

STATE OF NORTH CAROLINA

COUNTY OF VANCE

The Vance County Board of Commissioners met in regular session on Monday, June 4, 2007 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: Chairperson Deborah F. Brown, Commissioners Danny W. Wright, Dan Brummitt, Terry E. Garrison, A. Scott Hughes, J. Timothy Pegram, and Eddie L. Wright.

Absent: None.

Also present were Assistant County Attorney Jonathan S. Care, County Manager Jerry L. Ayscue, and Finance Officer Jerry L. Tucker.

Commissioner Eddie L. Wright gave the invocation.

As advertised, at 6:00 p.m. a Budget Hearing was held to gain citizen input into the Proposed FY 2007-2008 Budget Estimate.

The following persons were heard:

Bob Miller requested the Board to trim excessive budget growth, specifically, unfunded mandates.

Arthur Brown requested the Board to out-source some county positions to receive better service. Mr. Brown did not identify any specific positions.

Wayne Dickerson asked the Board what would be done differently with this year's budget than has been done in the past.

Jamie Harris urged the Board to fund an efficiency audit in the upcoming budget.

Robert Duke stated that budget inflation is directly related to uncontrolled population growth, in particular, indigent individuals that depend on the welfare system as a way of life.

John Yount addressed multi-year planning. He asked what had been done to prepare the budget for this year.

As there were no other persons who wished to speak on this matter, Chairperson Deborah F. Brown declared the public hearing closed. Chairperson Brown thanked those who spoke and urged the Board to take heed of the comments made.

The next appointment was representatives from the NC Department of Transportation. Steve Winstead, District Engineer; John Van Zant, Assistant District Engineer; Randy Jones, Division Maintenance Engineer; Clarence Thompson, County Maintenance Engineer; and Archie Coghill,

* In the event that any roads in priority have to be placed on the "Hold List" due to unavailable right of way or environmental review, or if additional funding becomes available, funds will be applied to the roads listed in priority order in the paving alternate list.

II. General Secondary Road Improvements (GS 136-44.5b)

A. Paved Road Improvements

<u>SR No.</u>	<u>Project Description</u>	<u>Est. Cost</u>
Various	2' widening, drainage, shoulder improvements, strengthening, realignments, on various routes	\$ 410,287

Subtotal \$ 410,287

III. Funds reserved for surveying, right of way acquisition, acquisition, road additions, contingencies, overdrafts, and paving entrances to certified fire departments, rescue squads, etc.

Subtotal \$ 52,075

GRAND TOTAL \$ 1,042,362

**ROADS WITH UNAVAILABLE RIGHT OF WAY
2007-2008**

Vance County

RURAL ROADS

<u>SR Number</u>	<u>Name</u>	<u>Length (mi.)</u>
1300	Nutt Road*	0.40
1339	Elliott Road	0.80

SUBDIVISION ROADS

<u>SR Number</u>	<u>Name</u>	<u>Length (mi.)</u>
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SUMMARY

Number of roads on list	<u>2</u>
Total length of roads	<u>1.20</u>
Total length of roads with 50 or more ADT*	<u>0.40</u>

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Commissioner Danny W. Wright questioned if the State considers the age of the road in its priority formula calculation. Mr. Winstead replied that the age of the road was not a factor in paving the road.

Motion was made by Commissioner Danny W. Wright to approve the 2007-08 Secondary Road Program as presented. This motion was seconded by Commissioner A. Scott Hughes and unanimously approved.

Chairperson Brown thanked the Department of Transportation for keeping the roadsides cut and requested grass cutting to be done more often if possible.

Sam Jones, Tax Administrator, presented the May 2007 monthly report for tax collections. He stated that collections were up by 0.55% as compared to May 2006. The tax levy also increased by \$225,073.

Commissioner Danny W. Wright asked if a business license could be refused on those businesses that are delinquent in taxes. Mr. Jones replied that most of the larger businesses are not required to purchase a business license from the County.

Mr. Jones also reported on the current foreclosure process. Fifteen new accounts were submitted to the foreclosure attorney. A total of 53 accounts are currently in foreclosure. The foreclosure report revealed that seven accounts were valued too low/poor condition. The Board questioned what happened with these properties. Mr. Jones replied that attorney expenses and foreclosure costs on these properties would cost more than the actual sale of the property generated. In turn, the City or County would acquire ownership of the property. The Board requested a list of these properties in question.

Mr. Jones requested action by the Board to officially receive the Proposed Schedule of Standards and Values that was presented to the Board during a budget work session the previous week.

Motion was made by Commissioner Dan Brummitt to officially receive the Proposed Schedule of Standards and Values for the 2008 property revaluation. This motion was seconded by Commissioner Eddie L. Wright and unanimously approved.

Chairperson Brown announced that a copy will be made available for review in the County Commissioners' Office and the public library.

Public comments were heard next. Marion Perry spoke and thanked the Board for its continued support of the library and library funding.

Tim Blackburn spoke on behalf of the Library Board of Trustees and asked the Board for its support in library funding. He requested enough funding to be able to restore library hours back to the full 61 hours per week as it was at the former library site.

Vincent Jefferson distributed information regarding solid waste issues that was discussed during a previous Board meeting. He requested the Board to review the information. Mr. Jefferson also encouraged county leaders to be progressive and proactive with future ventures.

Clarence Dale spoke and encouraged citizens to come together for the best interest of the county.

Motion was made by Commissioner Danny W. Wright, seconded by Commissioner Dan Brummitt, vote unanimous, that the Board approve Budget Amendment #29 as follows for the purposes noted therein:

**Budget Amendment #29
Aging Program**

<u>Expenditures</u>	<u>Code</u>	<u>Debit</u>	<u>Credit</u>
Special Contracted Services	10-611-500044		\$ 192.76
Departmental Supplies	10-611-500033		<u>373.22</u>
Total Increase in Expenditures			\$ 565.98
<u>Revenues</u>			
Donations - Senior Center	10-350-435007	\$ <u>565.98</u>	
Total Increase in Revenues		\$ 565.98	

Purpose: To appropriate donations for supplies for senior citizens. No County funds needed.

Authorization: Vance County Board of Commissioners
June 4, 2007

Motion was made by Commissioner Eddie L. Wright, seconded by Commissioner A. Scott Hughes, vote unanimous, that the Board approve the following Refunds as requested by the Tax Office:

**REFUNDS
May 2007**

NAME	YEAR	AMOUNT	REASON
Mountain Direct Furniture	2006	2.45	Vehicle Tax
Tracie F. Tate	2006	114.20	Vehicle Tax
Edmond T. Allen	2006	12.80	Vehicle Tax
Edmond T. Allen	2006	5.95	Vehicle Tax
Fred Beckham	2006	18.48	Vehicle Tax
William E. Henderson	2006	2.96	Vehicle Tax

NAME	YEAR	AMOUNT	REASON
Shirley Wilson	2006	4.44	Vehicle Tax
Fred Beckham	2006	13.44	Vehicle Tax
Rial C. Jones	2006	6.58	Vehicle Tax
Annie G. Ellington	2006	4.38	Vehicle Tax
Skateeum	2006	36.48	County Tax Refund
Naomi Hammie	2006	39.15	Vehicle Tax
Terry L. Trickler	2006	2.05	Vehicle Tax
James L. Perry	2005	18.14	Vehicle Tax
Leonard A. Farrar, Jr.	2006	20.00	Overage Tax
Tomas F. Andres	2006	5.90	Vehicle Tax
Mark C. Minish	2006	44.60	Vehicle Tax
Richard M. Murphy	2006	12.12	Vehicle Tax
Robert M. Barbour	2006	1.52	Vehicle Tax
Robert L. Peace	2006	19.00	Vehicle Tax
Bradford L. Abbott	2006	6.73	Vehicle Tax
Vail Hargrove	2006	1.76	Vehicle Tax
Barbara S. Howell	2006	20.00	Overage Tax
Christopher Ayscue	2006	39.97	Vehicle Tax
Harold A. Dunaway, Jr.	2006	17.92	Vehicle Tax
Betty W. Mosley	2006	36.98	Vehicle Tax
Joel D. Stone	2006	52.96	Vehicle Tax
Jack E. Ferguson	2006	46.00	Vehicle Tax
Gloria S. Vanegas	2006	45.85	Vehicle Tax
Jon Dorsey	2006	90.00	Solid Waste Household Fee
Mountain Direct Furniture	2006	.07	Fire Tax
Edmond T. Allen	2006	.40	Fire Tax
Edmond T. Allen	2006	.21	Fire Tax
Fred Beckham	2006	.66	Fire Tax
William E. Henderson	2006	.08	Fire Tax
Fred Beckham	2006	.48	Fire Tax
Annie G. Ellington	2006	.14	Fire Tax
Terry L. Tricklerr.	2006	.05	Fire Tax
James L. Perry	2005	.59	Fire Tax
Mark Carlton Minish	2006	1.45	Fire Tax
Bradford L. Abbott	2006	.22	Fire Tax
Christopher Ayscue	2006	1.33	Fire Tax
Harold A. Dunaway, Jr.	2006	.56	Fire Tax
Betty W. Mosley	2006	1.21	Fire Tax
Joel D. Stone	2006	1.76	Fire Tax
Jack E. Ferguson	2006	1.52	Fire Tax
Gloria S. Vanegas	2006	1.47	Fire Tax
Total		\$ 755.01	Fiscal y-t-d - \$ 12,279.51

Motion was made by Commissioner A. Scott Hughes that the Board approve Ambulance Charge-offs in the amount of \$1,362.00 for those persons deceased with no estate listing. This motion was seconded by Commissioner Eddie L. Wright and unanimously approved.

Chairperson Brown questioned the reason for the charge-offs being “returned mail”. Mr. Tucker replied that the staff had exhausted every means possible in contacting these individuals and the statute of limitations has elapsed; therefore, these accounts must be written off. The reasoning

could have been worded as “statute of limitations” or “all means exhausted” as well.

Mr. Tucker then requested approval of a resolution for the financing of an ambulance that was approved for purchase during a previous board meeting.

Motion was made by Commissioner Danny W. Wright, seconded by Commissioner Dan Brummitt, vote unanimous, to approve the following resolution for the financing agreement for the purchase of an ambulance:

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RESOLUTION
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 the purchase of an ambulance (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 \$71,398, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.93%, and the financing term shall not exceed three (3) 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 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. 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 4th day of June, 2007.

Deborah F. Brown, _____ (Signed)
Deborah F. Brown, Chairperson

County Manager Jerry L. Ayscue requested the Board to allow filling the following position vacancies which have been endorsed by the Human Resources Committee:

Fire and Ambulance
Firefighter I/EMT

Department of Social Services
Human Services Coordinator III
Social Worker IAT
Social Worker II (two positions)

Sheriff's Department
Deputy Sheriff

Jail
Correctional Officer I

Motion was made by Commissioner A. Scott Hughes to approve the position requests as presented. This motion was seconded by Commissioner Eddie L. Wright and unanimously approved.

Mr. Ayscue reported that within the Child Protective Services Unit, the Department of Social Services has used a mini-van for several years that is now worn out. Instead of purchasing a replacement van, the Department anticipates that a surplus County law enforcement vehicle would meet their current needs. Mr. Ayscue recommended that the vehicle be transferred from the Sheriff's Department to the Department of Social Services through a purchase arrangement in the amount of \$4,100.

Motion was made by Commissioner Terry E. Garrison to approve the transfer of a surplus law enforcement vehicle from the Sheriff's Department to the Department of Social Services through a purchase arrangement in the amount of \$4,100. This motion was seconded by Commissioner Dan Brummitt and unanimously approved.

The next item discussed was a report from the Education Committee. The County representatives of the Education Committee met on May 24 to discuss the request from the Board of Education for approval of QZAB applications. This matter was reported and acted upon in the

May 24 meeting of the Board of Commissioners. Further, the Committee was requested by the full Board of Commissioners to respond to a request from Mr. Eddie Ferguson for the two boards to work jointly in support of the "One-to-One" program. After much discussion, the Committee agreed to meet in late June with the Joint Education Committee after the budget has been approved.

Mr. Ayscue then reported on the status of zoning. He explained that in its February planning retreat, the Board of Commissioners decided to delay implementation of zoning until its county water system project could be started. Chairperson Brown has asked that the matter be placed on the June 4th agenda since it has a direct impact on the budget for the coming year for the Planning & Development Department, per discussions in the board's budget work session on May 31st. If the Board decides to proceed with implementation of zoning, it would be necessary to schedule the required public hearings.

Ken Krulik, Senior Planner, was present and discussed the general time-line for the development of the draft zoning ordinance. He explained that the formal start of developing the draft ordinance began in February 2004. This progressed until February 2006 when a draft ordinance was presented to the Board of Commissioners. A Citizen's Advisory Committee was established in February 2006 to review the draft ordinance. The Planning Board took action to recommend the proposed document in September 2006. The proposed ordinance was received by the Board of Commissioners in October 2006 which was the final action taken on the document.

Motion was made by Commissioner Eddie L. Wright to take the necessary action to proceed with the implementation of county-wide zoning.

Chairperson Brown addressed the media concerning a statement that was made in the newspaper the prior week. The paper stated that she had asked the County Manager several times since February to place the issue of zoning on the Board's agenda. In fact, Chairperson Brown stated that she asked the County Manager to place the item on the June 2007 agenda. She stated that the request was not made over several months; however, during the month of May she did remind the County Manager of her request. Chairperson Brown went on to say that zoning was addressed at the Board's Planning Retreat in February. At that time, the Board discussed placing zoning on the "back burner", but no official action was taken because formal action cannot be taken during a retreat. She requested the issue to be placed on the Board's agenda so that formal action could be taken on the matter. She further stated that the Board does not want to be seen as a board that starts something and does not follow through, especially when surrounding counties are progressing at a much higher

rate than Vance County. She expressed her displeasure at the missed opportunities the Board has had to move Vance County forward.

At this time, Commissioner Eddie L. Wright's motion was seconded by Commissioner Terry E. Garrison.

Commissioner Dan Brummitt addressed the issue of county-wide water. He stated that this will definitely enhance the County's ability to grow economically. Zoning is still in question as to what affects it will have on the economy. A survey completed by the Kerr-Tar Regional Council of Governments states that site selection factors that industries use are highway accessibility, labor costs, availability of skilled labor, state and local incentives, high-speed internet access, corporate tax rate, construction costs, proximity to major markets, and energy availability and costs. Commissioner Brummitt noted that zoning is not a factor according to the survey, but infrastructure is mandatory in order for industry to locate here. Further, he stated that delaying the county-wide water project will be detrimental as far as affordability is concerned. Once water is secured, then the Board can address zoning.

Commissioner A. Scott Hughes expressed his concerns with citizens confusing the two issues of water and zoning. He too, stated that he would like to see the county-wide water project proceed. Citizens need a better understanding of the differences between the two.

Commissioner Danny W. Wright also stated that his main priority is county-wide water. He attended all but one of the informational meetings on county-wide water. During those meetings, zoning opponents put such doubt in the minds of those attending that the support for water was not received. His position is to table zoning at this time and focus on the county-wide water project while water can still be purchased from the City of Henderson at an affordable rate.

Vote on the motion to take the necessary action to proceed with the implementation of county zoning was as follows:

<u>Ayes</u>	<u>Noes</u>	<u>Absent</u>
Deborah F. Brown	Dan Brummitt	None
Terry E. Garrison	A. Scott Hughes	
Eddie L. Wright	J. Timothy Pegram	
	Danny W. Wright	

Motion was then made by Commissioner Dan Brummitt to officially table zoning and proceed with the county-wide water project. This motion was seconded by Commissioner Danny W. Wright. Vote on the motion was ayes five (5), noes two (2), with the dissenting votes cast by Chairperson Deborah F. Brown and Commissioner Terry E. Garrison.

Commissioner A. Scott Hughes requested a time table for county-wide water to be presented at the July Board meeting.

The next item discussed was a contract with Kerr Lake Volunteer Fire Department. Mr. Ayscue explained that a contract with the County is one of the requirements for a volunteer fire department to be certified by the State Fire Marshal. Reflecting the fact that the Kerr Lake VFD currently is not legally or practically able to provide fire services, the contract has to state the appropriate contingencies. The contract references a map that is needed that will identify the district boundaries. The map is currently being development.

Motion was made by Commissioner A. Scott Hughes to approve the contract with Kerr Lake VFD as presented. This motion was seconded by Commissioner Danny W. Wright and unanimously approved.

Robert Minish, Kerr Lake VFD was present and announced that the open house for the new station will be this Labor Day. Commissioner A. Scott Hughes asked what type of decrease in homeowner insurance premiums could residents in this area receive. Mr. Minish replied that according to his research, residents could receive up to a 40% decrease in insurance premiums.

Mr. Ayscue then addressed the issue of agenda preparation. He noted that in the May meeting, the request was made regarding receiving the agenda and related material prior to Friday afternoon in advance of the following Monday evening meeting. After discussion, it was decided that the staff should follow up with a recommendation in the June meeting. The staff agrees that it would be a workable arrangement to have the agenda completed for distribution to the Board by early Thursday afternoon, which would allow Commissioners a better opportunity to obtain additional information as needed on Friday. It would be necessary for the Board to move the deadline for scheduling agenda appointments as well. The staff recommendation is to agree for the staff to prepare and have Board agendas and related material available for distribution on the Thursday afternoon prior to the Commissioners' meeting on the following Monday evening. Further, the cut-off time for scheduling agenda appointments will be on Wednesday at 12:00 noon.

Motion was made by Commissioner A. Scott Hughes to accept the recommendation from the staff and set the cut-off time for scheduling agenda appointments to 12:00 noon on the Wednesday prior to Monday evening meetings. This motion was seconded by Commissioner Dan Brummitt and unanimously approved.

Mr. Ayscue then informed the Board that he had received a request from the Henderson City Council to meet with the full Board of Commissioners to discuss jointly funded programs. The Board discussed the matter and decided to delay the meeting until the current budget is completed, possibly late July.

Motion was made by Commissioner Danny W. Wright that the Board approve the minutes of the regular meeting held May 7, 2007 and the special meeting held May 24, 2007 as presented by the Clerk to the Board. This motion was seconded by Commissioner A. Scott Hughes and unanimously approved.

The following appointments were presented to the Board for consideration:

Jury Commission - two-year term
Re-appoint Wilton Wortham

Henderson-Vance Recreation Commission - four-year term
Re-appoint Warren Hare and George Watkins
* Note: applications received from Gilbert D. Sanford, Jr. and Barbara Richards

Social Services Board - three-year term
Re-appoint David Harrison
* Note: one application received from Robert Davis

Commissioner A. Scott Hughes asked if term limits could be set for boards and commissions in order to give new applicants a chance to serve. Commissioner Dan Brummitt stated that it has been discussed in the past to try to get more people involved. If qualified applicants are being denied, the issue may need to be addressed. Commissioner Terry E. Garrison stated that setting term limits may not be appropriate inasmuch as Commissioner terms are not limited. Commissioner Danny W. Wright stated that re-appointments should be made on a case-by-case basis. Chairperson Brown stated that this does need to be addressed and possibly look into setting term limits if necessary.

Motion was made by Commissioner Danny W. Wright to reappoint Wilton Wortham to the Jury Commission, reappoint Warren Hare and George Watkins to the Henderson-Vance Recreation Commission, and reappoint David Harrison to the Social Services Board. This motion was seconded by Commissioner Terry E. Garrison. Vote on the motion was ayes five (5), noes two (2), with the dissenting votes cast by Commissioner Dan Brummitt and Commissioner A. Scott Hughes.

Motion was made by Commissioner Danny W. Wright and seconded by Commissioner Terry E. Garrison to appoint Deborah F. Brown as the voting delegate to the NACo Conference to be held in July. Vote on this motion was unanimous.

Motion was made by Commissioner Danny W. Wright that the Board approve a road petition to add Laurie Ball Road and Pool Rock Road to the State System and forward same to the Department of Transportation for consideration. This motion was seconded by Commissioner Dan Brummitt and unanimously approved.

Motion was made by Commissioner J. Timothy Pegram, seconded by Commissioner Dan Brummitt, vote unanimous, that the following monthly reports be received and filed:

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- See on file monthly report, Vance County ABC Board
- See on file monthly report, Administrative Ambulance Charge-offs
- See on file monthly report, Fire and Ambulance Service
- See on file monthly report, Human Resources Department
- See on file monthly report, Planning and Development Department
- See on file monthly report, Veterans Service Office

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As there was no further business, at 8:00 p.m. motion was made by Commissioner Eddie L. Wright, seconded by Commissioner A. Scott Hughes, vote unanimous, that the meeting be adjourned.

Approved and signed July 2, 2007.

Chairperson