

STATE OF NORTH CAROLINA

COUNTY OF VANCE

The Vance County Board of Commissioners met in regular session on Tuesday, September 8, 2020 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 Gordon Wilder, Vice-Chairman Dan Brummitt, Commissioners Carolyn Faines, Thomas S. Hester, Jr., Leo Kelly, Jr. and Archie B. Taylor, Jr.

Absent: Commissioner Yolanda Feimster.

Also present were County Manager Jordan McMillen, Finance Director Katherine Bigelow, County Attorney Jonathan S. Care, and Clerk to the Board Kelly H. Grissom.

Chairman Gordon Wilder gave the invocation.

The first item on the agenda was a meeting of the ABC Composite Board consisting of the Board of Commissioners, the Chair of the Board of Education, and the Mayor of the City of Henderson. Board of Education Chair Ed Wilson and Mayor Eddie Ellington were absent.

Dr. Rodwell Drake, Jr. had submitted an application seeking appointment to the Vance County ABC Board to fill the position formerly held by Andrea Harris. No other applications were received. Although Mayor Ellington was unable to attend the meeting, he did submit an email response affirming his support of the appointment.

Motion was made by Commissioner Thomas S. Hester, Jr. to appoint Dr. Rodwell Drake, Jr. to the Vance County ABC Board to fill the position formerly held by Andrea Harris. This motion was seconded by Commissioner Dan Brummitt and unanimously approved.

EMS Director Javier Plummer was next on the agenda and informed the board that Vance County Emergency Medical Services had received the Silver achievement of the 2020 Mission: Lifeline Award from the American Heart Association. The award is for continued success in using the Mission Lifeline program and for applying the most up-to-date evidence-based treatment guidelines to improve patient care and outcomes in the community. Mr. Plummer recognized Paramedic and Field Training Officer Christopher Rigg for his tireless behind-the-scene work in coordinating the process to achieve this award.

The board thanked Mr. Plummer, Mr. Rigg, and the entire EMS team for all they do for the community and requested the county manager to draft a certificate of appreciation for EMS and Mr. Rigg.

WHEREAS, the County Commissioners recognize and value the role of public service by citizens in the proper governance of the County; and

WHEREAS, the Board of Commissioners is desirous of appointing qualified, knowledgeable, and dedicated people to serve on these boards, commissions, or committees, and thus solicits the interest and input of residents and employees of local businesses of Vance County in making such appointments; and

WHEREAS, the Board of Commissioners desires to enhance overall representativeness of the appointments to be made from time to time by the Board, to increase the public interest and awareness in the appointment process, to require attendance at meetings, and to ensure operational effectiveness of boards, commissions, and committees as appropriate.

NOW THEREFORE BE IT RESOLVED, by the Vance County Board of Commissioners, that:

Section I. The policy of Vance County governing appointments to the various boards, commissions, or committees made by the Board of Commissioners is updated and is as follows:

- A. Any resident of Vance County or employee of a local business in or regularly serving Vance County is eligible to serve on the appointed boards, commissions, or committees of the County where such appointment is not prohibited or otherwise guided by State statute, federal regulations, or local law.
- B. All appointments will be made according to the North Carolina Statute or County Ordinance that created that board, commission, or committee.
- C. No individual may serve in more than three appointed positions of Vance County Government unless exempted by nature of the position held in governmental service.
- D. No individual may serve more than ten (10) consecutive years on any board, commission, committee or authority unless the individual has served for less than 10 years at the time his/her term expires, then he/she shall be eligible for re-appointment of one additional term. This policy may be waived if the Board of County Commissioners determines that the removal of one or more individuals made ineligible by this ordinance would be detrimental to the functioning of that board, commission, or committee.
- E. If an appointee misses three consecutive meetings without notifying the committee chairperson prior to the meeting, the appointee will be considered to have resigned his or her appointment. The committee chairperson shall be responsible for notifying the Clerk to the Board of the vacancy and the Board of County Commissioners will be free to appoint a new individual to serve the remaining term.
- F. Appointee must uphold all applicable policies pertaining to the board, commission, or committee on which he or she serves.

Section II. Procedures for filling vacancies for appointed positions:

- A. Notification of available appointments
 - 1. A list of available positions stating terms of office, requirements for office, and duties of positions shall be available for public inspection at the Office of the Clerk to the Board of County Commissioners.
 - 2. A list of available positions that will be considered by the Board of Commissioners during the year will be published in the newspaper of Vance County one time during the month of January.
- B. Selection Process

committee members were in agreement and recommended supporting McGregor with \$50,000 in CRF funds. The third committee member mentioned a concern with allocating all of the remaining CRF funds and suggested providing \$30,000 to McGregor. Based upon guidance from the committee, an allocation of \$50,000 is included on the proposed CRF budget for approval under the Finance Director's report.

Commissioner Dan Brummitt asked how much McGregor's expenditures have decreased. He stated that he is not comfortable funding more than what the City may fund. It was noted that the City has not made a decision on this matter.

Finance Director's Report

COVID-19 – Coronavirus Relief Fund. We are actively working on projects to help protect our citizens and staff from the community spread of COVID-19. A listing of additional projects were provided to the board for approval. Recommendation: Approve COVID projects as presented.

Motion was made by Commissioner Thomas S. Hester, Jr. to approve the COVID project listing as presented. This motion was seconded by Commissioner Archie B. Taylor, Jr.

Commissioner Dan Brummitt stated that he would like to wait to see what the City does with the McGregor Hall funding request.

Vote on the motion to approve the COVID project listing as presented was ayes – four (4); noes – two (2), with the dissenting votes being cast by Commissioner Dan Brummitt and Commissioner Carolyn Faines.

County Manager's Report

Legislative Goals. County Manager Jordan McMillen stated that the NC Association of County Commissioners (NCAACC) 2021-2022 biennium legislative goals process is underway. A listing of goals in no particular order was provided for the board's consideration and approval prior to submittal to NCAACC.

1. Tire Disposal - Support legislation to restore previous year funding levels to counties within the state tire program and support legislation assisting counties with growing numbers and costs associated with tire disposal.
2. Broadband – Request funding, support, and flexibility within GREAT grant funds and other funds for expanding broadband access to rural communities.
3. Electronics Waste - Support legislation to remove computer equipment and televisions from the list of banned items from landfills or provide additional state funding to offset rising e-waste recycling costs.
4. Education Lottery Funding – Request General Assembly to reinstate education lottery funding back to 40% level.
5. Support efforts to provide greater flexibility to local governments in the expenditure of 911 surcharge funds.

6. Oppose other unfunded mandates and shift of state responsibilities to counties.

Motion was made by Commissioner Dan Brummitt to forward the proposed legislative goals as listed to the North Carolina Association of County Commissioners. This motion was seconded by Commissioner Thomas S. Hester, Jr. and unanimously approved.

Request to Replace 15 HVAC units at Jail. Mr. McMillen stated that the Sheriff and Jail Administrator have requested and provided justification for replacing the 15 roof-top HVAC units at the jail. Twelve of the fifteen units are original to the building and are 30 years old with the other three over 20 years old – the typical life expectancy is fifteen years. The estimated cost of replacement is \$150,000. This project is not in the Capital Improvement Plan or the current year budget, although staff believes a portion or all of the funds may be available in lapsed salaries towards the end of the fiscal year.

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Carolyn Faines, vote unanimous, to approve the replacement of 15 rooftop HVAC units at the jail at a cost not to exceed \$150,000.

Economic Development Repayment Agreement – TNCP ONE, LLC. Mr. McMillen noted that the county has an existing agreement with TNCP, ONE, LLC that outlines the repayment terms for economic development incentives related to the former Semprius project. Several state and local incentives were given to Semprius and unfortunately when Semprius filed for bankruptcy and liquidated, they were unable to pay back the county. The property owner, TNCP ONE, LLC, then negotiated with the county and we signed a forbearance agreement and the property owner has been paying the county since late 2017 of which a majority has been repaid to the state with the county recouping its incentive dollars currently. The existing agreement includes three additional payments and will be satisfied when the final quarterly payment is made in April 2021. The property owner has requested a modification to the agreement that would remove the 3.5% interest paid and accruing, apply the paid interest payments to principal payment and they would make one final payment in full in October 2020. Dating back to the beginning of the agreement, the interest totals approximately \$25,000. The county previously denied a similar forgiveness request from the owner. Staff has concerns with this request and recommends no changes to the current economic development grant repayment terms.

County Attorney Jonathan Care stated that it is his opinion that the county does not have the legal ability to forgive the interest based upon the fact that the county has an enforceable

forbearance agreement with the company. There is nothing to challenge the validity of the agreement or the original agreement with the company. The county does not have the basis to forgive the interest and he recommended against the request. The board took no action on this matter.

Volunteer Fire Department Contracts Addendum – Flexible Use of Part-time Hours. Mr. McMillen stated that during the August meeting the board directed staff to prepare amendments to the volunteer fire department contracts allowing for flexible use of the existing part-time positions. Currently each department receives \$87,326 to provide two part-time slots Monday - Friday at 60 hours per position per week – Epsom is the exception which receives \$43,663 for one part-time slot. The departments are interested in expanding the use of these slots to Saturdays and Sundays as well. The board was provided a copy of the addendum for the volunteer fire department contracts which removes the Monday – Friday requirement providing the flexibility desired by the departments. Mr. McMillen noted that staff has requested and has not received annual financial reviews, rosters, and other items required by contract from the rescue squad and the majority of volunteer departments. Recommendation: Approve volunteer fire department contract addendum that allows for reimbursement of part-time positions used any day of the week for fire protection services.

Motion was made by Commissioner Dan Brummitt to approve the volunteer fire department contract addendum that allows for reimbursement of part-time positions used any day of the week for fire protection services. This motion was seconded by Commissioner Carolyn Faines and unanimously approved.

Rescue Squad Contract Addendum and Budget Amendment. Mr. McMillen stated that as requested by the board, the rescue squad contract addendum and budget amendment provides additional funds to the rescue squad from the fire tax fund for the purpose of funding two part-time positions devoted to fire protection services. The rescue squad's current contract expires June 30, 2021 and does not include fire protection services as a part of their duties and does not include language supporting the use of county reimbursed part-time positions. The contract addendum outlines the requirements for reimbursement in a similar fashion as the volunteer fire departments' contracts and limits the positions' use to fire protection services to allow use of the fire tax funds this fiscal year. The budget amendment allocates \$65,494.50 from the fire fund balance for the remaining nine months of the current fiscal year for supporting the positions at the rescue squad.

The annual cost for the positions would be \$87,326. The manager made the board aware of the following concerns before proceeding with this item:

1. The fire fund balance cannot support these additional positions beyond FY22-23 without further changes and/or a tax increase. One solution would be reducing the existing part-time slots at the volunteer fire departments from 60 to 50 hours per week.
2. The rescue squad's duties are being expanded beyond their current contracted "rescue services". Their contract does not currently specify or define fire protection services and what those services include. Without receiving the rescue squad roster we are unsure of their fire qualifications as it relates to providing fire protection services.
3. The level of funding currently provided to the rescue squad is far beyond what other NC counties are providing for rescue services. The rescue squad currently receives \$102,775 from the general fund and the changes being made would provide an additional \$87,326 annually from the fire tax fund.

Motion was made by Commissioner Dan Brummitt to approve the contract addendum for the rescue squad and to approve Budget Amendment #2 as presented. This motion was seconded by Commissioner Carolyn Faines.

Commissioner Archie B. Taylor, Jr. expressed his concern with providing additional funding to the rescue squad and stated that Vance County already pays more for rescue services than any of our surrounding counties. He is also opposed to using the fire tax fund for rescue services. Commissioner Thomas S. Hester, Jr. echoed these remarks and stated that he does not support using fire tax funds for rescue services. He also expressed his concern that the fire tax rate has increased from 2 cents to over 8 cents since it was established.

Commissioner Dan Brummitt stated that other county volunteer fire departments each have their own rescue squad which is budgeted within the individual fire department budget whereas Vance County has just one rescue squad. He also noted that although the fire tax rate has increased, volunteer fire department ISO ratings have improved which saves residents on homeowner insurance.

The motion to approve the contract addendum for the rescue squad and to approve Budget Amendment #2 as presented failed by a vote of ayes – two (2); noes – four (4), with the dissenting votes being cast by Commissioners Thomas S. Hester, Jr., Leo Kelly, Jr., Archie B. Taylor, Jr. and Gordon Wilder.

Resolution Expanding Use of Fire Tax Proceeds to include Rescue Services. Mr. McMillen stated that the fire protection service district and tax was approved in June 2002 for implementation with the FY2002-03 budget as an equitable way to provide funding to the fire departments serving those areas outside of the city limits. Prior to the fire tax fund creation the general fund was used

to fund rural fire protection. This created a social policy issue whereas city property owners were shouldering the cost of providing fire protection services for areas outside the city limits. As a result the fire protection service district and tax was established for funding rural fire protection in areas outside the city limits. During the August meeting the board directed staff to prepare a resolution allowing the rescue squad to utilize funds from the fire tax fund for the purpose of reimbursing the cost of two part-time positions/slots. The rescue squad currently receives \$102,775 annually from the general fund and two 60 hour/week part-time slots would provide them an additional \$87,326 in annual funding. Upon approval, the expansion of the fire tax to allow for rescue services use would not be effective until July 1, 2021 as per state law.

No action was taken on this matter due to the failure of the previous matter's vote.

County Attorney's Report

REO Properties – Bid Acceptance Resolutions. County Attorney Jonathan S. Care noted that during a previous meeting, the board of commissioners approved the public sale process for Oak Ridge Church Road Lot (Parcel 0482 04006) and Community House Road Lot (Parcel 0460 01026). There were no upset bids received for either property. The board is now free to sell the properties or reject the offers.

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Thomas S. Hester, Jr., vote unanimous, to approve the following resolutions accepting the bids for Oak Ridge Church Road Lot (Parcel 0482 04006) and Community House Road Lot (Parcel 0460 01026):



**RESOLUTION ACCEPTING BID FOR
COUNTY OWNED REAL PROPERTY**

WHEREAS, the Vance County Board of County Commissioners received an offer in the amount of \$1,400.00 from Mekre Eyesus Francis for the purchase and sale of County owned real property, which is more particularly described below:

Oak Ridge Church Road Lot, Henderson, North Carolina 27536, Vance County Tax Department Parcel Number 0482 04006.

WHEREAS, pursuant to NCGS 160A-269, a notice was published in the *Daily Dispatch* on **July 30, 2020** stating that said offer from Mekre Eyesus Francis in the amount of \$1,400.00 had been received and that any person wishing to submit an upset bid should do so within 10 days, and

WHEREAS, no upset bids were received within the statutorily prescribed time period.

THEREFORE, BE IT RESOLVED by the Vance County Board of Commissioners, pursuant to NCGS 160A-269 that:

The bid submitted by *Mekre Eyesus Francis* in the amount of **\$1,400.00** subject to the terms and conditions contained in the submitted upset Offer to Purchase Contract, attached hereto as Exhibit “A”, is hereby accepted for the property described herein and the Board’s Chairperson shall execute the documents necessary to complete the transfer of title to such property.

Adopted this the 8th day of September, 2020.

Gordon Wilder (signed)
Gordon Wilder, Chairman
Vance County Board of Commissioners

ATTEST:

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



**RESOLUTION ACCEPTING BID FOR
COUNTY OWNED REAL PROPERTY**

WHEREAS, the Vance County Board of County Commissioners received an offer in the amount of \$1,128.00 from Mekre Eyesus Francis for the purchase and sale of County owned real property, which is more particularly described below:

Community House Road Lot, Henderson, North Carolina 27536, Vance County Tax Department Parcel Number 0460 01026.

WHEREAS, pursuant to NCGS 160A-269, a notice was published in the *Daily Dispatch* on **August 6, 2020** stating that said offer from Mekre Eyesus Francis in the amount of \$1,128.00 had been received and that any person wishing to submit an upset bid should do so within 10 days, and

WHEREAS, no upset bids were received within the statutorily prescribed time period.

THEREFORE, BE IT RESOLVED by the Vance County Board of Commissioners, pursuant to NCGS 160A-269 that:

The bid submitted by *Mekre Eyesus Francis* in the amount of **\$1,128.00** subject to the terms and conditions contained in the submitted upset Offer to Purchase Contract, attached hereto as Exhibit “A”, is hereby accepted for the property described herein and the Board’s Chairperson shall execute the documents necessary to complete the transfer of title to such property.

Adopted this the 8th day of September, 2020.

Gordon Wilder (signed)
Gordon Wilder, Chairman
Vance County Board of Commissioners

ATTEST:

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



Consent Agenda

Motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Carolyn Faines, vote unanimous, to approve the following consent agenda items as presented:
Budget Amendments #3 - #7, July 2020 Tax Refunds and Releases, departmental monthly reports,

and the minutes of the August 3, 2020 regular meeting and the August 19, 2020 special meeting.



**Budget Amendment #3
FY 2020-2021
Emergency Management**

Account Number	Description	Reason	Approved 21 Budget	Increase	Decrease	Amended Budget
Revenues						
71-329-432900	Investment Earnings	Economy	(10,000)		(5,000)	(5,000)
71-371-437103	911 ETS Funds	Per E911 Board	(593,075)		(60,502)	(532,573)
71-399-439900	Fund Balance Appropriated		(607,000)		(149,517)	(457,483)
Total Revenues			(1,210,075)	-	(215,019)	(995,056)

Expenditures						
71-751-500011	Telephone & Postage		100,000			100,000
71-751-500014	Travel/Training		10,000			10,000
71-751-500016	Maintenance Equipment		95,000			95,000
71-751-500021	Equipment Rental					
71-751-500033	Departmental Supplies		12,000			12,000
71-751-500045	Contracted Services					
71-751-500062	Special Projects					
71-751-500074	Capital Outlay	Per E911 Board	993,075		215,019	778,056
71-751-500085	Non-Capitalized Assets					
71-751-500120	Access Services-Cellular					
71-751-500153	Lease Purchase Principal					
71-751-500154	Lease Purchase Interest					
71-751-500307	911 Addressing					
71-751-500308	Database Provisioning					
Total Expenditures			1,210,075	-	215,019	995,056

Purpose: To correct budget to balance with the E911 Board.

Authorization: Vance County Board of Commissioners
September 8, 2020



**Budget Amendment #4
FY 2020-2021
Sheriff's Office**

Revenue Amendment Request	Account Number	Revenue Increase (Decrease)
General Fund Balance	10-399-439900	(3,738.92)
Total Revenue Increase (Decrease)		\$ (3,738.92)

Expenditure Amendment Request	Account Number	Expense Increase (Decrease)
Sheriff's Interdiction Funds	10-517-500033	(3,738.92)
Total		\$ (3,738.92)

Purpose: Correcting budget to match the DOJ's allowable federal expenditures. Total expenses allowed is \$11,261.08.

Authorization: Vance County Board of Commissioners
September 8, 2020



**Budget Amendment #5
FY 2020-2021
Cooperative Extension – 4H**

Revenue Amendment Request	Account Number	Revenue Increase (Decrease)
General Fund Balance	10-399-439900	1,500
Total Revenue Increase (Decrease)		\$ 1,500

Expenditure Amendment Request	Account Number	Expense Increase (Decrease)
4H Special Projects	10-604-500062	1,500
Total		\$ 1,500

Purpose: Void and re-cut a check from last fiscal year that was never cashed; was intended for and needed by the four-county livestock show.

Authorization: Vance County Board of Commissioners
September 8, 2020



**Budget Amendment #6
FY 2020-2021
Cooperative Extension**

Revenue Amendment Request	Account Number	Revenue Increase (Decrease)
General Fund Balance	10-399-439900	1,020.20
Total Revenue Increase (Decrease)		\$ 1,020.20

Expenditure Amendment Request	Account Number	Expense Increase (Decrease)
Health Department Grant	10-605-500299	1,020.20
Total		\$ 1,020.20

Purpose: Balance of grant awarded to Cooperative Extension in 2018 from the Health Department; the balance was erroneously not budgeted.

Authorization: Vance County Board of Commissioners
September 8, 2020



**Budget Amendment #7
FY 2020-2021**

Revenue Amendment Request	Account Number	Revenue Increase (Decrease)
Lease / Loan Proceeds	10-370-437024	43,921.73
Total Revenue Increase (Decrease)		\$ 43,921.73

Expenditure Amendment Request	Account Number	Expense Increase (Decrease)
Contracted Services	10-410-500045	43,921.73
Total		\$ 43,921.73

Purpose: This was a planned expense using proceeds of refinance. This will pay issuance cost to Davenport and attorneys.

Authorization: Vance County Board of Commissioners
September 8, 2020



TAX OFFICE REFUND AND RELEASE REPORT FOR JULY 2020

TAXPAYER NAME	TAX YR	REAL	PERSONAL	SOLID WASTE FEE	REASON
ANSTEAD WILLIAM LEWIS JR	2020	385.88	0	0	CORRECT/GRANT EX
AYSCUE WADE EUGENE	2020	444.62	0	0	CORRECT/GRANT EX
BECKHAM TIMOTHY RANDALL	2020	1644.48	0	0	CORRECT/GRANT EX
BULLOCK DAVID	2020	478.32	0	0	CORRECT/GRANT EX
EVANS KENNETH L	2020	440.55	0	0	CORRECT/GRANT EX
HERNANDEZ MARTHA B HEIRS	2020	329.03	0	0	CORRECT/GRANT EX
HUGHES PAGE F	2020	0	0	117	REMOVE SOLID WAS
LEYEN TERRY L	2020	440.55	0	0	CORRECT/GRANT EX
MOSS KEVIN	2020	23.96	0	0	CORRECT VALUE
NORWOOD TERESA WASHBURN	2020	244.75	0	0	CORRECT/GRANT EX
SOSSAMON FUNERAL HOME INC	2020	0	210.40	0	CORRECT VAL PER
SOSSAMON FUNERAL HOME INC	2020	0	10.94	0	CORRECT VAL PER
TOTAL		4432.14	221.34		
GRAND TOTAL	4653.48				



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



As there was no further business, at 7:20 p.m., motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Carolyn Faines, vote unanimous, that the meeting be adjourned.

Approved and signed October 5, 2020.

Chairman