Manager Scott Elliott stated that this matter was discussed during the board's previous work session. It was noted during that work session that it would be brought back to the board during this meeting for approval, but Chair Feimster requested that it be referred to the properties committee for further review.

Surplus Property. Finance Director Katherine Bigelow stated that in the continual effort to clean up the Sheriff's lot, there are numerous vehicles that need to be disposed/scrapped and/or sold. She recommended that the items be declared as surplus and authorize the finance director to dispose of said property accordingly as allowed by state statute.

1999 Ford F150 02501	2013 Dodge Charger 73757
2012 Dodge Charger 01528	2014 Ford Taurus 85353
2012 Dodge Charger 01523	2014 Ford Taurus 78594
2013 Dodge Charger 73755	2016 Dodge Charger 33620
2013 Dodge Charger 73757	2010 Chevy Impala 200156
2013 Dodge Charger 73761	2001 Chevy Impala 9295050
2013 Dodge Charger 73754	1993 Chevy Van 331892
2013 Dodge Charger 73756	

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Leo Kelly, Jr., vote unanimous, to approve the property presented as surplus and authorize the Finance Director to dispose of said property accordingly as allowed by state statute.

County Manager's Report

Justice Assistance Grant. Interim County Manager Scott Elliott stated that the Vance County Sheriff's Office and the Henderson Police Department jointly receive federal funds from the Edward Byrne Memorial Justice Assistance Grant Program (JAG) to purchase equipment. The

City submits the application and conducts the required due diligence. The distribution of funds is 70% City (\$36,359) and 30% County (\$13,373). The two governing bodies must enter into a Memorandum of Understanding (Inter-local Agreement) in order to receive and utilize the federal funds. Due to the timeframe for the grant, both city and county managers have authorized submittal of the grant with receipt subject to final action by the board.

Motion was made by Commissioner Dan Brummitt to approve the inter-local agreement between the City and County for the purpose of receiving and using federal JAG funds in the amount of \$13,373. This motion was seconded by Commissioner Carolyn Faines and unanimously approved.

Fireworks Permit – Vance County High School. Mr. Elliott noted that Vance County High School is requesting approval for a fireworks permit for a fireworks display at 925 Garrett Road, Henderson on September 22, 2023 for homecoming night. The display will be handled by a professional pyrotechnics firm (Zambelli Fireworks Mfg. Co.) with the appropriate credentials and insurance coverage. The county fire marshal has approved the permit subject to board approval.

Motion was made by Commissioner Dan Brummitt to approve the request from Vance County High School and Zambelli Fireworks Mfg. Co. for a permit to discharge fireworks at 925 Garrett Road, Henderson on Friday, September 22, 2023. This motion was seconded by Commissioner Sean A. Alston, Sr. and unanimously approved.

Courthouse Security. Mr. Elliott reported that ongoing discussion and meetings have occurred related to the Sheriff's Office proposal to limit access to the Rose Avenue entrance of the building. The Courthouse Security Committee initially met on August 11 on this matter. From this meeting, two additional meetings were set for August 30 and September 15.

Opioid Settlement Funds – Annual Meeting Requirement. Mr. Elliott stated that each county in North Carolina is required by the executed Memorandum of Agreement to hold an annual meeting, specifically with its municipalities, to explain the MOA, review monies being received, and go over the approved uses of the funds. The board decided to schedule this during its work session on Monday, September 18.

Consideration for the Creation of Task Forces: Violent Crime and Opioid Settlement Fund Use. Mr. Elliott noted that it has been suggested that two separate task forces be created for each specific purpose. This matter was referred to the board's work session on September 18.

County Attorney's Report

REO Properties – Bid Acceptance Resolutions. County Attorney Jonathan S. Care noted that during its August meeting, the board approved the public sale process for real properties located at Tiny Broadwick Blvd Lot – Parcel 0215 01014B and 309 S. College Street – Parcel 0025 12022. He stated that the properties have been through the upset bid process and the board is now free to sell the properties or reject the offers.

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Sean A. Alston, Sr., vote unanimous, to approve the following resolutions accepting the bids for Tiny Broadwick Blvd Lot – Parcel 0215 01014B and 309 S. College Street – Parcel 0025 12022.

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**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:

Tiny Broadwick Blvd Lot, Henderson, NC, Vance County Tax Department Parcel Number 0215 01014B.

WHEREAS, pursuant to NCGS 160A-269 and the Resolution Authorizing Upset Bid Process for Sale of Real Property adopted by the Vance County Board of Commissioners on August 7, 2023, a notice was published in the *Daily Dispatch* on **August 10, 2023**, stating that said offer by **Wilmer Stanfield** in the amount of **\$938.00** 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 **Wilmer Stanfield** in the amount of **\$938.00** subject to the terms and conditions contained in the submitted bid, attached hereto as Exhibit “A”, is hereby accepted for the property described herein and the Board’s Chairperson shall execute the documents necessary to complete the transfer of title to such property.

This the 5th day of September, 2023.

Yolanda J. Feimster (signed)
Yolanda J. Feimster, Chair
Vance County Board of Commissioners

ATTEST:

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

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**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:

309 S. College Street, Henderson, NC, Vance County Tax Department Parcel Number 0025 12022.

WHEREAS, pursuant to NCGS 160A-269 and the Resolution Authorizing Upset Bid Process for Sale of Real Property adopted by the Vance County Board of Commissioners on August 7, 2023, a notice was published in the *Daily Dispatch* on **August 10, 2023**, stating that said offer by **Nahid Sanaei** in the amount of **\$4,232.00** had been received and that any person wishing to submit an upset bid should do so within 10 days; and

WHEREAS, an upset bid was received by **Hurley Norman Taylor II**; and

WHEREAS, pursuant to NCGS 160A-269, a notice was republished in the *Daily Dispatch* on **August 17, 2023**, stating that said offer by **Hurley Norman Taylor II** in the amount of **\$6,000.00** had been received and that any person wishing to submit an upset bid should do so within 10 days; and

WHEREAS, an upset bid was received by **Nahid Sanaei**; and

WHEREAS, pursuant to NCGS 160A-269, a notice was republished in the *Daily Dispatch* on **August 19, 2023**, stating that said offer by **Nahid Sanaei** in the amount of **\$6,750.00** had been received and that any person wishing to submit an upset bid should do so within 10 days; and

WHEREAS, an upset bid was received by **Hurley Norman Taylor II**; and

WHEREAS, pursuant to NCGS 160A-269, a notice was republished in the *Daily Dispatch* on **August 26, 2023**, stating that said offer by **Hurley Norman Taylor II** in the amount of **\$8,250.00** 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 **Hurley Norman Taylor II** in the amount of **\$8,250.00** subject to the terms and conditions contained in the submitted bid, attached hereto as Exhibit “A”, is hereby accepted for the property described herein and the Board’s Chairperson shall execute the documents necessary to complete the transfer of title to such property.

This the 5th day of September, 2023.

Yolanda J. Feimster (signed)
Yolanda J. Feimster, Chair
Vance County Board of Commissioners

ATTEST:

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

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Attorney Care stated that the county has been included in two different court filings within the past month. The first appears to be a sovereign citizen who attempted to pay a ticket to the

Clerk of Court. The Clerk’s Office refused payment because the way it was presented. Subsequent to that, the individual filed a lawsuit against several individuals, including the county. Attorney Care stated that the county will be filing to dismiss the case.

The second court filing is a petition from the District Attorney’s Office to have a body exhumed for the purpose of an autopsy. The county is included because the DA is asking that the judge rule for the county to pay for those expenses. Based on Sheriff’s Office reports, the individual was not a citizen of Vance County, but the death certificate indicates that they were. Attorney Care stated that according to state statutes, if the person was a resident of Vance County, the county is obligated to pay. He stated that this will be going to court within the next two to three weeks.

Consent Agenda

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Carolyn Faines, vote unanimous, to approve the following consent agenda items as presented: Budget Amendments #4 and #5, July 2023 Tax Refunds and Releases, departmental monthly reports, and the minutes of the August 7, 2023 regular meeting, the August 8, 2023 special meeting, and the August 18, 2023 special meeting.



**Budget Amendment #4
FY 2023-2024
Regional Airport**

Revenue Amendment Request	Account Number	Revenue Increase (Decrease)
General Fund Balance	10-399-439900	5,000
Total Revenue Increase (Decrease)		\$ 5,000

Expenditure Amendment Request	Account Number	Expense Increase (Decrease)
Regional Airport	10-600-500218	5,000
Total		\$ 5,000

Purpose: To correct budget amount for Airport Authority.

Authorization: Vance County Board of Commissioners
September 5, 2023



**Budget Amendment #5
FY 2023-2024
EMS**

Revenue Amendment Request	Account Number	Revenue Increase (Decrease)
GF Fund Balance	10-399-439900	260,000
Total Revenue Increase (Decrease)		\$ 260,000

Expenditure Amendment Request	Account Number	Expense Increase (Decrease)
EMS – Capital Outlay	10-530-500074	260,000
Total		\$ 260,000

Purpose: Transfer monies from 21/22 budget to 22/23, and now move to the 23/24 budget to purchase approved ambulance. Due to manufacturing delays, the ambulance is being delivered this month.

Authorization: Vance County Board of Commissioners
September 5, 2023



TAX OFFICE REFUND AND RELEASE REPORT FOR JULY 2023

TAXPAYER NAME	TAX YR	REAL	PERESONAL	SOLID WASTE FEE	REASON
BOBBITT CLAUDE R	2022	414.07	0	120	CORRECT VALUE
SYKES GARY LEE	2023	0	212.87	0	PERS PROP BILLED
SCHAMBACH GARY JOHN	2023	0	548.40	0	CORRECT VALUE
SCHAMBACH GARY JOHN	2023	0	548.40	0	CORRECT VALUE
SYKES GARY LEE	2023	0	188.75	0	PERS PROP BILLED
SCHAMBACH GARY JOHN	2023	0	483.80	0	CORRECT VALUE
SYKES GARY LEE	2023	0	23.56	0	PERS PROP BILLED
JEFFREYS VANN JOHNSON	2023	0	400.74	0	SITUS NOT VANCE
SCHAMBACH GARY JOHN	2023	0	313.15	0	ADD LATE LIST PE
SCHAMBACH GARY JOHN	2023	0	424.23	0	CORRECT VALUE
SWEEPSTAKE CITY	2023	0	110.55	0	REMOVE LATE LIST
ALSTON NIKKI MICHELLE	2023	0	0	0	ADD SOLID WASTE
CLARK JANESEA DANIELLE	2023	0	0	0	ADD SOLID WASTE
HIGHTOWER CLINTON	2023	0	0	0	ADD SOLID WASTE
LIFE LINE OUTREACH INC	2023	0	0	120	REMOVE SOLID WAS
LIFE LINE OUTREACH INC	2023	0	0	120	REMOVE SOLID WAS
LIFE LINE OUTREACH INC	2023	0	0	120	REMOVE SOLID WAS
PARSONS RANDY	2023	126.98	0	0	CORRECT VALUE
RENT-A-CENTER INC #4389	2023	0	39.91	0	CORRECT VALUE
RENT-A-CENTER INC #4389	2023	0	0.16	0	REMOVE LATE LIST
RENT-A-CENTER INC #4389	2023	0	34.05	0	REMOVE LATE LIST
RENT-A-CENTER INC #4389	2023	0	6.86	0	REMOVE LATE LIST
RENT-A-CENTER INC #4389	2023	0	741.14	0	CORRECT VALUE
RENT-A-CENTER INC #4389	2023	0	741.14	0	CORRECT VALUE
RENT-A-CENTER INC #4389	2023	0	717.89	0	REMOVE LATE LIST
TOTAL		541.05	5535.60		
GRAND TOTAL	6076.65				



MONTHLY REPORTS: 911 Emergency Operations, Administrative Ambulance Charge-Offs, Cooperative Extension, EMS, Human Resources, Information Technology, Planning and Development, Parks and Recreation, Tax Collections and Veterans Service.



Miscellaneous

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

Vance County Housing Authority – five year term
Reappoint Edythe Thompson

Vance County Planning Board and Board of Adjustments – three year term
Appoint Phil Lakernick to fill vacant position.

Motion was made by Commissioner Carolyn Faines to reappoint Edythe Thompson to the Vance County Housing Authority and appoint Phil Lakernick to the Vance County Planning Board and Board of Adjustments. This motion was seconded by Commissioner Leo Kelly, Jr. and unanimously approved.

At this time, motion was made by Commissioner Dan Brummitt, seconded by Commissioner Carolyn Faines, vote unanimous, to enter into closed session to discuss an economic development project and a personnel matter.

Upon return to open session, motion was made by Commissioner Dan Brummitt to approve the minutes of the August 7, 2023, August 8, 2023, and August 18, 2023 closed sessions. This motion was seconded by Commissioner Carolyn Faines and unanimously approved.

Commissioner Sean A. Alston, Sr. questioned the term length of members of the Henderson-Vance Industrial Park Board (HVIP). Commissioner Dan Brummitt stated that according to the bylaws, members should have been reappointed every year, but this has not been done. He stated that the HVIP Board is dysfunctional and is not in sync with the board of commissioners and the economic development commission. It was noted that the HVIP Board is made up of two county commissioners and two city council/mayor representatives. Commissioner Sean A. Alston, Sr. stated that the board should be five members (or an odd number) in case of a tie vote.

Commissioner Sean A. Alston, Sr. stated that he would like to serve on the HVIP Board and made a motion to appoint himself to replace Tommy Hester and to reappoint Dan Brummitt for a one year term. This motion was seconded by Commissioner Dan Brummitt.

Chair Yolanda J. Feimster suggested that this be two separate motions.

Motion was made by Commissioner Sean A. Alston, Sr. to reappoint Dan Brummitt to the HVIP Board for a one year term. 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 Archie B. Taylor, Jr. and Leo Kelly, Jr.

Motion was made by Commissioner Sean A. Alston, Sr. to appoint himself to the HVIP Board to replace Tommy Hester. This motion was seconded by Commissioner Dan Brummitt and vote was ayes – five (5); noes – one (1), with dissenting vote being cast by Commissioner Archie B. Taylor, Jr.

Following the meeting, it was learned that the HVIP bylaws do not set term limits for the board members. The bylaws only reference term limits for the Officers of the board which are reappointed by the HVIP board, not the board of commissioners. A restructure of the board to add a fifth member would require action by HVIP Board of Directors to change its bylaws.

As there was no further business, at 8:55 p.m., motion was made by Commissioner Dan Brummitt, seconded by Commissioner Carolyn Faines, vote unanimous, that the meeting be adjourned.

Approved and signed October 2, 2023.

Yolanda J. Feimster (signed)
Yolanda J. Feimster, Chair