

STATE OF NORTH CAROLINA

COUNTY OF VANCE

The Vance County Board of Commissioners met in regular session on Monday, February 7, 2011 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 Eddie L. Wright, Commissioners Terry E. Garrison, Deborah F. Brown, R. Dan Brummitt, Thomas S. Hester, Jr., J. Timothy Pegram, and Gordon Wilder.

Absent: None.

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 Terry E. Garrison gave the invocation.

Michael Brafford of Phillips, Dorsey, Thomas, Waters & Brafford was first on the agenda to present the FY 2009-10 Audit Report. Mr. Brafford reported that the County had received an unqualified opinion which is the best a county can receive. He noted that revenues came in over budget by \$646,000; however, this was a decrease from the prior year. Expenditures were under budget by \$814,000, which is also a decrease from the prior year. This calculates the fund balance to \$16,015,000. The undesignated balance is \$10,637,000, which is 25% of next year's budget. This is within the range that is recommended by the Local Government Commission.

Commissioner Deborah F. Brown questioned if the funds for Tourism are properly insured. Mr. Brafford stated that Tourism has pooled funds which are insured. Commissioner Brown asked if Tourism should have a separate bank account for its funds and perhaps have the funds insured under FDIC? Mr. Brafford responded that this can be done, but it is at the discretion of management whether or not to do this.

After further discussion, motion was made by Commissioner Thomas S. Hester, Jr. to receive the FY 09-10 audit report as presented. This motion was seconded by Commissioner Dan Brummitt and unanimously approved.

At this time, Chairman Wright recognized Jeanne W. Fox and asked her to come forward. Chairman Wright stated that Mrs. Fox officially retired as the Director of the H. Leslie Perry Library effective February 1, 2011. Motion was made by Commissioner Deborah F. Brown, seconded by Commissioner R. Dan Brummitt, vote unanimous, that the Board adopt the following resolution honoring Jeanne W. Fox:

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**RESOLUTION**  
**of**  
**Appreciation**  
**by the**  
**Vance County Board of Commissioners**  
**to**  
***Jeanne W. Fox***

**WHEREAS**, Jeanne W. Fox has dutifully and faithfully served as Library Director for the H. Leslie Perry Memorial Library from November 1, 1990 until her retirement as of January 31, 2011; and

**WHEREAS**, during her public service career of over twenty years in Henderson and Vance County, Mrs. Fox has directed the orderly growth and development of the H. Leslie Perry Memorial Library, including the automation of library operations and services; and

**WHEREAS**, Mrs. Fox was instrumental in the planning and design of the current library facility at 205 Breckenridge Street, Henderson, N.C., and she successfully orchestrated relocation of the library from its previous site on Rose Avenue, which was a significant challenge within itself; and

**WHEREAS**, her professional efforts have directly contributed to the current availability of one of the best public libraries in the entire State of North Carolina.

**NOW, THEREFORE BE IT RESOLVED THAT** the Vance County Board of Commissioners does recognize and express its sincere appreciation to Jeanne W. Fox for her long-standing service to the citizens of Henderson and Vance County as Director of the H. Leslie Perry Memorial Library, and **FURTHER**, does extend its best wishes for an enjoyable retirement for many years to Mrs. Fox and her husband.

**This, the 7<sup>th</sup> day of February, 2011.**

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

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Mrs. Fox thanked the Board for its support over the years and encouraged everyone to take advantage of services offered by the library.

County Manager Jerry L. Ayscue introduced Mr. Kevin Brown as Vance County's first IT Director and stated that he is glad to have him in Vance County. Mr. Brown stated that he looks forward to helping the County move ahead with its ambitious technology plans. The Board welcomed Mr. Brown and stated that they are delighted to have him become a part of the Vance County family.

The consent agenda was addressed next. The Tourism Authority Financial Report and the Planning and Development monthly report were pulled from the consent agenda in order to be addressed separately.

Motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Deborah F. Brown, vote unanimous, that the following consent agenda items be approved as presented: Budget Amendments #21 - #25, Budget Transfers #6 - #8, January 2011 Ambulance Charge-Offs in the amount of \$2,336.30, January 2011 Monthly Reports received and filed, and the minutes of the January 3, 2011 regular meeting.

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**Budget Amendment #21  
General Fund**

**Fund 10 -**

<b>Expenditures</b>	<b>Code</b>	<b>Decrease</b>	<b>Increase</b>
Contingency	10-999-500099	15,000	
<b>Expenditures</b>			
Gang Assessment	10-600-500259		15,000
<b>Totals</b>		<b>\$ 15,000</b>	<b>\$ 15,000</b>

Purpose: To record approved additional funding for the Gang Assessment survey.

Authorization: Vance County Board of Commissioners  
February 7, 2011

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**Budget Amendment #22  
General Fund**

**Fund 10**

<b>Revenues</b>	<b>Code</b>	<b>Increase</b>	<b>Increase</b>
Homeland Security Grant	10-380-438031	5,941	
<b>Expenditures</b>			
Homeland Security Grant	10-621-500527		5,941
<b>Totals</b>		<b>\$ 5,941</b>	<b>\$ 5,941</b>

Purpose: To record grant received from NC Department of Crime and Public Safety, Division of Emergency Management.

Authorization: Vance County Board of Commissioners  
February 7, 2011

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**Budget Amendment #23**  
**General Fund**

**Fund 10**

<b>Revenues</b>	<b>Code</b>	<b>Increase</b>	<b>Increase</b>
State Elections Reimb.	10-367-436709	7,755	
<b>Expenditures</b>			
Part Time Salaries	10-430-500002		7,755
<b>Totals</b>		<b>\$ 7,755</b>	<b>\$ 7,755</b>

Purpose: To record reimbursements for part time poll workers from NC Department of Administration.

Authorization: Vance County Board of Commissioners  
February 7, 2011

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**Budget Amendment #24**  
**General Fund**

**Fund 10**

<b>Revenues</b>	<b>Code</b>	<b>Increase</b>	<b>Increase</b>
Donations Senior Center	10-350-435007	1,585	
<b>Expenditures</b>			
Senior Center Supplies	10-611-500033		1,585
<b>Totals</b>		<b>\$ 1,585</b>	<b>\$ 1,585</b>

Purpose: To record Christmas supplies purchased with Senior Center donated funds.

Authorization: Vance County Board of Commissioners  
February 7, 2011

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**Budget Amendment #25**  
**General Fund**

**Fund 10**

<b>Revenues</b>	<b>Code</b>	<b>Increase</b>	<b>Increase</b>
ADM Funds	10-346-434631	35,250	

**Expenditures**

ADM Funds	10-681-500095		35,250
<b>Totals</b>		<b>\$ 35,250</b>	<b>\$ 35,250</b>

Purpose: To record ADM funds issued to school systems and received from the Department of Public Instruction for roof repairs.

Authorization: Vance County Board of Commissioners  
February 7, 2011

**Budget Transfer #6  
General Fund**

<b>Fund 10 Expenditures</b>	<b>Code</b>	<b>Increase</b>	<b>Increase</b>
Part Time Salaries	10-410-500002	2,800	
FICA Expense	10-410-500005	214	
Regular Salaries	10-430-500001	1,600	
Part Time Salaries	10-430-500002	1,000	
FICA Expense	10-430-500005	199	
Retirement	10-430-500007	103	
Regular Salaries	10-440-500001	7,733	
FICA Expense	10-440-500005	542	
Retirement	10-440-500007	500	
Regular Salaries	10-450-500001	5,867	
FICA Expense	10-450-500005	449	
Retirement	10-450-500007	379	
Regular Salaries	10-460-500001	800	
FICA Expense	10-460-500005	61	
Retirement	10-460-500007	52	
Regular Salaries	10-480-500001	3,200	
FICA Expense	10-480-500005	245	
Retirement	10-480-500007	207	
Regular Salaries	10-491-500001	800	
FICA Expense	10-491-500005	61	
Retirement	10-491-500007	52	
Regular Salaries	10-500-500001	1,200	
Part Time Salaries	10-500-500002	1,200	
FICA Expense	10-500-500005	184	
Retirement	10-500-500007	78	
Regular Salaries	10-505-500001	400	
FICA Expense	10-505-500005	31	
Retirement	10-505-500007	26	
Regular Salaries	10-501-500001	800	
FICA Expense	10-501-500005	61	
Retirement	10-501-500007	52	
Part Time Salaries	10-502-500002	400	
FICA Expense	10-502-500005	31	
Regular Salaries	10-505-500001	1,600	
FICA Expense	10-505-500005	122	
Retirement	10-505-500007	78	
Regular Salaries	10-510-500001	35,916	
FICA Expense	10-510-500005	2,708	
Retirement	10-510-500007	1,742	
401K	10-510-500009	1,783	
Regular Salaries	10-520-500001	27,267	

<b>Expenditures</b>	<b>Code</b>	<b>Increase</b>	<b>Increase</b>
Part Time Salaries	10-520-500002	8,400	
FICA Expense	10-520-500005	2,728	
Retirement	10-520-500007	1,761	
Regular Salaries	10-530-500001	19,533	
Part Time Salaries	10-530-500002	7,000	
FICA Expense	10-530-500005	2,030	
Retirement	10-530-500007	1,249	
Regular Salaries	10-541-500001	8,000	
FICA Expense	10-541-500005	612	
Retirement	10-541-500007	517	
Regular Salaries	10-576-500001	1,600	
FICA Expense	10-576-500005	122	
Retirement	10-576-500007	103	
Regular Salaries	10-599-500001	3,133	
FICA Expense	10-599-500005	240	
Retirement	10-599-500007	202	
Regular Salaries	10-605-500001	2,215	
FICA Expense	10-605-500005	169	
Retirement	10-605-500007	122	
Regular Salaries	10-607-500001	800	
Part Time Salaries	10-607-500002	400	
FICA Expense	10-607-500005	92	
Retirement	10-607-500007	52	
Regular Salaries	10-610-500001	67,882	
FICA Expense	10-610-500005	5,193	
Retirement	10-610-500007	3,340	
Regular Salaries	10-611-500001	8,266	
FICA Expense	10-611-500005	632	
Retirement	10-611-500007	407	
Part Time Salaries	10-615-500002	400	
FICA Expense	10-615-500005	31	
Regular Salaries	10-621-500001	12,400	
Part Time Salaries	10-621-500002	1,000	
FICA Expense	10-621-500005	1,025	
Retirement	10-621-500007	801	
Salary Adjustment	10-555-500001		265,000
<b>Totals</b>		<b>\$ 265,000</b>	<b>\$ 265,000</b>

Purpose: To reclassify bonus pay to departments.

Authorization: Vance County Board of Commissioners  
February 7, 2011

**Budget Transfer #7  
General Fund**

**Fund 10**

<b>Expenditures</b>	<b>Code</b>	<b>Decrease</b>	<b>Increase</b>
Regular Salaries	10-605-500001	42,320	
FICA Expense	10-605-500005	1,660	
Group Insurance	10-605-500006	4,050	
Retirement	10-605-500007	2,060	

**Expenditures**

Contracted Services	10-605-500045		50,090
<b>Totals</b>		<b>\$ 50,090</b>	<b>\$ 50,090</b>

Purpose: To reclassify payment of salaries for extension employees to state payroll system.

Authorization: Vance County Board of Commissioners  
February 7, 2011

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**Budget Transfer #8**  
**General Fund**

<b>Fund 10</b>			
<b>Expenditures</b>	<b>Code</b>	<b>Decrease</b>	<b>Increase</b>
Regular Salaries	10-490-500001		30,050
FICA Expense	10-490-500005		2,300
Retirement	10-490-500007		1,480
Health Insurance	10-490-500006		3,075
Telephone and Postage	10-490-500011		200
Office Supplies	10-490-500032		200
Non Capitalized Capital Outlay	10-490-500085		1,500

**Expenditures**

Technology Upgrade	10-555-500140	38,805	
<b>Totals</b>		<b>\$ 38,805</b>	<b>\$ 38,805</b>

Purpose: To set up the Information Technology Department from the Technology Upgrade line item.

Authorization: Vance County Board of Commissioners  
February 7, 2011

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- See on file monthly report, 911 Emergency Operations
  - See on file monthly report, ABC Law Enforcement
  - See on file monthly report, Administrative Ambulance Charge-offs
  - See on file monthly report, Human Resources Department
  - See on file monthly report, Public Health Department
  - See on file monthly report, Veterans Service Office
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Commissioner Deborah F. Brown questioned a figure on the Planning and Development report that seemed to be an error. The title page of the report showed 41 Miscellaneous items, but the actual report only showed three Miscellaneous items. Jordan McMillen, Planning Services Manager, was present and stated that this seems to be a typo-graphical error, but he would double check and bring the report back to the Board during its March meeting.

Commissioner R. Dan Brummitt questioned if the Tourism Financial Report would be monthly or quarterly. Finance Director Steve Stanton responded that it would be quarterly. Commissioner Brummitt asked if the quarterly report could show year-to-date amounts as well. Mr. Stanton said that this could be done.

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

Commissioner Deborah F. Brown noted that the Tax Office report was not included due to its new software system. She requested the Tax Administrator to present a report to the Board regarding her first year's progress along with the new monthly report.

Commissioner R. Dan Brummitt commended the DSS staff and volunteers that worked so hard during the Christmas season to help needy children. He also stated that the Judicial System just changed the child support numbers based on income, which will reduce the amount of child support paid. This will work to the detriment to children in need of this money. He questioned if the County could do anything as far as lobbying to adjust this back.

#### 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:

Courthouse Security and Maintenance  
Custodian

Social Services  
Income Maintenance Supervisor II  
Income Maintenance Caseworker II  
Social Worker IAT Lead Worker

Motion was made by Commissioner Terry E. Garrison, seconded by Commissioner Gordon Wilder, vote unanimous, to approve the position requests as presented.

*Human Resources Committee - Personnel Policy Change.* Ms. Johen requested approval to amend the policy so that immediate family members may be employed in departments that Commissioners, Board Members, or Officials do not supervise. The HR Committee has endorsed this request.

Motion was made by Commissioner R. Dan Brummitt to amend the Personnel Policy as presented. This motion was seconded by Commissioner Gordon Wilder and the vote was unanimous. Commissioners Eddie L. Wright and Deborah F. Brown abstained.

*Planning and Environmental Committee.* Mr. Ayscue stated that this committee met with County staff and its water engineer, Tim Carpenter, regarding sign-ups in Phases 2A and 2B. While there has been significant interest in the two phases (over 600 sign-ups), there is little concentration of users thus far as there was in Phase 1A. The engineer recommends that the County mount a door-to-door sign-up campaign, using local citizens to address this matter.

The Committee endorses this strategy as well as requesting assistance from some of the volunteer firefighters. Staff will develop a proposal that will come through the Planning and Environmental Committee and go to the full Board of Commissioners in the March meeting.

#### Pending Business

*County Water Project.* Mr. Ayscue reported that detailed discussions for purchase of water continue at a productive level between County and City staff for Phase 1A. With the help of both attorneys, a formal agreement is being completed that will require review and 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 site for an overhead water tank has been located and related preliminary work has been completed. The Board took formal action in January to help obtain the site. Permit applications are being processed for submission by the engineers on behalf of the Water District. As part of that permitting process, highway right of way encroachment agreements with the NC Department of Transportation have been prepared for execution. 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. Highway right of way encroachment agreements with the NC Department of Transportation have been prepared for execution. Sign-ups continue to be received for these two phases, with the current number being in excess of 600. A Planning and Environmental Committee report will be made regarding a renewed sign-up campaign.

*US #1 South Sewer Project.* Mr. Ayscue stated that work on this project is going according to schedule by W.K. Dickson, the County's project consulting firm. The consultant has completed the data collection and has developed various alternatives and cost estimates for the proposed

system. The alternatives and cost estimates were presented to the citizen advisory committee on January 31 and the consulting firm anticipates having a rough draft report to the County by mid to late February. Meetings with the Planning and Environmental Committee will be scheduled for late February or early March with a final report and presentation to the Board by the first of April.

*Subdivision Roads Project.* Mr. Ayscue noted that the Board of Commissioners discussed this item in its annual Planning Retreat on January 13, 2011. The consensus was that the staff will develop a survey and a related plan of action, possibly with the assistance of an intern, and in the near future make a proposal to the Planning Board regarding a reasonable strategy to proceed. This is a potential budget item for the coming fiscal year. No grant funding has been identified for this type of project. The traditional way these road improvements are handled is through tax assessments.

#### County Manager's Report

*Land Use Planning.* Mr. Ayscue noted that at the January 13, 2011 Planning Retreat, the consensus of the County Commissioners was for its Planning and Environmental Committee to further discuss a public adequate facilities ordinance and zoning and to bring a recommendation to the full Board possibly within 60 days. In order to provide the support for the Committee to fulfill its charge by the Board, the staff will need to provide information and input. The last official action taken by the Board in June 2007 was that the County would not proceed with zoning. Implied in that action was that there would be no further County staff time devoted to zoning. The County Manager requested at the Planning Retreat that the Board take formal action that allows the staff to do the preliminary and support work necessary to assist the Planning and Environmental Committee. Mr. Ayscue recommended that the Board direct the appropriate County staff to perform work on adequate public facilities and zoning in support of the charge provided to the Planning and Environmental Committee.

Motion was made by Commissioner Thomas S. Hester, Jr. to direct the appropriate County staff to perform work on adequate public facilities and zoning in support of the charge provided to the Planning and Environmental Committee. This motion was seconded by Commissioner Deborah F. Brown.

Commissioner R. Dan Brummitt stated that zoning was tabled due to potential problems in dealing with the water project and zoning simultaneously. Now is not the appropriate time to un-table zoning. Also, the Board has talked for years about revising our county ordinances. To date,

this has not been done. It does not make sense to keep putting items on the table that will not be dealt with.

Commissioner Thomas S. Hester, Jr. stated that Vance County staff is capable of handling more than one item at a time. He expressed his displeasure at the fact that zoning keeps being put on hold. For this County to grow and prosper, this matter needs to be dealt with now.

Commissioner Terry E. Garrison stated that while zoning is needed in Vance County, we do not want to jeopardize the water project by focusing on zoning. Also, we need to take an in-depth look at current practices taking place in code enforcement with respect to issuance of permits. This process needs to be streamlined and become more customer friendly before zoning is addressed.

Commissioner Gordon Wilder stated that zoning is a tool to encourage and guide growth. He suggested that a deadline be set for the staff to bring back information to the Board.

Commissioner Deborah F. Brown stated that while the water project is still the priority, we need to at least have some preliminary work completed that shows what needs to be done to get the zoning process started again. Staff needs some direction from the Board.

The Board discussed the adequate public facilities ordinance and decided that this does not need to be included in the motion.

To clarify the wording of the motion, Commissioner Thomas S. Hester, Jr. rescinded his original motion and Commissioner Deborah F. Brown rescinded her second.

Motion was made by Commissioner Thomas S. Hester, Jr. to allow Planning Department staff to work with the Planning and Environmental Committee to bring zoning up to date from 2007 to present, allowing up to six months for completion. This motion was seconded by Commissioner Deborah F. Brown and vote was ayes - five (5); noes - one (1), with the dissenting vote being cast by Commissioner R. Dan Brummitt. Commissioner Terry E. Garrison abstained.

There was a consensus of the Board to allow staff to proceed with the Adequate Public Facilities ordinance.

*Resolution - VWGF Resource Center.* Mr. Ayscue stated that Vance, Warren, Granville, and Franklin Counties pool their state Criminal Justice Partnership Program (CJPP) allocations of funds and operate a regional resource center as an alternative to incarceration for certain criminal cases. Annually, each county is asked to approve the arrangement by resolution for the coming fiscal year. Vance County functions as the financial administrator for the program.

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Deborah F. Brown, vote unanimous, to approve the following resolution to continue the current program arrangement for the Criminal Justice Partnership Program for FY 2011-12:

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**VANCE COUNTY BOARD OF COMMISSIONERS  
RESOLUTION ON CONTINUATION OF THE  
VWGF RESOURCE CENTER**

Upon a duly made and seconded motion, a majority of the commissioners seated on the Vance County Board of Commissioners adopted the following resolution at a public meeting on this the 7<sup>th</sup> day of February, 2011.

**RESOLVED**, that the VWGF Resource Center is operating according to design and meeting identified criminal justice service needs throughout the local Judicial District; and it is

**FURTHER RESOLVED**, that the Vance County Board of Commissioners is fully satisfied with the managerial configuration presently being employed and also approves of the Vance County Manager continuing to serve in FY 2011-2012 as the financial administrator of this very important regional project.

Eddie L. Wright (Signed)  
Chairman, Board of Commissioners

February 7, 2011  
Date

Jerry L. Ayscue (Signed)  
County Manager

February 7, 2011  
Date

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*Black History Month Resolution.* Mr. Ayscue noted that February is traditionally recognized as Black History Month. Vance County has historically encouraged its citizens to participate in related events that create a greater awareness and appreciation of contributions made by African-Americans.

Motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Terry E. Garrison, vote unanimous, to adopt the following resolution that establishes February as Black History Month in Vance County and encourages all citizens to become actively involved accordingly.

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**R E S O L U T I O N**  
by the  
**Vance County Board of Commissioners**  
to designate  
*February as Black History Month in Vance County*

**WHEREAS**, for 85 years the month of February in part or in whole has been observed in the United States in recognition of black history and the many accomplishments and contributions made to society by African-Americans; and

**WHEREAS**, Carter G. Woodson, a noted Washington, D.C. author, editor, historian, and publisher, is credited with choosing the second week in February in 1926 to defend black humanity and highlight the accomplishments of his ancestors; and

**WHEREAS**, the second week of February was extended to include the entire month in 1976 upon celebration of the bicentennial of the United States and since that time, every American President has designated February as Black History Month; and

**WHEREAS**, since 2006 the Board of County Commissioners has established February as a special month within which to celebrate the essential roles of African-Americans throughout Vance County; and

**WHEREAS**, the Vance County Board of Commissioners sincerely desires for all citizens to understand and appreciate the value added to the local economy and overall community by African-Americans of all socio-economic levels.

**NOW THEREFORE BE IT RESOLVED**, that the Vance County Board of Commissioners does duly designate February as Black History Month in Vance County, and in doing so, does recognize the countless significant contributions to society made by people of African heritage.

**BE IT FURTHER RESOLVED**, that the Vance County Board of Commissioners does encourage businesses, churches, civic organizations, schools, and citizens of all races and color to participate in the observance and celebration of Black History Month in Vance County during the month of February, 2011.

This, the 7<sup>th</sup> day of February, 2011.

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

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*Schools Long Range Plan.* Mr. Ayscue stated that the Schools are required to submit a five-year Facility Needs Survey to the State. County Commissioners are required to review and certify the survey. Certification does not obligate the County to the survey. Mr. Ayscue recommended that the Board authorize the Board Chairman and the County Manager to sign the Facility Needs Survey as required.

Motion was made by Commissioner Terry E. Garrison to authorize the Board Chairman and the County Manager to sign the Facility Needs Survey as required. This motion was seconded by Commissioner Deborah F. Brown.

Commissioner R. Dan Brummitt expressed his concerns with the plan regarding funding. He found that it is not consistent with the budget at this time.

Commissioner Thomas S. Hester, Jr. suggested that the Schools provide a 10 and 15 year plan because some of the proposed projects puts a liability on the citizens for longer than five years.

Commissioner Terry E. Garrison stated that authorizing the Board Chairman and the County Manager to sign the survey is not an endorsement by the Board of Commissioners.

Vote on the motion was unanimous.

*Schools - Award of Bid - Multipurpose Rooms.* Mr. Ayscue reported that the Board of Education solicited bids to construct four multipurpose rooms at Carver, New Hope, Rollins, and L.B. Yancey Elementary Schools. Bids came in well above original estimates and desired project alternates were eliminated, still creating a shortage of \$527,052. The Schools requested additional funding and were approved by the State for the additional \$527,052. Total no/low interest loan funds now available are \$3,375,152. Both boards approved the original funding application for Qualified School Construction Bonds. Construction bids expire on 2/21/11.

Mr. Ayscue recommended that the Board approve submitting a revised application for the additional \$527,052. If that is approved, he recommended that the Board award the bid for construction of multipurpose rooms at Carver, New Hope, Rollins, and L.B. Yancey Elementary Schools to the low bidder, H.G. Reynolds Construction Company, in an amount up to \$3,375,152, subject to further discussion with the Schools as necessary.

Motion was made by Commissioner Terry E. Garrison to approve the submission of a revised application in the amount of \$3,375,152. This motion was seconded by Commissioner Deborah F. Brown for the purpose of discussion.

Commissioner Deborah F. Brown asked how many years would this be financed for and was told 15 years. Commissioner Brown stated that we do not know if these school facilities will even be around in 15 years because student enrollment has been declining for the past few years.

Commissioner Thomas S. Hester, Jr. echoed Commissioner Brown's comments and stated that the County needs to be very conservative with spending considering the State's budget shortfall.

Commissioner R. Dan Brummitt stated that another issue is that the projected decrease in enrollment is based on current practices in the education system. New legislation has been introduced at the state level to remove the cap on charter schools and also remove the enrollment cap in existing charter schools. Until these variables are sorted out, there is a potential for enrollment in Vance County public schools to decline even more.

Vote on the motion failed by a vote of ayes - one (1); noes - six (6), with the dissenting votes being cast by Commissioners Wright, Brown, Brummitt, Hester, Pegram, and Wilder.

Mr. Ayscue suggested that the Board discuss a course of action to take at this point.

Commissioner Terry E. Garrison stated that while the County has an obligation to be frugal during these challenging economic times, it does not need to degrade the quality of the Vance County school system. The students are entitled to a good quality education in decent facilities.

Motion was made by Commissioner Gordon Wilder to seek an extension on the current bids and request the Schools to present a revised plan regarding the multipurpose rooms. This motion was seconded by Commissioner Thomas S. Hester, Jr. and unanimously approved.

*Clark Street Elementary School Property.* Mr. Ayscue reported that the Board of Education did not accept the County Commissioners' proposal to purchase the property for \$1 and immediately sell it, with net proceeds going into the Capital Reserve Fund - Schools for future capital needs. The Schools have requested that the Commissioners be made aware of their position at the February meeting. Mr. Ayscue recommended that the Board authorize the County Attorney to notify the Schools that the County is not willing to make a further offer which will allow the Schools to proceed with disposal of the property.

Motion was made by Commissioner R. Dan Brummitt to authorize the County Attorney to notify the Schools that the County is not willing to make a further offer which allows the Schools to proceed with disposal of the property, and further, the County does not have budgeted funds to address the matter in the future. This motion was seconded by Commissioner Thomas S. Hester, Jr. and unanimously approved.

*Armory/Bank Building.* Mr. Ayscue stated that the City of Henderson adopted a resolution on January 10, 2011 to allow the transfer of its 50% ownership interest in the Armory property to the County in return for the County taking similar action on the old Southern National Bank Building. There would be equal division of any net proceeds from the sale of the properties between the City and County. This is consistent with the position taken by the County in mid-2010 and submitted as a proposal to the City through the Intergovernmental Committee. It would be appropriate for the Board to take the necessary steps to enable this intergovernmental transfer of property, disposal of said property, and equal sharing of net proceeds to occur, consistent with action taken by the City and according to direction provided by the County Attorney and Finance Director.

Motion was made by Commissioner Deborah F. Brown, seconded by Commissioner R. Dan Brummitt, vote unanimous, to take possession of the Armory property and relieve the possession of the old Southern National Bank building to the City of Henderson.

*Agreement with Tourism Development Authority.* Mr. Ayscue stated that consistent with previous conversations and discussions, the Tourism Development Authority concurs with the proposed agreement which clarifies the funding arrangements and allows the TDA Board to proceed with its future plans.

Motion was made by Commissioner Terry E. Garrison to approve the agreement and authorize the Chairman and Finance Director to duly execute the document. This motion was seconded by Commissioner Thomas S. Hester, Jr.

Commissioner R. Dan Brummitt stated that the audit report noted that this issue was resolved in November, when in fact, it will be resolved tonight when this agreement is approved. The audit report will need to be corrected regarding this matter.

Vote on the motion was ayes - six (6); noes - one (1), with the dissenting vote being cast by Commissioner R. Dan Brummitt.

*Resolution of Support.* Mr. Ayscue stated that there has been a proliferation of repeat crimes by the same offenders in Henderson and Vance County, with much attention in the local and regional media. Law enforcement agencies have worked diligently to make arrests, only to find that some of the criminals are consistent repeat offenders. There is an effort to have legislation passed by the NC General Assembly to help with this problem by stiffening penalties, including making multiple misdemeanors a felony in some situations. The County's Public Safety Committee has been working on this situation for several months. The resolution supports efforts at the Legislature in this regard.

Motion was made by Commissioner Gordon Wilder to approve the resolution that supports local efforts to stiffen penalties for extreme repeat criminal offenders. This motion was seconded by Commissioner Thomas S. Hester, Jr. and unanimously approved.

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**RESOLUTION**  
**by the**  
**Vance County Board of Commissioners**  
**in Support of**  
***Increased Penalties for Multiple Criminal Offenses***

**WHEREAS**, the Vance County Sheriff's Office and the Henderson City Police Department have encountered ongoing challenges in their efforts to enforce existing criminal laws and to protect the citizens of Vance County and Henderson; and

**WHEREAS**, the current criminal law of North Carolina provides that a person who steals items of less than \$1,000 value may be charged with a misdemeanor offense regardless of how many times he/she is convicted of stealing; and

**WHEREAS**, recent crimes in Henderson and Vance County have been committed by persons with forty (40) or more misdemeanor larceny convictions; and

**WHEREAS**, the Henderson Police Department has requested the local State legislative delegation to introduce legislation that would require a person who commits a third misdemeanor larceny to be charged with a felony; and

**WHEREAS**, stiffer penalties can assist local law enforcement officials in their fight against crime.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Vance County Board of Commissioners does support tougher laws for multiple larceny offenders and encourages Representative James Crawford, Representative Michael Wray, and Senator Doug Berger to work diligently to introduce and help pass legislation to make a third misdemeanor larceny to be considered as a felony.

**This, the seventh day of February, 2011.**

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

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*Unfunded Mandates.* Mr. Ayscue stated that he will be working on a resolution to our legislators regarding unfunded mandates. He stated that he would get this to the Board for approval as soon as possible.

Motion was made by Commissioner R. Dan Brummitt to authorize the County Manager to prepare said resolution. This motion was seconded by Commissioner Deborah F. Brown and unanimously approved.

Miscellaneous

*March Meeting Date.* Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Deborah F. Brown, vote unanimous, to adopt the following resolution to change the March meeting from March 7, 2011 to March 14, 2011 due to the NACo Legislative Conference in Washington, DC.

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**RESOLUTION**  
**by the**  
**Vance County Board of Commissioners**  
***Changing the Date of the March 2011 Commissioners' Meeting***

**WHEREAS**, the Vance County Board of Commissioners normally holds its regular meetings on the first Monday of each month at 6:00 p.m.; and

**WHEREAS**, North Carolina General Statute 153A-40 provides that in the event the Board of Commissioners desires to change the date and time of a regular meeting, that the Board may do so by adopting a resolution at least ten (10) days before such meeting; and

**WHEREAS**, the Vance County Board of Commissioners desires to change its regular meeting scheduled for Monday, March 7, 2011 at 6:00 p.m. to Monday, March 14, 2011 at 6:00 p.m.

**NOW, THEREFORE, BE IT RESOLVED** by the Vance County Board of Commissioners that it does hereby change its regular meeting date from March 7, 2011 at 6:00 p.m. to March 14, 2011 at 6:00 p.m. at the usual place, the Commissioners' Conference Room, Vance County Administration Building, Henderson, NC.

**BE IT FURTHER RESOLVED** that a copy of this resolution is to be posted on the Courthouse bulletin board and a summary of said resolution to be published in The Daily Dispatch and a copy of this resolution delivered to the news media within Vance County.

**This, the 7<sup>th</sup> day of February, 2011.**

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

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*Appointments.* The following appointments were presented for the Board's consideration:

Henderson Planning Board - 3 year term  
Re-appoint Cornell Manning and Ricky Easter  
*There are currently two County vacancies on this Board.*  
*No other applications received.*

Henderson Zoning Board of Adjustments - 3 year term  
Re-appoint Richard Vaughan, Arnold Bullock, Gene Ayscue, and Ricky Easter  
*There is currently one Alternate position vacancy on this Board.*  
*No other applications received.*

Henderson-Vance County Human Relations Commission - 3 year term  
Re-appoint Barbara Richards and Eddie Vick  
*There are currently two County vacancies on this Commission.*  
*No other applications received.*

Vance County Planning Board - 3 year term  
Re-appoint Agnes Harvin and Phyllis Stainback  
*There is currently one vacancy on this Board.*  
*No other applications received.*

Motion was made by Commissioner Deborah F. Brown to approve the appointments as presented. This motion was seconded by Commissioner Gordon Wilder and unanimously approved.

Commissioner Deborah F. Brown stated that Ms. Ruth Jones had expressed interest to her in serving on the Animal Control Advisory Committee. The Board agreed to this by consensus.

At this time, motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Terry E. Garrison, vote unanimous, to enter into closed session for the purpose of discussing personnel matters, economic development projects, and an attorney client privileged matter.

Upon return to regular session, the Board discussed accusations that were made during closed session.

As there was no further business, at 9:50 p.m., motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Deborah F. Brown, vote unanimous, that the meeting be adjourned.

Approved and signed March 14, 2011.

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Chairman