

Regular Meeting March 7, 2019

A regular meeting of the Nash County Board of Commissioners was held at 9:00 AM, March 7, 2019 in the Frederick B. Cooper, Jr. Commissioners' Room at the Claude Mayo, Jr. Administration Building in Nashville, NC.

Present were Chairman Robbie B. Davis and Commissioners Fred Belfield, Jr., Dan Cone, Sue Leggett, J. Wayne Outlaw, Lou M. Richardson, and Mary P. Wells.

Others present were Donna Wood, Stacie Shatzer, Amanda Clark, Adam Tyson, Chief Deputy Brandon Medina, Major Mistie Strickland, Patsy McGhee, Ken Ripley, Janice Evans, Zee B. Lamb, Vince Durham and other staff members and members of the public.

Chairman Davis called the meeting to order and provided a brief explanation regarding prayer and the Pledge of Allegiance in Nash County. He stated it is customary that Nash County starts each meeting with a prayer and Pledge of Allegiance and that anyone wishing to participate in the prayer, moment of silence, or a prayer of their own choice was welcomed.

Chairman Davis called on Ms. Sue Leggett for the invocation and Mr. J. Wayne Outlaw to lead the Pledge of Allegiance.

Chairman Davis asked the Board to consider approval of the minutes.

On motion of J. Wayne Outlaw seconded by Dan Cone and duly passed that the minutes of the February 4, 2019 regular meeting be approved.

Chairman Davis provided a brief explanation of Nash County's Public Comment Policy and asked for any public comments.

Mr. Marvin Winstead, Jr. of Sandy Cross Road, Nashville spoke on Atlantic Coast Pipeline (ACP) neutrality.

Mr. Adam Tyson, Planning Director presented for the Board's consideration Conditional Use Rezoning CU-100301 Amendment Request to revise the previously approved site plan for the Spring Hope Mini Storage Facility located at 3091 S NC Highway 581 in order to expand the fenced gravel area and to construct a fifth additional self-storage warehouse building. He advised the Nash County Technical Review Committee (TRC) considered this site plan amendment request and recommended **APPROVAL** subject to suggested **CONDITIONS**. He also advised the

Nash County Planning Board considered this site plan amendment request, and no members of the public, other than the applicant, spoke for or against the request. The Planning Board voted unanimously to recommend the following:

- (1) **APPROVAL of Consistency Statement ‘A’ below** – finding the request to be reasonable, in the public interest, consistent with the recommendations of the land development plan, and not “spot zoning”;
- (2) **APPROVAL of the requested site plan amendment**; and
- (3) **APPROVAL of the issuance of a Conditional Use Permit** - based on the suggested findings of fact, conclusions, and conditions listed below.

Consistency Statement ‘A’ (For Approval):

The site plan amendment request related to Conditional Use Rezoning CU-100301 is reasonable and in the public interest because:

- (1) The Nash County Board of Commissioners have previously determined that the development of this self-storage warehouse facility was consistent with the recommendations of the Nash County Land Development Plan for this Suburban Growth Area because:
 - (a) The subject site has frontage along and direct access to S NC Highway 581, a major state highway;
 - (b) The self-storage warehouse operation is a low-intensity commercial land use that does not generate excessive noise or heavy traffic;
 - (c) The self-storage warehouse operation does not require any water supply or wastewater disposal facilities;
 - (d) The scale of the commercial development is restricted by the nature of the conditional use site plan review process; and
 - (e) The initial rezoning of the subject site was consistent with Nash County’s efforts to support ongoing sustainability and diversification for farming operations that experienced declining income as a result of tobacco buy-outs.
- (2) The site plan amendment request would not be considered “spot zoning” because it does not propose any changes to the current zoning classification of the subject property (which will remain Rural Commercial Conditional Use) or to the existing boundary of the zoning area (which will remain 5.77 acres).

FINDINGS OF FACT:

- (1) The subject property is a 5.77 acre portion of a larger tract of land in the ownership of Phillip L. Murray and Brian Keith Murray containing the Spring Hope Mini Storage Facility located at 3091 S NC Highway 581, Spring Hope, NC 27882 within the RC-CU (Rural Commercial Conditional Use) Zoning District of Nash County, North Carolina and further identified as Nash County Tax Map PIN #277800052971 and Parcel ID #009676.
- (2) The subject property was rezoned by the Nash County Board of Commissioners on April 5, 2010 from A1 (Agricultural) to RC-CU (Rural Commercial Conditional Use) for the development of a self-storage warehouse facility and the approved site plan was subsequently amended and revised by the Board of Commissioners to expand the facility and to add additional self-storage warehouse buildings on December 3, 2012 and again on February 1, 2016.
- (3) An application to amend Conditional Use Rezoning CU-100301 was submitted by Phillip L. Murray, the property owner, to again revise the approved site plan in order to further expand the fenced gravel area toward the north to accommodate the construction of a fifth additional self-storage warehouse building.

- (4) The adopted consistency statement related to this amendment to Conditional Use Rezoning CU-100301 established that the request was reasonable, in the public interest, consistent with the recommendations of the Nash County Land Development Plan, and not “spot zoning.”

CONCLUSIONS:

- (1) The application submitted for the amendment to Conditional Use Rezoning CU-100301 is complete.
- (2) The proposed development will not materially endanger the public health or safety.
- (3) The proposed development will not substantially injure the value of adjoining or abutting property.
- (4) The proposed development will be in harmony with the area in which it is to be located.
- (5) The proposed development will be in general conformity with the Nash County Land Development Plan.
- (6) The applicant is entitled to the issuance of a conditional use permit subject to the following conditions.

CONDITIONS:

- (1) The approved permitted use of the subject property shall continue to be limited to a self-storage warehouse facility only.
- (2) The subject property shall only be developed in accordance with the submitted, revised, and approved site plan.
- (3) The development of the expanded fenced gravel area and the construction of the fifth additional self-storage warehouse building shall be subject to the approval and issuance of the following additional permits and documents, as applicable:
 - (a) Nash County Tar-Pamlico River Basin Overlay District Stormwater Permit;
 - (b) Nash County Zoning Permit; and
 - (c) Nash County Commercial Building Permit.

On motion of Sue Leggett seconded by Lou M. Richardson and duly passed that the Board go into a quasi-judicial public hearing.

Mr. Vince Durham, County Attorney swore in the following people to speak at the public hearing:

Mr. Adam Tyson
Mr. Keith Murray

Mr. Keith Murray of Murray Farms, Inc. spoke in support of the rezoning request.

On motion of J. Wayne Outlaw seconded by Fred Belfield, Jr. and duly passed that the public hearing adjourn.

On motion of Sue Leggett seconded by Dan Cone and duly passed that the Nash County Board of Commissioners adopt Consistency Statement "A" related to the site plan amendment request made in relation to Conditional Use Rezoning CU-100301 for the Spring Hope Mini Storage Facility located at 3091 S NC Highway 581.

Consistency Statement 'A' (For Approval):

The site plan amendment request related to Conditional Use Rezoning CU-100301 is reasonable and in the public interest because:

- (1) The Nash County Board of Commissioners have previously determined that the development of this self-storage warehouse facility was consistent with the recommendations of the Nash County Land Development Plan for this Suburban Growth Area because:
 - (a) The subject site has frontage along and direct access to S NC Highway 581, a major state highway;
 - (b) The self-storage warehouse operation is a low-intensity commercial land use that does not generate excessive noise or heavy traffic;
 - (c) The self-storage warehouse operation does not require any water supply or wastewater disposal facilities;
 - (d) The scale of the commercial development is restricted by the nature of the conditional use site plan review process; and
 - (e) The initial rezoning of the subject site was consistent with Nash County's efforts to support ongoing sustainability and diversification for farming operations that experienced declining income as a result of tobacco buy-outs.

- (2) The site plan amendment request would not be considered "spot zoning" because it does not propose any changes to the current zoning classification of the subject property (which will remain Rural Commercial Conditional Use) or to the existing boundary of the zoning area (which will remain 5.77 acres).

On motion of Sue Leggett seconded by J. Wayne Outlaw and duly passed that the Board of Commissioners approve the site plan amendment request made in relation to Conditional Use Rezoning CU-100301 for the Spring Hope Mini Storage Facility located at 3091 S NC Highway 581 in order to expand the fenced gravel area and to construct a fifth additional self-storage warehouse building.

On motion of Sue Leggett seconded by Lou M. Richardson and duly passed that the Nash County Board of Commissioners authorize the issuance of a conditional use permit for the development of the property that is subject to the amended Conditional Use Rezoning CU-100301 based on the following suggested findings of fact, conclusions, and conditions.

FINDINGS OF FACT:

- (5) The subject property is a 5.77 acre portion of a larger tract of land in the ownership of Phillip L. Murray and Brian Keith Murray containing the Spring Hope Mini Storage Facility located at 3091 S NC Highway 581, Spring Hope, NC 27882 within the RC-CU (Rural Commercial Conditional Use) Zoning District of Nash County, North Carolina and further identified as Nash County Tax Map PIN #277800052971 and Parcel ID #009676.

- (6) The subject property was rezoned by the Nash County Board of Commissioners on April 5, 2010 from A1 (Agricultural) to RC-CU (Rural Commercial Conditional Use) for the development of a self-storage warehouse facility and the approved site plan was subsequently amended and revised by the Board of Commissioners to expand the facility and to add additional self-

storage warehouse buildings on December 3, 2012 and again on February 1, 2016.

- (7) An application to amend Conditional Use Rezoning CU-100301 was submitted by Phillip L. Murray, the property owner, to again revise the approved site plan in order to further expand the fenced gravel area toward the north to accommodate the construction of a fifth additional self-storage warehouse building.
- (8) The adopted consistency statement related to this amendment to Conditional Use Rezoning CU-100301 established that the request was reasonable, in the public interest, consistent with the recommendations of the Nash County Land Development Plan, and not “spot zoning.”

CONCLUSIONS:

- (1) The application submitted for the amendment to Conditional Use Rezoning CU-100301 is complete.
- (2) The proposed development will not materially endanger the public health or safety.
- (3) The proposed development will not substantially injure the value of adjoining or abutting property.
- (4) The proposed development will be in harmony with the area in which it is to be located.
- (5) The proposed development will be in general conformity with the Nash County Land Development Plan.
- (6) The applicant is entitled to the issuance of a conditional use permit subject to the following conditions.

CONDITIONS:

- (3) The approved permitted use of the subject property shall continue to be limited to a self-storage warehouse facility only.
- (4) The subject property shall only be developed in accordance with the submitted, revised, and approved site plan.
- (3) The development of the expanded fenced gravel area and the construction of the fifth additional self-storage warehouse building shall be subject to the approval and issuance of the following additional permits and documents, as applicable:
 - (a) Nash County Tar-Pamlico River Basin Overlay District Stormwater Permit;
 - (b) Nash County Zoning Permit; and
 - (c) Nash County Commercial Building Permit.

Mr. Tyson presented for the Board’s consideration Conditional Use Rezoning Request CU-190201 to rezone 1.58 acres located on the north side of Sandy Cross Road from R-40 (Single-Family Residential) to GC-CU (General Commercial Conditional Use) for the development of a general merchandise retail store. He advised the Nash County Technical Review Committee (TRC) considered Conditional Use Rezoning Request CU-190201 and recommended **APPROVAL** subject to suggested **CONDITIONS**. He also advised the Nash County Planning Board considered

Conditional Use Rezoning Request CU-190201, and in addition to the applicant, one member of the public – the owner of a nearby property and a member of the Sandy Cross United Methodist Church located at 3725 Sandy Cross Road – spoke in favor of the request. No one spoke in opposition to the request. The Planning Board voted unanimously to recommend the following:

- (1) **APPROVAL of Consistency Statement ‘A’ below** – finding the request to be reasonable, in the public interest, consistent with the recommendations of the land development plan, and not “spot zoning”;
- (2) **APPROVAL of the requested zoning map amendment;** and
- (3) **APPROVAL of the issuance of a Conditional Use Permit** - based on the suggested findings of fact, conclusions, and conditions listed below.

Consistency Statement ‘A’ (For Approval):

Conditional Use Rezoning Request CU-190201 is reasonable and in the public interest because:

- (1) The request is consistent with the recommendations of the Nash County Land Development Plan for this Rural Commercial Area because:
 - (a) The subject property is located near the Sandy Cross Crossroads;
 - (b) The proposed retail store is a limited commercial service that is appropriate for crossroads development in this predominantly rural/agricultural area;
 - (c) The proposed retail store does not require public sewer service; and
 - (d) The proposed retail store is intended to serve a local customer base of the surrounding residential population.
- (2) The request would not be considered unreasonable “spot zoning” because:
 - (a) The subject property is immediately adjacent to another already existing commercially-zoned and used property at 5862 S NC Highway 58;
 - (b) The request is consistent with the recommendations of the Nash County Land Development Plan; and
 - (c) The conditional nature of the request as well as the proposed screening measures should limit the potential impact of the development on the surrounding area.

FINDINGS OF FACT:

- (1) The subject property is a 1.58 acre portion of two tracts of land in the ownership of Sidney Pete Joyner and Gary Lynn Cockrell located on the north side of Sandy Cross Road (S.R. 1717) and west of the Sandy Cross Crossroads within the R-40 (Single-Family Residential) Zoning District of Nash County, North Carolina and further identified as Nash County Tax Map PIN #s 371800136558 & 371800136930 and Parcel ID #s 021620 & 023723.
- (2) Conditional Use Rezoning Request CU-190201 was submitted by the property owners in order to rezone the subject property from R-40 (Single-Family Residential) to GC-CU (General Commercial Conditional Use), specifically for the development of a general merchandise retail store.
- (3) The submitted site plan depicts a 9,100 square foot retail store with a 45 space paved parking lot, designated areas for stormwater management and an onsite septic system, as well as a six foot high opaque wooden slatted fence and a planted vegetative roadside buffer to be installed for screening purposes.
- (4) The consistency statement adopted in relation to Conditional Use Rezoning CU-190201 established that the request was reasonable and in the public interest because it was consistent with the recommendations of the Nash County Land Development Plan and not unreasonable “spot zoning.”

CONCLUSIONS:

- (1) The application submitted for Conditional Use Rezoning Request CU-190201 is complete.
- (2) The proposed development will not materially endanger the public health or safety.
- (3) The proposed development will not substantially injure the value of adjoining or abutting property.
- (4) The proposed development will be in harmony with the area in which it is to be located.
- (5) The proposed development will be in general conformity with the Nash County Land Development Plan.
- (6) The applicant is entitled to the issuance of a conditional use permit subject to the following conditions.

CONDITIONS:

- (1) The approved permitted use of the subject property shall be limited to a general merchandise retail store only.
- (2) The subject property shall only be developed in accordance with the submitted and approved site plan.
- (3) Prior to the development of the subject property, the developer shall submit and record the necessary survey plats and deeds to create the 1.58 acre combined lot depicted on the site plan.
- (4) The developer shall coordinate with the City of Rocky Mount Public Utilities regarding the necessary relocation and/or service installation of both electrical and natural gas utilities on the subject property.
- (5) The development of the general merchandise retail store shall be subject to the approval and issuance of the following additional permits and documents, as applicable:
 - (a) N.C. Department of Transportation Driveway Permit;
 - (b) N.C. Department of Transportation Encroachment Agreements (as required for utility installation and maintenance);
 - (c) N.C. Department of Environmental Quality, Division of Land Resources Erosion and Sedimentation Control Plan Approval;
 - (d) Nash County Tar-Pamlico River Basin Overlay District Stormwater Permit (utilizing the High Density Development Option within the WS-IV-PA Watershed Protection Overlay District);
 - (e) Nash County Environmental Health Onsite Wastewater Permit;
 - (f) Nash County Zoning Permit; and
 - (g) Nash County Commercial Building & Trade Permits.

NOTE: The onsite wastewater permit issued for the subject property utilizes a design flow reduction specifically allowed by the N.C. Division of Public Health, Environmental Health Section, On-Site Water Protection Branch for stores operated by the Dollar General Corporation only. Any future operator of the store other than the Dollar General Corporation shall contact Nash County Environmental Health to apply for a revised onsite wastewater permit using standard design flow evaluations, which may require the septic system to be redesigned at that time.

On motion of J. Wayne Outlaw seconded by Fred Belfield, Jr. and duly passed that the Board go into a quasi-judicial public hearing.

Mr. Durham swore in the following people to speak at the public hearing:

Mr. Adam Tyson
Mr. Brent Purdum

Mr. Brent Purdum, Triangle Site Design spoke in favor of the rezoning request.

On motion of Sue Leggett seconded by Fred Belfield, Jr. and duly passed that the public hearing adjourn.

On motion of Sue Leggett seconded by Dan Cone and duly passed that the Nash County Board of Commissioners adopt **Consistency Statement 'A'** related to Conditional Use Rezoning Request CU-190201.

Consistency Statement 'A' (For Approval):

Conditional Use Rezoning Request CU-190201 is reasonable and in the public interest because:

- (1) The request is consistent with the recommendations of the Nash County Land Development Plan for this Rural Commercial Area because:
 - (a) The subject property is located near the Sandy Cross Crossroads;
 - (b) The proposed retail store is a limited commercial service that is appropriate for crossroads development in this predominantly rural/agricultural area;
 - (c) The proposed retail store does not require public sewer service; and
 - (d) The proposed retail store is intended to serve a local customer base of the surrounding residential population.
- (2) The request would not be considered unreasonable "spot zoning" because:
 - (a) The subject property is immediately adjacent to another already existing commercially-zoned and used property at 5862 S NC Highway 58;
 - (b) The request is consistent with the recommendations of the Nash County Land Development Plan; and
 - (c) The conditional nature of the request as well as the proposed screening measures should limit the potential impact of the development on the surrounding area.

On motion of Sue Leggett seconded by Fred Belfield, Jr. and duly passed that the Nash County Board of Commissioners **APPROVE** Conditional Use Rezoning Request CU-190201 to rezone 1.58 acres located on the north side of Sandy Cross Road from R-40 (Single-Family Residential) to GC-CU (General Commercial Conditional Use) for the development of a general merchandise retail store.

On motion of Sue Leggett seconded by Lou M. Richardson and duly passed that the Nash County Board of Commissioners authorize the issuance of a conditional use permit for the development of the property that is subject to Conditional Use Rezoning

Request CU-190201 based on the following suggested findings of fact, conclusions, and conditions.

FINDINGS OF FACT:

- (1) The subject property is a 1.58 acre portion of two tracts of land in the ownership of Sidney Pete Joyner and Gary Lynn Cockrell located on the north side of Sandy Cross Road (S.R. 1717) and west of the Sandy Cross Crossroads within the R-40 (Single-Family Residential) Zoning District of Nash County, North Carolina and further identified as Nash County Tax Map PIN #s 371800136558 & 371800136930 and Parcel ID #s 021620 & 023723.
- (2) Conditional Use Rezoning Request CU-190201 was submitted by the property owners in order to rezone the subject property from R-40 (Single-Family Residential) to GC-CU (General Commercial Conditional Use), specifically for the development of a general merchandise retail store.
- (3) The submitted site plan depicts a 9,100 square foot retail store with a 45 space paved parking lot, designated areas for stormwater management and an onsite septic system, as well as a six foot high opaque wooden slatted fence and a planted vegetative roadside buffer to be installed for screening purposes.
- (4) The consistency statement adopted in relation to Conditional Use Rezoning CU-190201 established that the request was reasonable and in the public interest because it was consistent with the recommendations of the Nash County Land Development Plan and not unreasonable "spot zoning."

CONCLUSIONS:

- (1) The application submitted for Conditional Use Rezoning Request CU-190201 is complete.
- (2) The proposed development will not materially endanger the public health or safety.
- (3) The proposed development will not substantially injure the value of adjoining or abutting property.
- (4) The proposed development will be in harmony with the area in which it is to be located.
- (5) The proposed development will be in general conformity with the Nash County Land Development Plan.
- (6) The applicant is entitled to the issuance of a conditional use permit subject to the following conditions.

CONDITIONS:

- (1) The approved permitted use of the subject property shall be limited to a general merchandise retail store only.
- (2) The subject property shall only be developed in accordance with the submitted and approved site plan.
- (3) Prior to the development of the subject property, the developer shall submit and record the necessary survey plats and deeds to create the 1.58 acre combined lot depicted on the site plan.

- (4) The developer shall coordinate with the City of Rocky Mount Public Utilities regarding the necessary relocation and/or service installation of both electrical and natural gas utilities on the subject property.
- (5) The development of the general merchandise retail store shall be subject to the approval and issuance of the following additional permits and documents, as applicable:
 - (a) N.C. Department of Transportation Driveway Permit;
 - (b) N.C. Department of Transportation Encroachment Agreements (as required for utility installation and maintenance);
 - (c) N.C. Department of Environmental Quality, Division of Land Resources Erosion and Sedimentation Control Plan Approval;
 - (d) Nash County Tar-Pamlico River Basin Overlay District Stormwater Permit (utilizing the High Density Development Option within the WS-IV-PA Watershed Protection Overlay District);
 - (e) Nash County Environmental Health Onsite Wastewater Permit;
 - (f) Nash County Zoning Permit; and
 - (g) Nash County Commercial Building & Trade Permits.

NOTE: The onsite wastewater permit issued for the subject property utilizes a design flow reduction specifically allowed by the N.C. Division of Public Health, Environmental Health Section, On-Site Water Protection Branch for stores operated by the Dollar General Corporation only. Any future operator of the store other than the Dollar General Corporation shall contact Nash County Environmental Health to apply for a revised onsite wastewater permit using standard design flow evaluations which may require the septic system to be redesigned at that time.

Mr. Zee B. Lamb, County Manager presented for the Board's consideration Resolution Supporting the Juvenile Crime Prevention Council Allocation Expansion.

On motion of Fred Belfield, Jr. seconded by Lou M. Richardson and duly passed that the Nash County Board of Commissioners adopt the following resolution supporting the Juvenile Crime Prevention Council Allocation Expansion.

**NASH COUNTY
BOARD OF COMMISSIONERS**

**Board of Commissioners Resolution
Supporting
Juvenile Crime Prevention Council Allocation Expansion**

WHEREAS, Juvenile Crime Prevention Council (JCPC) funding is a partnership between the State of North Carolina and Nash County to ensure a local continuum of services for court involved and at-risk juveniles; and,

WHEREAS, the Juvenile Crime Prevention Council, under the authority of NCGS§143B-851, and within the scope of its powers and duties, "Each County Council shall annually review the needs of juveniles in the county who are at risk of delinquency or who have been adjudicated undisciplined or delinquent and the resources available to address those needs. In particular, each County Council shall assess the needs of juveniles in the county who are at risk or who have been associated with gangs or gang activity, and the local resources that are established to address those needs," and,

WHEREAS, the Juvenile Justice Reinvestment Act passed in 2017, also referenced as North Carolina's Raise the Age legislation, expands the age of juvenile jurisdiction, increasing it to include juveniles ages 16 and 17 years of age effective December 1, 2019; and,

WHEREAS, Raise the Age legislation will increase the need for immediate and age-appropriate sanctions and diversion services for juvenile offenders and those at-risk of delinquency; and,

WHEREAS, Nash County JCPC funding at \$240,814 per year has seen **no increase** in more than nine years, while funded programs in the county have admitted more than 1,500 children during this time; and

WHEREAS, the effort to immediately and effectively address juvenile offending behavior is an evidence-based investment in North Carolina's future;

NOW, THEREFORE BE IT RESOLVED, that Nash County fully supports an adequate and timely increase of local Juvenile Crime Prevention funding to ensure program expansion and successful implementation of the Juvenile Justice Reinvestment Act Raise the Age Legislation, set for December 1, 2019.

Adopted this 7th day of March 2019.



Chairman



Clerk to the Board

Mr. Lamb presented for the Board's consideration Resolution in Support of the Current ABC Control System for the Sale of Liquor.

On motion of J. Wayne Outlaw seconded by Fred Belfield, Jr. and duly passed that the Nash County Board of Commissioners adopt the following resolution.

**RESOLUTION IN SUPPORT OF
THE CURRENT ABC CONTROL SYSTEM FOR THE SALE OF LIQUOR**

WHEREAS, the citizens of the Town/City/County of Nash County voted to permit the sale of liquor through the establishment of an ABC Board, which is a part of the North Carolina's control system for the sale of spirituous liquors;

WHEREAS, North Carolina is a "control" state and private retail liquor stores are prohibited;

WHEREAS, the General Assembly's nonpartisan Program Evaluation Division (PED) was directed to examine whether other systems for alcohol beverage control, including privatized systems, are appropriate for North Carolina, specially to include the State of Washington, which recently changed its beverage control system from state government control of wholesale and retail control of spirituous liquor to a licensure model;

WHEREAS, The PED Report, "Changing How North Carolina Controls Liquor Sales Has Operational, Regulatory, and Financial Ramifications", released on February 11, 2019, (1) did not recommend privatization, (2) found that among the southeastern states, NC collects the most revenue per gallon, has the lowest outlet density and has the second lowest per capita consumption; and (3) the PED expects retail liquor consumption to increase by 20% with privatization.

WHEREAS, for fiscal year ending 2018, local ABC boards distributed \$430,635,861: County-City Distributions \$80 million; State General Fund \$323 million; Local Alcohol Education/Treatment \$13 million; Local Law Enforcement \$8.8 million; Rehabilitation Services \$5 million; Operation of ABC Commission/Warehouse \$17.7 million.

WHEREAS, North Carolina is unique as it allows communities to vote to establish local ABC boards for the sale of liquor in their communities, with liquor profits distributed back to those communities, thereby reducing the need to increase local property taxes.

WHEREAS, the citizens of Nash County, in voting to permit the operation of ABC stores, did not vote to allow spirits to be sold in private retail liquor stores and did not vote to allow spirits to be sold retail outlets where beer and wine are sold;

WHEREAS, No State funds are spent to distribute or sell liquor as the state and local operation of the ABC system is receipt supported;

WHEREAS, Of the 50 states, North Carolina ranks 44th lowest in consumption per capita and 7th highest in revenue per capita and NC's ABC system accomplishes both revenue and public health, welfare and safety objectives;

WHEREAS, when Washington State privatized its liquor system the number of retail outlets increased from 328 to over 1400, hours of sale/week increased from 73 to 140 hours, and Washington State received only \$30.75 million from auctioning off the rights to apply for retail

spirits permits at 167 stores;

WHEREAS, privatization will result in a marked increase in the number of outlets, longer hours of sale, greater advertising and more promotion and significantly more consumption; and the 9,000 outlets in NC that sell beer/wine off-premises could be permitted to sell liquor in a privatized system;

WHEREAS, local revenue from ABC stores operations is important to Nash County;

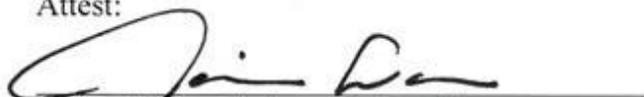
WHEREAS, local control over the sale of liquor is an important function.

NOW THEREFORE, BE IT RESOLVED:

That Nash County desires to retain North Carolina's current control system for the sale of liquor and believes that privatization of liquor will lead to many adverse effects.


By: _____
Robbie B. Davis, Chairman
Nash County Board of Commissioners

Attest:



Janice Evans, Clerk to the Board
Nash County Board of Commissioners

Date: 3/7/2019

Mr. Mike Phillips, Assistant Director of Utilities and Facilities presented for the Board's consideration bid proposals for the Nash County Ag Center – HVAC Replacement Project and LED Lighting Project.

Chairman Davis called on Mr. Lamb to introduce Mr. Jonathan Boone, new Nash County Public Utilities and Facilities Director.

On motion of Dan Cone seconded by Fred Belfield, Jr. and duly passed that the Nash County Board of Commissioners approve the following two bids for the Nash County Ag Center – HVAC Replacement Project and LED Lighting Project, and authorize the County Manager to execute a contract with each vendor:

The LED Lighting Project bid closed on Friday, February 22nd and the lowest responsive responsible bidder was:

FintronX, LLC.

- Total Bid Amount: \$44,784
- Available Duke Energy Credit: \$10,100
- Bid Minus Credit: \$34,684**

The HVAC replacement project closed on Friday, March 1st and the lowest responsive responsible bidder was:

Allred Mechanical Services Inc.

-Initial Bid Amount: \$362,000

-Negotiated Reductions-\$83,575 Air distribution system (Replacement of dampers, flex, taps, insulation and also demolition of existing grilles and installation of new grilles)

-Addition of Alternates-\$3,300 (Clean existing air distribution in place)

Total Revised Bid Amount-\$281,725

Chairman Davis called for a short recess.

Upon reconvening, Chairman Davis called on Ms. Donna Wood, Finance Director.

Ms. Wood presented for the Board's consideration the Ag Center Renovation Capital Project Ordinance.

On motion of J. Wayne Outlaw seconded by Fred Belfield, Jr. and duly passed that the Nash County Board of Commissioners adopt the following Ag Center Renovation Capital Project Ordinance.

**NASH COUNTY, NC
AG CENTER RENOVATION CAPITAL PROJECT FUND
CAPITAL PROJECT ORDINANCE**

Be it ordained by the Nash County Board of Commissioners 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 Ag Center Renovation Project for the purpose of construction renovation to the HVAC System and upgrades and repairs for electrical, lighting, kitchen and bathrooms and various interior spaces of the Nash County Agricultural Center.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of this ordinance and all rules and regulations within North Carolina General Statutes as it pertains to capital projects and the budget contained herein.

Section 3. The following revenues are anticipated to complete this project:

0900600-499100	Fund Balance Appropriated	\$ 550,725
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Section 4. The following expenditures are projected:

0904950-558096	HVAC Construction	\$ 281,725
0904950-5595	LED (Lighting)	\$ 35,000
0904950-559220	Building Improvements (Kitchen, Bath, Paint, Ceil Tiles)	\$ 126,000
0904950-526500	Equipment supply (appliances)	\$ 20,000
0904950-557003	Equipment Repair	\$ 10,000
0904950-555000	Equipment (Ice Machine, Sound System)	\$ 15,500
0904950-544027	Janitorial Contract Services	\$ 10,000
0904950-519200	Legal Services	\$ 2,500
0904950-599100	Contingency	\$ 50,000
		<u>\$ 550,725</u>

Section 5. The Finance Officer shall report on the financial status of each project element in Section 4 and total revenues received or claimed.

Section 6. The County Manager shall have the authority to approve incidental change orders up to \$25,000 per occurrence within the budgeted project.

Section 7. Copies of this Capital Project Ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this 7th day of March 2019.



Robbie B. Davis, Chairman

ATTEST:



Janice Evans, Clerk to the Board

Ms. Wood asked the Board to consider approval of seven (7) budget amendments for Fiscal Year 2018-2019.

On motion of Dan Cone seconded by Sue Leggett and Fred Belfield, Jr. and duly passed that the following budget amendments be approved.

Fire Districts

This budget amendment is to budget for the repayment option related to the Public Safety Radio Project. Nashville Fire Department, Sharpsburg Fire Department and Whitakers Fire Department selected the option to appropriate fund balance for the amount owed to Nash County related to the radios and apparatus above the Nash County base. No County funds are required.

Revenue:
1200991-499100 Fund Balance Appropriated \$28,595 Incr

Expenditure:
1204340-569106 Nashville Fire District \$28,595 Incr

Revenue:
1200991-499100 Fund Balance Appropriated \$34,004 Incr

Expenditure:
1204340-569116 Whitakers Fire District \$34,004 Incr

Revenue:
1200991-499100 Fund Balance Appropriated \$37,684 Incr

Expenditure:
1204340-569109 Sharpsburg Fire District \$37,684 Incr

Asset Forfeiture Funds

This budget amendment is to budget Asset Forfeiture revenue received for the purchase of (7) Dodge Chargers for the Sheriff’s Office including taxes, tags, lights and radio equipment. No County funds are required.

Revenue:
0290600-443121 Federal Asset Forfeiture-DOJ \$220,500 Incr

Expenditure:
0294310-554000 Vehicle 165,000 Incr
0294310-526500 Equipment Supply 55,500 Incr
\$220,500

Capital Reserve Fund

This budget amendment is to transfer the funds from the Home Health sell less the restricted cash of \$250,000 to the Capital Reserve fund for future use with on a Health Facility Project. As the restrictions are released on the cash the additional funds will be presented for transfer.

Revenue:
0100600-488088 Sale- HHA \$1,750,000 Incr

Expenditure:
0109500-598043 Transfer to County Capital Fund \$1,750,000 Incr

Sheriff’s Office

This budget amendment appropriates Nash County's portion of a joint grant application with the City of Rocky Mount for 2017 Justice Assistance Grant (JAG). The Sheriff's Office will use the proceeds for technology improvement items that are designed to increase officer's accountability, increase safety and provide better services to the citizens of Nash County. No county funds are required.

Revenue:

0100230-445015	JAG Grant – Rocky Mount	\$ 19,862 Incr
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Expenditure:

0104310-569671	Technology Improvement	\$ 19,862 Incr
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Recreation and Senior Services Department

This amendment is needed to make adjustments to accommodate additional revenues from donations and grant funds. No county funds are required.

Revenue:

0100230-487805	Senior Center Donations	\$5,500 Incr
0100230-487832	Project Lifesaver	\$ 580 Incr
0100213-487807	MIPPA (Med Impr for Patient Prov Act)	<u>\$3,983 Incr</u>
		<u>\$10,063</u>

Expenditure:

0105810-569230	Senior Center Donations	\$5,500 Incr
0105810-569296	Project Lifesaver Donations	\$ 580 Incr
0105816-526000	MIPPA (Med Impr for Patient Prov Act)	<u>\$ 3,983 Incr</u>
		<u>\$10,063</u>

Economic Development

This budget amendment appropriates additional funding for the Hospira, Inc/Pfizer Company inducement for fiscal year 2018-2019. The calculated incentive refund for from Nash County is \$928,439, the amount approved in the original FY18/19 budget is \$636,953.

Revenue:

0100991-499100	Fund Balance Appropriated	<u>\$291,486 Incr</u>
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Expenditure:

0104920-562102	Inducements	<u>\$291,486 Incr</u>
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Fund Balance Transfer

This budget amendment appropriates fund balance to transfer to the Ag Center Renovation Capital Project. The estimated cost of the project is \$550,725.

Revenue:

0100991-499100	Fund Balance Appropriated	<u>\$550,725 Incr</u>
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Expenditure:

0109500-598090	Transfer to Ag Center Renovation	<u>\$550,725 Incr</u>
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Ms. Stacie Shatzer, Assistant County Manager asked the Board to consider an appointment to the Nash-Edgecombe Economic Development (NEED) Board of Directors. She explained that at the February Board of Commissioners' meeting Marvin Arrington was reappointed to the NEED Board of Directors, and that upon further investigation into the requirements for this Board, it was determined that this appointment needs to be either someone elected to a public role or someone employed by a public entity. Mr. Arrington does not meet these criteria and therefore, this appointment needs to be retracted. There is a recommendation to appoint Stacie Shatzer to this Board.

On motion of Lou M. Richardson seconded by J. Wayne Outlaw and duly passed that the Board of Commissioners rescind the appointment of Marvin Arrington and appoint Stacie Shatzer to the Nash-Edgecombe Economic Development (NEED) Board of Directors.

The Monthly Tax Collector's report was accepted.

Mr. Jim Wrenn, Tax Administrator asked the Board to consider approval of tax refund requests for March 2019.

On motion of Fred Belfield, Jr. seconded by J. Wayne Outlaw and duly passed that the following tax refunds be approved.

REFUND REQUESTS
MARCH 7, 2019

1. GIBSON MELVIN E & DIANE	SWF 2018	\$	125.00
2106 TROOPER RD			
NASHVILLE NC 27856	TOTAL	\$	125.00

PARCEL 036935 INCORRECTLY CHARGED 2 SWF

GIBSON MELVIN E & DIANE	SWF 2017	\$	125.00
2106 TROOPER RD			
NASHVILLE NC 27856	TOTAL	\$	125.00

PARCEL 036935 INCORRECTLY CHARGED 2 SWF

2. GLOVER CURTIS HEIRS	NCO 2018	\$	2.68
3524 BRANTLEY RD	F33 2018		<u>.53</u>
ZEBULON NC 27597	TOTAL	\$	3.21

INCORRECT VALUE ON OUTHUSES PARCEL 005710. VALUE REDUCTION \$400

GLOVER CURTIS HEIRS	NCO 2017	\$	2.68
3524 BRANTLEY RD	F33 2017		<u>.53</u>
ZEBULON NC 27597	TOTAL	\$	3.21

INCORRECT VALUE ON OUTHUSES PARCEL 005710. VALUE
REDUCTION \$400

GLOVER CURTIS HEIRS	NCO 2016	\$	2.68
3524 BRANTLEY RD	F33 2016		<u>.53</u>
ZEBULON NC 27597	TOTAL	\$	3.21

INCORRECT VALUE ON OUTHUSES PARCEL 005710. VALUE
REDUCTION \$400

GLOVER CURTIS HEIRS	NCO 2015	\$	2.68
3524 BRANTLEY RD	F33 2015		<u>.53</u>
ZEBULON NC 27597	TOTAL	\$	3.21

INCORRECT VALUE ON OUTHUSES PARCEL 005710. VALUE
REDUCTION \$400

GLOVER CURTIS HEIRS	NCO 2014	\$	2.68
3524 BRANTLEY RD	F33 2014		<u>.53</u>
ZEBULON NC 27597	TOTAL	\$	3.21

INCORRECT VALUE ON OUTHUSES PARCEL 005710. VALUE
REDUCTION \$400

3. GLOVER MARGARET H HEIRS

3524 BRANTLEY RD	NCO 2018	\$	17.06
ZEBULON NC 27597	F33 2018		<u>3.40</u>
	TOTAL	\$	20.46

INCORRECT WELL CHARGE PARCEL 005711 VALUE REDUCTION OF \$2546

GLOVER MARGARET H HEIRS	NCO 2017	\$	17.06
3524 BRANTLEY RD	F33 2017		<u>3.40</u>
ZEBULON NC 27597	TOTAL	\$	20.46

INCORRECT WELL CHARGE PARCEL 005711 VALUE REDUCTION OF \$2546

GLOVER MARGARET H HEIRS	NCO 2016	\$	17.00
3524 BRANTLEY RD	F33 2016		<u>3.39</u>
ZEBULON NC 27597	TOTAL	\$	20.39

INCORRECT WELL CHARGE PARCEL 005711 VALUE REDUCTION OF \$2538

GLOVER MARGARET H HEIRS	NCO 2015	\$	17.00
3524 BRANTLEY RD	F33 2015		<u>3.39</u>
ZEBULON NC 27597	TOTAL	\$	20.39

INCORRECT WELL CHARGE PARCEL 005711 VALUE REDUCTION OF \$2538

GLOVER MARGARET H HEIRS	NCO 2014	\$	17.00
3524 BRANTLEY RD	F33 2014		<u>3.39</u>
ZEBULON NC 27597	TOTAL	\$	20.39

INCORRECT WELL CHARGE PARCEL 005711 VALUE REDUCTION OF \$2538

Mr. Wrenn asked the Board to consider establishing dates for the Board of Equalization and Review schedule that will be advertised in the local newspaper.

On motion of J. Wayne Outlaw seconded by Sue Leggett and duly passed that the Board approve the recommended schedule of the Board of Equalization and Review; the first meeting scheduled for Monday, May 6, 2019 at 11:00 a.m. and adjourn for the purpose of accepting appeals at second meeting on June 3, 2019.

Chairman Davis called on the Commissioners for any comments and/or reports.

Chairman Davis provided a Chairman's Report to the Board.

Mr. Lamb provided a Manager's Report to the Board.

On motion of J. Wayne Outlaw seconded by Dan Cone and duly passed that the Board go into closed session as permitted by NCGS 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege; and NCGS 143-318.11(a)(4) for the discussion of matters relating to economic development and the location or expansion of industries or other businesses in the County.

During closed session, the Board received updates on economic development projects and consulted with the attorney to discuss matters that are subject to the attorney-client privilege between the attorney and the Board.

On motion of Fred Belfield, Jr. seconded by Sue Leggett and duly passed that the closed session minutes of February 4, 2019 be approved.

On motion of Lou M. Richardson seconded by Dan Cone and duly passed that the closed session adjourn.

On motion of Lou M. Richardson seconded by Dan Cone and duly passed that the meeting recess until Thursday, March 21, 2019 at 6:00 PM for the Legislative Dinner at the Nashville Exchange Steakhouse & Café (229 W. Washington Street, Nashville, NC).

Janice Evans, Clerk
Nash County Board of Commissioners