

STATE OF NORTH CAROLINA

COUNTY OF VANCE

The Vance County Board of Commissioners met in special session on Monday, October 24, 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 Gordon Wilder gave the invocation.

As advertised, at 6:00 p.m., a joint public hearing of the Vance County Board of Commissioners and the Vance County Board of Education was held to receive citizen input on the proposed new district boundaries for the County Commissioner districts and Board of Education districts. Board of Education members present were as follows: Vice-Chairperson Gloria White, Emeron J. Cash, Ruth Hartness, Ronald B. Kinsley, Darlynn Oxendine, and Dorothy Williams. Chairperson Margaret A. Ellis was absent. Also present were School Superintendent Ronald E. Gregory and School Attorney Jerry Stainback.

County Attorney Jonathan S. Care stated that the purpose of the electoral district line change is to comply with legal requirements as a result of the most recent census data. The population that was once centered within the City limits has shifted out into the County. In order to maintain an equal amount of voters in each district, the district lines needed to be redrawn.

Attorney Care noted that three scoping sessions have been held in order to allow public input on this matter. During these sessions, no major questions or concerns were raised by the public.

Commissioner Terry E. Garrison thanked the County Attorney and the School Attorney for their hard work on this matter. He stated that what is being proposed seems to be well within the guidelines, maintains minority districts, and gives each citizen a one-man-one-vote opportunity.

Chairman Wright echoed these remarks.

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

At this time, members of the Board of Education excused themselves from the meeting.

As advertised, at 6:15 p.m., a public hearing was held to gain citizen input on repealing Vance County Ordinance #9 entitled “Zoning Ordinance” (1977); Ordinance #11 entitled “Swimming Pools”; Ordinance #37 entitled “Junkyard Ordinance”; and Ordinance #38 entitled “Outdoor Shooting Range”.

County Manager Jerry L. Ayscue stated that these four ordinances need to be repealed simultaneously with the enactment of the zoning ordinance on November 1, 2011. The rules and regulations of these four ordinances are now included in the zoning ordinance.

Commissioner Dan Brummitt spoke in opposition of this matter. He stated that the Shooting Range Ordinance was approved against the advice of the County Attorney, and the most recent zoning ordinance has a number of issues that create legal concerns. He stated that it puts the County at risk for legal action in the future.

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

Motion was made by Commissioner Thomas S. Hester, Jr. to repeal Vance County Ordinance #9 entitled “Zoning Ordinance” (1977); Ordinance #11 entitled “Swimming Pools”; Ordinance #37 entitled “Junkyard Ordinance”; and Ordinance #38 entitled “Outdoor Shooting Range” effective as of midnight on October 31, 2011. This motion was seconded by Commissioner Deborah F. Brown and vote was ayes - six (6); noes - one (1), with the dissenting vote being cast by Commissioner Dan Brummitt.

Brownfields Grant Application. Jordan McMillen, Planning Services Director, was next on the agenda with a request to submit an EPA Brownfields Assessment grant application. He also requested the Board to allow the County to contract with Mid-Atlantic Associates, Inc. for assistance in preparing the grant application and to authorize the Chairman to sign the proposal acceptance sheet and other related grant documents.

Mr. McMillen explained that an assessment grant would allow for inventoring, characterizing, assessing, and cleanup of brownfields within the county. Phase 1 and Phase 2 environmental studies are included in the allowable uses of the grant and will prepare sites for future development. Mid-Atlantic desires to develop a long term relationship with the County. As such, they will waive the grant writing fees. If the County is not awarded the grant, Mid-Atlantic will work with the County to prepare and submit the next application until such time that the grant is awarded. Once funded, Mid-Atlantic will waive the grant writing fees if they are awarded the

contract to implement the assessment project. If they are not chosen and another firm is chosen for this role, Mid-Atlantic would then charge a lump sum fee of \$4,000 for their services.

Commissioner Dan Brummitt asked if we have a current inventory of brownfields in Vance County. Mr. McMillen stated that we do not have an inventory, and that is something that would take place through this grant.

Commissioner Terry E. Garrison asked what the maximum administrative cost percentage would be with Mid-Atlantic. Mr. McMillen stated that he did not have this information with him, but could provide that to the Board as soon as possible. Commissioner Garrison stated that he would like to have this piece of information before authorizing the request.

Commissioner Gordon Wilder asked if there would be an open bid process. Mr. McMillen stated that when and if the grant is awarded to the County, the County would have to go through an RFQ process (request for qualifications). Mid-Atlantic would be included in this process. That is when the County would have the opportunity to choose Mid-Atlantic or another firm to carry out the grant.

Commissioner Gordon Wilder also asked if there is a performance clause in the agreement with Mid-Atlantic. Mr. McMillen stated that there are some performance measures in the agreement, but at this point, there is no work being done on a site. That would happen after the RFQ process.

After further discussion, the Board decided to table this matter until the November meeting in order to clear up some unanswered questions. The Board asked to have this information ahead of the November meeting date.

The Board thanked Mr. McMillen for exploring this matter.

CDBG - Economic Development Grant. Mr. Ayscue stated that the County has received a \$750,000 building reuse grant from the Department of Commerce for the Semprius project. In order for construction to proceed and funding to be released, the County must approve the Grant Agreement and Funding Approval documents. Mr. Ayscue recommended that the Board approve and authorize the Chairman to sign the Grant Agreement and the Funding Approval for the \$750,000 CDBG Economic Development Grant for the Semprius project by resolution.

Motion was made by Commissioner Terry E. Garrison, seconded by Commissioner Deborah F. Brown, vote unanimous, to approve the following resolution to approve and authorize the Chairman to sign the Grant Agreement and the Funding Approval for the \$750,000 CDBG Economic Development Grant for the Semprius project.

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**RESOLUTION OF THE VANCE COUNTY
BOARD OF COMMISSIONERS
ACCEPTANCE AND EXECUTION OF GRANT AGREEMENT
AND FUNDING APPROVAL FOR THE
2011 ECONOMIC DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, the County of Vance applied to the North Carolina Department of Commerce for Community Development Block Grant Economic Development Project;

WHEREAS, such application has been accepted by the North Carolina Department of Commerce for Community Development Block Grant Funds in the amount of \$750,000; and,

WHEREAS, the North Carolina Department of Commerce has submitted a Funding Approval and Grant Agreement outlining the conditions imposed upon said Community Development Block Grant Funds.

NOW, THEREFORE, BE IT RESOLVED, by the Vance County Board of Commissioners that the Funding Approval and Grant Agreement by and between the County of Vance and the North Carolina Department of Commerce in the amount of \$750,000 is hereby accepted; and that Eddie L. Wright, Chairman of the Vance County Board of Commissioners, and successors so titled were authorized and directed to execute said Funding Approval and Grant Agreement and any related documents upon receipt.

ADOPTED this the 24th day of October, 2011.

Eddie L. Wright (signed)
Eddie L. Wright, Chairman
Vance County Board of Commissioners

ATTEST:

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

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NC Economic Development Rural Center Grants. Mr. Ayscue stated that the County has applied for and received two grants from the NC Rural Economic Development Center totaling \$550,000 to be used for building upfits for the Semprius project. The first grant is for \$480,000 and the second is for \$70,000. The two performance agreements for the first grant have been received (one is for the \$480,000 of Rural Center grant money and the other is for the local match in the same amounts) and must be submitted prior to the second grant documents being sent to the County. The second grant will be the same as the first with the only difference being the grant amount and number of jobs. Due to the need to meet construction goals for the company, the documents must be executed and submitted as soon as possible.

Motion was made by Commissioner Terry E. Garrison to authorize the Chairman to sign the two performance agreements for funding from the NC Rural Economic Development Center for the Semprius project in the amount of \$480,000 and also authorize the Chairman to execute the two performance agreements for the second grant of \$70,000. This motion was seconded by Commissioner Dan Brummitt and unanimously approved.

DOT Temporary Easement. County Attorney Jonathan S. Care presented a DOT drawing as well as a temporary easement. The Department of Transportation will be replacing the bridge on Vance Academy Road and during this process they need a temporary easement on the County's property at the animal shelter. They have offered \$450 for this temporary easement. Attorney Care recommended that the Board approve the offer for the temporary easement and authorize the Chairman to execute the document.

Motion was made by Commissioner Gordon Wilder to approve the offer from the Department of Transportation for the temporary easement, and authorize the Chairman to execute the document. This motion was seconded by Commissioner Thomas S. Hester, Jr. and unanimously approved.

Before going into closed session, Chairman Wright recognized Ms. Margaret Ellis, School Board Chairperson, who was present at the meeting.

At this time, motion was made by Commissioner Gordon Wilder, seconded by Commissioner Deborah F. Brown, vote unanimous, to enter into closed session for the purpose of discussing an attorney client privileged matter.

Upon return from closed session, and as there was no further business, at 7:15 p.m., motion was made by Commissioner Gordon Wilder, seconded by Commissioner Deborah F. Brown, vote unanimous, that the meeting be adjourned.

Approved and signed November 7, 2011.

Chairman