

**GRANVILLE COUNTY BOARD OF COMMISSIONERS
JUNE 5, 2023
GRANVILLE EXPO AND CONVENTION CENTER
4185 US Highway 15 South, Oxford, North Carolina**

PRESENT:

Chair Russ May
Vice Chair Timothy Karan
Commissioner Zelodis Jay
Commissioner Robert Williford
Commissioner Sue Hinman
Commissioner Tony W. Cozart
Commissioner Jimmy Gooch

County Manager Drew Cummings
Assistant County Manager Korena Weichel
County Attorney James C. Wrenn, Jr. (arrived at 7:17 p.m.)

CALL TO ORDER

At 7:03 p.m., Chair Russ May called the meeting to order. Commissioner Timothy Karan had the invocation and led the Pledge of Allegiance.

CONSENT AGENDA

Chair May asked if the Board had a motion to approve or remove any items from the consent agenda.

Motioned by Commissioner Zelodis Jay to remove item 3 (Project Ordinance: Stovall Senior Center) until the board receives more budget and project information and to bring it forward to the next meeting, seconded by Commissioner Jimmy Gooch, and unanimously carried, the Board removed item 3 from the consent agenda.

Motioned by Zelodis Jay to approve the remaining items of the consent agenda, seconded by Commissioner Gooch, and unanimously carried, the Board approved items 1, 2, 4, 5, and 6 on the consent agenda as follows:

A. Approved Budget Amendment #7 for Fiscal Year 2023:

**Budget Amendment #7
06/05/2023**

Be it ordained, the FY 2022-2023 Annual Budget Ordinance is hereby amended as follows:

GENERAL FUND

Expenditures: Increase/(Decrease)			
General Government			
	Administration	20,000	
	IT	35,000	
	Finance	2,500	
	Human Resources	27,800	
Public Safety			
	Emergency Management	8,000	
	Addressing / GIS	7,000	
Community Services			
	Cooperative Extension Service	18,600	
	County Library System	5,000	
	Inspections	3,100	
	Construction Projects	(5,000)	
Human Services			
	Social Services	75,269	
	21st Century School Grant	80,000	
	Senior Center - South	8,068	
Area Projects and Other Appropriations			
	Non-Departmental	(28,668)	
Contributions to Other Funds			
	Contingencies	(74,800)	
	<i>Total Expenditures</i>		9,281,869
Revenues: Increase/(Decrease)			
	Restricted and Intergovernmental	181,869	
	Appropriated Fund Balance	9,100,000	
	<i>Total Revenues</i>		9,281,869

FORFEITURE FUND

Expenditures: Increase/(Decrease)			
	Operations	58,600	
	<i>Total Expenditures</i>		58,600
Revenues: Increase/(Decrease)			
	Appropriated Fund Balance	58,600	
	<i>Total Revenues</i>		58,600

SHERIFF'S SPECIAL

Expenditures: Increase/(Decrease)			
	Administration	90,238	
	<i>Total Expenditures</i>		90,238
Revenues: Increase/(Decrease)			
	Appropriated Fund Balance	90,238	
	<i>Total Revenues</i>		90,238

LANDFILL

Revenues: Increase/(Decrease)			
	Transfer from General Fund	2,000,000	
	Appropriated Fund Balance	(2,000,000)	
	<i>Total Revenues</i>		

	Budget Amendment #7			Balance
(For reference only)				

General Fund/Administration					
Expenditures: Increase/ (Decrease)					
10	4120	124	Intern Program	\$20,000	\$40,000
10	9910	991	General Contingency	-\$20,000	\$22,564

Description: Fund graduate summer intern program.

General Fund/Finance					
Expenditures: Increase/ (Decrease)					
10	4130	121	Salaries	-\$17,000	\$309,062
10	4130	199	Contract Labor	\$17,000	\$38,350
10	4130	260	Supplies	\$2,500	\$4,500
10	8540	120	Grant Matching	-\$2,500	\$44,000

Description: Move funds from full time salary to cover the cost of temporary help since January 2023. Salaries were originally budget for a full time Accountant position to be filled in January; however, this position was not filled and a temporary Accountant position was hired instead. Also, to fund Supplies for addition toner cartridges needed for various departments.

General Fund/DSS

Expenditures: Increase/ (Decrease)					
10	5300	260	Supplies	\$25,742	\$80,742
10	5300	650	LIEAP	\$26,600	\$174,079
10	5300	623	Duke Energy Progress	\$22,927	\$32,927
10	5300	608	Adult Day Care	\$30,000	\$80,000
10	5300	496	Audit Related Findings	-\$30,000	\$20,000
Revenues: Increase/ (Decrease)					
10	3538	332	Public Assistance	\$25,742	\$252,364
10	3538	332	Public Assistance	\$26,600	\$278,964
10	3538	332	Public Assistance	\$22,927	\$301,891

Description: DSS budget amendments #3 - SNAP ARPA reimbursement for supplies (\$25,742); #7 - FA#1 LIEAP IJA SFY 22-23 (\$26,600) and #8 - NC Share the Light fund (\$22,927). Also included is an intra-departmental adjustment of funds from Audit Finding Reserve to Adult Day Care.

General Fund/Emergency Management

Expenditures: Increase/ (Decrease)					
10	4330	603	Homeland Security Exercise Grant	\$8,000	\$8,000
Revenues: Increase/ (Decrease)					
10	3327	329	Homeland Security Exercise Grant	\$8,000	8,000

Description: Fund full- scale mass care exercise conducted by On Target Preparedness. Exercise will be funded by a Homeland Security Grant.

General Fund/Library

Expenditures: Increase/ (Decrease)					
10	6110	351	Repairs and Maintenance - Building	\$5,000	\$13,000
10	4251	950	1550 South Campus Drive (Library)	(\$5,000)	\$25,750

Description: Transfer funds from the Construction Projects department to Library for air conditioning work done by Hoffman.

General Fund/Human Resources

Expenditures: Increase/ (Decrease)					
10	4125	199	Professional Services	\$25,000	\$72,000
10	4125	321	Telephone	\$600	\$1,400
10	4125	312	Travel	\$500	\$1,000
10	4125	399	Contract Services	\$1,200	\$3,600
10	4125	260	Supplies	\$500	\$1,500
10	8540	120	Available for Grant Match	-\$25,000	\$19,000
10	9910	991	General Contingency	-\$2,800	\$19,764

Description: to fund expenditures for professional services and various other expense Human Resources department for the balance of FY 2023.

General Fund/Cooperative Extention

Expenditures: Increase/ (Decrease)					
10	4950	234	Special Functions	\$5,200	\$7,200
10	4950	235	United Way Expenditures	\$11,000	\$26,000
10	4950	236	Family and Consumer Sciences	\$1,600	\$1,600
10	4950	237	4 County 4-H Livestock Show	\$800	\$800
Revenues: Increase/ (Decrease)					
10	3833	848	Ag Revenue	\$5,200	\$7,000
10	3990	991	Appropriated Fund Balance	\$11,000	\$6,578,925
10	3833	857	Family Consumer Science	\$1,600	\$1,600
10	3833	853	4 County Livestock Show	\$800	\$800

Description: to match funding to corresponding expenditures for various Cooperative Extention programs.

General Fund/IT

Expenditures: Increase/ (Decrease)					
10	4122	399	IT Connectivity	35,000	285,000
10	8540	120	Grant Match	(\$19,000)	27,500
10	8540	122	Tuition Assistance & Training	(\$16,000)	34,000

Description: Provide funding to cover the balance of activity in IT Connectivity for the balance of FY 2023

General Fund/Building Code Enforcement

Expenditures: Increase/ (Decrease)					
10	4350	540	Vehicle	\$3,100	28,100
10	9910	991	General Contingency	-\$3,100	\$16,664

Description: Fund the addition cost of vehicle purchased for the Inspections department.

General Fund/Non-Departmental

Expenditures: Increase/ (Decrease)					
10	8540	805	Payroll Services	\$40,000	\$381,000
10	9910	994	School Bonds D/S Contingency	(\$40,000)	\$215,873

Description: Fund the balance of Paycom and Tyler charges for FY 2023.

General Fund/Addressing/GIS					
Expenditures: Increase/ (Decrease)					
10	4396	399	Signs	7,000	42,000
10	9910	991	General Contingency	(\$7,000)	9,664

Description: Fund sign expenditures that exceeded the original budget for FY 2023.

General Fund/21st Century School Grant					
Expenditures: Increase/ (Decrease)					
10	5837	260	Supplies	80,000	96,780
Revenues: Increase/ (Decrease)					
10	3990	991	Appropriated Fund Balance	(\$11,000)	6,567,925
10	3584	001	21st Century Grant School	\$91,000	91,000

Description: to recognize the grant funding and corresponding budgeted expenditures for the 21st Century School Grant awarded the Cooperative Extension department.

General Fund/Senior Center South					
Expenditures: Increase/ (Decrease)					
10	5870	121	Salaries	3,800	55,526
10	5870	181	FICA	291	4,248
10	5870	182	Retire	494	6,601
10	5870	183	Health Ins	1,583	11,083
10	5870	233	Donations	1,200	1,300
10	5870	266	Supplies	700	5,200
10	8540	111	Personnel Adjustments	(\$6,168)	20,657
10	9910	991	General Contingency	(\$1,900)	7,764

Description: Funding pay rate change and vacation payout for retiring personnel, as well as additional funds to cover donation and supply expenditures for balance of FY 2023

General Fund/Contributions to Other Funds					
Expenditures: Increase/ (Decrease)					
10	9800	033	Transfer to Triangle North Capital Project	5,100,000	5,100,000
Revenues: Increase/ (Decrease)					
10	3990	991	Appropriated Fund Balance	\$5,100,000	11,667,925

Description: To fund the Triangle North Water and Sewer Infrastructure Capital Project

General Fund/Contributions to Other Funds					
Expenditures: Increase/ (Decrease)					
10	9800	034	Transfer to Stovall Senior Center	2,000,000	2,000,000
Revenues: Increase/ (Decrease)					
10	3990	991	Appropriated Fund Balance	\$2,000,000	13,667,925

Description: To fund the Stovall Senior Center Capital Project

General Fund/Contributions to Other Funds					
Expenditures: Increase/ (Decrease)					
10	9800	060	Transfer to Landfill Fund	2,000,000	2,000,000
Revenues: Increase/ (Decrease)					
10	3990	991	Appropriated Fund Balance	\$2,000,000	15,667,925

Description: Transfer funds to the Landfill Fund

Forfeiture Fund					
Expenditures: Increase/ (Decrease)					
51	4311	000	Expenditures	\$58,600	\$243,600
Revenues: Increase/ (Decrease)					
51	3991	991	Appropriated Fund Balance	\$58,600	\$58,600

Description: Increase appropriation ceiling to cover potential expenditures for balance of FY 22-23.

Sheriff's Special Account					
Expenditures: Increase/ (Decrease)					
54	4000	000	Expenditures	\$65,238	\$95,238
Revenues: Increase/ (Decrease)					
54	3000	000	Revenue	\$65,238	\$95,238

Description: To reflect receipt of Detention Center COVID grant. Proceeds are to be expended on purchase of an UVC system (\$40,806) plus various computer equipment and supplies.

Sheriff's Special Account					
Expenditures: Increase/ (Decrease)					
54	4000	000	Expenditures	\$25,000	\$120,238
Revenues: Increase/ (Decrease)					
54	3991	991	Revenue	\$25,000	\$25,000

Description: Increase appropriation ceiling to cover potential expenditures for balance of FY 22-23

Landfill Fund					
Revenues: Increase/ (Decrease)					
10	3981	010	Transfer from the General Fund	\$2,000,000	2,000,000
10	3991	991	Appropriated Fund Balance	(\$2,000,000)	(1,940,000)

Description: Transfer funds to the Landfill Fund. Transfer is necessary to help fund deficit caused from Closure/ Post Closure estimate.

B. Approved Project Ordinance: Triangle North Water and Sewer Infrastructure:

**CAPITAL PROJECT ORDINANCE
2023 – Triangle North – Water and Sewer Infrastructure**

Be it Ordained by the Governing Board of Granville County, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the construction of water and sewer infrastructure at the Triangle North industrial development site, along Triangle North Drive, off of Tabbs Creek Road in Oxford NC. This will be financed by funds from the General Operating fund.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Project Description	
<u>Component</u>	<u>Amount of Proceeds To Be Used</u>
Triangle North – Water and Sewer Infrastructure	\$5,100,000
Total	\$5,100,000

Section 4. The following revenues are anticipated to be available to complete this project:

<u>Component</u>	<u>Amount of Proceeds</u>
Transfer from the General Fund	\$5,100,000
Total	\$5,100,000

Section 5. The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements as required by federal and State regulations.

Section 6. Funds may be advanced from the General Operating Fund for the purpose of making payments as due. Reimbursement requests should be made in an orderly and timely manner.

Section 7. The Finance Director is directed to report, on a periodic basis, on the financial status of each project element in Section 3 and on the total revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future cost and revenues on this capital project periodically to this Board.

Section 9. Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Director for direction in carrying out this project.

C. Approved Project Ordinance: Local Assistance and Tribal Consistency Fund Grant:

GRANT PROJECT ORDINANCE

Local Assistance and Tribal Consistency Fund

Be it Ordained by the Governing Board of Granville County, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1. The project authorized is the Local Assistance and Tribal Consistency Fund (LATCF) Grant, established by Section 605 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Project Description

<u>Component</u>	<u>Amount of Proceeds</u>
LATCF Expenditures – County Website Platform Overhaul & Redesign	\$60,000
LATCF Expenditure – Economic Development Rehab and Refresh	\$15,000
LATCF Expenditure – Emergency Shelter Supplies	\$12,500
LATCF Expenditures – Personnel Security Enhancements – 141 Williamsboro Street	\$12,500
Total	\$100,000

Section 4. The following revenues are anticipated to be available to complete this project:

<u>Component</u>	<u>Amount of Proceeds To Be Used</u>
LATCF Grant Revenue	\$100,000
Total	\$100,000

Section 5. The Finance Director is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to satisfy the requirements as required by the Grant Agreement and Federal and State regulations. This grant project fund will be designated as a special revenue fund.

Section 6. The Finance Director is directed to report, on a periodic basis, on the financial status of each project elements in Section 3 and on the total revenues received or claimed.

Section 7. Copies of this grant project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Director for direction in carrying out this project.

- D. **Approved the Request to North Carolina Department of Public Instruction for Lottery Distribution Funding for School Construction in the amount of \$630,752.40.**
- E. **Approved minutes:**
- **September 6, 2022 Regular Meeting**

PUBLIC COMMENTS

Denise Klatt, 1582 Easy Street, Stem, NC, yielded her time to Christy Wilkins Campbell.

Christy Wilkins Campbell, 3108 Tump Wilkins Road, Stem, NC, made comments and presented a copy to the Clerk.

You have heard me say on multiple occasions the reasons why I do not want this ETJ, but allow me to paint another picture as to why myself and so many other people do not want this.

We live in a world that has literally gone crazy. We have violence, we have drugs, everything is accepted as normal - right and wrong no longer exist to a lot of people. As backwards as some people think Stem is, it is a "safe haven" for many people who come here to escape the craziness of today's world, especially the ones that work in cities and towns, and get back to the countryside. It is a safe haven for many people. It allows everybody to escape the craziness. It allows us to get back away from the hustle and bustle. That is being threatened by the ETJ. In talking to people about the proposed ETJ the one thing a lot of people say is they moved there to get away from this, this kind of thing that Stem is bringing on. They moved from Durham, they moved from New York, they moved from Kansas. They moved from places where things like this are happening because they wanted a quiet lifestyle. A lot of people spend hundreds, even thousands of dollars on retreat to go to the country to escape. They rent cabins. They go out to enjoy nature. We have that. We don't have to pay for that. We don't want to have to pay for that in the restrictions that is under the UDO. In many areas of the UDO, it's referred to as if there's other ordinances like County ordinances, whichever one is the strictest will be what we have to adhere to. We haven't needed restrictions in the past. We don't want the restrictions now. The mayor of Stem made the comment at the last town hall meeting, I do not know if I will be here in five years from now. But yeah, he wants to turn our lives upside down and yet he doesn't know if he's even gonna be here. There's been comments made that Stem is a picture that needs to be painted. We're already painted. We don't need to be fixed. We like it the way it is. If they don't like it being here, they shouldn't have moved here. They can leave. Everybody for the ETJ stand up – against, against the ETJ, stand up. Everybody that's here for that reason. We have more numbers. Our group is growing. People that are finding out about this but didn't know about it, they are coming out.

Tim Hosford, 1582 Easy Street, Stem, NC, yielded his time to Mikayla Wilkins.

Mikayla Wilkins, 3145 Tump Wilkins Road, Stem, NC, said that the Stem ETJ is concerning and brings up a lot of emotions so those opposed to it created a list of their main concerns. She said their concerns are that the Stem ETJ will not protect them from overdevelopment or from Butner; it seems prejudiced against low-income residents as requirements will cost money to be in compliance with driveways, outbuildings, etc.; concerns with ETJ residents getting nothing in return for being in the ETJ; concerns about reclassifying their AR-40 zoning and noted they want clarification; concerns about people in ETJ not having representation; concerns with ordinances being enforceable and not for safety but cosmetic design; concerns with being groundwork for future annexation; concerns that this is the first step toward harsher restrictions; and concerns about Stem not having the resources to handle all of this.

Paul Blalock, 1593 Tally Ho Road, Stem, NC, said he has been attending every meeting since he found out about the ETJ. He said he tried to make points in the past that if you look at the areas that Stem has already granted growth to with their satellite annexation, you can see the number of houses. He noted that Stem doesn't want to control growth, they want to be in control of the growth. He said if you look at subdivisions and the number of houses planned to be put in, he did not think that the Town of Stem or the County really has the resources to handle it as Main Street only has one building on it and it appears to be an abandoned building or in a rundown condition. He said you have a city that wants to take extraterritorial jurisdiction control over those a mile outside the city and they really do not even have a building on Main Street.

Laura Howell, 3691 Country Valley Road, Stem, NC, said she does not actually live in the ETJ but is concerned about this as her family has seen these land takeovers as their family once owned 10,000 acres of land in Cary and now there is a fence around a gravestone in the middle of a subdivision. She said no one is against growth but it needs to happen gradually so people can make their own choices about whether they want to sell their land or not. She said she moved to Stem because she did not like the Homeowner's Association dictating what she could or could not do with her property and that most moved there to avoid what is happening now with this matter. She mentioned concerns of people being told what they have to do with family land and that it seems the ETJ matter is geared toward people moving in with money. She said most people she has talked to are not aware of what is going on and how it will affect them.

Lexy Sanders, 2042 Stoneridge Drive, Stem, NC, talked about how this will affect her family as they have worked hard to own their own land and start a business that her husband runs from their home. She mentioned concerns about being able to remain at their home if this passes because of the costs of staying in compliance. She talked about the rising costs of food, her husband being their only source of income, and concerns with Stem wanting to regulate everything. She mentioned infrastructure and not having enough law enforcement.

PUBLIC HEARINGS

After Holding Public Hearing, Board Adopted an Ordinance Repealing and Readopting Article 11, Section 23 Of The Granville County Code Of Ordinances Entitled "Ambulance Services" Pursuant To North Carolina General Statute § 153a-250(A)

Chair May said that the purpose of the public hearing was to review Granville County's ambulance franchise ordinance and amend certain sections of it. He explained that before an ordinance may be adopted pursuant to North Carolina General Statute § 153A-250(a), the Board must first hold a public hearing on the need for ambulance services. A legal notice of a public hearing was advertised two times in both the Oxford Public Ledger and the Butner Creedmoor News per the statutory requirement. A copy of the proposed ordinance was included in the agenda packet.

At this point, Chair May declared the public hearing open and recognized Emergency Management Director Jason Reavis for a brief overview.

Emergency Management Director Reavis explained that this matter came about a couple months ago when he brought the Bertie ambulance franchise before the Board. During that process it was realized that a new franchise request had not been received in quite some time and that the ordinance needed to be reviewed and updated. Mr. Reavis referred to the updated ordinance provided in the agenda packet.

Chair May asked who is responsible for monitoring the ambulance services.

Mr. Reavis explained that as assistant administrator for the County, he is responsible for the oversight of the franchise.

Chair May confirmed that the Director of Emergency Services is responsible for monitoring their services. He further asked if that would be coordinated with Granville Health.

Mr. Reavis replied, not at this time, only if it is something related to the emergency services the County has with the Granville Health System, otherwise they are two separate entities.

Chair May asked if there were any public comments or anyone wishing to speak as no one had signed up or if the Board had any more questions. No one came forward to speak.

Attorney Wrenn asked Mr. Reavis to state on the record the reason for the necessary approval of the updated ordinance.

Mr. Reavis explained for the County to be able to franchise with any ambulance service coming into the county, we must have this ordinance in place. The ordinance gives the parameters around which ambulances can operate within the County. The current franchise operates Monday-Friday 8 a.m. to 5 p.m., and he noted that if someone in the hospital needs transport to go home or to a skilled nursing facility who cannot in a car, they might have to wait the weekend until they can get a ride scheduled during the franchise hours.

Chair May explained that Granville Medical handles emergency services, and asked Mr. Reavis to clarify if this would be non-emergency ambulatory-type services.

Mr. Reavis confirmed that this would be non-emergency convalescent-type services. When people call 911, those calls are being handled through Granville Health System for EMS services. This franchise is for transport such as to and from a hospital, tertiary facility, nursing home, rehab, and other places.

At this time, Chair May declared the public hearing closed. He asked if the Board would consider repealing and adopting Granville County's ambulance franchise ordinance.

Attorney Wrenn explained that the Board needs to find as part of the motion that after the hearing the Board may adopt the ordinance if it finds it is necessary to do so to share the provision of adequate and continuing ambulance service and to preserve, protect, and promote the public health, safety and welfare.

Motioned by Commissioner Tony W. Cozart, seconded by Commissioner Zelodis Jay, and unanimously carried, the Board approved adopting an ordinance repealing and readopting Article 11, Section 23 of the Granville County Code of Ordinances entitled "Ambulance Services" pursuant to North Carolina General Statute § 153A-250(a) with the written finding that is necessary to do so to share the provision of adequate and continuing ambulance service and to preserve, protect, and promote the public health, safety and welfare as follows:

CHAPTER 111: EMERGENCY MEDICAL SERVICES AND AMBULANCE SERVICES Section

111.01 Purpose

111.02 Definitions

111.03 Granville County Emergency Medical System

111.04 Ambulance service franchises

111.05 Enforcement; violation; sanctions

111.06 Territorial jurisdiction

§ 111.01 PURPOSE.

The purpose of this chapter is to provide for a Granville County Emergency Medical Services System and for the regulation of other ambulance services in Granville County to the extent not otherwise limited by any municipality regulating ambulance services under G.S. § 153A-250(c).

§ 111.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AMBULANCE. Any publicly or privately owned vehicle that is specially designed, constructed or modified and equipped, and is intended to be used for and is maintained or operated for the

transportation upon the streets and highways in the state of persons who are sick, injured, wounded or otherwise incapacitated. (See also G.S. § 131E-155(a1))

AMBULANCE SERVICE. A publicly or privately owned enterprise that is engaged in the transportation of patients to emergency and/or nonemergency medical facilities.

BOARD. The Granville County Board of Commissioners.

CONTRACT EMS AGENCY. A municipal agency, including but not limited to Granville Health System, a municipal hospital organized pursuant to N.C. Gen. Stat. §131E-9(a), or a private, nonprofit organization which contracts with the county to provide emergency medical services as part of the county EMS system.

CONVALESCENT AMBULANCE SERVICE. Ambulance services provided to individuals who are medically stable and need transportation but are unable to utilize regular ambulatory style transportation. Such services normally include the transportation of medically stable patients who are unable to sit up to and from their home.

COUNTY. Granville County, North Carolina.

DEPARTMENT. Granville County Department of Emergency Medical Services.

ADMINISTRATOR. Granville County Department of Emergency Medical Services Administrator or his/her designee.

EMERGENCY MEDICAL SERVICES or EMS. Services rendered by emergency medical services personnel as defined in G.S. § 131E-155(7) in responding to address an individual's need for immediate emergency medical care in order to prevent loss of life or further aggravation of illness or injury. (See also G.S. § 143-507(d))

FIRST RESPONDER. The first dispatched medical or rescue aid to arrive at the scene and provide emergency medical assistance to stabilize the patient while waiting for further medical aid and/or transport.

FRANCHISE. A permit issued by the county under the authority of G.S. § 153A-250 for the operation of an ambulance service.

MEDICAL DIRECTOR. The physician responsible for the medical aspects of the management of the Granville County EMS System. (See also 10A NCAC 13P .0102 (34))

NON-EMERGENCY AMBULANCE SERVICE. Ambulance services other than those provided by the Granville County EMS System or a licensed specialty care transport program. Such services normally include transportation of medically stable patients to health care facilities, medical offices and facilities and long-term care facilities.

OEMS. The Office of Emergency Medical Service of the North Carolina Department of Health and Human Services, Division of Health Service Regulation.

OEMS RULES. North Carolina Administrative Code rules codified at 10A NCAC 13P, Emergency Medical Services and Trauma Rules.

PEER REVIEW COMMITTEE. The committee established under 10A NCAC 13P .0408 for the Granville County EMS System.

PREMIS SYSTEM. The Pre-Hospital Management Information System established by OEMS.

SPECIAL EVENT. An event conducted by a public or private agency involving participation of persons in such numbers or in such circumstances where the presence of additional emergency medical or ambulance services resources are requested by the event sponsor or deemed necessary by the Department.

SPECIALTY CARE TRANSPORT PROGRAM. A program designed and operated for the provision of specialized medical care and transportation of critically ill or injured patients between health care facilities or between such facilities and residences or residential facilities. (See also 10A NCAC 13P .0102 (45))

SYSTEM. The Granville County Emergency Medical System.

§ 111.03 GRANVILLE COUNTY EMERGENCY MEDICAL SYSTEM.

(A) Composition. The Granville EMS System shall consist of the Department, contract EMS agencies, first responders, and the Granville County 911 emergency telecommunications

system, to the extent it is utilized for the provision of emergency medical care, and the Granville County EMS Peer Review Committee.

- (B) Duties of the Department. The Department will enforce the regulations set forth in this chapter and will perform related function, such as:
- (1) Establish performance standards for the EMS system;
 - (2) Negotiate and prepare agreements for approval by the Board for such contract EMS agencies as may be necessary for effective delivery of emergency medical services with the EMS system;
 - (3) Inspect the premises, vehicles, equipment and staff qualifications of contract EMS agencies and franchisees to ensure compliance with this chapter and applicable regulations;
 - (4) Maintain access to records related to credentials of all personnel within the EMS system; and
 - (5) Screen and evaluate all franchise applications from ambulance service providers and monitor franchisees, specifically:
 - (a) Make recommendations to applicants when information is incomplete or otherwise fails to meet chapter requirements;
 - (b) Present the Department's evaluation of franchise applications to the Board and recommend grant or denial of franchises;
 - (c) Recommend that the County Manager suspend a franchise or impose other sanctions under this chapter when it determines a franchisee to be in violation of this chapter; and
 - (d) Investigate complaints from the public and agencies or health facilities related to franchised ambulance services.
- (C) Duties of the Administrator. The Administrator, or his/her designee, shall:
- (1) Direct and oversee operational aspects of the EMS system;
 - (2) Report to the Board on the state of the EMS system, non-emergency ambulance services, and convalescent ambulance services in Granville County;
 - (3) Present ambulance franchise applications to the Board;
 - (4) Promulgate policies and procedures related to the operation of the system and declarations of emergency applicable to system, non-emergency ambulance providers, convalescent ambulance providers, and specialty care transport providers;
 - (5) Provide, coordinate, approve and oversee the provision of emergency medical services for special events as designed herein;
 - (6) Promulgate operational and clinical performance measures by which the system is evaluated and publicly reported; and
 - (7) Establish fees associated with this chapter in accordance with the following:
 - (a) Within 60 days after the acceptance of the franchise as set out herein, the franchisee shall submit to the county a proposed schedule of rates and charges for the operation of an ambulance service. The county shall within 30 days thereafter either accept or reject the proposed rates. If the county rejects the rates, the franchisee and the county shall negotiate for an acceptable rate, and if the agreement is not reached within 30 days after the rejection by the county, the county may terminate the franchise; and further, any rate increase sought by the franchisee will be filed with the county 60 days before it is to be effective; and if the county takes no action or approves the increase, it will go into effect on the date specified in the filing. If the county takes action by resolution to disapprove the increase, the proposed rate increase shall not be effective.
 - (b) No ambulance service shall attempt to collect rates on emergency calls until the patient has reached the point of destination, has received medical attention and is in a condition deemed by the physician fit to consult with the ambulance service; but such service may attempt to collect rates with family or guardian of the patient once the patient is in the process of receiving medical attention.
 - (c) On nonemergency calls or calls where a person requires transportation to a nonemergency facility, attempts to collect payments can be made before the ambulance begins its trip.

§ 111.04 AMBULANCE SERVICE FRANCHISES.

- (A) Purpose. The best interests of the citizens of Granville County are served by franchising non-emergency ambulance service, convalescent ambulance services, and specialty care transport services to assure adequate and continuing ambulance service and to preserve, protect, and promote the public health, safety and welfare. (See also G.S. § 153A-250(a))
- (B) Franchise required. No person may furnish, operate, conduct, maintain, advertise or otherwise engage in or profess to be engaged in the provision of non-emergency ambulance service, convalescent ambulance service, or specialty care transport service within the

geographic boundaries of Granville County unless the person has been either granted a franchise to do so by the Board pursuant to this chapter or exempted from a franchise pursuant to this chapter.

- (C) (1) No franchise shall be required for the provision of emergency ambulance service within Granville County. The provision of emergency advanced life support ambulance service is the sole responsibility of the Granville County EMS System. Therefore, no franchise shall be required for operation of ambulances by:
- (a) A contract EMS agency as defined in this chapter; or
 - (b) An entity rendering assistance to the system at the request of the Administrator during a major emergency or when system resources are insufficient resources to meet the needs of the community for EMS or non-emergency ambulance service.
- (2) No franchise shall be required for the provision of ambulance transportation by a specialty care transport program operated by a hospital that is physically located within the geographic limits of Granville County.
- (3) The county may limit the number of ambulance franchises awarded consistent with the needs of the community. The county expressly reserves the right to amend, suspend, or revoke a franchise for any reason.
- (D) Application for franchise. Application for a franchise to provide non-emergency ambulance services, convalescent ambulance services or specialty care transport services in Granville County shall be made upon forms prepared or prescribed by the Department and shall contain:
- (1) The name and address of the applicant, who shall be the owner of the entity and any ambulances to be operated under the franchise. If the owner is a limited liability company, corporation, limited partnership, or other entity created by a filing with a governmental entity, a certified copy of the articles of incorporation, articles of organization, or similar required formation filing must be attached.
 - (2) The address of the location in Granville County where the applicant will maintain a base of operations; provided, however, the same shall be provided within six months after approval of the franchise application,
 - (3) The trade names under which the applicant does business, with a certified copy of an assumed name certificate stating such name.
 - (4) Training, credentials and experience of the applicant, its agents and employees related to operation of non-emergency ambulance services and patients care.
 - (5) A description of each ambulance owned or operated by the applicant, including chassis manufacturer, ambulance maker, year of manufacture, vehicle identification number, and NCOEMS permit number, if already permitted. A franchise may not be granted to applicant who owns/leases no ambulance vehicles.
 - (6) An inventory of all equipment that will be carried aboard each ambulance. This equipment may not exceed the scope of practice of an EMT-Basic except when franchised by the Board of County Commissioners of another county to provide services in excess of the EMT Basic scope of practice.
 - (7) The location and description of places of business in Granville County where the applicant intends to locate ambulances.
 - (8) A description of the applicant's capability to provide non-emergency ambulance services on a 24-hour per day, seven-day per week basis.
 - (9) An official criminal record of the applicant if a sole proprietorship, of any partners if the applicant is a partnership, or any officers, directors, or managers of the applicant if a corporation or other business entity.
 - (10) A statement that the applicant will not discriminate as to any person with regard to sex (including pregnancy, gender, sexual orientation, gender identity or expression or transgender status), race, color, religion, national origin, age, disability, genetic information, veteran status, or any other legally protected characteristic.
 - (11) CPA in accordance with the Statements on Standards for Accounting and Review Services (SSARs) issued by the American Institute of Certified Public Accountants, Inc. (AICPA) Accounting and Review Services Committee (ARSC) or a similar standard generally recognized in the accounting profession.
 - (12) A certificate of insurance currently in force, issued by an insurance company licensed to provide insurance in the State of North Carolina evidencing the following insurance coverage:
 - (a) Vehicle insurance. For every ambulance owned or operated by or on behalf of the applicant providing for the payment of damages in the sum of \$1,000,000 per accident for injury to or death of individuals in accidents resulting from any cause for which the owner of said vehicle would be liability on account of liability imposed on him/her by law, regardless of whether the ambulance was being driven by the owner, his/her agent, or any other person.

- (b) General liability insurance. Covering all operations with coverage including but not limited to bodily injury and property damage liability to protect the applicant, applicant's employees, agents, contractors and any other person or entity performing work or providing services hereunder, from claims of bodily injury or property damage which arise from operations and services provided under this franchise, whether such operations and services are performed by the applicant, its employees, agents, contractors, or any other person performing work or providing services under this franchise. The amounts of such insurance shall not be less than \$1,000,000 bodily injury each occurrence/\$3,000,000 aggregate and \$500,000 property damage each occurrence/\$1,000,000 aggregate. The liability insurance coverage amounts may be satisfied with a combination of primary and excess/umbrella coverage and shall be an occurrence-based policy.
 - (c) Applicant will maintain Workers Compensation Insurance at the statutory limits in compliance with applicable State and Federal laws.
 - (d) Applicant will be covered by professional liability insurance covering with policy limits not less than \$1,000,000 per claim and \$3,000,000 annual aggregate for acts, errors, or omissions in the rendering of or failure to render professional health care services under the terms hereof. If coverage is provided on a "claims made" basis at any time during the term of this franchise, applicant shall purchase such tail coverage as may be necessary to ensure that coverage in the amounts listed above is provided for all professional health care services of applicant performed at any time this franchise is in effect.
 - (e) Original certificates of such insurance will be furnished and shall contain the provision that the county will be given thirty (30) days written notice of any intent to amend or terminate by either the applicant or the insuring company. The county shall be named an additional insured under the commercial general liability policy.
- (13) A notarized statement certifying that the applicant (i) is not debarred from receiving Medicare or Medicaid programs; (ii) is not currently the subject of debarment proceedings; (iii) is and will remain in compliance with this chapter, OEMS rules and all applicable state and federal statutes and regulations; and, (iv) has no suits, claims, actions or legal, administrative, arbitration, or other proceedings or governmental investigations pending or threatened against the applicant except as shown on said notarized statement.
- (E) Departmental review. Upon receipt of a complete application for a franchise, the Department will:
- (1) Review the application for completeness and compliance with this chapter;
 - (2) Cause such investigation to be made as the Department deems necessary;
 - (3) Determine whether the applicant meets the requirements for the award of a franchise under this chapter;
 - (4) Make a recommendation to the Board of County Commissioners on whether to grant the application for franchise; and
 - (5) Schedule a public hearing before the Board after providing all required public notices.
- (F) Board action. The Board may grant a franchise upon finding the following fact:
- (1) The public will be served by granting the applicant a franchise, consistent with the policy set forth in § 111.01 of this chapter;
 - (2) The application is accurate, complete and correct;
 - (3) The applicant has produced adequate evidence of its ability to provide adequate and responsible non-emergency or convalescent ambulance service, and evidence that no owner, operator, agent or employee has been debarred from the Medicare or Medicaid program, or any other public benefit program of the United States or any other state; and
 - (4) The applicant holds all necessary licenses and permits from OEMS or will be fully qualified to obtain all necessary licenses and permits upon the award of the franchise.
- (G) Conditions of franchises granted by the Board.
- (1) A franchise issued by the county shall be valid for the term specified by the Board, not to exceed five years.
 - (2) A franchise may be extended for one or more consecutive additional terms of the same number of years for which it was initially granted provided that at least 120 days prior to the end of each then current franchise term the applicant submits a written application, renewal fee, certification that the applicant has been continuously in compliance with all county and OEMS requirements and retains all necessary licenses and permits from OEMS, and such other information as the county may reasonably require to confirm

continued compliance with all applicable then current local, state, and federal legal requirements.

- (3) No franchise may be sold, assigned, or transferred to or in any way vest in any person other than the applicant to whom the franchise is granted.
 - (4) The applicant must maintain continuous insurance coverage in the amounts specified in division (D) above and submit new insurance certificates when coverage is changed or renewed.
 - (5) Any change of ownership of a franchised ambulance service, including the acquisition of more than 10% of the ownership interests in any entity including, but not limited to, a corporation, limited liability company, or partnership, by an individual or other legal person not named as an owner in the original application, shall be considered a material change necessitating a new franchise application and issuance of a new franchise.
- (H) Administrative requirements for franchised ambulance providers. Each franchised ambulance provider must:
- (1) Affiliate with the Granville County EMS system.
 - (2) Submit data to the PreMIS system, CIS, and the Department, as required by OEMS or the Department.
 - (3) Permit representatives of the Department to inspect vehicles, facilities, personnel, and records at times and in locations specified by the Department.
 - (4) Employ, contract, or otherwise obtain the services of a medical director, as required by OEMS rules. The county's Medical Director shall not serve as the medical director for any franchised ambulance service.
 - (5) Immediately transfer to the appropriate 9-1-1 center any call which reasonably appears to require emergency medical services or advanced life support services, including but not limited to Medical Priority Dispatch System classifications of CHARLIE, DELTA, or ECHO.
 - (6) Submit a plan for delivery of the following services to the Department, not later than June 30 of each year:
 - (a) Medical direction of the franchised service and the development and enforcement of medical protocols consistent with OEMS rules and Granville County EMS System protocols.
 - (b) Receiving calls and dispatching ambulances, including the criteria for screening calls, identifying calls not appropriate for their franchised level of response, and referring those calls to the appropriate 9-1-1 center.
 - (c) Continuing education for every level of EMS personnel provided by the franchisee.
 - (d) Employee background checks to assure that personnel employed in the delivery of franchised ambulance services have acceptable criminal and driving records.
 - (e) Radio communications between ambulances, dispatch points and hospitals, as described in OEMS rules. Cellular telephone or other common carrier services may only be used as secondary communications for non-emergency ambulance service providers. If the franchise is not using the North Carolina State Highway Patrol VIPER system, the franchise shall provide county with a copy of the license(s) issued by the Federal Communications Commission authorizing the use of license frequencies.
 - (f) Telephone communications, including at least one land-line telephone which shall provide 24-hour per day access to ambulance dispatch service.
 - (g) Assuring that vehicles, personnel, equipment, and operating procedures are in compliance with applicable OEMS rules and statutes.
 - (i) Immediately notify the Administrator in writing if it becomes debarred or experiences any loss of status or ability to receive and act as a Medicare or Medicaid provider and shall further provide the Administrator an annual written statement certifying as to any suits, claims, actions or legal, administrative, arbitration, or other proceedings or governmental investigations pending or threatened against the franchisee.
- (I) Operating requirements for non-emergency ambulance services.
- (1) Franchisees shall maintain all licenses and permits required by OEMS and shall at all times be in compliance with OEMS rules.
 - (2) Except when providing emergency services to the EMS system during a period of major emergency, as directed by the Administrator, or in other situations where the life or health of a patient so require, non-emergency ambulance providers shall not operate ambulances vehicles using emergency warning equipment (red lights and sirens) in Granville County.
 - (3) In any circumstances where emergency warning lights and sirens are used by a non emergency ambulance provider (except a specialty care transport provider) without prior

authorization by the Administrator, the manager or owner of the franchise shall file a report with the Administrator disclosing the date, time, location, and justification for use of emergency warning equipment. Inappropriate use of emergency warning equipment by non-emergency ambulance providers may constitute grounds for sanctions or revocation of the franchise. This requirement does not apply to ambulance transports originating outside of Granville County.

- (4) The Administrator may promulgate operational performance standards for non-emergency and convalescent ambulance services, which apply to all franchisees.
- (5) Upon the Administrator's declaration of major emergency, the Administrator may restrict or suspend non-emergency and convalescent ambulance operations in order to make ambulances available to the system. The Administrator shall promulgate and publish major emergency procedures, which will include reasonable compensation to non-emergency and convalescent ambulance services for such services provided to the county.
- (6) Franchisees must make its records, premises and equipment available for inspection by the Administrator during normal business hours after reasonable notice to the franchisee, in order to insure compliance with this chapter and any franchise granted hereunder. Franchisee must permit the Administrator to inspect any ambulance and interview the personnel assigned thereto at any time and without prior notice except while the ambulance is actually transporting a patient.
- (7) Reporting requirements.
 - (a) Annually, at least 45 days prior to the anniversary date of the issuance of the franchise, the franchisee shall report to the county in writing and under oath its compliance with this chapter, OEMS rules, and applicable state statutes during the previous year.
 - (b) Monthly, franchisees must submit to the Administrator a report that details the following information concerning the prior month of operation:
 1. Number of requests for ambulance transportation;
 2. Number of patients transported;
 3. For requests for service scheduled in advance, the percentage of on-time arrivals and the average delay for those calls for the ambulance did not arrive on time;
 4. For requests for service not scheduled in advance (either immediate or as soon as possible), the 90th percentile interval between the time of the requests and the arrival of the ambulance at the curb side of the building for which the request was made;
 5. Written details of any critical vehicle failure (failure of a vehicle after dispatch to a request for service or while transporting a patient);
 6. Written details of any vehicle collision after dispatch to a request for service or while transporting a patient; and
 7. Number of calls to the service deemed to be emergent and referred to a 9-1-1 center for disposition.

§ 111.05 ENFORCEMENT; VIOLATION; SANCTIONS.

- (A) The Department shall monitor and initiate enforcement of this chapter.
- (B) Administrative remedies. In the event of a violation of any section of this chapter or of any term or condition of a franchise issued hereunder, the violator may be assessed a penalty by the County Manager in the amount of \$500 or for each violation. Each day that a violation continues shall be deemed a separate violation. Notice of assessment of penalties may be appealed to the County Manager within 20 days of receipt of the notice, and the County Manager will schedule and hold a hearing on the assessment. Penalties may be recovered in the nature of a debt and the county may suspend or revoke a franchise, if the violator does not pay the penalty within ten days after being notified of the hearing decision. (See also G.S. § 153A-123(c) and (g))
- (C) Civil actions. The county may seek an injunction, abatement order, or other appropriate equitable or legal remedy to insure compliance with this chapter. (See also G.S. § 153A-123(d))
- (D) Criminal penalties. Nothing herein shall prevent the county from initiating criminal action against any individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity for violating any provision of this chapter or any term or condition of a franchise granted hereunder as provided in G.S. § 14-4. (See also G.S. § 153A-123(b))

§ 111.06 TERRITORIAL JURISDICTION.

The provisions of this chapter shall apply to all areas within the geographic boundaries of Granville County, including areas within a municipality unless the municipality's area has been specifically excluded by the Board. (See also G.S. § 153-250(c).

After Holding Quasi-Judicial Hearing, Board Approved Special Use Permit For Cellco Partnership D/B/A Verizon Wireless To Place A 199-Foot Lattice Wireless Communication Tower With A Fenced Equipment Compound On Property Owned By Lawrence And Anita Dixon Specifically Identified As Tax Parcel Map Number #096600067049 And Located Off Of Lester-Mcfarland Road, With Five Conditions

Chair May said the next matter on the agenda was an evidentiary hearing to rule on an application for a major special use permit submitted by Cellco Partnership d/b/a Verizon Wireless for the location of a wireless telecommunications facility with a fenced equipment compound on property owned by Lawrence Dixon and Anita Dixon located off Lester-McFarland Rd. in Granville County, North Carolina and further identified as Tax Parcel No. 096600067049 and entertained a motion to open the hearing.

Upon motion by Commissioner Sue Hinman, seconded by Commissioner Robert Williford, and unanimously carried, the Board opened the quasi-judicial hearing.

Chair May stated that both proponents and opponents of the permit would be given an opportunity to present evidence and arguments for or against proposed measures. He then requested all those wishing to speak or present evidence for or against the proposed major special use permit, to please come forward and be sworn in now. He noted that only those individuals who are sworn in would be allowed to address the Board, so if you believe there is any chance you may want to present evidence on this case, please come forward at this time.

Chair May recognized Barry Baker, Planning Director, for a preliminary statement of the case.

Having being duly sworn, **Barry Baker, Planning Director, 122 Williamsboro Street, Oxford, NC,** stated that all legal requirements per state and local law have been accomplished regarding public notice for the hearing. He said that this is an application for a major special use permit by Cellco Partnership doing business as Verizon Wireless to place a 199-foot lattice wireless communication tower with a fenced equipment compound on property owned by Lawrence and Anita Dixon. The property is zoned AR 40, agriculture residential 40. Cell towers are a major special use in that zoning district. The property that the wireless communication tower would be located on is specifically identified as tax map parcel number 096600067049. He said that Ms. Elizabeth Harrington Smith with CityScape was present as CityScape prepared a report after reviewing the application in compliance with Granville County's local regulations and other regulations. He said he would answer any questions and there were none.

Chair May then recognized Elizabeth Harrington Smith, CityScape consultant, for a preliminary statement of the case.

Having being duly sworn, **Elizabeth Harrington Smith, 6898 Silverado Terrace, Lake Worth, Florida** provided the following information. CityScape has been the wireless communication consultant for Granville County for a long time. CityScape reviewed all of the documentation that was submitted for a 199' lattice tower. The tower itself is 195 feet with a four-foot lightning rod at the top. This is an application that was provided on behalf of Cellco Partnership d/b/a (doing business as) Verizon Wireless. The application has been reviewed several times as information came in and the application was deemed complete, and CityScape submitted their findings. The proposed tower is to be built to accommodate Verizon Wireless, as well as an additional three co-locators that could potentially go on the tower at some time in the future. Several findings of fact have been submitted in Appendix A of their report and there were things regarding the wireless code. One is priority siting, which is section 32 572, and the applicant justified the selection of the site at the lowest priority, which is a non-concealed free-standing wireless support structure on non-county owned land and the CityScape response to the information was that the applicant proposes a non-concealed tower on private property, last in order of siting priority, non-concealed freestanding wireless support structures on other property in the county. The search ring map provided by Verizon depicts a circle slightly over a mile radius

and the proposed tower is in the center, about 0.7 miles west of the center of the ring. The site acquisition manager for Chase Real Estate Services submitted an affidavit that is included in the information. The type of tower is a lattice tower. CityScape's findings were that the applicant has not justified use of a lattice tower in accordance with the county's priority siting provision. However, the type of structure that should be allowed is at the discretion of the county. Regarding the hardship issue. Cityscape believes that the lack of signal coverage depicted in Verizon's propagation maps can be construed as a hardship. Furthermore, they concluded that the site is justified and is needed in the area to provide additional coverage along Walnut Grove Road and Baxter Huff Road between the towns of Oxford and Roxboro. CityScape looked throughout the different sections of the code, the security of the wireless facility, section 32-573(a), and the response was that the fence and the 12-foot-wide lock gate proposed by the applicant is standard for wireless towers and is effective for keeping intruders away from the tower antennas and transmitting equipment. It still provides access to those authorized to operate and service them. They are proposing an 8-foot chain-link fence with barbed wire at a 45-degree angle, which prevents intruders from scaling to get over into the equipment. There are other deterrents on the property, including electrified fencing that will be rerouted so that it will be around the tower and the ground equipment. Another deterrent available, but not mentioned in the application, is that every facility uses an alarm system, motion sensors, surveillance camera, motion-activated lighting, and then the use of privacy slats woven into the chain link fence. Cityscape believes that the fencing proposed by the applicant satisfies the requirements of section 32-573 of the county ordinance. As far as signage goes, the applicant has met that requirement, section 32-573b. According to the construction drawings that were submitted, the applicant proposes to post signs on the gate and the north tower face. The green information sign that was shown in the drawings can accommodate all the information required under the ordinance. None of the proposed signage is for advertising of any nature. It is for safety purposes as well as identification of the tower and the facility. The drawing also shows that there are three RF (radiofrequency) exposure signs posted. The CityScape engineer concluded that only the blue notice sign would be sufficient to comply with the FCC rules regarding RF signage due to the fact that RF exposure levels at ground level at the site far are far below the FCC maximum permitted levels. Access to the site is section 32-573c, and we believe that the applicant has addressed this as well. Per the construction drawings, CityScape concluded that the requirements of the ordinance for the road access turn around parking would be met by this proposal. In reference to the setback section 32-573d, CityScape's response was that per the construction drawings, they confirmed that the proposed location of the tower is at least 360 feet from the property line to the east of the site and since distance exceeds the proposed height of the tower, the setback is met without the need for a breakpoint design of the tower. Cityscape agrees that this finding of fact is supported. She noted that the applicant has proposed an engineer fall zone of 150 feet in its tower's design, although they did not provide a letter from a structural professional engineer stating that, so that was put as a condition. She added that there are several conditions recommended by CityScape, noting they recommend that there is a need for the tower and there is need for the coverage as well. Based on all the reasons specified in CityScape's report, it is their opinion that a new tower for a future Verizon wireless installation located in the vicinity of the proposed site is justified and is supported by generally accepted and adequately demonstrated technological reasons. They agree that a new wireless facility is essential in order for the applicant to alleviate an existing service coverage gap and to improve their communication service in the area shown on the coverage maps that were submitted and referenced in the report.

Ms. Herington-Smith concluded by saying there were several conditions included in CityScape's report, and should the county choose to approve the application, the following conditions of final permitting are recommended:

- (1) Final construction drawings be submitted once completed and ready to construct.
- (2) A structural analysis report signed and sealed by a North Carolina Structural Licensed Professional Engineer be submitted and show that the tower will support the applicant's tower-mounted equipment and similar equipment for at least three

additional wireless providers, and in accordance with the latest North Carolina laws, which is EIA /TIA-222G (or 222-H if adopted by the County) structural standards;

- (3) The applicant shall provide a letter from a structural Professional Engineer with the manufacturer of the tower stating that the tower will be engineered for a fall radius of 150 feet;
- (5) The applicant shall submit a new Determination of No Hazard from the FAA for a structure height of 199 feet above ground, stating that the structure does not require aviation obstruction marking and lighting;
- (6) The applicant shall submit of a signed letter from a qualified person from Verizon stating that in the event that interference is caused to another telecommunications service, that Verizon will cooperate and fix any such interference.

She said based on that she would like to submit the CityScape report into the record.

County Attorney Wrenn asked the Board to accept CityScape's letter into the record as evidence (included in the agenda packet).

Chair May accepted the letter as evidence into the record.

Chair Williford asked about the mileage radius as to how far it will help with coverage.

Ms. Herington-Smith explained that Verizon engineers can answer the question more completely based on the RF, but went on to state that the site will connect two existing facilities and fill in those areas to provide more complete and seamless coverage throughout the whole area. She then referred to the engineers to answer the question more completely.

Attorney Wrenn gave instructions to the board.

INSTRUCTIONS TO BOARD—MAJOR SPECIAL USE PERMIT

WIRELESS TELECOMMUNICATIONS FACILITIES

The Federal Telecommunications Act, as codified at 47 U.S.C. § 332(c)(7), allows municipalities (including counties) to regulate the placement of wireless service facilities. Part 3, Article 9 of Chapter 160D of the North Carolina General Statutes entitled "Wireless Telecommunications Facilities" sets out the statutory framework pursuant to which local governments can regulate wireless telecommunications facilities. The Wireless Facility and Wireless Support Structure Siting Ordinance for the County of Granville is found in Article IX of Chapter 32 of the Granville County Land Development Code. Section 32-572(c) requires a major special use permit for all new wireless support structures.

In order to grant a special use permit to construct a new freestanding wireless support structure, the Board must find that the applicant demonstrated why a site of a higher priority was not selected. In order to find that the applicant demonstrated why a site of higher priority was not selected, the applicant must have demonstrated to the satisfaction of this board the reason or reasons why such a permit should be granted for the proposed site and the hardships that would be incurred by the applicant if the permit were not granted for the proposed site.

The eight orders of priority for constructing a new wireless support structure are set out in Ordinance §32-572(a) as follows:

- (1) Attached concealed antenna onto an existing structure;
- (2) Collocated antenna on existing freestanding wireless support structures;
- (3) Attached non-concealed antenna onto an existing structure;
- (4) Freestanding wireless support structures on a site with an existing wireless support structure or tall structure;
- (5) Concealed freestanding wireless support structures on county-owned property;
- (6) Concealed freestanding wireless support structures on other property in the county;

- (7) Non-concealed freestanding wireless support structures on county-owned property;
- (8) Non-concealed freestanding wireless support structures on other property in the county.

In addition, the Ordinance also sets out specific requirements for all wireless support structures:

Sec. 32-573. - General requirements for all wireless support structures and broadcast facilities.

Attorney Wrenn explained that the ordinance language is in the Boards' packets, and stated he could read it through if they have not had an opportunity to review it, referring to subsections a through d of Sec. 32-573.

Chair May advised Attorney Wrenn to continue reading.

Sec. 32-573. - General requirements for all wireless support structures and broadcast facilities.

- (a) *Security of wireless support structures.* All wireless support structures shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically as follows:
 - (1) All antennas, towers and other supporting structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or run into; and
 - (2) Transmitters and telecommunications control points must be installed in a manner to be readily accessible only to persons authorized to operate or service them.
- (b) *Signage.* Wireless support structures shall contain a sign no larger than four square feet to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities. The sign shall contain the name(s) of the owner(s) and operator(s) of the facility, an emergency phone number(s), and FCC registration number, if applicable. The sign shall be on the equipment shelter or shed of the applicant and be visible from the access point of the site and must identify the equipment shelter of the applicant. The sign shall not be lighted unless the board shall have allowed such lighting or unless applicable provisions of law require such lighting. No other signage, including advertising, shall be permitted on any wireless support structure, unless required by law.
- (c) *[Access.]* At a wireless support structure site, an access road, turn-around space, and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and vegetation cutting. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.
- (d) *[Setbacks.]* All wireless support structures and broadcast facilities shall be set back from abutting property lines and recorded rights-of-way by the following distances: a distance equal to the height of the wireless support structure or broadcast facility tower or structure or use breakpoint technology as provided for in subsection 32-579(8)a. Any accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.

In making these findings of fact, the Board's decisions must be based on competent, material, and substantial evidence in the record. Substantial evidence is more than a mere scintilla. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. It must do more than create the suspicion of the existence of the fact to be established.

The concurring vote of a majority of the members of the Board shall be necessary to grant a major special use permit. Vacant positions on the Board and members who are disqualified from voting on an evidentiary matter shall not be considered members of the board for calculation of the requisite majority, if there are no qualified alternates to take the place of such member.

As always, a member of this Board shall not participate in or vote on a major special use permit in a manner that would violate affected persons' constitutional rights to an impartial decision maker.

Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

Chair May said that we will now hear evidence from the applicant.

Having been duly sworn, **Tom Johnson, Attorney with Williams Mullen Law Firm, 301 Fayetteville Street, Suite 1700, Raleigh, NC**, spoke on behalf of the applicant, Cellco Partnership d/b/a Verizon Wireless and mentioned that he had several witnesses with him as well. First, he asked Chair May to accept into evidence the application and all of the associated documentation that is already of record in support of their application for the special use permit.

Chair May asked County Attorney Wrenn if it was appropriate to accept the application and associated documentation into evidence at that time.

County Attorney Wrenn responded that that was at the discretion of the board, and that it would be appropriate to do so.

Chair May accepted into evidence the application and associated documentation.

Cellco Partnership Attorney Johnson, stated that he concurred with Ms. Herington-Smith's findings and would offer supplemental information. First of all a written commitment from Verizon Wireless, mentioned by Ms. Herington-Smith, that they resolve any interference of radio frequency according to the federal rules regarding noninterference, would be submitted as evidence from David Brown of Verizon Wireless who is present and available as a witness.

Second, Mr. Brown, Senior Network Performance Manager with Verizon Wireless, completed an affidavit regarding the location and in accordance with the eight priority list items in the ordinance. Attorney Johnson expounded that Mr. Yeagley, who was also present and available as a witness, had mentioned that in his report for Chase Services. This fills in the gap with that from a radio frequency engineer's perspective. He noted that he had that notarized affidavit from Mr. Brown.

Third, Attorney Johnson mentioned a fall zone letter that if the tower were to fall, it would fall within 150 feet and said he did have a letter certified by North Carolina Professional Engineer. He stated that he had three original documents that would go to the clerk and then copies for all the members of the Board, and asked to distribute them. Attorney Johnson asked that the documents be admitted into record.

Chair May asked if Planning Director Baker had a chance to review the documents.

Attorney Johnson replied, yes, that the documentation as provided to Mr. Baker and Ms. Herington-Smith in advance of the hearing, and that Mr. Baker recommended that he submit them into evidence at this hearing.

Attorney Johnson continued, stating that he wanted to go over the conditions that Ms. Herington-Smith spoke to and show how they have or will meet those conditions. The conditions mentioned are that they should provide a final construction-ready set of construction drawings signed and sealed by a North Carolina Professional Engineer. He reported that Mr. Avery Fann, who prepared those drawings, was at the meeting and that he will prepare a final set that he would submit those, noting that they were in agreement with that condition. The next condition was providing a structural analysis report signed and sealed by a North Carolina structural Professional Engineer. He explained that those drawings typically come from the tower manufacturer when you submit for a building permit. The tower manufacturer in this case is Saber and they will have those drawings and they will be submitted. He said they agree with that condition and will comply with that when submitting a building permit. He said that the third condition was the fall zone letter that he submitted here tonight and meets that condition. The

next is a determination of no hazard from the FAA (Federal Aviation Administration) for the height of this structure, stating that the structure does not require aviation obstruction and lighting, marking and lighting. He explained that when they first started this application, it was as a 260-foot lattice tower, but Granville County's ordinance has a requirement for nothing over 199 feet. He said they have approval with the FAA for 260 feet, noting that you can build something shorter and that approval is good, but it didn't speak to lighting. Now, the FAA will say that the 199-foot tower does not have to be lighted, but he said they are glad to confirm that in whatever way we need to.

Chair May asked Attorney Johnson to clarify if the tower is 199' or less, then lighting is not required.

Attorney Johnson responded that it is not required to be lighted.

Chair May asked if they were going to light it.

Attorney Johnson stated that they will not be lighting it.

Attorney Johnson explained that according to the FAA, a tower is not a hazard at 260 feet and therefore 199 feet is no hazard because it is shorter. He explained again that they do not plan to light it, but if there is a requirement otherwise, then they will let the Board know as they will verify with the FAA.

The fifth condition was noninterference and he noted that he submitted the documentation regarding noninterference for that fifth condition. He reported they agree with those conditions as modified and will be glad to accept those and concur with those. He then mentioned, as did Ms. Herington-Smith, a lattice tower versus another type. He explained that when they first started this application, they were doing it as a lattice tower because of the height as you really need a lattice tower for 260 feet because that works the best. He said they reduced it to 195 feet with a four-foot lightning rod. He said that in the drawings right now it shows a lattice tower, but they can change that. But in consulting with Verizon, he said they are in agreement to do it as a monopole tower, so it would be a single pole with the antennas attached to it. He noted that they are willing to amend their application to have it be a monopole as opposed to a lattice tower if that is in agreement with the Board.

Chair May asked if this change would be okay.

County Attorney Wrenn said it was fine as long as Mr. Baker and CityScape agree that the amendment will meet the requirements of the ordinance.

Mr. Baker stated that he would be in favor of a monopole as they are less aesthetically visible than a lattice tower and would be higher in the priority list in our ordinance so he would encourage it.

County Attorney Wrenn responded that he agreed with Mr. Baker. He asked if there were any additional drawings or anything that needed to be submitted for approval or if that had already been done.

Mr. Baker said he believed that the condition be that the construction drawing meet condition number two in CityScape's letter.

Ms. Herington-Smith agreed.

Chair May asked for CityScape's opinion.

Ms. Herington-Smith stated that the monopole would be a better visually pleasing design and would definitely be a higher rank in the County's priority. She explained that when there are new designs and part of the condition is the final construction drawings, then those would be submitted and re-reviewed by them. She added that the monopole is usually a more preferred design.

Chair May asked the County Attorney that if the Board approves, may they suggest they gain a consensus on whether we do that or not at this time.

Attorney Wrenn agreed.

Chair May asked the Board to acknowledge if they have a consensus to go ahead with the monopole, and the Board confirmed.

Attorney Johnson continued, that in addition to what Mr. Baker and Ms. Herington-Smith said, they will submit the construction drawings, but will also submit the structural from the tower manufacturer as well; and that is a condition that was already listed as well. In terms of the requirements for special use permit, and under the ordinance, there are several things that need to be met and one is that they demonstrate that the tower will not have a substantial adverse impact on the values of the adjoining properties. He said they submitted a report from Michael Berkowitz, a North Carolina certified appraiser, that was placed in the record and states that it will not have an adverse impact on adjoining property values. He explained that Mr. Berkowitz was present to answer any questions the Board may have with respect to his report, but that report was already in the record. He referred to John Yeagley, also present at the hearing and available to testify, whose company, Chase Services, found the location. He explained that Mr. Yeagley can speak to the County's priority list that he found no county-owned property and no other properties that would meet the requirements of Verizon within that search ring that was provided to him. He also said that Avery Fan who did the construction drawings was present at the hearing and available to answer any technical questions regarding the construction drawings as he completed the drawings. Lastly, he mentioned that David Brown of Verizon was available to speak to any coverage area questions, in particular how far the coverage will span as that is a question of particular interest. He said any of the witnesses were available to speak if the Board wanted them to do so and noted that their information was in the record. He said they were comfortable with just answering questions of any witnesses and to stand on what was in the record.

Chair May asked if Commissioners had any questions.

Commissioner Williford asked for clarification on the kind of coverage range that will be provided for that area.

Attorney Johnson invited David Brown to answer the question.

Having been duly sworn, **David Brown, 3020 Hammond Road, Raleigh, North Carolina,** introduced himself as the Senior Network Manager for eastern North Carolina to Winston-Salem. He explained that voice, like making a phone call, would be the furthest range because that is their highest priority; it can be from six to eight miles. He added that, typically you have terrain and foliage, so data service gets slower out at the edges, and as you get closer within two, three or four miles you would have good data service, internet type things.

Williford asked to clarify that it would be voice more than data.

Mr. Brown responded that voice, depending on the terrain and trees, it could be six or eight miles and as Ms. Herington-Smith said they are connecting two sites. We have one to the north and one to the south and there is a coverage opening in there and this will connect those sites. He said in looking at predictions, their theoretical predictions, and he thinks they will cover Polk Huff Road, Dirgie Mine, Goshen, Walnut Grove, all with voice and it should be pretty good in those areas.

Commissioner Jay asked how long from start to finish after it is erected, will it take to go into effect.

Mr. Brown said right now, once approved and then a lease is signed, then equipment is ordered and construction, depending on different things, but anywhere from six to eight months. He guessed it could be sooner, but it could be a little later depending on a lot of variables that are beyond their control. He said they are expecting by the end of the year or early next year.

Commissioner Gooch asked if the data would be sufficient for people in the immediate area or a certain circle be able to have 5G or 4G to run a hotspot.

Mr. Brown answered "yes" that it would be the latest technology. He further added that anytime they build a site, they put in the latest and greatest technology- antennas, radios, etc.- and it will have 5G for that whole area. He noted that the area mentioned will have ultra-wideband added to the site, but it would not be so someone could just replace their wired internet completely as that can only go, to be honest, like in a mile or two radius, but they will have good throughput, regular throughput. He noted it is not like not the ultra-wideband, but like some megabits per second, so kids could do their homework on their computers and even stream YouTube and things like that for a three, four, or five-mile radius.

Mr. Brown concluded that they are very concerned. He reported that he met with some of Granville County's public safety people a couple of years ago to get towers going in Granville. He mentioned concerns about police, inspectors, ambulance, and maintenance being able to upload files. He said they have some other active sites in Granville County to try to address these concerns, but that it takes time and funding, noting that they are finally getting there.

Chair May asked if there were any other individuals who wished to present evidence against the major special use report. No one came forward to testify.

Chair May asked if there were other additional comments or questions and there were none. With no further questions from the Board, Chair May entertained a motion to close the hearing.

Motioned by Commissioner Jimmy Gooch, seconded by Commissioner Sue Hinman, and unanimously carried, the Board closed the quasi-judicial hearing.

Chair May asked County Attorney Wrenn to summarize the evidence that was presented to the Board.

County Attorney Wrenn said that Mr. Baker, Granville County Planning Director, testified that the application met the requirements of the ordinance. Ms. Herington Smith testified as the county's consultant with CityScape Consultants, Inc., that the application met the requirements of the ordinance and also provided a written report. This was entered into the record in what she responded, in which Cityscape responded to the required findings of fact and proposed certain conditions. Mr. Johnson presented the case for the applicant and tendered certain reports into evidence and tendered additional reports that were not in the county's agenda packet into evidence. He concluded that the engineer for the company provided information about call coverage and that is what some of the evidence shows, but all the evidence shows is for the board to determine.

Chair May asked if anyone sworn objected to the attorney's summary of evidence. No objections were raised.

Chair May then opened the floor to Board members to discuss the application as a whole before moving to the discussion and voting on each required finding of fact.

Commissioner Hinman asked for clarification if this would help out the people in the northern part of the county.

Attorney Johnson said that it is near the county line with Person County, which is basically the northwest part of the county.

Mr. Brown noted that they have another active project about six to eight miles to the northwest that Verizon has in current development that is funded for development. He noted that one is not as far along, obviously, as this one.

Attorney Johnson clarified what Mr. Brown said as he did not speak at the microphone.

Ms. Herington-Smith referred the Board to page 17 of their report included in the agenda of a map that shows coverage without the facility and with the facility. She noted that you will be

able to see the increased coverage from having this facility out there. Additionally, since the tower is being built for additional co-locators that could bring the other providers as well once the steel is in the air. She noted that when there is another site there, it sort of takes the pressure off the other two that are there and will alleviate some of the pressures so those other facilities that are north and south will become a little more efficient as well.

Chair May asked the Board if there were any other items to discuss and there were not.

Chair May asked County Attorney Wrenn to read the findings of facts.

County Attorney Wrenn read the first finding of fact.

In order to grant a major special use permit to construct a new freestanding wireless support structure, the Board must find that the applicant demonstrated why a site of a higher priority was not selected. In order to find that the applicant demonstrated why a site of higher priority was not selected, the applicant must have demonstrated to the satisfaction of this board the reason or reasons why such a permit should be granted for the proposed site and the hardships that would be incurred by the applicant if the permit were not granted for the proposed site.

The eight orders of priority for constructing a new wireless support structure are set out in Ordinance §32-572(a) as follows:

- (1) Attached concealed antenna onto an existing structure;
- (2) Collocated antenna on existing freestanding wireless support structures;
- (3) Attached nonconcealed antenna onto an existing structure;
- (4) Freestanding wireless support structures on a site with an existing wireless support structures or tall structure;
- (5) Concealed freestanding wireless support structures on county-owned property;
- (6) Concealed freestanding wireless support structures on other property in the county;
- (7) Nonconcealed freestanding wireless support structures on county-owned property;
- (8) Nonconcealed freestanding wireless support structures on other property in the county.

Chair May asked if he could make an inquiry to Mr. Baker.

County Attorney Wrenn confirmed.

Chair May asked Mr. Baker, since they changed the monopole from a lattice, if that would still be considered number eight, nonconcealed freestanding wireless support structures on other property in the County.

Mr. Baker confirmed that it would.

Chair May explained that the Board heard the required finding of fact and asked if the Board believed that there was competent and substantial evidence to support the finding, and if so to identify the specific evidence or record. He asked if there was any discussion to support the finding of fact and said that he would entertain a motion either for or against the first finding of the fact.

County Attorney Wrenn explained that without opposition in this case, that it would be sufficient for the Board to identify the information in the application and the Cityscape report that Mr. Baker's testimony is supporting the required finding of fact.

Commissioner Cozart stated security is mentioned on page 60, as well as the mounting of the equipment. He further explained that page 60 mentions an 8-foot-high chain link fence, tarp, and three strands of barbed wire, and that the existing electric fence will be rerouted to secure the compound.

Chair May said that those security matters may speak to the next item, and explained that for the first finding of fact they are looking for the priority, which he thought to be justifiable and is the highest priority.

Attorney Johnson asked Chair May if he could explain. He said that there are two particular things. One, the Chase services statement that Mr. Yeagley signed a statement for the record that addressed the priorities that there weren't any other priorities above the number eight priority available in the area, and number two, the affidavit submitted today from Mr. Brown with Verizon Wireless addresses that as well.

Chair May referred to page 65 of the agenda packet and read CityScape's response and noted that he believed that response covers the finding of fact.

Chair May asked if there was any other discussion supporting the finding of fact meeting the requirement, as stated in the Cityscape report and as commented by Verizon counsel.

Motioned by Commissioner Tony W. Cozart, seconded by Commissioner Zelodis Jay, and unanimously carried, the Board approved that the first finding of fact of why a site of a higher priority was not selected was met.

Chair May asked County Attorney Wrenn to read the second finding of fact.

County Attorney Wrenn read the second finding of fact.

The Board must find that "[a]ll wireless support structures shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically as follows:

- (1) All antennas, towers and other supporting structures, including guy wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or run into; and
- (2) Transmitters and telecommunications control points must be installed in a manner to be readily accessible only to persons authorized to operate or service them."

Chair May asked the Board if they believe there was competent and substantial evidence to support that finding, and if so to please identify that specific evidence for the record.

Chair May referred to page 66 in the agenda packet.

Motioned by Commissioner Robert Williford, seconded by Commissioner Tony W. Cozart, and unanimously carried, the Board approved that the second finding of fact was met.

County attorney Wrenn read the third finding of fact.

The Board must find that the wireless support structures shall contain a sign no larger than four square feet to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities. The sign shall contain the name(s) of the owner(s) and operator(s) of the facility, an emergency phone number(s), and FCC registration number, if applicable. The sign shall be on the equipment shelter or shed of the applicant and be visible from the access point of the site and must identify the equipment shelter of the applicant. The sign shall not be lighted unless the board shall have allowed such lighting or unless applicable provisions of law require such lighting. No other signage, including advertising, shall be permitted on any wireless support structure, unless required by law.

Chair May referred the Board page 68 of the agenda packet of CityScape's review of the applicant's information.

Motioned by Commissioner Zelodis Jay, seconded by Commissioner Jimmy Gooch, and unanimously carried, the Board approved that the third finding of fact was met.

County Attorney Wrenn read the fourth finding of fact.

The Board must find that the wireless support structure site, as proposed, will have an access road, turn around space, and parking sufficient to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and vegetation cutting. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.

Chair May asked the Board if they believe there is competent and substantial evidence to support that finding, and if so, to identify that specific evidence for the record.

Chair May referred the Board to page 68 of the agenda packet.

Motioned by Commissioner Jimmy Gooch, seconded by Commissioner Tony W. Cozart, and unanimously carried, the Board approved that the fourth finding of fact was met.

County Attorney Wrenn read the fifth finding of fact.

The Board must find that the proposed wireless support structure shall be set back from abutting property lines and recorded rights-of-way by the following distances: a distance equal to the height of the wireless support structure or broadcast facility tower or structure or use breakpoint technology as provided for in subsection 32-579(8)a. Any accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.

Chair May asked Attorney Johnson if he provided a letter on the setback.

Attorney Johnson responded "yes" that he provided a fall zone letter from Saber, noting that it was one of the documents submitted. He confirmed that the requirement is met and said the zone is 153 basically addressing the bright point technology and added that Miss Herington Smith mentioned in her report that the setback adjoining property lines is much further than that.

Chair May noted receipt of the letter from Saber Industries to cover the setback and that CityScape agrees that the finding of fact is supported by the aforementioned letter.

Motioned by Commissioner Robert Williford, seconded by Commissioner Jimmy Gooch, and unanimously carried, the Board approved that the fifth finding of fact was met as provided for in subsection 32-579(a).

Chair May said that the Board has voted in support of each required finding of fact. He asked if there was anything else to discuss as it relates to this application for the major special use permit. There was no further discussion.

County Attorney Wrenn said that if the Board wishes to approve the major special use permit, he would remind the Board that it would appear appropriate that any such motion should include the conditions recommended by the County's consultant before final permitting can occur. He asked for confirmation that these conditions had been accepted by the applicant.

Attorney Johnson confirmed that the conditions have been accepted.

Chair May said that he would entertain a motion to approve the major special use permit, with or without conditions, or a motion to deny the major special use permit. He then asked for a motion to approve the major special use permit with the 5 stated conditions as recommended by CityScape Consultants, Inc.

A motion was made by Commissioner Zelodis Jay and seconded by Commissioner Sue Hinman to approve the special use permit with the five-stated conditions as recommended by CityScape Consultants, Inc.

Commissioner Gooch asked for clarification that this includes the monopole.

County Attorney Wrenn explained that this would include the application as amended to allow the monopole that was done subject to condition number two, which was submitted with engineered drawings for approval.

Attorney Johnson said that was correct.

When Chair May called for a vote on the matter it passed unanimously to approve a special use permit for Cellco Partnership d/b/a Verizon Wireless to place a 199-foot monopole wireless communication tower with a fenced equipment compound on property owned by Lawrence and Anita Dixon specifically identified as tax parcel map number #096600067049 with the following five conditions recommended by CityScape Consultants:

- (1) The Applicant shall provide a final construction-ready set of Construction Drawings. signed and sealed by a North Carolina Professional Engineer; and,

- (2) The Applicant shall provide a structural analysis report signed and sealed by a North Carolina structure Professional Engineer, confirming that the tower will support the Applicant's tower-mounted equipment and similar equipment for at least three (3) wireless carriers in accordance with the EIA/TIA-222-G (or 222-H if adopted by the County) structural standards.
- (3) The Applicant shall provide a letter from a structural Professional Engineer with the manufacturer of the tower stating that the tower will be engineered for a fall radius of 150 feet, and
- (4) The Applicant shall submit a new Determination of No Hazard from the FAA for a structure height of 199 feet above ground, stating that the structure does not require aviation obstruction marking and lighting. and;
- (5) The Applicant shall submit a signed letter from a qualified person from Verizon stating that in the event that interference is caused to another telecommunications service, Verizon agrees to fully cooperate with the entity experiencing interference to identify and correct, to the extent reasonably possible, any issues caused by the Verizon installation.

County Attorney Wrenn clarified that the final special use permit will be on the June 19, 2023 agenda for approval and will be circulated prior to that time for review.

BUDGET MATTERS

Board Approved Fiscal Year 2023-24 Budget and Budget Ordinance

County Manager Cummings said that every year in the state of North Carolina, every municipality and every county adopts a balanced budget for the following fiscal year, and as required by law, must pass a budget ordinance that includes a high-level summary of revenues for that coming year's budget, revenues by source and expenditures by function. He explained that this budget funds several key goals for the county, the first of which are major adjustments to law enforcement pay, and that the budget makes similar but smaller adjustments to the pay and benefits of other employees, and also allocates significant new funding for our K-12 education system. Mr. Cummings noted for the record that at the end of this fiscal year, as of June 30th, they anticipate an unassigned fund balance of a little over \$24 million, which relative to the original operating budget for this fiscal year is slightly over 30%, which is within our goal for the unassigned fund balance that will maintain. He said that is only one of several indicators of fiscal health, but that the County can move forward with this budget while maintaining a significant reserve that meets our own guidelines for those reserves. He further noted that a slightly amended version of that budget ordinance was circulated to commissioners at the beginning of the meeting and he highlighted the change that had been made on pages five and six of the ordinance that discussed fire funding. He explained that the additional clarification on page six relates to the base funding amounts that are listed on page five where the base funding for the departments is listed as \$1.76 million, which comes out to \$135,000 to \$140,000 per fire department. He explained that the reason that amount is so high is because that amount includes the amounts that will be given to each of the departments, not including municipal departments- Butner and Oxford - for the daytime fire drivers. He said he wanted the budget ordinance to be clear that that additional \$50,000 for most of the departments- mentioned in the second paragraph on page six of the ordinance- is a maximum amount that is paid out by reimbursement for those daytime fire drivers; it is part of the base funding, but that portion of the base funding is paid out by reimbursement and is in accordance with decisions that were made at the Fire Commission- hence the revised circulated version.

Chair May said that based on the report by the County Manager, included in the agenda packet are the official budget ordinance that includes the County Health Plan Ordinance, Fee Manual, and Compensation and Classification Plan for fiscal year 2023-24, and asked for a recommendation from the Board.

Motioned by Commissioner Tony W. Cozart, seconded by Commissioner Jimmy Gooch, and unanimously carried, the Board approved the fiscal year 2023-2024 Budget Ordinance that includes the County Health Plan Ordinance, Fee Manual, and Compensation and Classification Plan:

**FISCAL YEAR 2023-2024
GRANVILLE COUNTY BUDGET ORDINANCE**

BE IT ORDAINED by the Board of Commissioners of Granville County, North Carolina:

Section 1. The following amounts are hereby appropriated in the General Fund for the operation of the County Government and its activities for the fiscal year beginning July 1, 2023 and ending June 30, 2024, in accordance with the chart of accounts heretofore established for this County.

General Government

Board of Commissioners	390,344
Administration	951,096
Information Technology	1,422,348
Human Resources	382,391
Finance Department	673,224
Internal Auditing	110,591
Board of Elections	667,697
Register of Deeds	374,950
Tax Administration	1,118,506
General Services & Court Facilities	667,089
Total General Government	\$6,758,236

Human Services

Social Services	9,515,908
Veterans Services	142,128
Health and Human Services	6,100,741
Senior Services	1,790,164
Total Human Services	\$17,548,941

Community Services

Library	1,863,688
Cooperative Extension/4-H BEST, U.T.G.	617,534
Soil Conservation	97,413
Recreation	172,027
GAP/Jonesland Park Operations	624,258
Tourism	86,917
Development Services - Inspections Division	791,618
Development Services - Planning Division	500,688
Addressing/GIS	130,270
Construction Administration	381,212
Construction Projects	1,108,062
Economic Development	1,162,467
Total Community Services	\$7,536,154

Education

Granville County Schools (Current Expense)	19,004,300
Granville County Schools (Debt Service)	5,510,490
Granville County Schools (Capital – Category 1)	1,165,441
Granville County Schools (Capital - Cat. 2 & 3 & S/W)	411,252
Vance-Granville Community College	883,095
Total Education	\$26,974,578

Public Safety

Sheriff	9,736,433
Detention Center	4,883,311
Emergency Communications	1,768,225
Animal Management	1,010,578

Emergency Management	500,083
Forestry Administration	139,102
Other Emergency Services	70,000
Total Public Safety	\$18,107,732

Area Projects & Other Appropriations

Special Appropriations	157,000
Non-Departmental	2,593,763
Pass Thru Funds	1,179,200
Fleet Management	971,500
Total Area Projects & Other Appropriations	\$4,916,963

Contributions to Other Funds

Transfer to Tourism Development Authority	300,000
Total Contributions to Other Funds	\$300,000

Contingency

General Contingency	180,000
Contingency for Natural Disasters	10,000
Total Contingency	\$190,000

TOTAL GENERAL FUND BUDGET 2023-2024 **\$82,317,104**

Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2023 and ending June 30, 2024:

Ad Valorem Taxes	45,752,405
Prior Years Taxes	500,000
Penalties & Interest	272,500
Less Tax Discount	(430,000)
Sales & Other Taxes	18,305,000
Licenses, Fees & Other Revenue	3,397,517
Investment Earnings & Operating Transfers In	1,250,000
Restricted & Intergovernmental	9,668,306
Appropriated Fund Balance	3,601,376

TOTAL REVENUES - GENERAL FUND 2023-2024 **\$82,317,104**

Section 3. The following amount is appropriated in the Emergency Telephone System Fund (ETSF), a Special Revenue Fund, for fiscal year beginning July 1, 2023 and ending June 30, 2024:

Phone System & Furniture	117,809
Software Operations	134,000
Hardware Operations	42,000
Training	7,000
Implemental Functions	25,000
Total Expenditures	\$325,809

Section 4. It is estimated that the following revenues will be available in the Emergency Telephone System Fund, a Special Revenue Fund, for fiscal year beginning July 1, 2023 and ending June 30, 2024:

911 Board – State Funding	325,809
Total Revenues	\$325,809

Section 5. The following amount is appropriated in the R. H. Thornton Library Memorial Fund for fiscal year beginning July 1, 2023 and ending June 30, 2024:

Memorial Projects	20,000
Total Expenditures	\$20,000

Section 6. The following revenues are available for the R. H. Thornton Library Memorial Fund for fiscal year beginning July 1, 2023 and ending June 30, 2024:

Memorial Donations	20,000
Total Revenues	\$20,000

Section 7. The following is appropriated in the Solid Waste Convenience Sites Fund for the fiscal year beginning July 1, 2023 and ending June 30, 2024:

Operations	1,413,300
Total Expenditures	\$1,413,300

Section 8. It is estimated that the following revenues will be available in the Solid Waste Convenience Sites Fund for fiscal year beginning July 1, 2023 and ending June 30, 2024:

Collection Fees	1,407,800
Other Revenues	5,500
Total Revenues	\$1,413,300

Section 9. The following amount is appropriated in the Construction & Demolition/Municipal Solid Waste Landfill Fund for fiscal year beginning July 1, 2023 and ending June 30, 2024:

Landfill Operations	2,432,845
Total Expenditures	\$2,432,845

Section 10. It is estimated that the following revenues are available for the Construction & Demolition/ Municipal Solid Waste Landfill Fund for fiscal year beginning July 1, 2023 and ending June 30, 2024:

User Fees	1,955,316
Other Revenue	224,500
Vance Co. Mgr. Reimbursement	36,000
Appropriated Fund Balance	217,029
Total Revenues	\$2,432,845

Section 11. The following amount is appropriated in the Storm Water Management Fund for fiscal year beginning July 1, 2023 and ending June 30, 2024:

Storm Water Management Operations	372,172
Total Expenditures	\$372,172

Section 12. It is estimated that the following revenues are available for the Storm Water Management Fund for fiscal year beginning July 1, 2023 and ending June 30, 2024:

Storm Water Fees	280,000
Contributions from other units of Government	92,172
Total Revenues	\$372,172

Section 13. The following amount is appropriated in the Health Plan Internal Service Fund for fiscal year beginning July 1, 2023 and ending June 30, 2024:

Administration	837,050
Claims – Current Year	2,956,196
Total Expenditures	\$3,793,246

Section 14. It is estimated that the following revenues are available for the Health Plan Internal Service Fund for fiscal year beginning July 1, 2023 and ending June 30, 2024:

Health Plan Contributions	3,793,246
Total Revenues	\$3,793,246

Section 15. The following amount is appropriated in the Social Services Contribution and Entrustment special revenue fund for fiscal year beginning July 1, 2023 and ending June 30, 2024:

Total Expenditures	\$200,000
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Section 16. It is estimated that the following revenues will be available in the Social Services Contribution and Entrustment special revenue fund for fiscal year beginning July 1, 2023 and ending June 30, 2024:

Total Revenues	\$200,000
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Section 17. The following amount is appropriated in the Equitable Sharing/Forfeiture special revenue fund for fiscal year beginning July 1, 2023 and ending June 30, 2024:

Total Expenditures	\$250,500
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Section 18. It is estimated that the following revenues are available for the Equitable Sharing/Forfeiture special revenue Fund for fiscal year beginning July 1, 2023 and ending June 30, 2024:

Total Revenues	\$250,500
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Section 19. The following amount is appropriated in the Sheriff's Special revenue fund for fiscal year beginning July 1, 2023 and ending June 30, 2024:

Total Expenditures	\$40,000
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Section 20. It is estimated that the following revenues are available for the Sheriff's Special Revenue Fund for fiscal year beginning July 1, 2023 and ending June 30, 2024:

Total Revenues	\$40,000
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Section 21. There is hereby levied a tax at a rate of \$.84 per one hundred dollars (\$100) valuation of property listed for taxes as of January 1, 2023 for the purpose of raising the revenue listed as Ad Valorem Taxes in the General Fund in Section 2 of this Ordinance. The total rate of \$.84 is based on an estimated total valuation of \$5,499,510,178 and an estimated collection rate of 99.04%.

Section 22. The following amounts are hereby appropriated in the Fire Protection & Rescue Service Tax District Fund for the operation of the Fire Protection & Rescue Service District and its activities for the fiscal year beginning July 1, 2023 and ending June 30, 2024, in accordance with the chart of accounts heretofore established for this Service District.

<i>Base Funding Program Expenditures</i>	
Fire Department Funding	1,760,840
Total Base Funding Program	\$1,760,840
<i>Fire Service Enhancement Funding Program Expenditures</i>	
Enhancement Funding	91,538
Total Fire Service Enhancement Funding Program	\$ 91,538
<i>System-Wide Program Expenditures</i>	
VFD Worker's Comp Supplement	24,375
Volunteer Service Stipend	45,000
Emergency Contingency Reserve	10,893
Total System-Wide Program Expenditures	\$80,268
TOTAL FIRE PROTECTION & RESCUE DISTRICT BUDGET 2023-2024	\$1,932,646

Section 23. It is estimated that the following revenues will be available in the Fire Protection & Rescue Service Tax District for the fiscal year beginning July 1, 2023 and ending June 30, 2024:

Fire & Rescue District Taxes	1,941,132
Prior Years Taxes	10
Penalties & Interest	4,689
Less Tax Discount	(14,185)
Donations	1,000
TOTAL REVENUES - FIRE PROTECTION & RESCUE DISTRICT 2023-2024	\$1,932,646

Section 24. There is hereby levied a tax at a rate of \$.06 per one hundred dollars (\$100) valuation of property listed for taxes as of January 1, 2023 for the purpose of raising the revenue listed as Fire &

Rescue District Taxes in the Fire Protection & Rescue Service Tax District Fund in Section 23 of this Ordinance. The total rate of \$.06 is based on an estimated total valuation of \$3,266,579,160 and an estimated collection rate of 99.04%.

Except for Oxford Fire Department, Town of Butner Fire Department, and South Virgilina Fire Department, all volunteer fire departments will receive up to \$50,380.20 to be utilized for paid part-time firefighters. South Virgilina Fire Department will receive up to \$30,228.12 for paid part-time firefighters. These figures are included in the budget. Any funds not utilized by the volunteer fire departments for paid part time staffing will remain in the Fire Protection & Rescue Service Tax fund balance at the end of the fiscal year. This funding will be paid out on a monthly reimbursement basis. The fire departments shall not exceed their allotted amounts.

Section 25. The Budget Officer is hereby authorized to transfer appropriations as contained herein under the following conditions:

- a. The Budget Officer may transfer amounts between line item expenditures within a department without limitation and without a report being required. These changes should not result in increases in recurring obligations such as salaries.
- b. The Budget Officer may transfer amounts between departments, including contingency appropriations, within the same fund.
- c. The Budget Officer may not transfer any amounts between funds, except as approved by the Board of Commissioners in the Budget Ordinance as amended.

Section 26. Copies of this Budget Ordinance shall be furnished to the Clerk of the Board of Commissioners, Budget Officer, and Finance Officer to be kept on file for their direction in the disbursement of funds.

Section 27. It will be the policy of this Board that it will not absorb any reduction in state and federal funds; that any decrease shall be absorbed in the budget of the agency by reducing personnel or department expenditures to stay within the County appropriation as authorized. This policy is extended to any agency that is funded by the County and receives state or federal money. This shall remain in effect until otherwise changed or amended by the Board of Commissioners.

Section 28. This Ordinance was adopted by the Granville County Board of Commissioners on June 5, 2023 and will become effective July 1, 2023.

Board Approved Special Budget Amendment to Amend Fiscal Year 2023-2024 Budget Ordinance - ACIM

County Manager Cummings stated that this item is an amendment to the budget ordinance just passed as required by a new general statute, North Carolina General Statute §14-234.3, that requires that any commissioner who has any form of a conflict or appearance of a conflict be recused themselves from a portion of the budget that may involve funding for an organization that they're involved with. He explained that the Board has two commissioners in leadership roles of organizations where there might be an appearance of a conflict, and that we are now required by state law to have separate amendments to the budget ordinance to be adopted by this Board with the appropriate commissioners recusing themselves from those votes on those amendments.

Commissioner Sue Hinman, as the Executive Director of ACIM, recused herself from voting on the ACIM budget amendment for funding of the annual allocation for ACIM.

Motioned by Commissioner Jimmy Gooch, seconded by Commissioner Robert Williford, and carried by a vote of 6-0, the Board approved the special budget amendment to amend fiscal year 2023-2024 – ACIM as follows:

**Special Budget Amendment for FY 2023-24 Budget Ordinance
6/5/2023**

Be it ordained, the FY 2023-2024 Annual Budget Ordinance is hereby amended as follows:

GENERAL FUND

Expenditures: Increase/(Decrease)			
Area Projects and Other Appropriations			
Special Appropriations		10,000	
<i>Total Expenditures</i>			10,000
Revenues: Increase/(Decrease)			
Appropriated Fund Balance		10,000	
<i>Total Revenues</i>			10,000

(For reference only)

Balance

General Fund/Special Appropriations			
Expenditures: Increase/ (Decrease)			
10 8500	813	ACIM	
			10,000
Revenues: Increase/ (Decrease)			
10 3990	991	Appropriated Fund Balance	
			\$10,000
			3,611,376

Description: Approve FY 2024 funding for ACIM. Because Granville County commissioner also serves as the Executive Director of ACIM, this commissioner is recused from voting and a separate approval vote is required.

Board Approved Special Budget Amendment to Amend Fiscal Year 2023-2024 Budget Ordinance - SMART START

County Manager Cummings stated that this item is an amendment to the budget ordinance just passed as required by a new general statute in the State of North Carolina (14-234.3) that requires that any commissioner who has any form of a conflict or appearance of a conflict be recused themselves from a portion of the budget that may involve funding for an organization that they're involved with. He explained that the Board has two commissioners in leadership roles of organizations where there might be an appearance of a conflict, and that we are now required by state law to have separate amendments to the budget ordinance to be adopted by this Board with the appropriate commissioners recusing themselves from those votes on those amendments.

Commissioner Tony W. Cozart, as the Executive Director of Franklin-Granville Vance Smart Start, recused himself from voting on the Smart Start budget amendment for funding of annual allocation to Smart Start .

Motioned by Commissioner Robert Williford, seconded by Commissioner Jimmy Gooch, and carried by a vote of 6-0, the Board approved the special budget amendment to amend fiscal year 2023-2024 – Smart Start as follows:

**Special Budget Amendment for FY 2023-24 Budget Ordinance
6/5/2023**

Be it ordained, the FY 2023-2024 Annual Budget Ordinance is hereby amended as follows:

GENERAL FUND

Expenditures: Increase/(Decrease)			
Area Projects and Other Appropriations			
Special Appropriations		\$5,500	
<i>Total Expenditures</i>			\$5,500
Revenues: Increase/(Decrease)			
Appropriated Fund Balance		\$5,500	
<i>Total Revenues</i>			\$5,500

(For reference only)	Balance
General Fund/Special Appropriations	
Expenditures: Increase/ (Decrease)	
10 8500 812 ACIM	\$5,500 \$5,500
Revenues: Increase/ (Decrease)	
10 3990 991 Appropriated Fund Balance	\$5,500 \$3,616,876

Description: Approve FY 2024 funding for SMART START. Because Granville County commissioner also serves as the SMART START Executive Director, this commissioner is recused from voting and a separate approval vote is required.

FINANCE MATTERS

Board Approved Fiscal Year 2023 Audit Contract with Thompson, Price, Scott, Adams (TPSA) and Company

Finance Director Steve McNally provided the following information. During their regular meeting on April 20, 2020, the Granville County Board of Commissioners approved contracting with Thompson, Price, Scott, Adams (TPSA) and Co. to provide financial audit services for Granville County for fiscal years 2019-2020, 2020-2021 and 2021-2022. TPSA informed the Granville County Finance Department that they would like to provide these same audit services for the 2022-2023 audit year for the total fee of \$44,900.

The Finance Director recommended approving the contract with Thompson, Price, Scott, Adams (TPSA) and Company, as well as the corresponding engagement letter, for the fiscal year ended June 30, 2023.

Motioned by Commissioner Tony W. Cozart, seconded by Commissioner Sue Hinman, and unanimously carried, the Board approved fiscal year 2023 Audit Contract and Engagement Letter with Thompson, Price, Scott, Adams (TPSA) and Company at the cost of \$41,050 for audit fee, \$3,850 for writing financial statements, and all other non-attest services will be billed at standard hourly rates.

FACILITY IMPROVEMENTS

Board Approved Floor Replacement at the Granville County Convention And Expo Center

Development Services Director Scott Phillips presented the following information. There is a need to replace the existing vinyl composite tile (VCT) within the areas of the general meeting and restroom lobbies of the Convention and Expo Center. The existing floor finish is original to the building and requires extensive maintenance to keep the flooring finish within our desired standard. A luxury vinyl tile product manufactured by Mohawk has been selected for the replacement. The product incorporates a five-layer system that resists scratches, stains, dents, and wear, while providing minimal maintenance. Mohawk Ultra flooring carries a limited 20-year commercial warranty. Two informal price proposals were received: Hall's Floor Fashion, Inc. in the amount of \$15,292.74 and AB Hair Carpets, Inc, in the amount of \$17,011.20. This request complies with Section II, Informal Bids (NCGS 143-131) of the County's Contract and Purchasing Policy. The 2022-2023 fiscal year funding can accommodate this request.

Mr. Phillips recommended that the contract fixed price contract be awarded to Halls' Floor Fashion, Inc for a sum not to exceed \$15,290.74 unless authorized by change order; and also requested that a contingency of \$2,500 be funded for any sub-floor preparation that may be discovered once the existing VCT flooring material is removed.

Motioned by Commissioner Robert Williford, seconded by Commissioner Jimmy Gooch, and unanimously carried, the Board approved awarding a fixed-price contract to Hall's Floor Fashion, Inc. for an amount not to exceed \$15,292.74, unless approved by an authorized change order, and a contingency amount of \$2,500.00 for any subfloor preparation that may be discovered once the existing VCT flooring material is removed, from fiscal year 2022-2023 funding.

PURCHASING

Board Approved Wilton Network Switch Upgrade

Information Technology Director Chris Brame provided the following background information. As part of the Granville County server infrastructure upgrade project, two existing network switches were identified as incompatible. The current network switches located at the Wilton were installed in 2016 and cannot support 10 GB connections, which is a requirement for the server infrastructure project to complete. He referenced the quote in the agenda packet from SHI for the upgrade of two Dell network switches. The proposed total one-time cost for hardware replacement is \$40,248.44. SHI is an authorized vendor on the NCDIT 204X – IT Infrastructure Solutions state contract and provided the quote above the minimum 5% discount pricing. Funding is available in the fiscal year 2022-2023 budget within the IT Connectivity line item.

Motioned by Commissioner Timothy Karan, seconded by Commissioner Zelodis Jay, and unanimously carried, the Board approved purchasing two Dell switches at a one-time cost of \$40,248.44 from SHI under state contract 204X – IT Infrastructure Solutions from the fiscal year 2022-2023 budget to upgrade the existing network switches located at Wilton backup center.

Board Approved Entrance Gates for the Granville Athletic Park

Assistant County Manager Korena Weichel asked the Board to approve fabrication and installation of two swing arm entrance gates for the Granville Athletic Park (GAP). She provided the following information. The GAP's official operating hours are from dawn to dusk, with the lit tennis courts open until 10:00 p.m. Because the entry gate to Phase I, the main entrance, is damaged beyond repair and an entry gate was not installed to secure the Phase III expansion section, there is currently not a means to deter after hours use of the park. She noted that multiple reports have been received of people there after dark. An attempt was made to obtain three quotes; however, only two vendors submitted estimates: Boyd's Welding in the amount of \$19,250 and W.I.N. Customs in the amount of \$16,833.35. W.I.N. Customs is a Granville County business recommended by other nearby local government,s including the City of Oxford. Their proposal includes surveying, design, fabrication, and installation.

If approved, the main entrance gate will be replaced and the new Jonesland Road entrance gate installed at the mid-way point between Belltown Road and entrances to Phase II & III. Reflective tape will be present on both gates to ensure higher visibility at night to avoid damage to the gates. This matter complies with the Granville County Contract and Purchasing Policy requirements outlined in Section II for informal bids on purchases of apparatus with an estimated expenditure of \$1,000 to \$89,999. Funding is included and available in the current fiscal year Parks & Grounds Capital Outlay budget (10-6130-510).

Assistant County Manager Weichel stated that Raymond Allen, Parks Manager, was available for additional comments.

When asked about closing and opening the gates, Mr. Allen responded that in the past the Sheriff's Department had been opening and closing the gate, and that they are hoping this will be an easier process for the Sheriff's Department. He reported that he has an upcoming meeting with Ms. Clements from the Sheriff's Department about more patrolling for the area and will include in that meeting a discussion about opening and closing the gates. He also responded that there are gates at both entrances.

Motioned by Commissioner Tony W. Cozart, seconded by Commissioner Zelodis Jay, and unanimously carried, the Board approved fabrication and installation of two entrance gates for the Granville Athletic Park from W.I.N. Customs, Inc. in the amount of \$16,833.35 from fiscal year 2022-2023 budget.

SHERIFF MATTERS

Board Approved the Transfer/Sale of Duty Weapons to Retired Deputies

Sheriff Fountain asked to approve the transfer and sale of duty weapons to retired deputies in good standing. He asked that retired deputies be afforded the opportunity to purchase their duty weapons at a fair market price of \$300 each. He explained that currently bailiffs who are retired deputies are still in possession of their duty weapons because they are still working and serving the community. He reported that the only one that we have in our armory at this time is by our former Chief Deputy Chris Smoot for which John Hardy maintains the accountability. The Sheriff's Department has been in conversation with Mr. Smoot about when he would pick it up as the Board has already approved the money for him to purchase. He asked permission to sell those at a cost that we will get back at \$1375, which will be repatriated back into the DOJ funds that was spent to purchase those weapons.

The following request was in the agenda packet

1. The Sheriff's Office is requesting to transfer five (5) duty weapons to a federally licensed firearms dealer (FFL) to facilitate the sale of the weapons to retired deputies in good standing.
2. This request meets the U.S. Department of Justice (DOJ) guidelines for the sale of a weapon purchased with asset forfeiture funds.
3. Pursuant to North Carolina General Statute 20-187.2, the governing body of a law enforcement agency may, in its discretion, also award to a retiring member or surviving relatives as provided herein, upon request, the service side arm of such deceased or retiring members, at a price determined by such governing body, upon determining that the person receiving the weapon is not ineligible to own, possess, or receive a firearm under the provisions of State or federal law.

The following Granville County Deputies have retired and are eligible to purchase their duty weapons:

1. Chris Smoot
2. Robert Critcher
3. Floyd Jay
4. Scott Baird
5. Bryant Strother

The Sheriff's Office will transfer five (5) Glock 17 Gen 5 firearms to LowLife Audio and Guns located at 312 Granville Corners, Oxford, NC 27565. LowLife Audio and Guns will sell the weapons to each deputy for \$300.00 and process the necessary federal paperwork. The remaining balance, after a \$25.00 processing fee, will be repatriated to the Granville County asset forfeiture account (DOJ) held at First National Bank.

After questions and clarifications about the process, the Board took action.

Motioned by Commissioner Sue Hinman, seconded by Commissioner Zelodis Jay, and unanimously carried, the Board approved the transfer and sale of five (5) duty weapons to the following deputies who retired from the Sheriff's Office in good standing.

<u>Deputy</u>	<u>Weapon</u>	<u>Serial Number</u>	<u>Value</u>
Chris Smoot	Glock 17 Gen 5	BHGR616	\$ 300.00
Robert Critcher	Glock 17 Gen 5	BHGR567	\$ 300.00
Floyd Jay	Glock 17 Gen 5	TEB814	\$ 300.00
Scott Baird	Glock 17 Gen 5	BHGR575	\$ 300.00
Bryant Strother	Glock 17 Gen 5	TEB849	\$ 300.00

The remaining balance, after a \$25.00 processing fee, will be repatriated to the Granville County asset forfeiture account (DOJ) held at First National Bank.

Sheriff Fountain updated the Board on the body scanner, thermal printers to use for e-warrant and e-ticket system with new vehicles from Enterprise fleet management, and driver's license checks across the county. He reported that they are ten deputies short of being full and are working to fill vacancies. He then clarified that the Board of Commissioners has not approved the purchase of motorcycles for the Granville County Sheriff's Office. He also reported he had not been convicted of a felony or had one expunged, noting not to believe everything that is put out there.

BREAK

At this point, the Board took a short break. The meeting resumed at 9:08 p.m.

SOLID WASTE MATTERS

Board Approved the Scrap Tire Disposal Contract with Central Carolina Holdings

Environmental Services Director Jason Falls provided the following information. The current scrap tire contract expires on June 30, 2023. County staff issued an RFP (Request for Proposal) on April 28, 2023 to applicable companies within North Carolina and Virginia. There are not many companies within our service area that are capable of accepting, transporting, and disposing of tires as required by the State. Staff has done their due diligence in seeking competitive pricing for this service. This contract is for three (3) years with two (2) one-year extensions.

Central Carolina Holdings has serviced the County for the past 30 years. During that time, the company has exhibited excellent service for the County as well as area businesses. As a service contract not specifically subject to General Statute 143-129, County Staff has worked with both the County Finance Director and County Attorney on meeting all local and state request for proposal requirements as well as the 30-day review period. Funds are available within the annual operating landfill budget fiscal year 2023-2024 to cover the estimated expenditures for scrap tire disposal. Inflationary budget figures for the term of this contract are also budgeted for the term of this contract.

Mr. Falls recommended that the Board accept the lone bid from Central Carolina Holdings at the quoted rates of \$95.00 and \$500/ton processing charge for automobile and OTR (off the road) tires, \$515.00 (Oxford/Tire Businesses) and \$460 (Butner)/load freight charge and environmental fee of \$25.00/load. In addition, to these fees are a one-time delivery fee of \$515.00 per trailer, trailer rent for \$200.00/month, and a yearly CPI (consumer price index) increase which is reflected in the bid documents and existing agreement.

When asked, Mr. Falls explained that people who have more than seven tires are required to have a scrap tire certification form. He confirmed that we are required to accept tires from other counties because of the scrap reimbursement feeds. He explained that according to the State, we are required to accept tires from other counties and noted that this question has come up before and he has contacted the State office a few times regarding the matter. He added that the County does try to redirect people back to their home county. He said he did not believe that the process is being abused.

County Manager Cummings asked Mr. Falls to explain the funding received from the State that offsets some of these expenditures.

Mr. Falls explained that when you buy a tire, you are charged a 2% scrap tire disposal fee. He said that those monies are received back on a per capita basis and can be used to fund the disposal of the tires. He noted that we get back more of these funds than we expend.

Chair May thanked the County Manager and added on an unrelated note that the County has done a really good job over the last year and a half of taking away the construction debris from going to our convenience sites as debris alongside the roadway has been cut down dramatically.

He added that he does not want to see us taken advantage of by other counties because we had prioritized making those changes.

Commissioner Jay asked Mr. Falls to check Noel Tuck Road as tires have been dumped on that road.

Chair May added that Mr. Falls came out to Flat Rock and Grove Hill one day and picked up tires that had been dumped.

Motioned by Commissioner Tony W. Cozart, seconded by Commissioner Zelodis Jay, and unanimously carried, the Board approved contracting with Central Carolina Holdings for scrap tire disposal for a total amount not to exceed \$330,000 with an annual obligation of \$110,000 as follows:

- at the quoted rates of \$95.00 and \$500/ ton processing charge for automobile and OTR tires, \$515.00 (Oxford/Tire Businesses) and \$460 (Butner)/load freight charge, and an environmental fee of \$25.00/load.

In addition, to these fees are a one-time delivery fee of \$515.00 per trailer, trailer rent for \$200.00/month, and a yearly CPI increase which is reflected in the bid documents and existing agreement.

Board Approved MSW Landfill Operations Consulting with Garrett and Moore

Environmental Services Director Jason Falls said that Environmental Services would like approval to award a contract to Garrett and Moore to prepare, administer, evaluate, and recommend an award for the Landfill Operations Contract to become effective July 1, 2024. The County has operated a landfill within the County since the 1970s. Since then there have been only two (2) landfill contractors providing landfill operation services to date. As explained by staff at the Commissioners' recent budget meeting, the landfill is experiencing competition for trash, high contract cost(s), post-closure and capital costs. To alleviate these issues, staff believes the issuance of an RFP (Request for Proposal) for landfill contract operations could potentially improve the financial standing of the enterprise fund by reducing contracted costs, increasing waste tonnage and/or sale of the landfill. Unlike staff, Garrett and Moore has the expertise, contacts, and greater knowledge of the waste providers, haulers, needs and players within the eastern part of the United States.

County staff emailed County Attorney and Manager on May 4, 2023 to review the attached task order to meet the 30-day local contract review requirement. If approved, the current task order will be attached as an addendum to the already approved contract with Garrett and Moore - "*Amendment to Contract for Engineering Services.*" He noted that \$30,000 is available within the annual operating landfill budget (fiscal year 2022-2023) and will be encumbered for any and all work to be completed prior to June 30th. An additional \$45,000 will be encumbered in fiscal year 2023-2024 budget to cover the remaining costs.

County Manager Cummings stated that given the complexity and the situation that our current landfills are in this might be the best \$75,000 we would have to spend this coming year.

Motioned by Commissioner Zelodis Jay, seconded by Commissioner Robert Williford, and unanimously carried, the Board approved contracting with Garrett and Moore for Task 12 for an amount not to exceed \$75,000 to prepare, administer, evaluate and recommend an award for a landfill operations contract to be effective July 1, 2024.

Board Approved an Amendment to the Garrett and Moore Engineering Contract

Environmental Services Director Jason Falls asked the Board to approve the rate request increase amendment to Garrett and Moore contract "*Amended and Restated Contract for Engineering Services*" as well as lab costs associated with this amendment. Mr. Falls provided the following information. Granville County received notice from NCDEQ on March 15, 2023, that per-and polyfluoroalkyl substances (PFAS) will now need to be sampled in all groundwater, surface water, and leachate samples after July 1, 2023. These PFASs are a group of manufactured compounds

used in a variety of industries and products which are eventually disposed of in landfills. On May 17, 2023, staff received a price increase request from Garrett and Moore for sampling costs due to the requirement discussed above as well as a price increase from the subcontractor that performs the sampling/reporting for Garrett and Moore. In addition to these increases, lab testing and reporting costs are expected to increase 110% due to these new and emerging contaminants. At this time, there are only a couple of labs in North Carolina that test for these contaminants. Granville County works also directly with the lab to reduce administrative fees from the engineer. The County typically budgets \$25,769 per year for lab work and this new requirement from the state will result in an estimated increase of \$53,107 per year annually. Staff has advised the County Attorney and Manager on the price increases. He then gave his recommendation.

When asked, Mr. Falls said that testing has to be done twice a year for the PFASs.

Commissioner Gooch explained PFAS.

Motioned by Commissioner Tony W. Cozart, seconded by Commissioner Robert Willford, and unanimously carried, the Board approved an amendment to the Garrett and Moore Engineering Contract entitled "Amended and Restated Contract" from the current rate of \$72,300 per year to \$94,000 per year for sampling and monitoring and also for an anticipated increase in lab costs for an approximate amount of \$27,338.

COUNTY MANAGER'S REPORT

Board Approved Service Contracts with Enterprise Fleet Management

County Manager Cummings explained that the Board is aware at this point of the transition that we are making with our fleet procurement and fleet management system, moving from a system used for a long time to a system that will be managed by Enterprise Fleet Management. He recognized Devon Moore, representative from Enterprise, who was in attendance. He noted that the contract that we are entering into is basically not the result of a local RFP (Request for Proposal) process, but actually the result of a national RFP process that has been run by a public organization in the state of Minnesota on behalf of hundreds of local and state government entities around the country, including several dozen in the state of North Carolina who are piggybacking on the bones of this contract that was bid out there. He noted that this will be a much newer, much better-managed fleet that we get a lot more information about and is possible with a flat vehicle budget, so the money that we have spent historically buying new vehicles, maintaining them and paying for gas, oil, tires and so on will be flat moving into the future. He emphasized that this will provide a much newer, much better-managed fleet for no more money, noting they have looked at five, seven, and ten-year projections. He suggested that the motion be modified to allow the County Attorney and County Manager to modify, finalize and execute the documents when ready as there are a few changes that need to be made to the contracts.

When asked about motorcycles and when this will start, County Manager Cummings replied that in theory they can procure motorcycles along with other vehicles and said that he would leave it at that. He also explained that this is a major shift for the County, not just with the purchasing of vehicles, but the way that things are maintained and the new habits that County employees will have to get ingrained in. He added that Enterprise has done this with hundreds of local governments and state governments around the country, and they have a pretty good multi-month process for kind of easing organizations into this, and that we will be starting July 1, 2023.

When asked, County Manager Cummings confirmed that the Sheriff agrees with the fleet management program and that it does include fuel costs, noting that fuel cost is included in the flat, overall budget.

Chair May asked when we can hope to see an updated vehicle use policy and begin to work with the Sheriff's office in finalizing something that would be something consistent with County policy.

Mr. Cummings replied that policy is coming separately, but it is moving along. He noted that the County is looking at the town of Butner's Vehicle Policy as a reference, which our County Attorney developed for them not too long ago and have made a couple of minor adjustments to it and hope to bring that to the Board soon.

Chair May asked for a motion on the recommendation made by the County Manager that we accept this and that we agree that the County Manager and the County Attorney may make modifications as necessary to the contract.

Motioned by Commissioner Sue Hinman, seconded by Commissioner Robert Williford, and unanimously carried, the Board approved authorizing the County Manager and County Attorney to modify, finalize and execute final documents with minor changes to enter into a contract with Enterprise Fleet Management, Inc. utilizing Sourcewell contract 030122-EFM to procure fleet management services for Granville County to include the following services:

- *Fleet management services*
- *Open-end leases*
- *Maintenance management programs*
- *Managed fuel card programs*
- *Commercial vehicle leasing*
- *Telematics*
- *Vehicle performance data reporting*
- *Vehicle tracking technology*
- *Driver safety programs*
- *Vehicle accident management solutions*
- *Fleet planning technology*
- *License, title, & registration services*

COUNTY MANAGER'S REPORT

Update on Fire Commission

County Manager Cummings stated that he had two brief items. To the first matter he said that originally on this agenda for this date we had a number Fire Commission policies. After further discussion with the County Attorney, rather than bringing every single policy that the Fire Commission may approve they would like to only bring those policies that they approved that have financial implications, meaning that relate directly to the spending of fire tax money. He noted that other administrative internal type policies that the Fire Commission may have such as forms and such will not be brought to this Board unless the Board votes otherwise.

Chair May asked the Board if they agreed with the recommendation made by both the County Attorney and County Manager. The Board agreed.

Update on Basketball at the Granville Athletic Park

County Manager Cummings said to the second matter, as a new matter of policy at the Granville Athletic Park (GAP) during periods where there is no rental at the pavilion, the basketball rims are being left down for free basketball play. He noted that they have been used several dozen times in March, April and May. He said that they leave one of the backboards down so that the other side of the pavilion can be used for other purposes. He said he thinks it is a good win-win as it is available as another public basketball court for people to use and the area is covered, so even if it is raining, you could go there and play basketball.

COUNTY ATTORNEY'S REPORT

Board Approved Expanding DSS Board

County Attorney Jim Wrenn explained the proposal to expand the Department of Social Services (DSS) Board from three (3) to five (5) members by providing the following background information. At the retreat held on February 20, 2023, the Board approved the concept of

expanding the Department of Social Services (DSS) Board from 3 members to 5 members and instructed the County Manager and County Attorney to determine the legal process and bring it back to the Board. North Carolina General Statute for expanding a DSS Board requires notice to the Department of Health and Human Services as the expansion provides an additional state and county appointee at the same time. A draft letter to Secretary Kody Kinsley of the Department of Health and Human Services was included in the agenda packet. He noted that the letter copies the Social Services Commission that makes the appointment. He explained that the statute says notify the department, but does not say who, so he is going to the top and notifying the Secretary. He further explained the appointment process and noted that a draft letter was in the agenda and he would be happy to answer any questions.

Motioned by Commissioner Sue Hinman, seconded by Commissioner Tony W. Cozart, and unanimously carried, the Board approved expanding the Department of Social Services Board from 3 to 5 members and approved sending the letter of notification to the Department of Health and Human Resources to start the process.

Board Approved Contract With Cherry Bekaert Auditing Firm

County Attorney Wrenn asked the Board to consider contracting with Cherry Bekaert Accounting Firm, an outside accounting firm to assist with two tasks. The first would be to evaluate the Granville County Sheriff's Office compliance status with the Equitable Sharing Agreement and Equitable Sharing Program as that was a matter of negative findings a few years ago. He said that the County has a process in place to make sure there is full compliance, but he believes we are all in agreement that it is such a complicated program that an outside review of our process a couple of years later would be beneficial. He added that we are also asking them to assess the current state of grants management and the grants management control environment in the county, identify gaps for state and federal requirements, and assist us with best practice practices, including staffing structures. This will include some assistance with appropriately utilizing some software recently purchased which would be set up to assist throughout the management process. He explained that the contract is on an hourly basis not to exceed \$50,000, as it was hard for the company to set a firm price until they see the current state of things, so it would be best to do it on an hourly, not-to-exceed basis.

Chair May commented that the additional value is that when our County Manager has to sign the ESAC (Equitable Sharing Agreement and Certification) form, which is a verifying form for the Equitable Sharing Program, verifying under penalty, perjury, that everything has been followed as it should be followed, will ensure that he is not just simply signing a form to be signing a form, but we now have a means of checks and balances. In addition, when this happened in the past, the accounts from the Treasury and Justice Department were suspended, and that meant that those funds could not be utilized. He added that this is another check and balance to ensure that there is compliance from both the Sheriff's Office and our Finance Office, and that things that are also under the standards which comply with the North Carolina Fiscal Control Act.

County Attorney confirmed that Chair May's comments were correct, and added that he thinks it should give comfort to both the Sheriff's Office, Finance Office and also the County Manager's Office that things are being done correctly. He noted that this is certainly not a reflection on or any indication that anything is being done incorrectly, it is just testing the compliance program we have in place.

Motioned by Commissioner Robert Williford, seconded by Commissioner Sue Hinman, and unanimously carried, the Board approved authorizing a contract with Cherry Bekaert Accounting Firm for an amount not to exceed \$50,000 for an annual review of Equitable Sharing Program and other state and federal funds.

BOARD PRESENTATIONS

Commissioner Hinman thanked everyone who attended the Virgilina Summerfest parade as Commissioners Jay and Williford attended with her.

Commissioner Cozart said he is happy that Franklin-Vance-Warren Opportunity was able to get a grant to help dropouts in our communities. Those between the ages of 16 and 25 can go back for their GED or for any kind of certification and everything they need would be covered, such as childcare and more. He added that if anyone knew of someone who would benefit from this program, to please refer them so that they can take advantage of it. He said that he is glad to be back in the saddle, and added how much he appreciates those who did the heavy lifting when he was out of place. He thanked everyone for their prayers and love and expressed that he was thankful to be a part of such a fine group.

Chair May thanked Commissioner Cozart for presenting Granville County Public Schools Superintendent Dr. Alisa McLean the Board's well wishes for her future as she moves on to retirement and to take on other challenges in life.

Commissioner Karan thanked the Emergency Management team at Granville County noting that their threat hazard identification program was spot-on. He noted that it is good to have those what-if scenario table-top exercises. He reported that he enjoyed the experience of the use-of-force simulator at the Vance Granville Community College that Chair May set up and some attended. He added that the last comment he had was borne out of public comments and in some emails about our Granville Health System, and in particular, horrendous wait times at our Emergency Department. He said that we are exceeding the national industry standard of door-to-triage of 10 minutes by one minute by having a nine-minute triage at the Emergency Department. He noted that door-to-doctor is about 45 minutes, then our door-to-done, as he called it, is about 224 minutes; that means you go into a room, then go to another facility or go home. The national average on that door-to-done is about 216 minutes and Granville Health System is less than 10 minutes off of the national average. He noted that he is very proud of Granville Health Systems and the job that they do. He would dare to say that people would have a much longer wait time if you went to Duke or UNC system and to propagate in our community that our hospital is somehow stressed by a few new people moving here is just a nonstarter. He said we have a fantastic health system here in Granville Health System and that he would use our facility and would take any one of his family members there.

Commissioner Gooch reported that the Butner Summer Festival, formerly the Butner Chicken Pickin', was a success this year. He said it raised a lot of money and had about 130 cars for the car show. He announced that the town of Butner will be swearing in their new manager next Monday at 10 a.m. and invited everyone to attend.

Commissioner Jay said that he enjoyed the Virgilina Summerfest. He also enjoyed the Butner Summer Festival and enjoyed the food and antique vehicles at the car show. He added that KARTS has a new director starting July 1st.

Commissioner Williford reported that he attended the Virgilina Summerfest parade with Commissioner Hinman and Commissioner Jay had a good time.

Chair May said he wanted to make a statement on behalf of the Board. He said he was glad that the County Manager provided some really good facts in regards to the funding for our volunteer fire departments. We absolutely need our volunteer fire department and absolutely want to do the very best we can with them. That is why we came up with a unified fire district and pressed so hard to get it moving. He is hopeful that we can get our contracts done and we can begin to move forward with how we can appropriately fund departments in an equitable fashion that best serves the county and will meet the growing needs of our volunteer fire departments. They are valued, and needed, and we appreciate them. He thanked the County Manager for his leadership in providing the commissioners a roadmap and fiscal responsibility and the recommendations providing the 2023-2024 approved budget. He said we were able to provide substantial

compensation improvements for our public safety professionals and all county employees. He continued that we are gaining the necessary ground to compete with other municipalities and counties and have laid the groundwork to take on further compensation steps in the 2024-2025 budget to allow our county to remain competitive and is being done without raising property taxes. He said we must continue to raise the bar as we need to maintain the very best employees that we can obtain. He continued saying we have made significant investments in our EMS system, provided future allocations in our contracted fire services, continue to make strong investments in our public schools/community college, and economic development to include infrastructure improvements for Triangle North thereby positioning the County to be ready to potentially take on a significant business venture. This Board continues to methodically take on challenges to better the lives of our county residents. Although many challenges lie ahead, he noted that he is confident we have the leadership position, the financial resilience to further enrich the quality lives, businesses, education and the residents we serve.

Chair May added that he is glad that people are coming to our meetings and that it is good to hear our citizens complain about things and point out things that they dislike and noted that they are listening. He then thanked the County Manager, the Assistant County Manager, and the County Attorney for their work as the Board passes a lot of heavy workloads off to them and they rise to the occasion.

ANY OTHER MATTERS

Announcement of Special Meeting On June 6, 2023

Chair May read the following announcement of a special meeting:

All interested persons please take notice that the Granville County Board of Commissioners will hold a special meeting on Tuesday, June 6th at 12:00 p.m. at the Granville Expo Convention Center, 4185 Highway 15, North Carolina, and will immediately go into executive session pursuant to North Carolina General Statute 143-318.11(a)(6) for the County Manager's evaluation.

CLOSED SESSION

Upon a motion by Commissioner Sue Hinman, seconded by Commissioner Jimmy Gooch and unanimously carried, the Board went into closed session as allowed by N.C.G.S. 143-318.11(a) (3) for attorney-client matters.

The Board added a personnel matter to the closed session.

Upon a motion by Commissioner Sue Hinman, seconded by Commissioner Robert Williford, and unanimously carried, the Board went into closed session as allowed by N.C.G.S. 143-318.11(a) (6) for a personnel matter.

RETURN TO OPEN SESSION

Upon a motion by Commissioner Tony W. Cozart, seconded by Commissioner Robert Williford, and unanimously carried, the Board returned to open session.

ADJOURNMENT

Upon a motion by Commissioner Sue Hinman, seconded by Commissioner Robert Williford, and unanimously carried, the Board adjourned at 10:43 p.m.

Respectfully submitted,
Debra A. Weary, NCMCC, CMC
Clerk to the Board