

STATE OF NORTH CAROLINA

COUNTY OF VANCE

The Vance County Board of Commissioners met in regular session on Monday, June 6, 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.

As advertised, at 6:00 p.m. a public hearing was held to gain citizen input into the Proposed FY 2011-12 Budget Estimate.

Chad Blake, Hicksboro Volunteer Fire Department Chief, and Brandon Taylor spoke and requested an additional \$10,000 for costs associated with the Hicksboro VFD sub-station.

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

County Manager's Report

Mr. Ayscue stated that counties are required to provide recycling for electronic waste by July 1, 2011. Electronic waste includes computers, televisions, and other electronic devices. All computers will be checked by the contracting company and any electronic files will be erased per regulations. This service will be provided by an E-recycling firm which specializes in this area. Mr. Ayscue recommended that the Board authorize the County Manager to contract with American Greenz, Inc. for E-waste recycling services at two sites subject to review of the contract by the County Attorney. This will be done at no cost to the County.

Motion was made by Commissioner Thomas S. Hester, Jr. to authorize the County Manager to contract with American Greenz, Inc. for E-waste recycling services at two sites, subject to review of the contract by the County Attorney. This will be done at no cost to the County. This motion was seconded by Commissioner Dan Brummitt.

Commissioner Dan Brummitt questioned if this was a one-year contract. County Planner Jordan McMillen was present and responded that this is a one-year contract with the option to renew

for three years. Commissioner Brummitt asked if there was point of negotiations after the first year as far as “no cost” is concerned. Mr. McMillen explained that the contract could be terminated or renewed after the first year.

Commissioners Wilder and Brown asked how would we know that the company is properly erasing the hard drives of the electronic waste? Attorney Care responded that monthly certification reports would be submitted to the County showing that the information was erased.

Vote on the motion was unanimous.

Mr. Scott Walston, NC DOT, was next on the agenda and gave an update of the Comprehensive Transportation Plan (CTP). He explained that the Plan is a long-range, multi-modal transportation plan which incorporates local interests, community goals, and statewide needs in one common plan. Components of a CTP include highway, public transportation and rail, bicycle, and pedestrian. Mr. Walston explained that a CTP is endorsed and adopted at three levels - local, regional, and state. The Board of Transportation mutually adopts the CTP, making it the ultimate plan for guiding future transportation decisions. CTP recommendations are concepts and still require an environmental analysis, design, and safety standards.

Commissioner Deborah F. Brown asked Mr. Walston and DOT officials to strongly consider traffic signals at major intersections throughout the county. Mr. Walston asked the Board to provide him with a list of these intersections, and he would forward it to the division office for review. The Board thanked Mr. Walston for his report.

#### County Manager's Report - continued

*Area Mental Health Request.* Mr. Ayscue reported that there are recent and currently-evolving developments regarding the future organizational structure of North Carolina area mental health authorities, including Five County Area Mental Health Authority, of which Vance County is a member. The Five County AMH Board is requesting that it be empowered by the five member counties to negotiate with Piedmont Behavioral Health (PBH) as the lead management entity (LME) to operate services funded by Medicaid and to pursue merger negotiations.

County Commissioner Dan Brummitt is on the Five County AMH Board of Directors and stated that a Medicaid waiver is needed which will change the process in which Mental Health deals with funding, assessment, etc. It gives more flexibility to work with clients. Regarding the merger with PBH, there is a current state law which prohibits this type of merger. Upon adoption of the state budget, this law will change and once again allow mergers. Since that law is currently still in

effect, a consensus of the Board of Commissioners is necessary instead of a motion.

The Board, by consensus, agreed to authorize the Five County AMH Board of Directors to pursue merger negotiations with Piedmont Behavioral Health and for PBH to be the operator of Medicaid funded services, with the understanding that final action by the boards of commissioners in the five counties on both of these issues is necessary before any final decisions are made. The Board also agreed to the Medicaid waiver.

*Surplus Equipment.* Mr. Ayscue explained that the Vance County Cooperative Extension Department has a clothes washer and dryer that are no longer needed. They are requesting that the units be sold as surplus equipment, which requires action by the Board of Commissioners.

Motion was made by Commissioner Gordon Wilder, seconded by Commissioner Deborah F. Brown, vote unanimous, to declare a washer (serial# LHW0050PQ) and dryer (serial# CAR3007156) as surplus, and authorize the Finance Director to properly offer it for sale.

#### Committee Reports and Recommendations

*Human Resources Committee - Position Vacancies.* Argretta Johnen, HR Director, requested the Board to allow filling the following position vacancies which have been endorsed by the Human Resources Committee:

#### Department of Social Services

Income Maintenance Caseworker II - two positions  
Social Worker IAT

#### Jail

Detention Officer - two positions

#### Fire and EMS

Battalion Chief

Ms. Johnen also explained that Planning and Development will have a vacancy coming up for an Administrative Assistant position. In April, the Permits Technician position became vacant. The department requested to add the duties of the Administrative Assistant position to the Planning Technician, then hire someone to fill the Permits Technician vacancy. The HR Committee recommends filling the Permits Technician position and freezing the Administrative Assistant position until a later time.

Motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Dan Brummitt, vote unanimous, to approve the position requests as presented and freeze the Administrative Assistant position in Planning and Development.

*Properties Committee - Property Matter.* Mr. Ayscue explained that this committee met earlier in the day to discuss a property matter. A report will be provided to the Board during closed session.

**Finance Director's Report**

*Financing Resolution - Law Enforcement Vehicles.* Mr. Stanton presented a resolution for financing terms for 11 law enforcement vehicles. Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Deborah F. Brown, vote unanimous, to approve the following resolution as presented:

**R E S O L U T I O N**  
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 11 Law Enforcement Vehicles (the “Project”), and the Finance Officer has now presented a proposal for the financing 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 \$305,370, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.97%, and the financing term shall not exceed four (4) 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 and a Project Fund 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 6<sup>th</sup> day of June, 2011.**

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

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*Audit Contract for FY 2010-2011.* Mr. Stanton presented an audit contract for FY 2010-2011 with Phillips, Dorsey, Thomas, Waters and Brafford in the amount of \$37,500. He recommended to continue using this firm for audit purposes.

Motion was made by Commissioner Terry E. Garrison to approve the one-year contract with Phillips, Dorsey, Thomas, Waters and Brafford in the amount of \$37,500. This motion was seconded by Commissioner Gordon Wilder and unanimously approved.

**County Attorney's Report**

*Redistricting.* County Attorney Jonathan S. Care explained that due to the 2010 Census data, Vance County will be required to re-draw commission district lines. He asked the Board how they wanted to proceed with the process. He suggested using an existing committee of the Board, appoint a new committee, or the Board meet as a whole. Mr. Care also suggested that the School of Government be utilized during this process. The goal is to have this complete prior to the next election filing period.

The Board discussed the matter and several commissioners stated that they would like to be a part of the process. They decided to hold work sessions of the whole Board at the appropriate time. The Board also authorized the County Attorney and the Planning Department Staff to begin preliminary work on this matter.

**Pending Business**

*County Water Project.* Mr. Ayscue noted that the formal water agreement between the County and City was approved by both entities on March 14, 2011. USDA Rural Development is currently reviewing the agreement. The Phase 1A only agreement is for up to 150,000 gallons of

water per day and does not include any provisions for operations and maintenance. The staff and engineer are currently reviewing those requirements and developing an operations and maintenance plan, including an RFP for potential contracted services. *Phase 1A.* The County's engineer has redesigned the initial part of 1A according to sign-ups. Sign-ups continue to slowly come in. A site for an overhead water tank has been located and the site will be secured soon (per previous Board action). 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. *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. *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. 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 the two phases. Per action taken by the Board of Commissioners in May, the engineering firm, Dewberry & Davis, began door-to-door sign-ups on Thursday, June 2. They started with Thomas Road and will work the areas designated by Hobbs & Upchurch. Due to the nature of the funding of Phases 2A & 2B, it will be important that work on these phases begin as soon as possible after Phase 1A work is underway.

*EDC Executive Director Search.* Mr. Ayscue reported that the executive search firm, Developmental Associates, conducted a two-day assessment center process that intensively tested the finalists for this position on May 11-12. Subsequent interviews were done on May 23. Background reviews are now being carried out.

*Land Use Planning.* Mr. Ayscue stated that as directed by the Board, work continues on the update of the Land Development Ordinance (Zoning Ordinance). Recent updates have involved the inclusion of the Junkyard and Shooting Range Ordinances into the existing DRAFT document. Additionally, work continues on developing a proposed fee schedule that would accompany the document if approved. A proposed zoning budget has been completed and submitted as a supplemental budget request for the Planning and Development Department, which was included in the Proposed Budget for FY 2011-12. The proposed Zoning Map is being updated as well. Due to delays in beginning the tax parcel GIS update, the zoning map needs additional time for

completion. Atlas Geographic Data, Inc. should complete its update of parcels by September 30<sup>th</sup>. When that is done, the Planning and Development Department will need some additional time to complete the DRAFT Zoning Map. As requested by the board, a report will be prepared by the Planning and Development Department to be routed through the Planning and Environmental Committee to the Board of Commissioners by the August board meeting.

*Subdivision Roads.* Mr. Ayscue reported that the Planning and Development Department continues to work on a Subdivision Road Paving Plan which includes funding mechanisms as well as general cost assessments at the subdivision level. Due to the potential significant cost involved with paving, this project was submitted as a budget item for the coming fiscal year. Although the item was removed during budget deliberations, the final plan will be presented to the full Board no later than its August meeting.

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 #35 and #36, Budget Transfer #13, May 2011 Ambulance Charge-Offs in the amount of \$120.73, May 2011 Monthly Reports received and filed, and the minutes of the May 2, 2011 special meeting, the May 2, 2011 regular meeting, the May 10, 2011 special meeting, the May 24, 2011 special meeting, and the May 31, 2011 special meeting.

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#### **Budget Amendment #35 General Fund**

##### **Fund 10 - General Fund**

<b>Expenditures</b>	<b>Code</b>	<b>Decrease</b>	<b>Increase</b>
General Assistance	10-610-500020		7,500
<b>Expenditures</b>			
Gang Assessment	10-999-500099	7,500	
<b>Totals</b>		<b>\$ 7,500</b>	<b>\$ 7,500</b>

Purpose: To record approved funding for general assistance.

Authorization: Vance County Board of Commissioners  
June 6, 2011

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**Budget Amendment #36**  
**General Fund**

**Fund 10 - General Fund**

<b>Expenditures</b>	<b>Code</b>	<b>Increase</b>	<b>Increase</b>
JCPC Administration	10-600-500255		12,031
Youth Services Travel	10-619-500014		1,300
Youth Services Vehicle Maint.	10-619-500017		950
Youth Services Auto Supplies	10-619-500031		1,300
Youth Services Other Supplies	10-619-500034		2,500
Youth Services Food & Prov.	10-619-500047		2,000
Youth Services Restitution	10-619-500052		2,000
Friends of Youth Travel	10-620-500014		718
Friends of Youth Vehicle Maint.	10-620-500017		200
Friends of Youth Auto Supplies	10-620-500031		190
Friends of Youth Other Supplies	10-620-500034		1,500
Friends of Youth Spec Cont Serv	10-620-500044		2,000
<b>Totals</b>		<b>\$ 26,689</b>	<b>\$ 26,689</b>

<b>Expenditures</b>		<b>Decrease</b>	<b>Decrease</b>
Youth Services Spec Cont Serv	10-619-500044		27,142
<b>Revenues</b>			
Youth Services	10-380-438030		27,142
<b>Totals</b>		<b>\$ 27,142</b>	<b>\$ 27,142</b>

Purpose: To record final budget amendments for the youth programs.

Authorization: Vance County Board of Commissioners  
June 6, 2011

**Budget Transfer #13**  
**General Fund**

**Fund 10 - General Fund**

<b>Expenditures</b>	<b>Code</b>	<b>Increase</b>	<b>Decrease</b>
Group Insurance	10-610-500006		2,600
Adoption Assistance Vendor	10-610-500436		6,000

## **Expenditures**

Non-capitalized Assets	10-506-500085	2,600	
Work First Emergency Assist.	10-610-500143	6,000	
<b>Totals</b>		<b>\$ 8,600</b>	<b>\$ 8,600</b>

Purpose: To reclassify funds to cost new heating and a/c unit and funding for Work First Emergency Assistance for remaining of the year.

Authorization: Vance County Board of Commissioners  
June 6, 2011

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## Miscellaneous

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

Henderson-Vance Recreation Commission - 4 year term  
Re-appoint Scott Fuller and George Watkins.  
*No other applications received.*

Jury Commission - 2 year term  
Re-appoint Sandra Catherwood.  
*No other applications received.*

Social Services Board - 3 year term  
Re-appoint Terry Garrison.  
*No other applications received.*

Research Triangle Regional Partnership - 2 year term  
Re-appoint Terry Garrison.  
*No other applications received.*

Henderson-Vance County Human Relations Commission - 3 year term  
Appoint Alice Walker-Harris to fill a vacant position.  
*No other applications received.*

Motion was made by Commissioner Dan Brummitt to approve the appointments as presented.

This motion was seconded by Commissioner Deborah F. Brown and unanimously approved.

*Voting Delegate and Alternate.* It was noted that a voting delegate and alternate needed to be appointed for the NACo Annual Conference in July. Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Thomas S. Hester, Jr., vote unanimous, to appoint Terry E. Garrison as voting delegate and Gordon Wilder as his alternate for the NACo Annual Conference in July.

*July Meeting Date.* Motion was made by Commissioner Dan Brummitt to change the July meeting from July 4, 2011 to July 11, 2011 due to the Independence Day holiday. This motion was seconded by Commissioner Thomas S. Hester, Jr. and unanimously approved.

**R E S O L U T I O N**  
by the  
**Vance County Board of Commissioners**  
***Changing the Date of the July 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, July 4, 2011 at 6:00 p.m. to Monday, July 11, 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 July 4, 2011 at 6:00 p.m. to July 11, 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 6<sup>th</sup> day of June, 2011.**

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

Motion was made by Commissioner Deborah F. Brown, seconded by Commissioner Dan Brummitt, vote unanimous, to enter into closed session to discuss economic development projects and property matters.

Before the Board entered into closed session, Mr. Ed Blue, Active American Legion Post 60, appeared before the Board to make a special presentation to Commissioner Deborah Brown. He stated that in honor of our fallen heroes, families are presented the Golden Star which represents that fallen hero. He explained that mothers of military men and women are entitled to a Blue Star Mother's Flag. If that service man or woman is killed in action, the star turns to gold. Mr. Blue presented the Gold Star Mother's Flag to Commissioner Brown, whose son was killed in Iraq several years ago. He also presented her a Gold Star Mother's Pin. He reminded everyone of those who make the ultimate sacrifice for our country.

Commissioner Brown thanked Mr. Blue for this special gift, and reminded everyone to never forget the sacrifice that our military men and women make so that we may live in freedom.

The Board then entered into closed session.

Upon return to open session, motion was made by Commissioner Dan Brummitt to authorize the County Manager and the Chairman to execute the proper documents for the removal of an abandoned mobile home located at 769 Tungsten Mine Road. This motion was seconded by Commissioner Deborah F. Brown and unanimously approved.

Motion was made by Commissioner Thomas S. Hester, Jr. that the County has no interest in acquiring the Bennett H. Perry, Jr. property located at 180 Church Street, but requests the Trust to allow the County to maintain reversionary rights to the property. This motion was seconded by Commissioner Dan Brummitt and unanimously approved.

As there was no further business, at 8:05 p.m., motion was made by Commissioner Deborah F. Brown, seconded by Commissioner Thomas S. Hester, Jr., vote unanimous, that the meeting be adjourned.

Approved and signed July 11, 2011.

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Chairman