

STATE OF NORTH CAROLINA

COUNTY OF VANCE

The Vance County Board of Commissioners met in regular session on Monday, June 1, 2009 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, Commissioners Eddie L. Wright, Deborah F. Brown, Terry E. Garrison, A. Scott Hughes, J. Timothy Pegram, and Danny W. Wright.

Absent: None.

Also present were County Manager Jerry L. Ayscue, Finance Director Steven C. Stanton, and Clerk to the Board Kelly H. Grissom. County Attorney Jonathan S. Care was absent.

County Manager Jerry L. Ayscue gave the invocation.

As advertised, at 6:00 p.m. a public hearing was held to gain citizen input into the Proposed FY 2009-10 Budget Estimate.

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

Claiborne Woods was next on the agenda and presented information on a dilapidated piece of property located at 1239 Warrenton Road. He stated that he has submitted his complaint to Code Enforcement and has full confidence that they will address the matter. Mr. Woods distributed photos of the property which shows an abandoned and dilapidated mobile home which is overgrown by trees and brush.

Mr. Woods expressed his concerns with property values throughout the county that are affected by abandoned and dilapidated properties such as the one at 1239 Warrenton Road and requested the Board to enforce the current ordinance that is designed to address these matters.

Commissioner Danny W. Wright stated that the Planning & Development Department will begin the process of addressing Mr. Woods' complaint. The property owner will also be notified of said complaint and be given an opportunity to remedy the problem. Chairman Brummitt echoed these remarks and thanked Mr. Woods for bringing this matter to the Board's attention.

Public comments were heard next. Mr. Anthony Butler, Lift Every Voice Institute (LEVI), introduced the LEVI Athletes 911 Program. Mr. Butler stated that the program's goal is to prepare athletes to be academically eligible to attend post secondary education institutions and hopefully qualify for scholarships. The program also assists students in choosing a career path in order to

become productive, responsible citizens.

The Board thanked Mr. Butler for his efforts in this program and asked him for suggestions in how the County may be able to help in supporting the program.

Motion was made by Commissioner A. Scott Hughes, seconded by Commissioner Danny W. Wright, vote unanimous, that the following consent agenda items be approved as presented: Budget Amendments #30 through #33, May 2009 Refunds, April 2009 Rebates, May 2009 Ambulance Charge-Offs in the amount of \$5,063.03, May 2009 Monthly Reports received and filed, and the minutes of the May 4, 2009 regular meeting, the May 14, 2009 special meeting, and the May 27, 2009 special meeting.

- - - - -

**Budget Amendment #30
General Fund**

Expenditures	Code	Debit	Credit
JCPC Administration	10-600-500255	<u>299.00</u>	
Total Decrease in Expenditures		\$ 299.00	

Expenditures			
Community Service/Restitution	10-619-500052		<u>299.00</u>
Total Increase in Expenditures			\$ 299.00

Purpose: To record transfer of DJJDP funds from one program to another to make better utilization of DJJDP funds available in the community.

Authorization: Vance County Board of Commissioners
June 1, 2009

- - - - -

**Budget Amendment #31
General Fund**

Expenditures	Code	Debit	Credit
DSS Telephone Postage	10-610-500011		4,500.00
DSS Part Time Salaries	10-610-500002		15,000.00
DSS Contracted Services	10-610-500045		14,000.00
DSS Maint Bldg & Grounds	10-506-500015		<u>1,500.00</u>
Total Increase in Expenditures			\$ 35,000.00

Expenditures			
DSS Medicaid	10-610-500023	4,500.00	
DSS Salaries	10-610-500001	29,000.00	
DSS Bldg Utilities	10-506-500013	<u>1,500.00</u>	
Total Decrease in Expenditures		\$ 35,000.00	

Purpose: To record various transfers among line items per request from DSS.

Authorization: Vance County Board of Commissioners
June 1, 2009

**Budget Amendment #32
General Fund**

Expenditures	Code	Debit	Credit
DSS Supplies	10-610-500033		3,000.00
DSS Non Capitalized Assets	10-610-500085		<u>6,500.00</u>
Total Increase in Expenditures			\$ 9,500.00
Revenues			
DSS Administration	10-348-434800	<u>9,500.00</u>	
Total Increase in Revenues		\$ 9,500.00	

Purpose: To record stimulus funds to be used for purchases of supplies, computers, desks, and printers for the stimulus programs.

Authorization: Vance County Board of Commissioners
June 1, 2009

**Budget Amendment #33
General Fund**

Expenditures	Code	Debit	Credit
DSS Day Care Smart Start	10-610-500051		178,139.00
DSS Day Care	10-610-500048	<u>188,948.00</u>	
Total Increase in Expenditures		\$ 188,948.00	\$ 178,139.00
Revenues			
DSS Day Care State/Fed	10-348-434815		188,948.00
DSS Day Care Smart Start	10-348-434816	<u>178,139.00</u>	
Total Increase in Revenues		\$ 178,139.00	\$ 188,948.00

Purpose: To adjust revenues and expenditures according to the most recent revision from Division of Child Development.

Authorization: Vance County Board of Commissioners
June 1, 2009

**REFUNDS
May 2009**

Name	Year	Amount	Reason
Carrie Crosson	2007	28.35	Vehicle Tax
Dean A. Varner	2008	10.64	Vehicle Tax

Name	Year	Amount	Reason
Michael Moon	2008	2.28	Vehicle Tax
Joseph B. Testerman	2008	15.21	Vehicle Tax
Rawlins L. Roberson	2008	42.45	Vehicle Tax
Al M. Keeton	2008	8.40	Vehicle Tax
Joyce A. Williams	2008	20.00	Tax Refund
Faye R. Bradley	2008	9.12	Vehicle Tax
Jacqueline Wright	2008	138.93	Error in Sq. Ft.
Jacqueline Wright	2007	49.31	Error in Sq. Ft.
Jacqueline Wright	2006	49.31	Error in Sq. Ft.
Jacqueline Wright	2005	49.31	Error in Sq. Ft.
Jacqueline Wright	2004	48.24	Error in Sq. Ft.
Peggy D. Neal	2008	44.96	Vehicle Tax
Roger W. Finch	2008	6.96	Vehicle Tax
Mildred G. Walker	2008	18.54	Vehicle Tax
Patricia T. Adams	2008	3.15	Vehicle Tax
Joseph E. Finch	2008	3.38	Vehicle Tax
Evelyn R. Mason	2008	2.12	Vehicle Tax
Tomas G. Martinez	2008	30.51	Vehicle Tax
Tomas G. Martinez	2008	23.60	Vehicle Tax
Rebecca Tucci	2008	39.50	Vehicle Tax
Rufus Hargrove	2008	8.25	Vehicle Tax
Anthony D. Finch	2008	1.92	Vehicle Tax
Jessica M. West	2008	2.10	Vehicle Tax
Letitia Foster	2002	194.00	Mobile Home Tax Listed in Error
Sandra Espinoza	2008	20.00	Tax Refund
John E. Garland	2008	12.20	Vehicle Tax
Howard Gillis	2008	18.54	Vehicle Tax
Richard L. Hudson	2008	45.25	Vehicle Tax
Hammit C. Cash, Jr.	2008	54.40	Vehicle Tax
Joseph W. May	2008	20.60	Vehicle Tax
Yolanda Smith	2008	17.35	Vehicle Tax
Olivia Dixon	2008	5.76	Vehicle Tax
Tiffany R. Gray	2008	4.42	Vehicle Tax
J. Timothy Pegram	2008	5.10	Vehicle Tax
Letitia Foster	2002	75.00	Mobile Home Tax Listed in Error
Carrie Crosson	2007	.95	Fire Tax
Dean A. Varner	2008	.35	Fire Tax
Joseph B. Testerman	2008	.51	Fire Tax
Rawlins L. Roberson	2008	1.38	Fire Tax
Al M. Keeton	2008	.28	Fire Tax
Faye R. Bradley	2008	.30	Fire Tax
Peggy D. Neal	2008	1.44	Fire Tax
Roger W. Finch	2008	.22	Fire Tax
Mildred G. Walker	2009	.60	Fire Tax
Patricia T. Adams	2008	.07	Fire Tax
Joseph E. Finch	2008	.12	Fire Tax
Evelyn R. Mason	2008	.08	Fire Tax
Rebecca Tucci	2008	1.30	Fire Tax
Rufus Hargrove	2008	.25	Fire Tax
Anthony D. Finch	2008	.06	Fire Tax
Jessica M. West	2008	.06	Fire Tax
John E. Garland	2008	.40	Fire Tax
Howard Gillis	2008	.60	Fire Tax
Hammit C. Cash, Jr.	2008	1.75	Fire Tax
Joseph W. May	2008	.68	Fire Tax
Yolanda Smith	2008	.55	Fire Tax
J. Timothy Pegram	2008	.15	Fire Tax
Total		\$ 1,141.26	Fiscal y-t-d - \$ 11,425.75

**REBATES
April 2009**

NAME	YEAR	AMOUNT	REASON
Lessie Floyd, Jr.	2008	220.83	Value Correction
Gary W. King	2008	182.18	Value Correction
Lasalle Bank National Trust	2002	443.73	Billing Correction
Daniel & Lois Melvin	1998-08	593.73	Owned by County and City
Roy E. Raines	2008	51.41	Listing Correction
Ursula & Thomas Terry	2008	594.19	Billing Correction
Timothy & Diane Walsh	2008	195.83	Billing Correction
Anna M. Yarborough	1998-08	1,155.08	Owned by County and City
Total		\$ 3,436.98	Fiscal y-t-d - \$ 410,234.56

- - - - -
 See on file monthly report, 911 Emergency Operations
 See on file monthly report, Administrative Ambulance Charge-offs
 See on file monthly report, Department of Social Services
 See on file monthly report, Fire and Ambulance Service
 See on file monthly report, Human Resources Department
 See on file monthly report, Planning and Development Department
 See on file monthly report, Public Health Department
 See on file monthly report, Tax Office
 See on file monthly report, Veterans Service Office
 - - - - -

Committee Reports and Recommendations

Human Resources Committee - Position Vacancies. County Manager Jerry L. Ayscue requested the Board to allow filling the following position vacancies as recommended by the Human Resources Committee:

911 Emergency
Telecommunicator I

Fire and Ambulance
EMT-B

Department of Social Services
Income Maintenance Supervisor II - The HR Committee recommended this position be frozen.

Motion was made by Commissioner Eddie L. Wright to approve the recommendation of the Human Resources Committee as presented. This motion was seconded by Commissioner Deborah F. Brown and unanimously approved.

Public Safety Committee. The Committee met at the direction of the Board of Commissioners to address methodology for allocation of Fire Tax Proceeds to the various fire departments. Consideration was given to several different methods before the committee decided to continue the equal distribution of funds for FY 2009-10 and to direct the new Fire Marshal (as of

October 1st) to meet with the volunteer chiefs and devise a different methodology that will consider both fixed and variable costs incurred by each department.

Pending Business

County Water Project. Mr. Ayscue stated that although work on the Proposed County Budget for FY 2009-10 has taken priority during the month of May, work continues on this major project. County staff and engineers continue to schedule meetings with City of Henderson counterparts regarding arrangements to purchase water in bulk rates and contracting with the City for operation and maintenance of the system. Hobbs, Upchurch, & Associates, Inc., the County's engineering firm, continues to work on the design aspect of Phase IA. The County also continues to seek additional grant funds for the first and subsequent phases of the project.

Commissioner A. Scott Hughes requested information to be posted on the County's website regarding the water project such as grant funding, when and where residents can sign up for water if they choose to do so, etc.

Commissioner Deborah F. Brown echoed these remarks and also suggested that information be published in the newspaper as well as advertise on the local radio station.

Warrenton Road Sewer Project. Mr. Ayscue reported that John Hamme, Project Engineer, continues with the project design work. Extensive borings have been completed and no evidence of rock has been found. Mr. Hamme is currently working with Progress Energy to resolve an issue with some electrical poles near the proposed route of the gravity sewer line. Progress Energy approval is taking significantly longer than expected. Construction is anticipated to begin in the summer for this much-needed project.

Building Reuse Project. The County was awarded a \$25,000 pre-development grant from the NC Rural Economic Development Center for the purpose of studying the former Vance Manor building and developing a building use plan. A local match of \$4,000 is required, for a total budget of \$29,000. The County will proceed with solicitation of bids/quotes for this work as soon as the budget process has ended.

As advertised, at 6:30 p.m., a public hearing was held to gain citizen input into the Solid Waste Management Plan Update. Mr. Jordan McMillen, Planning Services Manager, presented the three-year mandatory update to the ten-year plan and explained that the plan allows the County to obtain funding for its solid waste program. He requested approval of the update by resolution.

The following is an overview of the update:

Overview

According to NC General Statute 130A-309.09A(b), otherwise known as the Solid Waste Management Act of 1989, local governments are required to plan for solid waste management. This planning takes place by way of a 10 year solid waste plan which must undergo a mandatory revision every 3 years. The implementation of the Vance County Comprehensive Solid Waste Management Plan and the three year updates provide Vance County Management with a plan for reducing the waste stream over the next 10 years, with revised up-dates every three years. The planning area includes Vance County and the following municipalities: City of Henderson, Town of Kittrell, and the Town of Middleburg.

Goals

- Protect the public health and environment.
- Provide efficient, cost-effective solid waste collection, disposal, and reduction programs.
- Improve Vance County’s appearance through litter control.
- Meet the established local waste reduction goals.
- Eliminate illegal dumping and littering in Vance County.

Plan Highlights

- The plan looks at current waste amounts, sets goals for future waste reduction, and then looks at how the waste reduction goals will be met.
- Vance County and its municipalities disposed of approximately **34,942 tons** of MSW waste in FY 2007-2008. The majority of this is paper, cardboard and organics (food waste).
- The NC DENR has established waste reduction goals (20% by 2006 and 30% by 2013). The goals were based upon a baseline amount of disposal (1.11 tons per person or 43,267 in Vance County). Vance County has not met its waste reduction goals in the past, but has met the goal for FY 2007-08. To meet the 30% goal in 2015 and 2019, waste must be below 33,967 tons for 2015 and below 34,064 tons for 2019.
- Vance County has seen a significant decline in waste since FY 2002-03.
- To continue meeting the reduction goal, three methods have been prioritized. These include Source Reduction, Recycling and Reuse. In meeting waste reduction goals, the plan utilizes source reduction for 10% of the reduction, recycling for 65% of the reduction and reuse for 25% of the reduction in meeting the goals.

New Additions/Discussion

- Cost Containment measures – should they be included in plan?
- Provisions for Used Oil Filters (Mandatory 7/1/2009) – Noble Oil Services has offered to supply filter bins and collect for \$200 per quarter.
- Provisions for managing abandoned mobile homes – Plan mentions intention to submit plan. Current issue deals with lack of staging site/ area where materials could be separated. While money could be available per mobile home, county would have to spend money to implement program.
- Provisions for discarded computer equipment and discarded TVs (Mandatory 1/1/2011)

Chairman Brummitt suggested that the abandoned mobile home plan should be reviewed by the Planning and Environmental Committee prior to the Board taking any action on it.

Commissioner Deborah F. Brown made the following suggestions regarding the update:

1. The date on the cover sheet should be July 1, 2009 - June 30, 2019.
2. Page 4 - Commissioner Brown stated that the verbiage is confusing as it refers to a three-year update to the ten-year plan.
3. Page 4 - Geographic Area - FY 2009-2019 should be plural (FYs 2009-2019)

4. Page 5 - Mulch is provided free of charge to Vance County residents. Commissioner Brown stated that this has not taken place in several years.
5. Page 15 - Mulch is either sold or given to the public free of charge. Commissioner Brown questioned if the mulch is sold, how much is the County receiving for the mulch? If it is not being sold, it should be provided to the public.

Commissioner Brown asked that the Solid Waste Plan Update reflect these changes, and asked the County Manager to provide information on the County's mulching program as far as how much mulch has been hauled away over the past few years, what contractor was used, and what was the cost to haul it away.

Chairman Brummitt suggested that the Planning and Environmental Committee review this matter further in order to bring a recommendation back to the full Board.

Mr. Robert Duke spoke and stated that the amount of waste dumped in landfills needs to be reduced by promoting recycling. He mentioned an advertisement he heard on the radio which stated that plastic bottles would soon be eliminated from going into waste. He asked how that would be enforced when littering cannot be enforced? He stated that we need to do a better job in educating people on the need to recycle.

As there were no other persons who wished to speak on the matter, Chairman Dan Brummitt declared the public hearing closed.

Motion was made by Commissioner Danny W. Wright, seconded by Commissioner A. Scott Hughes, vote unanimous, to approve the Solid Waste Plan Update with the changes noted, and the following resolution as presented:

- - - - -

RESOLUTION
By the
Vance County Board of Commissioners
Solid Waste Management Plan Three-Year Update

WHEREAS, it is a priority of Vance County to protect human health and the environment through safe and effective management of municipal solid waste; and

WHEREAS, the reduction of the amount and toxicity of the local waste stream is a goal of this community; and

WHEREAS, equitable and efficient delivery of solid waste management services is an essential characteristic of the local solid waste management system; and

WHEREAS, it is a goal of the community to maintain and improve its physical appearance and to reduce the adverse effects of illegal disposal and littering; and

WHEREAS, Vance County recognizes its role in the encouragement of recycling markets by purchasing recycled products; and

WHEREAS, involvement and education of the citizenry is critical to the establishment of an effective local solid waste program; and

WHEREAS, the State of North Carolina has placed planning responsibility on local government for the management of solid waste; and

WHEREAS, NC General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to update the Ten Year Comprehensive Solid Waste Management Plan at least every three years; and

WHEREAS, Vance County has undertaken and completed a long-range planning effort to evaluate the appropriate technologies and strategies available to manage solid waste effectively.

NOW THEREFORE BE IT RESOLVED, by the Vance County Board of Commissioners that Vance County's 2009 Ten Year Comprehensive Solid Waste Management Plan is accepted and endorsed and will be placed on file with the Clerk to the Board as of June 8, 2009.

This, the first day of June, 2009

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

Attest:

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

County Manager's Report

Elder Abuse Awareness Proclamation. Mr. Ayscue stated that a sad but growing problem in society is abuse and neglect of senior citizens. The Department of Social Services has requested that a formal proclamation be approved by the County Commissioners as one way of attracting public attention to this serious issue and to encourage citizens to be proactive in eliminating the problem.

Motion was made by Commissioner Eddie L. Wright, seconded by Commissioner Deborah F. Brown, vote unanimous, to approve the following proclamation, designating Monday, June 15, 2009 as Elder Abuse Awareness Day in Vance County:

World Elder Abuse Awareness Day
Proclamation
June 15, 2009

WHEREAS, people who are elderly have contributed to the general welfare of Vance County by helping to preserve customs, convictions, and traditions of many people from diverse backgrounds; and

WHEREAS, elderly residents are vital and integral members of our society and their wisdom and experience have enriched our lives; and

WHEREAS, abuse of the elderly in domestic and institutional settings is a wide-spread problem, affecting hundreds of thousands of people across the country; and

WHEREAS, elder abuse is thought to be grossly under-reported because the elderly who are being abused find it very difficult to tell anyone and are usually ashamed and sometimes afraid; and

WHEREAS, elder abuse happens to men and women of all income levels, all cultural and ethnic groups, whether they are in good health or incapacitated in some way, and in poor neighborhoods and in suburbia; and

WHEREAS, many of the cases investigated by Adult Protective Services in Vance County involve self-neglect, and it is our obligation as citizens to reach out to people in need.

NOW THEREFORE BE IT PROCLAIMED, that the Vance County Board of Commissioners does hereby recognize June 15, 2009 as Elder Abuse Awareness Day and urges all citizens to work together to help prevent abuse and neglect of the elderly and show your support by wearing a purple and silver ribbon or by wearing a combination of purple and silver.

This, the 1st day of June, 2009.

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

- - - - -
Insurance Participation Agreements. Mr. Ayscue noted that in order to participate in the NCACC Insurance Pools each year, counties must adopt participation agreements. The rate quotes for FY 2009-2010 are quite favorable for the County and Mr. Ayscue recommended that the insurance participation agreements be approved.

Motion was made by Commissioner Danny W. Wright, to approve the NCACC Insurance Pool Annual Participation Agreements for FY 2009-10 for Health Benefits, Property & Liability, and Workman's Compensation. This motion was seconded by Commissioner Terry E. Garrison and unanimously approved.

Rural Health Care Grant Application. Mr. Ayscue explained that the NC Rural Economic Development Center offers a grant opportunity for renovation of an existing building in Vance County to accommodate a health care organization, The Rural Health Group. Grant applications must be submitted by a local government entity. A one-day extension on the June 1st deadline for applications has been obtained in order to receive approval by the County Commissioners in their regular monthly meeting. Mr. Ayscue stated that the application is for \$360,000 and must be accompanied by a 3% cash or in-kind match. There will be no monetary costs for the County. In order to qualify for the grant, The Rural Health Group has agreed to create between 20 and 30 jobs.

After a brief discussion, motion was made by Commissioner Eddie L. Wright, seconded by Commissioner A. Scott Hughes, vote unanimous, to approve an application for \$360,000 through the NC Rural Economic Development Center, and authorize the Chairman of the Board of Commissioners to execute all related documents.

Economic Development Joint Agreement. Mr. Ayscue reported that the County Attorney has prepared a joint agreement between the City of Henderson and the County of Vance for provision of economic development services. Funding will be on a shared basis of 75% County and 25% City. EDC Board appointments will be made on the same basis as funding. Although City funding will not begin until July 1, 2010, all other components of the joint agreement will become effective July 1, 2009. Mr. Ayscue recommended that this matter be referred to the Planning and Environmental Committee for further review. The Board agreed to this arrangement and will bring a recommendation back to the full Board during its budget adoption meeting later this month.

Merchant Marines Resolution. Mr. Ayscue stated that a request for support of Congressional action to recognize Merchant Marines as military veterans has been received. Numerous counties have acted to support the request.

The Board discussed this matter and motion was made by Commissioner Eddie L. Wright to adopt the following resolution in support of recognition of Merchant Marines for the purpose of obtaining veteran status. This motion was seconded by Commissioner A. Scott Hughes and unanimously approved.

- - - - -

RESOLUTION
by the
Vance County Board of Commissioners
Endorsing Recognition of All Merchant Marines of
World War II as Military Veterans

WHEREAS, Merchant Marines played an integral role in the facilitating and safeguarding of various seagoing vessels during World War II; and

WHEREAS, the average age of surviving Merchant Marines is currently over 86 years; and

WHEREAS, Public Laws 95-202 and 105-368 bestowed veteran status on US Merchant Marine Seamen of World War II; and

WHEREAS, some ten thousand (10,000) Merchant Marines have been denied military veteran status because of two actions:

- 1) The United States Coast Guard relieved Masters of barges, tugboats, and seagoing barges of their responsibility in record-keeping management of Merchant Marines shipped and discharged; and

2) The National Maritime Administration ordered ship log books to be destroyed as a cost control measure.

NOW, THEREFORE BE IT RESOLVED that the Vance County Board of Commissioners endorses the proper recognition of World War II Merchant Marines by encouraging the U.S. Congress to review this matter during the current administration.

This, the first day of June, 2009.

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

- - - - -

BJA Justice Assistance Grant. Mr. Ayscue stated that the Sheriff's Office has received notice of some additional funding from the JAG Program. Since the stimulus package has added funds to the Program, an additional resolution is required to be submitted quickly. The City of Henderson will be the lead applicant. Approval of a resolution is required to contract with the City as part of the application.

Motion was made by Commissioner Danny W. Wright, seconded by Commissioner Eddie L. Wright, vote unanimous, to approve the following resolution for JAG funding:

- - - - -

**Attachment "A"
Resolution 09-32**

**The State of North Carolina
County of Vance**

KNOW BY ALL THESE PRESENT

INTER-LOCAL AGREEMENT BETWEEN THE CITY OF HENDERSON, NORTH CAROLINA AND THE COUNTY OF VANCE, NORTH CAROLINA REGARDING GMS APPLICATION NUMBER 2009-F2154-NC-SU 2009 RECOVERY ACT: EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FORMULA PROGRAM AWARD

THIS AGREEMENT, is made and entered into this the 1st day of June, 2009 by and between the County of Vance, acting by and through its governing body, the Board of Commissioners, hereinafter referred to as COUNTY, and the City of Henderson, acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of Vance County, State of North Carolina, witnesseth:

WHEREAS, this agreement is made under the authority of the City of Henderson and Vance County to enter into cooperative agreement; and

WHEREAS, each governing body, in performing the governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and

WHEREAS, each governing body funds that the performance of this Agreement is in the best interest of both parties, that the undertaking will benefit the public, and that the division of

costs fairly compensates the performing party for the services or functions under this agreement; and

WHEREAS, the CITY agrees to provide the COUNTY \$48,882 from JAG award total of \$141,946, 40% of the total amount allocated, for the Vance County Sheriff's Office; and

WHEREAS, the CITY agrees to provide the COUNTY \$11,880 from JAG award total of \$34,497 for the Vance County Sheriff's Office; and

WHEREAS, the CITY and COUNTY believe it to be in their best interests to reallocate the JAG funds.

NOW THEREFORE, the CITY AND COUNTY AGREE AS FOLLOWS:

SECTION 1: CITY agrees to pay COUNTY a total of \$11,880 of JAG funds.

SECTION 2: COUNTY agrees to use \$11,880 for the Vance County Sheriff's Office until September 30, 2014 or until such funds are expended.

SECTION 3: Nothing in the performance of this Agreement shall impose any Liability for claims against COUNTY other than claims for which the Tort Laws of the State of North Carolina may impose liability.

SECTION 4: Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which the Tort Laws of the State of North Carolina may impose liability.

SECTION 5: Each party to the agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

SECTION 6: The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

SECTION 7: By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein, further, this Agreement shall not create any rights in any party not a signatory hereto.

CITY OF HENDERSON, North Carolina

COUNTY OF VANCE, North Carolina

James D. O'Geary, Mayor

R. Dan Brummitt, Chairman

A. Ray Griffin, Jr., City Manager

Jerry L. Ayscue, County Manager

ATTEST:

ATTEST:

Pamela E. Glover, City Clerk

Kelly H. Grissom, County Clerk

Approved as to Legal Form:

Approved as to Legal Form:

John H. Zollicoffer, City Attorney

Jonathan S. Care, County Attorney

- - - - -

Miscellaneous

Appointment of Voting Delegate and Alternate. Motion was made by Commissioner Deborah F. Brown to appoint Dan Brummitt as voting delegate for the NACo Annual Conference in July and Eddie L. Wright as his alternate. This motion was seconded by Commissioner Terry E. Garrison and unanimously approved.

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

Henderson-Vance Recreation Commission - four year term

Re-appoint Nancy Ormand - appointed 07/1993

Two applications received from W. Scott Fuller and Irvin Robinson

There is one vacancy on this Commission.

Jury Commission - two year term

Re-appoint Sandra Catherwood - appointed 06/2007

No other applications received.

Four Rivers RC&D Council - ongoing term

Appoint Robert Southerland to fill vacant position (see attached application)

No other applications received.

Downtown Development Commission - ongoing term

Appoint Terry Garrison to replace Eddie Wright

Motion was made by Commissioner A. Scott Hughes to appoint W. Scott Fuller to the Henderson-Vance Recreation Commission. The motion died for lack of a second.

Commissioner Deborah F. Brown asked for a make-up of the Recreation Commission as far as males versus females. The Board agreed to table the appointment to the Henderson-Vance Recreation Commission until the July meeting.

Motion was made by Commissioner Deborah F. Brown to re-appoint Sandra Catherwood to the Jury Commission for a two-year term. This motion was seconded by Commissioner A. Scott Hughes and unanimously approved.

Commissioner A. Scott Hughes moved to appoint Robert Southerland to the Four Rivers RC&D Council to fill a vacant position. Commissioner Deborah F. Brown seconded the motion and it was unanimously approved.

Motion was made by Commissioner Deborah F. Brown, seconded by Commissioner A. Scott Hughes, vote unanimous, to appoint Terry E. Garrison to the Downtown Development Commission to replace Eddie L. Wright.

At this time, motion was made by Commissioner A. Scott Hughes to enter into closed session for the purpose of discussing a personnel matter. This motion was seconded by Commissioner Eddie L. Wright and unanimously approved.

Upon return to regular session, and as there was no further business, at 7:30 p.m., motion was made by Commissioner A. Scott Hughes, seconded by Commissioner Deborah F. Brown, vote unanimous, that the meeting be adjourned.

Approved and signed July 6, 2009.

Chairman