STATE OF NORTH CAROLINA

COUNTY OF VANCE

The Vance County Board of Commissioners met in regular session on Monday, January 4, 2021 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 Leo Kelly, Jr., Commissioners Carolyn Faines, Yolanda J. Feimster, Thomas S. Hester, Jr., Archie B. Taylor, Jr. and Gordon Wilder.

Absent: None.

Also present were County Manager Jordan McMillen, 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.

As advertised, a public hearing was held to gain citizen input on the FY 2021-22 Budget. As there was no one present who wished to speak on this matter, Chairman Dan Brummitt declared the public hearing closed.

As advertised, a public hearing was held to gain citizen input on a rezoning request for parcels on S. Chavis Road. WW Properties and Rentals LLC is the owner/applicant. Interim Planning Director Keith Callahan stated that the request is to amend the zoning map and to rezone parcels 0482 04017, 0482 04004, and 0482 04018 from AR (Residential Agricultural) to R30 (Residential Low Density); and three lots from parcel 0482 04014 from AR to R20 (Residential Medium Density). The parcels to be rezoned to R20 contain duplexes, which are allowed in the R20 and R30 by right. Lots 1, 24 and 25 contain duplexes which were constructed prior to zoning regulations in Vance County. In order to bring them into compliance with current regulations, it is necessary to subdivide so that each duplex is on its own tract of land. The duplexes will be able to meet the setback requirements for R20. Lot 2 will be rezoned to R30 and will meet the required setbacks. The cemetery lot will be recombined with the remaining tract but will be reconfigured and given a new access. The remaining properties are to be rezoned to R30 and divided in a future development which will include single-family dwellings and duplexes. Mr. Callahan stated that the Planning Board recommended approval of the rezoning on December 10, 2020 with the condition that lot 28 not be recombined as not to create a violation, but that it be rezoned as requested.

As there was no one present 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, vote unanimous, to approve the rezoning request on the basis that it is reasonable and consistent with the county's land use plan by promoting the county's agricultural character.

Water District Board

Chairman Dan Brummitt called the water district board to order. The November 2020 monthly operations report was presented to the board for information. Commissioner Thomas S. Hester, Jr. stated that there are a couple of locations where Envirolink needs to sew grass and put down straw. County Manager Jordan McMillen stated that he would address this matter with Envirolink. Mr. McMillen also provided an update on Phase 1B and stated that the delay is due to the county having to re-apply for USDA funding. He mentioned that Phase 1B would be an excellent goal for the board to set during its planning retreat next month.

Chairman Dan Brummitt adjourned the water district board.

Committee Reports and Recommendations

Properties Committee - Courthouse Roof Restoration Project Change Order #2. County Manager Jordan McMillen reported that the committee (Brummitt[C], Taylor & Wilder) met on Monday, December 21, 2020 with the project engineer (Robert Tomlinson, REI Engineers) to consider a change order to the courthouse roof project. The change order includes replacing the sealant at all the masonry joints in the exterior veneer and window joints totaling approximately 2,385 linear feet of joints. The existing project is nearly complete and under budget allowing for the needed replacement of the masonry joint sealant. The change order totals $15,862.35 and would be completed utilizing remaining project funds. The committee was agreeable to proceed with the change order.

Motion was made by Commissioner Gordon Wilder to approve the change order totaling $15,862.35 with J.T. Murphy Construction to replace silicone sealant at all masonry joints in exterior veneer and window joints at the courthouse. This motion was seconded by Commissioner Carolyn Faines and unanimously approved.

Properties Committee – Scott Parker Building Lease Extension. Mr. McMillen reported that the committee reviewed a proposed lease extension for Gang Free, Inc. for use of the Scott Park Building. Gang Free has leased the building from the county since 2016 and continues to make a positive impact on the community. They provide an after-school program, summer camps and have expanded into providing an emergency food pantry and homeless shelter for women in the past year. Additionally, they have taken on distributing PPE and household items and have

hosted COVID testing events through the pandemic. The committee was agreeable to the lease extension and suggested changing the term to a three-year lease followed by three one-year renewals.

Motion was made by Commissioner Leo Kelly, Jr., seconded by Commissioner Carolyn Faines, vote unanimous, to approve the lease extension with Gang Free, Inc. for use of the Scott Parker Building.

Properties Committee – Radio Purchase at Jail. Mr. McMillen stated that the committee considered a request from the Sheriff and Jail Administrator to purchase 30 new handheld radios for use at the detention center totaling approximately $15,000. The existing radios have been purchased in small batches over the years with some of the units dating to the early 2000s and in poor condition. Radios purchased in 2015 and 2018 will be paired with the new ones allowing each officer to receive a radio and creating better accountability. The board previously allocated $95,051.69 from lapsed salaries (in April 2020) to assist the jail with various deferred maintenance items. The items included maintenance of two HVAC units, installation of an exhaust fan, maintenance of ventilation fans, cleaning and repainting the interior of the jail, repairing a roof leak, repairing a backflow prevention valve, several door lock retrofits and purchase of commercial washer/dryers. A total of $17,975 remains from this allocation and the request is to utilize $15,000 from these remaining funds to purchase the radios. The committee was agreeable and recommended proceeding forward with the purchase.

Motion was made by Commissioner Carolyn Faines to re-allocate $15,000 of previously budgeted detention center funds and approve the purchase of 30 new handheld radios for the detention center. This motion was seconded by Commissioner Thomas S. Hester, Jr. and unanimously approved.

Finance Director's Report

Surplus Property. Finance Director Katherine Bigelow advised that the maintenance department has a 2005 Chevy Silverado that needs to be declared surplus due to high mileage and condition of vehicle.

Description	Reason No Longer Needed	Department
2005 Chevy Silverado	High mileage; poor condition	Maintenance

Motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Gordon Wilder, 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 Attorney's Report

REO Properties – New Offers. Attorney Care stated that two offers had been received from Latonya Carrington for real property located at 320 Charles Street – Parcel 0076 03003; and from Joshua Tree Associates, LLC for real property located at St. Matthews Street – Parcel 0066 05004. He stated that the Board needs to vote on whether or not to proceed with the sale by advertising for upset bids and recommended approval of the resolutions to begin the upset bid process for the properties. The Charles Street property is jointly owned with the City of Henderson, so any action taken on that property will need to be contingent upon the City taking similar action. Following the meeting, it was learned that the City of Henderson rejected the bid for 320 Charles Street.

Motion was made by Commissioner Dan Brummitt to approve the upset bid process for real property located at 320 Charles Street – Parcel 0076 03003; and St. Matthews Street – Parcel 0066 05004. The approval of 320 Charles Street is contingent upon the City taking similar action. This motion was seconded by Commissioner Carolyn Faines and unanimously approved.

RESOLUTION AUTHORIZING UPSET BID PROCESS
FOR SALE OF REAL PROPERTY
320 Charles Street, Henderson, NC 27536

WHEREAS, Vance County owns certain real property with an address of **320 Charles Street, Henderson, North Carolina**, and more particularly described by the Vance County Tax Department as Parcel Number **0076 03003;** 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 **$2,338.00** subject to the terms and conditions as included in the submitted offer to purchase bid, submitted by ***Latonya Carrington***; and

WHEREAS, ***Latonya Carrington*** has paid the required deposit in the amount of **$760.00** with her 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. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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**.

8. 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 January, 2021.

***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

RESOLUTION AUTHORIZING UPSET BID PROCESS
FOR SALE OF REAL PROPERTY
St. Matthews Street Lot, Henderson, NC 27536

WHEREAS, Vance County owns certain real property with an address of **St. Matthews Street Lot, Henderson, North Carolina**, and more particularly described by the Vance County Tax Department as Parcel Number **0066 05004;** 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 **$1,090.00** subject to the terms and conditions as included in the submitted offer to purchase bid, submitted by ***Joshua Tree Associates, LLC***; and

WHEREAS, ***Joshua Tree Associates, 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. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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**.

8. 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 January, 2021.

***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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County Manager's Report

Schedule Annual Planning Retreat. County Manager Jordan McMillen stated that staff is working with the chairman to finalize the annual planning retreat agenda. The retreat is planned for one day and will include a financial and budget outlook, a review of proposed CIP projects for the coming year, a presentation of the results from the employee workplace survey and prioritization of goals for the upcoming year. The final agenda and location is being finalized and staff proposed Tuesday, February 9th for the retreat. This date did not work for all commissioners,

so the date was changed to Wednesday, February 10th and will be held in the commissioners' conference room.

Downtown Wi-Fi. Mr. McMillen reported that the technology committee previously reviewed a proposal from Open Broadband to provide free public Wi-Fi in Downtown Henderson and in Kittrell. The committee was supportive of proceeding subject to financial participation from the City of Henderson. The City has agreed to pay 50% of the monthly cost ($12,000 annually) for downtown Wi-Fi.

Motion was made by Commissioner Gordon Wilder to approve the Wi-Fi Zone Agreement with Open Broadband for providing public Wi-Fi in downtown Henderson and Kittrell, subject to final attorney review. This motion was seconded by Commissioner Thomas S. Hester, Jr.

The board discussed the fact that this project is taking much longer than anticipated, and marketing for the project is inadequate. Commissioner Thomas S. Hester, Jr. stated that Open Broadband needs to do a better job with getting the word out to the public. Chairman Brummitt stated that the board needs to begin receiving a quarterly or bi-monthly report from Open Broadband.

Vote on the motion to approve the Wi-Fi Zone Agreement with Open Broadband for providing public Wi-Fi in downtown Henderson and Kittrell, subject to final attorney review was unanimous.

Roadside Dumping and Litter. Chairman Dan Brummitt asked that the county's Planning and Environmental Committee meet with NC DOT representatives and Appearance Commission representatives to discuss the ongoing problem with dumping and littering throughout the county. This matter was referred to the Planning and Environmental Committee.

Proposal from Schools. Mr. McMillen informed the board that the schools has proposed to re-use part of the former Henderson Middle School. He stated that he will be inviting Superintendent Dr. Anthony Jackson to the board's February meeting to provide a presentation.

Ambulance Franchise Application – North State Medical Transport. Mr. McMillen noted that during its December 7th meeting, the board gave the first of two required approvals for North State Medical Transport to operate as an ambulance provider in Vance County. A second approval is necessary in accordance with NC General Statutes. North State intends to provide ALS (Advance Life Support) and BLS (Basic Life Support) non-emergent ambulance service to assist Maria Parham Health with in-county transports. Staff has communicated with North State and is awaiting submittal of items that were requested by the board in order to fully comply with the

Ambulance Franchise Ordinance. The following must be provided and accepted by the county prior to North State beginning operation in Vance County.

1. Audited financial statements must be submitted.
2. The Certificate of Assumed Name needs updated to the proper state form and refiled with the Secretary of State's Office.
3. The application needs updated to ensure the company's name and ownership structure is consistent with the articles of incorporation and financial statements.
4. Evidence of a Vance County office and facility for housing each ambulance must be provided.

Mr. McMillen stated that he had originally planned to recommended approval of the franchise agreement, but he has yet to receive any information requested from North State. He noted that North State has 60 days from the board's December 7th meeting, but he had hoped to be further along by now. He recommended waiting until the board's February 1st meeting before taking a second vote on this matter.

North State Medical Transport CEO Ms. Carlie Coward was present and stated that while she has not had a chance to get all the needed information together over the past 28 days due to the holidays and work load, she assured the board that she would have the information to the board within 60 days after December 7th.

The board discussed the technicalities of the company name, lease, etc. and Commissioner Gordon Wilder suggested that this second approval be given contingent upon final approval by the county manager and county attorney. Commissioner Leo Kelly, Jr. agreed and to allow North State the full 60 days to provide the information requested.

Motion was made by Commissioner Gordon Wilder to approve and grant the ambulance franchise agreement allowing North State Investment Group, LLC, d/b/a North State Medical Transport to provide ALS and BLS service in Vance County, subject to them meeting conditions of the franchise ordinance within 60 days for a term not to exceed past June 30, 2021 and contingent upon final approval by the county manager and county attorney. This motion was seconded by Commissioner Leo Kelly, Jr. and unanimously approved.

<u>Consent Agenda</u>

Motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Carolyn Faines, vote unanimous, to approve the following consent agenda items as presented: Budget Amendment #19, Budget Transfers #2 – #4, November 2020 Tax Refunds and Releases, departmental monthly reports, and the minutes of the December 7, 2020 regular meeting.

Budget Amendment #19
FY 2020-2021
Capital Projects General

Revenue Amendment Request	Account Number	Revenue Increase (Decrease)
COVID Revenue Elections	66-388-440003	6,728.64
Total Revenue Increase (Decrease)		**$ 6,728.64**

Expenditure Amendment Request	Account Number	Expense Increase (Decrease)
COVID Expense Elections	66-501-500007	6,728.64
Total		**$ 6,728.64**

Purpose: To accept and process additional COVID Election Revenue.

Authorization: Vance County Board of Commissioners
January 4, 2021

Budget Transfer #2
FY 2020-2021
Elections

Transfer From:	Account Number	Amount
Travel/Training	10-430-500014	9,500
Total		**$ 9,500**

Transfer To:	Account Number	Amount
Other Supplies and Materials	10-430-500034	9,500
Total		**$ 9,500**

Purpose: To cover ballot printing for the 2020 Election.

Authorization: Vance County Board of Commissioners
January 4, 2021

Budget Transfer #3
FY 2020-2021
Detention Center

Transfer From:	Account Number	Amount
Salaries	10-520-500001	100,442
Total		**$ 100,442**

Transfer To:	Account Number	Amount
Capital Outlay	10-520-500074	100,442
Total		**$ 100,442**

Purpose: Per board approval in October 2020 for HVAC replacement.

Authorization: Vance County Board of Commissioners
January 4, 2021

Budget Transfer #4
FY 2020-2021
Detention Center

Transfer From:	Account Number	Amount
Jail Improvement Project	10-520-500049	15,000
Total		**$ 15,000**

Transfer To:	Account Number	Amount
Capital Outlay	10-520-500074	15,000
Total		**$ 15,000**

Purpose: Repurpose of funds for purchase of handheld radios.

Authorization: Vance County Board of Commissioners
January 4, 2021

TAX OFFICE REFUND AND RELEASE REPORT FOR NOVEMBER 2020

TAXPAYER NAME	TAX YR	REAL	PERSONAL	SOLID WASTE FEE	REASON
FOSTER JOHN M HEIRS	2018	141.55	0	0	REAL PROP - BILL
FOSTER JOHN M HEIRS	2019	145.25	0	0	REAL PROP - BILL
ABATE RUDOLPH D	2020	2207.18	0	0	CORRECT/GRANT EX
ASANI REAL T LLC	2020	0	0	0	ADD SOLID WASTE
COX LEON	2020	0	105.17	0	CORRECT VALUE
DIAMOND JOHN J	2020	0	42.33	0	PERS PROP BILLED
DIAMOND JOHN J	2020	0	3.24	0	PERS PROP BILLED
FOSTER JOHN M HEIRS	2020	145.25	0	0	REAL PROP - BILL
GOSPEL INDEPENDENT BAPTIST CH	2020	4241.99	0	0	CORRECT/GRANT EX
GOSPEL INDEPENDENT BAPTIST CH	2020	188.80	0	0	CORRECT/GRANT EX
GOSPEL INDEPENDENT BAPTIST CH	2020	183.83	0	0	CORRECT/GRANT EX
GRACE MINISTRIES OF HNSN NC IN	2020	1103.56	0	0	CORRECT/GRANT EX
GRACE MINISTRIES OF HNSN NC IN	2020	701.46	0	0	CORRECT/GRANT EX
GRACE MINISTRIES OF HNSN NC IN	2020	482.85	0	0	CORRECT/GRANT EX
HARDY HAROLD L JR	2020	720.90	0	0	CORRECT/GRANT EX
HARRIS JOEL SIMON	2020	0	175.73	0	CORRECT SITUS
HESTER WILLANSKI	2020	440.55	0	0	CORRECT/GRANT EX
JEFFERS ALBERTA OWENS	2020	0	134.80	0	REG VEH BILLED I

TAXPAYER NAME	TAX YR	REAL	PERSONAL	SOLID WASTE FEE	REASON
MEADOWS JOHN JR	2020	965.86	0	0	CORRECT/GRANT EX
MITCHELL RAY	2020	314.53	0	117	PERS PROP BILLED
PENDERGRASS LUTHER FURMAN	2020	0	165.57	0	PERS PROP BILLED
RALEIGH ROAD BAPTIST CHURCH	2020	224.52	0	0	CORRECT/GRANT EX
RODRIGUEZ BERNITA LOUISE	2020	720.90	0	0	CORRECT/GRANT EX
SMITH GITA	2020	336.30	0	0	CORRECT/GRANT EX
VAUGHAN THELMA LOUISE	2020	714.61	0	0	CORRECT/GRANT EX
VENABLE GRAHAM JR	2020	334.23	0	0	CORRECT/GRANT EX
WHITT GEORGE RANDALL	2020	0	115.58	0	PERS PROP BILLED
WOOD BARRY KIRK	2020	0	200.95	0	PERS PROP BILLED
TOTAL		14314.1	943.37		
GRAND TOTAL	15257.47				

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

Miscellaneous

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

Henderson-Vance Downtown Development Commission – three year term
Reappoint Yolanda Feimster

Vance County Planning Board
Appoint Mitch Wyatt to fill vacant position for District 1

Vance County Board of Adjustments
Appoint Mitch Wyatt to fill vacant position for District 1

Motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Gordon Wilder, vote unanimous, to approve the appointments as presented.

As there was no further business, at 7:10 p.m., motion was made by Commissioner Gordon Wilder, seconded by Commissioner Leo Kelly, Jr., vote unanimous, that the meeting be adjourned.

Approved and signed February 1, 2021.

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