

STATE OF NORTH CAROLINA

COUNTY OF VANCE

The Vance County Board of Commissioners met in regular session on Monday, July 10, 2023 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: Chair Yolanda J. Feimster, Vice-Chair R. Dan Brummitt, Commissioners Sean A. Alston, Sr., Carolyn Faines, Thomas S. Hester, Jr., Leo Kelly, Jr., and Archie B. Taylor, Jr.

Absent: None

Also present were Interim County Manager Scott Elliott, Assistant County Manager Chris Dillon, Finance Director Katherine Bigelow, and Clerk to the Board Kelly H. Grissom. County Attorney Jonathan S. Care was absent.

Rev. Joseph Ratliff, Shiloh Baptist Church, gave the invocation.

Before the meeting began, the board recognized EDC Director McKinley Perkinson for recently obtaining her certification through the North Carolina Economic Development Association (NCEDA). The board congratulated her on this noteworthy achievement.

The next item on the agenda was the annual 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 Gloria White was present. Mayor Eddie Ellington was absent. Mr. Jerry Stainback had submitted a letter seeking reappointment to the Vance County ABC Board for a three year term. One application was received from Pam Hester requesting to be appointed.

Motion was made by Commissioner Dan Brummitt to reappoint Jerry Stainback to the Vance County ABC Board for a three year term. This motion was seconded by Commissioner Thomas S. Hester, Jr. and unanimously approved.

Public comments were heard next. Mr. John Mattocks stated that he is the program director of Vance Recovery, an opioid treatment program. He was also representing the Vance County Substance Abuse Collaborate which is a group of providers who are trying to generate focus on treatment services. He informed the board that he is ready to help in any way possible.

Mr. Antelmo Salazar introduced himself and his organization, HENDFACT. He explained that the organization's goal is to inform and advise the Latino community about the different programs and services that are available to them.

Mr. Frankie Nobles, Vance County Employee Engagement Team Chair, appeared before the board to recognize the new employee of the month. He noted that employees are nominated by their peers, and this month's recognition goes to Jennifer Williams with the Vance County Tax Office. Her peers noted that she always steps up and offers to help with any task that may arise. She is extremely dependable and creates a positive atmosphere within the office. Her coworkers refer to her as a "walking encyclopedia" when it comes to General Statutes. Ms. Williams will receive a \$100 gift card and a designated parking space for the month. She was presented with a certificate of appreciation and the board congratulated her on receiving this recognition.

Ms. Crystal Morphis, Creative Economic Development Consulting, appeared before the board and presented the Economic Development Strategic Plan. She stated that the plan supports Vance County's vision to be vibrant, innovative, prosperous and unified. Goals in business attraction, retention, and start-up are supported with strategies to ensure there is a talent pipeline and available space for business. Marketing recommendations are both external to attract business, people, and visitors; and internal to build more champions for economic development. Goals in local and regional connections and organizational development undergird the whole plan as it will take the EDC, partners and allies working together to accomplish the strategic plan.

Economic Development Strategic Plan Goals and Key Strategies

- Attract, Retain and Foster Start-up Businesses
 - Existing Business Support
 - Marketing
 - Entrepreneurship
- Make Vance County a Choice Location
 - Sites and Buildings
 - Place-making
- Attract, Develop, and Retain Talent to Ensure a Strong Pipeline for the Future
 - Education Partnerships
 - Talent Attraction and Retention
- Strengthen Local and Regional Connections
 - Local Partnerships
 - Regional Connections
- Strengthen the Henderson-Vance County EDC
 - Organizational Development
 - Investment
 - Return on Investment

After discussion, motion was made by Commissioner Dan Brummitt to adopt the Economic Development Strategic Plan as presented. This motion was seconded by Commissioner Leo Kelly, Jr. and unanimously approved.

As advertised, a public hearing was held to gain citizen input on a proposed economic development incentive expenditure to be considered for the expansion of a local company. EDC Director McKinley Perkinson stated that in return for the commitments of investing \$181,498 over

the next 12 months and creating a minimum of 15 additional full-time jobs in Vance County, it is proposed that Vance County will facilitate and provide a \$75,000 Building Reuse Grant with the source of funds being appropriated from the NC Department of Commerce and the Vance County General Fund Balance. The expansion of this company in Vance County will stimulate investment on the local economy and promote business, resulting in the creation of additional jobs at competitive wages, and to encourage economic growth and development opportunities which the County has determined will be made possible because of this project.

As there was no one who wished to speak on this matter, Chair Yolanda J. Feimster declared the public hearing closed.

Motion was made by Commissioner Thomas S. Hester, Jr. to authorize the chair to execute the Project Mineral building reuse agreement, legally binding commitment, and promissory note; and to commit to a \$3,750 appropriation from Vance County as set forth in the agreement. This motion was seconded by Commissioner Dan Brummitt and unanimously approved.

As advertised, a public hearing was held to gain citizen input on a rezoning request for a parcel located at I-85 and Poplar Creek Road (Parcel 0412 02007). Crews Family Farm, LLC is the owner of the property and C3 Design and Engineering, PLLC is the applicant. Planning and Development Director Keith Callahan stated that the request is to amend the zoning map and to rezone the 84.72 acre parcel from General Commercial (GC-1) to Conditional Zoning R10 (CZ-R10). The proposal will place all property similarly situated in the area in the same category or in appropriate complementary categories.

Interim County Manager Scott Elliott presented the following conditions which have been agreed upon by the developer and property owner:

1. Permitted uses of Single Family Homes (maximum of 85), Townhomes (maximum of 120) and Patio Homes (maximum of 85).
2. The subdivision shall be required to connect to municipal water and sewer service.
3. The streets be constructed using curb and gutter.
4. Street lighting required and will be consistent with utility provider recommendation. Contract for street lighting to be managed through the HOA (homeowners association).
5. HOA (homeowners association) to contract with a solid waste provider and each homeowner shall participate in provider's program.
6. Final street design to include two entrances off Poplar Creek Road and two means of ingress/egress to all sections of the development.
7. Land in the subdivision site not contained in lots, street, or utility easements shall be in one or more contiguous parcels dedicated or reserved as open space for the life of the development. The title to the open space shall be conveyed to the homeowners association that is responsible for managing the open space for its intended purpose.
8. The HOA, as owner of the open space, shall be responsible for maintaining the open space including retention ponds so they function effectively and as designed.
9. Retention ponds shall be fence protected.

10. Open space for the subdivision shall be a minimum of 23% of the total parcel, including retention ponds.
11. Construction of all residences shall be stick built with on-site construction.
12. Landscape plan to include tree plantings along all streets in subdivision.
13. Entire parcel limited to no more than four units to an acre.

Mr. Brian Greenway spoke and suggested that a traffic study be conducted at the off ramp of I-85 at Poplar Creek Road. Interim County Manager Scott Elliott stated that, if the board wishes, this could be added as a condition.

Mr. Chad Abbott, C3 Design and Engineering, stated that he has been planning for this development for nearly a year and is looking forward to working with everyone to see it to fruition. Regarding the traffic study, he said that he would be willing to add that to the conditions of the project.

Commissioner Dan Brummitt stated that he would like to see sidewalks added to the project. Mr. Abbott responded that if sidewalks are added, they would be a public amenity open to all, but the burden to maintain them would fall on the homeowners through their homeowners' association. Mr. Bruce Whitten, the property owner, stated that he does not intend to add sidewalks to this development.

As there was no one else who wished to speak on this matter, Chair Yolanda J. Feimster declared the public hearing closed.

Motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Leo Kelly, Jr., vote unanimous, to approve the rezoning on the basis that the character of the neighborhood will not be materially and adversely affected by uses and dimensional requirements allowed in the proposed CZ-R10 zoning category. It is reasonable and consistent with the County Land Use Plan by promoting dimensional requirements that encourage a variety of housing types and values. This motion includes Conditions 1 – 13 as presented, with the addition of Condition 14, that a traffic study be conducted in this area.

Ms. Eva Clayton, Green Rural Redevelopment Organization (GRRO) board member, and Christine Morant, GRRO Deputy Director, appeared before the board and requested to terminate their lease at the Eaton Johnson Building cafeteria, 500 N. Beckford Drive. Ms. Clayton stated the inspection process determined that certain requirements were to be made. These requirements include renovations and bringing the area into ADA compliance. The cost to meet these requirements would be approximately \$140,000, which GRRO cannot afford. Therefore, GRRO is requesting to terminate its lease with the county.

Commissioner Archie B. Taylor, Jr. recused himself from this discussion since he is a GRRO board member.

After brief discussion, this matter was referred to the Properties Committee for further review.

Water District Board

Chair Yolanda J. Feimster called the Water District Board to order.

Water Tank Restoration Contract. Mr. Logan Parsons, LKC Engineering, stated that Pittsburg Tank & Tower Group was the low bidder for this contract and recommended that they be awarded the contract for the water tank restoration.

Motion was made by Commissioner Thomas S. Hester, Jr., seconded by Commissioner Sean A. Alston, Sr., vote unanimous, to award the contract to Pittsburg Tank and Tower Company, Inc. to rehabilitate the Kittrell Water tank and associated work based on their bid in the amount of \$483,235, subject to final authorization and approval from USDA-Rural Development and review of the contract by the county attorney.

Water Asset Inventory Preliminary Approval. Mr. Parsons stated that RFPs were solicited and were reviewed by county staff. Staff recommends LKC Engineering as the firm to complete the project.

Motion was made by Commissioner Dan Brummitt to select LKC Engineering, PLLC as the firm to complete the project and to award the project to LKC Engineering and approve the engineering agreement as presented. This motion was seconded by Commissioner Carolyn Faines and unanimously approved.

The May 2023 monthly operations report was presented to the board for information.

Chair Yolanda J. Feimster adjourned the Water District Board.

Committee Reports and Recommendations

Planning/Environmental Committee. A public hearing was held on this matter earlier during this meeting and action was taken. The following is the committee report: The committee (Brummitt, Feimster, and Kelly); Alston attending, met on Monday June 27, 2023. The committee discussed the rezoning petition for the Poplar Creek subdivision to CZ-R10. This is the county's first conditional zoning petition. The proposed Poplar Creek subdivision will have an average density of four units per acre, including 120 townhomes, 85 patio homes, and 85 single family homes for a total of 290 residences. The proposed site plan includes conditions of the rezoning

petition. Staff commented that conditions of the rezoning petition have to be contained in the ordinance and staff will present a draft ordinance to the Board of Commissioners at the July 10, 2023 meeting. There were concerns about the lack of sidewalks in the subdivision, but petitioners commented that sidewalks would be a public amenity open to all, while being maintained only by members of the Homeowners Association. County subdivision ordinances do not usually require sidewalks due to the maintenance and ownership issues. The roads will be turned over to NCDOT and maintained as state roads. The Planning Board unanimously approved the rezoning petition as is.

Interim County Manager’s Report

Resolution – Henderson Vance Industrial Park: Department of Commerce Grant. Interim County Manager Scott Elliott stated that in order to complete the sewer and roadway work at the industrial park, additional funding is needed via the NC Department of Commerce. This is being applied for as a 100% grant through the NC Department of Commerce. Funding is being sought in the amount of \$161,700.

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Thomas S. Hester, Jr., vote unanimous, to approve the following resolution for the Henderson-Vance Industrial Park Department of Commerce Grant:



RESOLUTION
by the
Vance County Board of Commissioners
NC Department of Commerce
Industrial Development Fund Utility Account Funding Assistance

WHEREAS, Vance County is seeking funding assistance from the NC Department of Commerce to complete the Henderson Vance Industrial Park Sewer and Roadway Project.

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

1. That the County of Vance will administer this grant in accordance with the rules and regulations of the Department of Commerce.
2. That the County will administer the grant in conjunction with Kerr Tar Regional Council of Governments and the Vance County Finance Office.
3. That the grant will be monitored quarterly to assure compliance with this proposal and the Department of Commerce regulations.
4. That the Chair of the Vance County Board of Commissioners, Yolanda J. Feimster is authorized to sign the Application for Utility Account Funding.
5. That the Interim Vance County Manager, Scott Elliott is authorized to execute the grant agreement and subsequent construction contracts after bidding and successful award of construction contracts by the Vance County Board of Commissioners.
6. Be it resolved, that the amount of the grant application will be \$351,960.

This the 10th day of July, 2023.

Yolanda J. Feimster (signed)
Yolanda J. Feimster, Chair

ATTEST:

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

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Fire Study – Selection of Firm. The county received six responses to its RFP (Request for Proposal) to the Fire Services Study. Staff has conducted a review of each proposal against the RFP that was sent out and has a recommendation for the board.

Chair Feimster did not entertain the staff recommendation and referred this matter to the public safety committee. Commissioner Thomas S. Hester, Jr. stated that the proposals should be reviewed by the entire board, not just the public safety committee.

Motion was made by Commissioner Thomas S. Hester, Jr. that the full board review the proposals. This motion was seconded by Commissioner Archie B. Taylor, Jr.

Commissioner Archie B. Taylor, Jr. stated that this matter could be reviewed during a board work session. Commissioner Dan Brummitt stated that we generally operate in the committee format.

After further discussion, Commissioner Thomas S. Hester, Jr. withdrew his motion. Commissioner Archie B. Taylor, Jr. withdrew his second.

Motion was made by Commissioner Thomas S. Hester, Jr. to continue this matter until the August meeting in order to allow the full board to review the proposals. This motion was seconded by Commissioner Archie B. Taylor, Jr. and vote was ayes – three (3); noes – four (4), with the dissenting votes being made by Commissioners Alston, Brummitt, Faines and Feimster.

Chair Feimster referred this matter to the public safety committee.

EMS Land – Termination of Contract. Mr. Elliott stated that as a follow-up to the county’s contract to offer to purchase land for a new EMS station, the contract has now expired due to the seller not agreeing to change the restrictive covenants on the property. The county attorney would like the board to take action in open session to enter into the record that Vance County is officially terminating the contract.

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Carolyn Faines, vote unanimous, to terminate the land purchase contract for EMS property as previously entered into.

Proposed Revisions to Ordinance #13 – Solid Waste Collection and Disposal. Mr. Elliott stated that Vice Chairman Brummitt would like the board to consider making revisions to this ordinance to increase penalties for illegal dumping. Section V – Penalties and Remedies currently states the following:

“Any person who violates any provision of this Ordinance including the placing, discarding, disposing, leaving or dumping of the articles forbidden by this Ordinance for each day or portion thereof, said articles or matter are left, shall constitute a separate offense and that a person in violation of this Ordinance shall be punished by fine of \$100.00 (One Hundred Dollars) or imprisonment not exceeding 30 days or both for each offense.”

Proposed amendments to the existing language could be developed and brought back to the board at your next meeting. Recommendation: Direct staff as to the board’s desire to examine amendments to the Solid Waste Collection and Disposal Ordinance.

This matter was referred to the planning/environmental committee for further review.

Consent Agenda

Motion was made by Commissioner Dan Brummitt, seconded by Commissioner Archie B. Taylor, Jr., vote unanimous, to approve the following consent agenda items as presented: Budget Amendment #1, May 2023 Tax Refunds and Releases, departmental monthly reports, and the minutes of the June 5, 2023 regular meeting, the June 14, 2023 special meeting, and the June 21, 2023 special meeting.

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**Budget Amendment #1
FY 2023-2024
Central Services**

Revenue Amendment Request	Account Number	Revenue Increase (Decrease)
Misc. Revenues	10-370-437005	2,250
Total Revenue Increase (Decrease)		\$ 2,250

Expenditure Amendment Request	Account Number	Expense Increase (Decrease)
Employee Recognition	10-555-500132	2,250
Total		\$ 2,250

Purpose: Commissioner reimbursed the county for salary increase that he did not agree with. Wanted the funds to go back to employees.

Authorization: Vance County Board of Commissioners
July 10, 2023

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TAX OFFICE REFUND AND RELEASE REPORT FOR MAY 2023

TAXPAYER NAME	TAX YR	REAL	PERSONAL	SOLID WASTE FEE	REASON
LEWIS WILLIAM H DECEASED	2018	52.47	0	0	REAL PROP - BILL
LEWIS WILLIAM H DECEASED	2019	53.85	0	0	REAL PROP - BILL
LEWIS ANGELA LAVERN	2020	53.85	0	0	REAL PROP - BILL
LEWIS ANGELA LAVERN	2021	53.85	0	0	REAL PROP - BILL
LEWIS ANGELA LAVERN	2022	3.17	0	0	REAL PROP - BILL
TUCKER NICHOLAS CHARLES	2022	0	0	120	REMOVE SOLID WAS
COLLINS ROSE KEYES	2023	0	420.07	0	PERS PROP BILLED
TOTAL		217.19	420.07		
GRAND TOTAL	637.26				

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

Miscellaneous

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

Airport Authority – one year term
Reappoint Brian Boyd

Nursing Home Advisory Committee – three year term
Reappoint Lois Williams

Library Board of Trustees – three year term
Reappoint Christine Bennerson and Brooks Spencer

Rural Transportation Advisory Committee
Reappoint Yolanda Feimster

Motion was made by Commissioner Thomas S. Hester, Jr. to approve the reappointments as presented. This motion was seconded by Commissioner Dan Brummitt and unanimously approved.

Appointment of NCACC Voting Delegate and Alternate. Motion was made by Commissioner Dan Brummitt to appoint Chair Yolanda Feimster as the voting delegate for the

NACo Annual Conference and Commissioner Sean Alston as the alternate. This motion was seconded by Commissioner Thomas S. Hester, Jr. and unanimously approved.

As there was no further business, at 8:05 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 August 7, 2023.

Yolanda J. Feimster, Chair