

STATE OF NORTH CAROLINA

COUNTY OF VANCE

The Vance County Board of Commissioners met in regular session on Monday, December 6, 2010 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: Vice-Chairman Eddie L. Wright, Commissioners Deborah F. Brown, R. Dan Brummitt, J. Timothy Pegram, and newly elected Commissioners Thomas S. Hester, Jr. and Gordon Wilder.

Absent: Commissioner Terry E. Garrison.

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

Commissioner Eddie L. Wright gave the invocation.

The first order of business was the election of the Chairman. Commissioner Deborah F. Brown nominated Eddie L. Wright for the position of Chairman. Commissioner Thomas S. Hester, Jr. seconded the nomination. As there were no other nominations, Vice-Chairman Eddie L. Wright closed the nominations.

Motion was made by Commissioner Deborah F. Brown, seconded by Commissioner Thomas S. Hester, Jr., vote unanimous, to appoint Eddie L. Wright as Chairman for the coming year.

The next order of business was the appointment of the Clerk to the Board. Motion was made by Commissioner R. Dan Brummitt that the Board appoint Kelly H. Grissom as Clerk to the Board for a one-year term. This motion was seconded by Commissioner Gordon Wilder and unanimously approved.

Commissioner Thomas S. Hester, Jr. moved to appoint Commissioner Terry E. Garrison as Vice-Chairman for the coming year. This motion was seconded by Commissioner Deborah F. Brown and unanimously approved.

The next order of business was the appointment of County Manager. Motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Deborah F. Brown, vote unanimous, to appoint Jerry L. Ayscue as County Manager for the coming year.

Motion was made by Commissioner Deborah F. Brown, seconded by Commissioner R. Dan Brummitt, vote unanimous, to appoint Steven C. Stanton as Finance Director for the coming year.

Commissioner R. Dan Brummitt moved to appoint Jonathan S. Care as County Attorney for the coming year. This motion was seconded by Commissioner Gordon Wilder and unanimously approved.

Motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Gordon Wilder, vote unanimous, to appoint the following officials for a one-year term:

- Bob Fuller - Custodian of the Courthouse and Administration Building
- Sandra Grissom - Custodian of the Henry A. Dennis Building
- Mary Helen Jones - Custodian of the County Office Building
- Kay Fields - Custodian of the Social Services Building

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Gordon Wilder, vote unanimous, that the Board adopt the following schedule of holidays for 2011:

- - - - -

2011 Holiday Schedule

| | | |
|-----------------------------------|------------------------|-------------------|
| New Year's Day | December 31, 2010 | Friday |
| Martin Luther King, Jr's Birthday | January 17, 2011 | Monday |
| Good Friday | April 22, 2011 | Friday |
| Memorial Day | May 30, 2011 | Monday |
| Independence Day | July 4, 2011 | Monday |
| Labor Day | September 5, 2011 | Monday |
| Veteran's Day | November 11, 2011 | Friday |
| Thanksgiving | November 24 & 25, 2011 | Thursday & Friday |
| Christmas | December 26 & 27, 2011 | Monday & Tuesday |

- - - - -

Motion was made by Commissioner Deborah F. Brown that all County Office Buildings shall open at 8:30 a.m. and close at 5:00 p.m. This motion was seconded by Commissioner R. Dan Brummitt and unanimously approved.

Motion was made by Commissioner Gordon Wilder and seconded by Commissioner Thomas S. Hester, Jr. that the Board appoint Mike Coghill as Chairman of the Vance County Fire Commission, and Deborah F. Brown and Ronald Jones as members. Vote on this motion was unanimous.

Jordan McMillen was first on the agenda and presented an update on the 2009-2010 Abandoned Mobile Home Program. He reported that the Planning and Development Department has recently finished the first year of the abandoned mobile home program. The County received a \$37,500 grant from DENR which allowed for the removal of 33 single-wides and one double-wide mobile home. The County contracted with Faulkner Grading and Landscaping to remove the units. Mr. McMillen stated that there is a good chance that funds will be available soon for a second round of the program.

Commissioner Deborah F. Brown thanked Mr. McMillen and his staff for doing an excellent job with this program. The units that have been removed have made a tremendous difference in the appearance of the county.

As advertised, at 6:15 p.m., a public hearing was held to receive citizen input on an amendment to the Solid Waste Plan. Mr. Jordan McMillen, Planning Services Director, noted that the Board of Commissioners approved a three-year update of the ten year Solid Waste Plan in June 2009 and amended the Plan to include an abandoned mobile home component in July 2010. Due to new regulations effective in 2011 (NC Session Law 2010-67), it is necessary for the County to make provisions for electronic waste recycling (televisions, computer monitors, etc.). In order to address this, a grant has been received from DENR to purchase two large lockable storage containers that will be placed at the Brodie Road and NC Hwy 39 North convenience sites. In the coming months, the County will be contracting with a firm for removal of these electronics on a regular basis. It is anticipated that the contract will be minimal, if any cost, to the County.

Mr. McMillen requested that the following language be added to the Solid Waste Plan in order to comply with the new legislation and be eligible for additional grants through DENR.

Beginning January 1, 2011, Vance County will no longer accept electronic waste at the transfer station in accordance with North Carolina Session Law 2010-67.

As standard practice, Vance County will do the following in accordance with Session Law 2010-67 (130A-309.130-140) "Electronic Waste":

- (1) Electronic Waste defined: Electronic Waste means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.*

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

Motion was made by Commissioner R. Dan Brummitt to approve the new language as presented to be included in the Solid Waste Plan and to approve the storage containers to be placed at the Brodie Road and NC Hwy 39 North convenience sites. This motion was seconded by Commissioner Deborah F. Brown and unanimously approved.

Mr. Pete Burgess appeared before the Board and requested approval of the submission of a grant for the Farmers Market Project. He provided a brief history of the project to the newly elected commissioners and reported that the grant application was due to the NC Tobacco Trust Fund this past Friday, December 3. Having confidence that the Board of Commissioner would approve the submission of the grant, the \$875,000 grant request was submitted to the NC Tobacco Trust Fund at that time. If the Board wishes not to apply for grant funding, the application may be pulled.

Mr. Burgess then announced that the Vance County Farm Bureau has offered to provide 50% of the Farmers Market budget for the first five years.

Motion was made by Commissioner Thomas S. Hester, Jr. to authorize the submission of an application for grant funding in the amount of \$875,000 to the NC Tobacco Trust Fund. This motion was seconded by Commissioner Gordon Wilder and unanimously approved.

Mr. Mike Ortosky, Earthwise Company, then presented the feasibility study for the farmers market project. He explained that there is a significant interest in a regional farmers' market and that it should be located in a high traffic area. Land costs are a major determinant in selection of a parcel in high traffic locations as is the cost of a building that will support the intended functions of a market. The study found that a market is feasible with fully subsidized funding for the development costs and with indefinite subsidized funding for a portion of the operating costs. Grant funding opportunities exist for subsidizing both the development and operating costs. The study further recommended that the market be promoted heavily and managed so that it achieves a break-even condition in the operating budget. A growing market identity, increasing revenue stream, and growth in committed vendors and consumers will help to ensure that goal.

After a brief question and answer session, motion was made by Commissioner R. Dan Brummitt to accept the feasibility study as presented. This motion was seconded by Commissioner Thomas S. Hester, Jr. and unanimously approved.

The consent agenda was addressed next. Motion was made by Commissioner Deborah F. Brown, seconded by Commissioner Thomas S. Hester, Jr., vote unanimous, that the following consent agenda items be approved as presented: Budget Amendments #14 and #15, November 2010 Refunds, October and November 2010 Rebates, November 2010 Ambulance Charge-Offs in the amount of \$3,915.59, November 2010 Monthly Reports received and filed, and the minutes of the November 1, 2010 regular meeting.

**Budget Amendment #14
General Fund**

**Fund 10 -
General Fund**

| Revenues | Code | Increase | Increase |
|--------------------------------------|---------------|-----------------|-----------------|
| Paint Reclamation Rural Center Grant | 10-380-438055 | 75,000 | |
| Paint Reclamation Grant City Share | 10-380-438056 | 18,750 | |
| Paint Reclamation Grant County Share | 10-380-438057 | 56,250 | |

Expenditures

| | | | |
|--------------------------------------|---------------|-------------------|-------------------|
| Paint Reclamation Rural Center Grant | 10-600-500247 | 150,000 | |
| Totals | | \$ 150,000 | \$ 150,000 |

Purpose: To record revenues and expenditures for Rural Center Paint Reclamation Grant.

Authorization: Vance County Board of Commissioners
December 6, 2010

**Budget Amendment #15
General Fund**

**Fund 10 -
General Fund**

| Revenues | Code | Increase | Increase |
|-----------------------------------|---------------|-----------------|-----------------|
| REDC Warrenton Road Sewer Project | 10-380-438043 | 9,510 | |
| Expenditures | | | |
| REDC Warrenton Road Sewer Project | 10-600-500244 | | 9,510 |
| Totals | | \$ 9,510 | \$ 9,510 |

Purpose: To record additional expenditures for Progress Energy work and related revenue from Rural Economic Development Center.

Authorization: Vance County Board of Commissioners
December 6, 2010

**REFUNDS
November 2010**

| Name | Year | Amount | Reason |
|------------------|-------------|---------------|-----------------|
| Joann Parrish | 2010 | 36.96 | Vehicle Tax |
| Jerry B. Capps | 2010 | 5.11 | Vehicle Tax |
| Rebecca N. Derr | 2009 | 18.92 | Vehicle Tax |
| Ray W. Pharr | 2010 | 8.19 | Vehicle Tax |
| John L. Almand | 2009 | 5.16 | Vehicle Tax |
| Cydne W. Sharpe | 2010 | 50.40 | Vehicle Tax |
| Jimmy D. Owen | 2009 | 25.75 | Vehicle Tax |
| Erwin L. Terry | 2009 | 2.76 | Vehicle Tax |
| Milton S. Clark | 2009 | 17.66 | Vehicle Tax |
| Alvis A. Rigsbee | 2010 | 10.10 | Vehicle Tax |
| Jack Ferguson | 2010 | 40.18 | Vehicle Tax |
| John Brown, Jr. | 2005-09 | 336.42 | Tax Refund |
| John Brown, Jr. | 2005-09 | 480.00 | Solid Waste Fee |

| Name | Year | Amount | Reason |
|---------------------|-------------|--------------------|----------------------------|
| Margaret E. Norwich | 2010 | 2.88 | Vehicle Tax |
| Katherinea Bethoney | 2010 | 7.08 | Vehicle Tax |
| Sarah S. Murphy | 2010 | 15.52 | Vehicle Tax |
| Althea L. Williams | 2010 | 10.48 | Vehicle Tax |
| Michael Ellington | 2008-09 | 28.91 | Vehicle Tax |
| Mary D. Long | 2009 | 8.28 | Vehicle Tax |
| Lee W. Testerman | 2009 | 1.86 | Vehicle Tax |
| Phyllis D. Hawkins | 2009 | 6.96 | Vehicle Tax |
| Patricia A. Davis | 2010 | 3.05 | Vehicle Tax |
| Walter V. Short | 2010 | 41.28 | Vehicle Tax |
| Danny W. Wright | 2010 | 102.50 | Solid Waste Fee |
| Janet P. Brizuela | 2009 | 8.84 | Vehicle Tax |
| William J. Tucci | 2010 | 46.64 | Vehicle Tax |
| Peter G. Gumaer | 2010 | 2.64 | Vehicle Tax |
| Larry G. Thompson | 2010 | 3.43 | Vehicle Tax |
| Deborah Judkins | 2010 | 1.60 | Vehicle Tax |
| Joann Parrish | 2010 | 1.21 | Fire Tax |
| Jerry B. Capps | 2010 | .21 | Fire Tax |
| Rebecca N. Derr | 2009 | .64 | Fire Tax |
| Cydne W. Sharpe | 2010 | 1.68 | Fire Tax |
| Jimmy D. Owen | 2009 | .85 | Fire Tax |
| Erwing L. Terry | 2009 | .09 | Fire Tax |
| Milton S. Clark | 2009 | .58 | Fire Tax |
| Alvis A. Rigsbee | 2010 | .35 | Fire Tax |
| Jack Ferguson | 2010 | 1.33 | Fire Tax |
| John Brown, Jr. | 2005-2009 | 11.03 | Fire Tax |
| Katherinea Bethony | 2010 | .24 | Fire Tax |
| Michael Ellington | 2008-09 | .96 | Fire Tax |
| Mary D. Long | 2009 | .27 | Fire Tax |
| Lee W. Testerman | 2009 | .06 | Fire Tax |
| Phyllis D. Hawkins | 2009 | .24 | Fire Tax |
| Walter V. Short | 2010 | 1.36 | Fire Tax |
| William J. Tucci | 2010 | 1.52 | Fire Tax |
| Peter G. Gumaer | 2010 | .08 | Fire Tax |
| Larry G. Thompson | 2010 | .14 | Fire Tax |
| Deborah Judkins | 2010 | .04 | Fire Tax |
| Total | | \$ 1,352.44 | Fiscal y-t-d - \$ 5,541.17 |

**REBATES
October 2010**

| Name | Year | Amount | Reason |
|-----------------------|-------------|---------------|--------------------------|
| Norman & Grace Allen | 2010 | 356.48 | Senior Citizen Exemption |
| Joseph C. Ayscue | 2010 | 594.94 | Listing Correction |
| Christopher Bullock | 2003 | 61.37 | Listing Correction |
| Doris Bullock | 2010 | 57.63 | Listing Correction |
| Donald R. Burnette | 2010 | 195.50 | Senior Citizen Exemption |
| David L. Cheek | 2010 | 349.83 | Senior Citizen Exemption |
| Raymond B. Dixon, Jr. | 2010 | 41.21 | Listing Correction |
| Jackie Ellington | 2010 | 46.64 | Listing Correction |
| Maria Gervacio | 2010 | 46.50 | Listing Correction |
| Maria Gerrero | 2010 | 46.64 | Listing Correction |
| Gregory B. Haley | 2010 | 46.64 | Listing Correction |
| Keyanda Hargrove | 2010 | 46.64 | Listing Correction |
| Bryan K. Hawkes | 2010 | 10.87 | Listing Correction |

| Name | Year | Amount | Reason |
|---------------------------|-------------|--------------------|---|
| James E. Jones | 2010 | 195.50 | Senior Citizen Exemption |
| Naomi Jones | 2010-2010 | 176.65 | Taxes Lost in Foreclosure now owned by City and County |
| Garfield McPhatter, Jr. | 2010 | 195.50 | Senior Citizen Exemption |
| Mary Jane Moulden | 2010-2010 | 147.88 | Senior Citizen Exemption |
| Rebecca Null | 2010 | 169.06 | Senior Citizen Exemption |
| Robert N. Oakley | 2010 | 210.71 | Senior Citizen Exemption |
| Donna Parrish | 2010 | 46.64 | Listing Correction |
| Jennie S. Plummer | 2010 | 67.30 | Senior Citizen Exemption |
| Brian K. Richards | 2010 | 12.96 | Listing Correction |
| Gerald E. Riffle | 2010 | 25.89 | Listing Correction |
| Mary Stovall | 2010 | 205.43 | Billing Correction |
| Daniel S. Tillotson | 2010 | 39.48 | Listing Correction |
| Clinton Towns | 2010 | 46.64 | Listing Correction |
| Toyota Motor Credit Corp. | 2010 | 313.81 | Value Correction |
| Deryl Von Williams | 2000-2010 | 830.10 | Taxes Lost in Foreclosure now owned by City and County |
| Total | | \$ 4,584.44 | Fiscal y-t-d - \$ 36,254.22 |

**REBATES
November 2010**

| Name | Year | Amount | Reason |
|------------------------|-------------|--------------------|-----------------------------|
| Michael K. Ayscue | 2008-10 | 243.22 | Listing Correction |
| John Brown, Jr. | 2010 | 72.57 | Listing Correction |
| Rebecca Delcid | 2010 | 46.64 | Listing Correction |
| Dewitt, William & Cobb | 2010 | 60.52 | Value Correction |
| Eva Mae English | 2010 | 261.54 | Senior Citizen Exemption |
| Raul Garcia | 2010 | 47.40 | Listing Correction |
| Homer R. Hart | 2010 | 50.39 | Listing Correction |
| Esther Hawley | 2010 | 195.50 | Senior Citizen Exemption |
| William H. Jones | 2010 | 195.50 | Senior Citizen Exemption |
| Charles H. Parrish | 2010 | 4.91 | Listing Correction |
| Wade V. Pennington | 2010 | 37.40 | Value Correction |
| Lue Esther Pugh | 2010 | 243.04 | Senior Citizen Exemption |
| Angelina Sanchez | 2010 | 46.64 | Listing Correction |
| Margarita Sandoval | 2010 | 46.50 | Listing Correction |
| Total | | \$ 1,551.77 | Fiscal y-t-d - \$ 37,805.99 |

Finance Director's Report

Resolution Approving Financing Terms. Finance Director Steven C. Stanton requested approval of a resolution to enter into a contract with BB&T for the refinancing of the Kerr Lake Sub Station. The total amount is \$225,000. Items to be refinanced include 3.14 acres of land, a 3,500 sq. ft. building, and a used fire apparatus that is mounted on a 1988 Ford Chassis. This is a 15 year arrangement at 4.09% interest. Mr. Stanton stated that authorization is needed to contract with BB&T for the refinancing of the sub station.

Commissioner R. Dan Brummitt stated that the Board has not yet received the audit for the Kerr Lake VFD. He then moved to approve the following resolution for financing subject to finalization of the audit as requested. This motion was seconded by Commissioner Deborah F. Brown and unanimously approved.

- - - - -
RESOLUTION
by the
Vance County Board of Commissioners
Approving Financing Terms

WHEREAS, Vance County, North Carolina (the “County”) has previously determined to undertake a project for the refinancing of Kerr Lake Sub-Station (the “Project”), and the Finance Officer has now presented a proposal for the refinancing of such Project.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The County hereby determines to finance the Project through Branch Banking and Trust Company (BB&T). The amount financed shall not exceed \$225,000, the annual interest rate (in the absence of default or change in tax status) shall not exceed 4.09%, and the financing term shall not exceed fifteen (15) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the County are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement as BB&T may request.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer’s satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by County officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer’s final approval of the Document’s final form.
4. The County shall not take or omit to take any action the taking or omission of which will cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The County hereby designates its obligations to make principal and interest payments under the Financing Documents as “qualified tax-exempt obligations” for the purpose of Internal Revenue Code Section 265(b)(3).
5. The County intends that the adoption of this resolution will be a declaration of the County’s official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The County intends that funds that have been advanced, or that may be advanced, from the County’s general fund, or any other County fund related to the project, for project costs may be reimbursed from the financing proceeds.
6. All prior actions of County officers in the furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

This, the 6th day of December, 2010.

Eddie L. Wright (signed)
Eddie L. Wright, Chairman

- - - - -
Sale of Surplus Property. Mr. Stanton requested the Board to declare eight (8) law enforcement vehicles as surplus property in order to be sold by internet auction.

Motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner R. Dan Brummitt, vote unanimous, to declare the eight vehicles as surplus.

Motion was made by Commissioner R. Dan Brummitt to allow the Finance Director to sell the eight vehicles as requested. This motion was seconded by Commissioner Deborah F. Brown and unanimously approved.

School Capital Project Ordinance. Mr. Stanton requested approval of the School Capital Project Ordinance for four multi-purpose rooms at four elementary schools and the HVAC system at Northern Vance High School.

Motion was made by Commissioner R. Dan Brummitt, seconded by Commissioner Gordon Wilder, vote unanimous, to approve the following School Capital Project Ordinance as follows:

- - - - -
School Capital Project Ordinance

BE IT ORDAINED by the Governing Board of the County of Vance, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the construction of four multipurpose rooms located at the four of the elementary schools and upgrades to the HVAC and mechanical systems at Northern Vance High School.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the installment resolution and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

| | |
|--------------------------|--------------|
| Other Legal/Fiscal Costs | \$ 28,625 |
| Engineering | 215,550 |
| Contingency | 76,950 |
| Construction | 3,631,820 |
| Total | \$ 3,952,945 |

Section 4. The following revenues are anticipated to be available to complete this project:

| | |
|--|--------------|
| Qualified School Construction Bonds Proceeds | \$ 3,924,320 |
| Transfer from Capital Reserve Schools | 28,625 |
| Total | \$ 3,952,945 |

Section 5. The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements, and federal regulations. The terms of the installment resolution also shall be met.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due.

Section 7. The Finance Director is directed to report, on a monthly basis, on the financial status of each project element in Section 3.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 9. Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Director for direction in carrying out the project.

Adopted this 6th day of December, 2010.

- - - - -

As advertised, at 6:45 p.m., a public hearing was held to receive citizen input regarding the closeout of the 2007 Community Development Block Grant Scattered Site Program (07-C-1675). County Manager Jerry L. Ayscue stated that a public hearing is a procedural requirement when a grant is closed out. Several houses were renovated and rehabilitated under this program. Once the public hearing is complete, authorization is needed from the Board to authorize execution of closeout documents.

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

Motion was made by Commissioner R. Dan Brummitt, seconded by Commissioner Thomas S. Hester, Jr., vote unanimous, to authorize execution of all closeout documents for the 2007 Community Development Block Grant Program (07-C-1675).

Ms. Julie Reid, Council of Governments, requested approval of a contract with the Council of Governments for administrative services for the Community Revitalization Program. A copy of the contract was distributed to the Board.

Motion was made by Commissioner Deborah F. Brown, seconded by Commissioner R. Dan Brummitt, vote unanimous, to approve the contract with the Council of Governments for

administrative services for the Community Revitalization Program.

Commissioner Brummitt stated that future contracts should include performance factors to ensure that performance criteria are met and no funds are left unspent.

Ms. Reid then requested approval of the Language Access Plan (LAP) which was distributed to the Board during last month's meeting in draft form.

Motion was made by Commissioner R. Dan Brummitt, seconded by Commissioner Gordon Wilder, vote unanimous, to approve the Language Access Plan as presented.

Ms. Reid had planned to bring Section 3 to the Board for approval, but that is still under development at this time. She will bring this back to the Board in January.

Ms. Reid requested approval of the 2010 CDBG Scattered Site Opt Out. She explained that the Division of Community Assistance is encouraging 2010 Scattered Site applicants to provide certified home inspections for applicants to the housing rehabilitation program. Some programs have had issues relating to both the level of work and the quality of work performed under the program.

The housing rehabilitation programs administered by the Council of Governments do not have these issues. Inspections and write-ups are performed by Mr. Mike Inscoc and reviewed by the program administrator. Mr. Inscoc is highly qualified to do this work.

The home inspectors could not perform work write-ups, assure compliance with Federal and State rehabilitation standards and cannot inspect work performed by contractors on houses. The County would be required to pay for an additional inspection by the person performing the write-ups.

Ms. Reid stated that the suggested policy would increase the costs of the program for redundant activities and recommended that the Opt Out certification be exercised.

Motion was made by Commissioner R. Dan Brummitt to approve the Opt Out agreement for home inspections. This motion was seconded by Commissioner Thomas S. Hester, Jr. and unanimously approved.

The final item presented by Ms. Reid for approval was the project ordinance for the Community Revitalization Program.

Motion was made by Commissioner Deborah F. Brown, seconded by Commissioner R. Dan Brummitt, vote unanimous, to approve the Community Revitalization Project Ordinance as follows:

- - - - -

**COUNTY OF VANCE
PROJECT ORDINANCE**

BE IT ORDAINED by the County Commissioners of the County of Vance, that pursuant to Section 12.3 of Chapter 159 of the General Statutes of North Carolina, the following revised grant project ordinance is hereby adopted.

Section 1. The project authorized is a Community Development – Community Revitalization. The project consists of demolition, housing rehabilitation, road repairs, drainage improvements, installation of water/sewer lines, house connection to water and sewer lines and general administration. Said project shall be in accordance with the County’s Community Development Block Grant Community Revitalization Application as approved by the North Carolina Department of Commerce, Division of Community Assistance.

Section 2. The project director is hereby directed to proceed with the project within the terms of the Grant Agreement executed with the North Carolina Department of Commerce and within the funds appropriated herein including any Amendments as approved and executed by N.C. Department of Commerce, Division of Community Assistance.

Section 3. The following revenues are anticipated to be available to complete the project:

| | |
|---|-------------------|
| State of North Carolina, Department of Commerce | |
| Community Development Block Grant | \$ 850,000 |
| TOTAL FUNDS AVAILABLE | \$ 850,000 |

Section 4. The following revised amounts are appropriated for the project:

| | |
|---|-------------------|
| Public facilities and improvements | |
| Street Improvements | \$ 55,000 |
| Flood and Drainage Improvements | \$ 35,000 |
| Public sewer improvements | \$ 168,000 |
| Public water improvements | \$ 118,000 |
| Clearance activities | \$ 5,000 |
| Construction, rehabilitation and preservation activities | |
| Rehabilitation of privately owned structures | \$ 397,500 |
| Planning | \$ 3,500 |
| Administration: | \$ 68,000 |
| TOTAL PROJECT COSTS..... | \$ 850,000 |

Section 5. The Finance Officer is directed to report quarterly on the financial status of this project. The Finance Officer shall also keep the governing body informed at each regular meeting of any unusual occurrences.

Section 6. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient detailed accounting records to provide the accounting to the grantor agency required by the Grant Agreement and Federal and State Regulations.

Section 7. Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement request should be made to the grantor agency in an orderly and timely manner. Reimbursements to the General Fund should be made in a timely manner.

Section 8. Copies of this project ordinance shall be made available to the Budget Officer, the Finance Officer, the Grants Administrator and the Clerk to the Board, for direction in carrying out this project.

Adopted this the 6th day of December, 2010.

| | |
|---------------------------------|-----------------------------------|
| <u>Eddie L. Wright</u> (signed) | <u>Kelly Grissom</u> (signed) |
| Eddie L. Wright, Chairman | Kelly Grissom, Clerk to the Board |

- - - - -

The next item on the agenda was the Community Hero Award recognition. Chairman Wright recognized Pastor Mary Emma Evans and asked her to come forward. Commissioner Deborah F.

Brown stated that as a native of Vance County, Pastor Evans has touched the lives of many people as a result of her ministry.

Mrs. Evans has pastored several churches since being called into the ministry in 1981, and has traveled throughout the United States as a Supply Pastor for the United Church of Christ using the motto “Training Men and Women for the Ministry”. Mrs. Evans was the first African American woman to pastor in the Eastern North Carolina Association of the United Church of Christ. In 2008, she received her Doctrine of Divinity Degree in Religious Studies.

Pastor Evans currently serves as Councilwoman for Ward 1 in the City of Henderson and serves as Chairperson for the Human Resources Committee, overseeing that the policy is followed for all employees. For almost 30 years, she has served as a Radio Pastor. She is an activist for civil rights and economic justice, and has a special ministry to the homeless. She has also released a CD of sacred songs and co-sponsored a book, “*Women Speak - God Responds,*” as released by United Press International.

It is the pleasure of the Vance County Board of Commissioners to recognize Pastor Mary Emma Evans as a Vance County Community Hero. Commissioner Brown presented Pastor with a certificate and check for \$25.00.

Pastor Evans made heartfelt, personal remarks and encouraged the City and County to work together for the betterment of the community.

Committee Reports and Recommendations

Human Resources Committee - Position Vacancies. Argretta Johen, HR Director, requested authorization to fill the following position vacancies as endorsed by the HR Committee:

Department of Social Services

Social Work Supervisor III

Fire and EMS

Firefighter/Paramedic/Specialist I - two positions

Jail

Detention Sergeant

Register of Deeds

Deputy Register of Deeds

Planning and Development

GIS Administrator

Sheriff's Office

Deputy Sheriff

Deputy Sergeant

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

Human Resources Committee - IT Director Position. Ms. Johen requested the Board to vary from the hiring rate, but stay within the low to mid 70's range for the IT Director's Position. She stated that the Human Resources Committee has endorsed this request.

Motion was made by Commissioner R. Dan Brummitt, seconded by Commissioner Deborah F. Brown, vote unanimous, to approve the request as presented.

General Government Committee - Legal Matter. County Manager Jerry L. Ayscue stated that this committee has met and reviewed a legal matter which will be discussed in closed session.

General Government Committee - Code of Ethics. The Committee also met with the County Attorney to review the Code of Ethics which was distributed to the Board. A Code of Ethics is now required by the General Assembly due to recent legislation. Ethics training is also a new requirement for elected officials. County Attorney Jonathan S. Care stated that the proposed Code of Ethics includes five major sections as required by the General Assembly. Each section deals with matters such as maintaining independence and integrity, upholding duties as an elected official, upholding ethical behavior, attending meetings, etc.

Motion was made by Commissioner Gordon Wilder to adopt the Code of Ethics as presented. This motion was seconded by Commissioner Thomas S. Hester, Jr. and unanimously approved.

Education Committee - Curb and Gutter Work. Mr. Ayscue explained that due to a technical concern, quotes have been solicited again for curb and gutter work at the Schools' Administrative Office. The quotes remained the same as provided by three contractors:

- Harris Equipment Company \$ 13,050
- Flat River Contracting \$ 14,125
- Barrett, Irvin, & Jordan \$ 15,975

The Committee recommended that the County award the work to the low bidder, Harris Equipment Company in the amount of \$13,050 with the revenues to come from the Capital Reserve Fund - Schools.

Motion was made by Commissioner R. Dan Brummitt, seconded by Commissioner Deborah F. Brown, vote unanimous, to award the work to the low bidder, Harris Equipment Company in the amount of \$13,050 with the revenues to come from the Capital Reserve Fund - Schools.

Finance Director Steven C. Stanton presented Budget Amendment #13 for approval and motion was made by Commissioner R. Dan Brummitt, seconded by Commissioner Deborah F.

Brown, vote unanimous, to approve Budget Amendment #13 as follows:

- - - - -

**Budget Amendment #13
General Fund/Capital Reserve Schools**

**Fund 10
General Fund**

| Revenues | Code | Increase | Increase |
|---------------------------------------|---------------|-----------------|-----------------|
| Transfer from Capital Reserve Schools | 10-397-439760 | 13,050 | |

Expenditures

| | | | |
|--------------------------------|---------------|--|--------|
| School Administration Building | 10-681-500097 | | 13,050 |
|--------------------------------|---------------|--|--------|

**Fund 60
Capital Reserve Schools**

| Revenues | | Increase | Increase |
|---------------------------|---------------|-----------------|-----------------|
| Appropriated Fund Balance | 60-399-439900 | 13,050 | |

Expenditures

| | | | |
|--------------------------|---------------|--|--------|
| Transfer to General Fund | 60-681-500301 | | 13,050 |
|--------------------------|---------------|--|--------|

| | | | |
|---------------|--|------------------|------------------|
| Totals | | \$ 26,100 | \$ 26,100 |
|---------------|--|------------------|------------------|

Purpose: To record expenditures for curb and gutter work at School Administration Building.

Authorization: Vance County Board of Commissioners
December 6, 2010

- - - - -

Education Committee - Clark Street School Property. Mr. Ayscue stated that the Board of Education offered the former Clark Street Elementary School property to the County Commissioners for its appraisal value of \$386,500.

The Education Committee discussed the offer extensively and determined a recommendation for the Board of County Commissioners as follows: Make a counter-offer to the Schools to purchase the property for one dollar, with the County immediately placing the entire property on the market for sale, with any net proceeds from the sale to be deposited in the Capital Reserve Fund - Schools for future capital needs. In addition, inform the Schools that if the counter-offer is not accepted, the County is unable to commit funds to maintaining the property and thus respectfully requests the Schools to sell the property within a period of time not to exceed ninety (90) days.

Motion was made by Commissioner Thomas S. Hester, Jr. to make a counter-offer to the Schools to purchase the property for one dollar, with the County immediately placing the entire property on the market for sale, with any net proceeds from the sale to be deposited in the Capital Reserve Fund - Schools for future capital needs. In addition, inform the Schools that if the counter-offer is not accepted, the County is unable to commit funds to maintaining the property and thus respectfully requests the Schools to sell the property within a period of time not to exceed ninety (90) days. This motion was seconded by Commissioner R. Dan Brummitt and unanimously approved.

Education Committee - Technology Work at New School. Mr. Ayscue explained that a contract with Embarq (now CenturyLink) for technology work at Clarke Elementary School was not included in the initial construction contract for the new school due to the fact that Embarq refused to sign a contract with the architect. The total technology contract is \$291,733 and e-rate funding from the Schools in the amount of \$74,600 was applied towards the contract. After also discounting the sales tax, the total amount of funding required from the project contingency is \$203,295 which leaves an unused balance of \$162,900. No future use of the construction project contingency is expected. The work has been completed and CenturyLink now needs to be paid.

The Committee recommended that the Board appropriate \$203,295 from the Clarke Elementary School construction project contingency for the technology contract with Embarq (CenturyLink).

Commissioner Thomas S. Hester, Jr. commended the Schools for managing the project in a manner that would leave an unused contingency balance of \$162,900.

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Thomas S. Hester, Jr., vote unanimous, to appropriate \$203,295 from the Clarke Elementary School construction project contingency for the technology contract with Embarq (CenturyLink).

Education Committee - Tennis Courts. Mr. Ayscue stated that the Board of Education has requested funding of approximately \$398,000 for tennis courts at both Northern Vance and Southern Vance High Schools. The committee discussed the request and acknowledged the need of providing sound athletic facilities for students, but could not recommend action at this time.

Pending Business

County Water Project. Mr. Ayscue reported that City and County staff continue to discuss arrangements for purchase of water and for system operation and maintenance. With the help of both attorneys, a formal agreement is being developed that will require action by each entity. *Phase 1A.*

The County's engineer has redesigned the initial part of 1A according to sign-ups. Sign-ups have continued to come in, and it is likely that the 1A map will be updated to add back some roads. A tentative site for an overhead water tank has been located and related preliminary work has been completed. The Board will be asked in January to take formal action to obtain the site. Permit applications are being processed for submission by the engineers on behalf of the Water District. As part of that permit process, highway right of way encroachment agreements with the NC Department of Transportation have been prepared for execution. *Phase 1B.* The Kittrell Water Association and USDA continue to work together to seek funding for Phase 1B, consistent with action taken by the Commissioners in December 2009. The Water Association continues its sign-up campaign. *Phases 2A & 2B.* Funding from USDA Rural Development has been established for both of these phases. Phase 2A will be funded with \$2.2 million in loans and \$1.62 million in grants. Thus far, sign-ups total 284. Phase 2B has \$3.94 million in loans and \$1.99 million in grants. Sign-ups continue to be received for these two phases, with the current number being at 304.

US #1 South Sewer Project. Mr. Ayscue stated that the feasibility study for a sewer line to serve the US #1 South corridor is well under way. As funded by the NC Rural Economic Development Center and the County, the \$44,000 project consists of a \$40,000 grant and \$4,000 of local match. The consulting firm, W.K. Dickson, has conducted its 'kick-off' meeting with the Citizens Advisory Committee and is currently gathering data for the study.

Subdivision Road Conditions. Mr. Ayscue stated that an inventory of all subdivisions with road difficulties has been completed. Staff has met with DOT officials and continues to undertake general cost estimates and financing mechanisms. A preliminary report was made to the Board of Commissioners in November and the staff was directed to include the topic on the agenda of the January 2011 Planning Retreat.

County Manager's Report

General Assistance - Social Services. Mr. Ayscue stated that the Board of Social Services has requested an additional appropriation of \$7,500 (the original budget was also \$7,500) for the General Assistance Fund. General Assistance is a crisis-related program that is designed to assist individuals and/or families in emergency situations. It is comprised of 100% County funds and is used more heavily during winter months. He recommended that the Board approve \$7,500 from the Contingency for the General Assistance Program at the Department of Social Services.

Motion was made by Commissioner R. Dan Brummitt to approve \$7,500 from the Contingency for the General Assistance Program at the Department of Social Services. This motion was seconded by Commissioner Deborah F. Brown and unanimously approved.

Executive Search Firm - Economic Development Director. Mr. Ayscue stated that filling the recently vacated position of Economic Development Director with the right individual is a high and critical priority for the County. Realizing the essential nature of finding the right person for the job, it is appropriate to consider the use of an executive search firm that specializes in recruitment for key positions. The County has already begun its own recruitment efforts and the two searches can be conducted simultaneously. The Economic Development Commission has endorsed the concept of parallel search efforts. It is anticipated that an appropriate budget for engaging the services of a professional executive search firm will be between \$19,000 and \$20,000. Mr. Ayscue requested authorization to select and engage an executive search firm to assist in filling the important position of Economic Development Director, with a projected cost not to exceed \$19,500. The funds are to come from lapsed salaries and benefits within the Economic Development budget.

Commissioner Thomas S. Hester, Jr. suggested that the Economic Development Commission appoint a committee of EDC members to recruit individuals for this position and make a recommendation to the County Manager.

Commissioner R. Dan Brummitt stated that the County Manager should be involved in the recruitment.

Commissioner Thomas S. Hester, Jr. stated that the County Manager would definitely be involved, but would like to see the EDC members involved also.

After further discussion of this matter, motion was made by Commissioner Deborah F. Brown to instruct the County Manager to engage the services of an executive search firm, with the assistance of the Economic Development Commission, to recruit individuals for the position of Economic Development Director, not to exceed \$19,500. This motion was seconded by Commissioner R. Dan Brummitt and unanimously approved.

Resolution of Appreciation. Mr. Ayscue noted that on November 30, 2010, Mrs. Cynthia (Kathy) Abbott retired after serving over 37 years in the Register of Deeds Office, the last 16 of which she served as the elected Vance County Register of Deeds. Mrs. Abbott was a highly dedicated public servant and should be recognized by the Board of Commissioners accordingly with a formal resolution of appreciation.

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner R. Dan Brummitt, vote unanimous, to approve the following resolution of appreciation to Kathy Abbott, retired Vance County Register of Deeds, for her many years of public service:

- - - - -

RESOLUTION
of
Appreciation
by the
Vance County Board of Commissioners
to
Cynthia “Kathy” S. Abbott

WHEREAS, Cynthia “Kathy” Abbott faithfully and meritoriously served the citizens of Vance County for the past sixteen (16) years through her dedicated work as the Vance County Register of Deeds, and in doing so, earned the respect of her peers and colleagues throughout this County; and

WHEREAS, Mrs. Abbott began work in the Register of Deeds Office on August 1, 1973 as an entry level clerk and progressed through the office ranks until elected by the people and duly sworn as the Vance County Register of Deeds as of December 5, 1994; and

WHEREAS, throughout her extensive career of over thirty-seven (37) years, Kathy Abbott demonstrated the highly commendable traits of utmost professionalism, dedication, integrity, and honesty as she quietly went about her work each and every day; and

WHEREAS, using funds generated by her office, Mrs. Abbott automated the operations of the Vance County Register of Deeds in 2004 by carefully planning and attending to extreme detail to ensure that all records were properly protected and attended; and

WHEREAS, Kathy Abbott was indeed the personification of a true public servant as she patiently and compliantly carried out the duties of her office on a daily basis.

NOW, THEREFORE BE IT RESOLVED THAT the Vance County Board of Commissioners does recognize and express its sincere gratitude to Kathy Abbott for her meritorious pursuit of excellence in the Register of Deeds Office, and her tireless efforts in enhancing the quality of life for all residents of Vance County, **AND FURTHERMORE**, the Board of Commissioners extends its best wishes to Kathy and her husband, Dennis, for many years of retirement happiness to come.

This, the sixth day of December, 2010.

Eddie L. Wright (signed)
Eddie L. Wright, Board Chairman

Deborah F. Brown, Commissioner
R. Dan Brummitt, Commissioner
Terry E. Garrison, Vice-Chairman
Thomas S. Hester, Jr., Commissioner
J. Timothy Pegram, Commissioner
Gordon Wilder, Commissioner

- - - - -

Authority to Apply for Grants. Mr. Ayscue stated that Board authority is necessary in order to apply for grant funds for potential economic development projects. He requested the Board to

authorize the County Manager to apply for grant funds for unnamed economic development projects as appropriate. He noted that these are grants that have already been discussed by the Board.

Motion was made by Commissioner Gordon Wilder to authorize the County Manager to apply for grant funds for unnamed economic development projects as appropriate. This motion was seconded by Commissioner Thomas S. Hester, Jr. and unanimously approved.

Water Board Matter - Authority for Execution of Permit Documents. At this time, Chairman Eddie L. Wright called the Water District Board to order. County Manager Jerry L. Ayscue explained that the process for applying for State permits for construction of a water distribution system requires numerous signed documents. To facilitate submission of the required forms and documents, it is necessary for the Board Chairman and/or County Manager to sign them. He requested the Board to authorize the Board Chairman and/or County Manager as appropriate to duly execute applications, agreements, and other such documents related to the State permitting process for the Vance County Water System.

Motion was made by Commissioner Deborah F. Brown, seconded by Commissioner R. Dan Brummitt, vote unanimous, to authorize the Board Chairman and/or County Manager as appropriate to duly execute applications, agreements, and other such documents related to the State permitting process for the Vance County Water System.

Chairman Eddie L. Wright adjourned the Water District Board.

The Board then scheduled its Winter Planning Retreat for Thursday, January 13, 2011.

Miscellaneous

Appointment of Voting Delegate for NCACC Legislative Goals Conference. Motion was made by Commissioner R. Dan Brummitt, seconded by Commissioner Deborah F. Brown, vote unanimous, to appoint Eddie L. Wright as voting delegate for the NCACC Legislative Goals Conference in January.

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

F-V-W Opportunity Board of Directors

Appoint Commissioner to fill Danny Wright's position.

Tourism Development Authority - 3 year term

Re-appoint Deborah Brown, Eddie Ellington, and John Fogg

No other applications received.

Kerr Tar COG Regional Aging Advisory Council - 2 year term

Appoint Marguerite Esta Anduze to fill vacant position.

No other applications received.

Motion was made by Commissioner R. Dan Brummitt to appoint Commissioner Gordon Wilder to the F-V-W Opportunity Board of Directors to replace Danny Wright, re-appoint Deborah Brown, Eddie Ellington, and John Fogg to the Tourism Development Authority, and appoint Marguerite Esta Anduze to the Kerr Tar COG Regional Aging Advisory Council as presented. This motion was seconded by Commissioner Deborah F. Brown and unanimously approved.

At this time, motion was made by Commissioner Deborah F. Brown, seconded by Commissioner Thomas S. Hester, Jr., vote unanimous, to enter into closed session to discuss legal matters.

Upon return to regular session, and as there was no further business, at 9:00 p.m., motion was made by Commissioner Dan Brummitt, seconded by Commissioner Gordon Wilder, vote unanimous, that the meeting be adjourned.

Approved and signed January 3, 2011.

Chairman