A regular meeting of the Nash County Board of Commissioners was held at 9:00 AM, January 3, 2022 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 Marvin C. Arrington, Fred Belfield, Jr., Dan Cone, Sue Leggett, J. Wayne Outlaw, and Gwen Wilkins.

Others present were Stacie Shatzer, Donna Wood, Janice Evans, Zee B. Lamb, Vince Durham, and other staff members and members of the public.

Chairman Robbie B. 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 by a sitting commissioner 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 Mr. Dan Cone 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 Fred Belfield, Jr. and duly passed that the minutes of the December 6, 2021 regular meeting be approved.

Chairman Davis asked for any public comments. There were none.

Mr. Parker Sherrod, Boy Scout Troup 76, Nashville, NC presented for the Board’s consideration a request to add missing fallen officer names to FOP Memorial located on the Nash County Courthouse grounds as his Eagle Scout project.

On motion of Commissioners Robbie B. Davis, Marvin C. Arrington, Fred Belfield, Jr., Dan Cone, Sue Leggett, J. Wayne Outlaw and Gwen Wilkins seconded by Commissioners Robbie B. Davis, Marvin C. Arrington, Fred Belfield, Jr., Dan Cone, Sue Leggett, J. Wayne Outlaw and Gwen Wilkins and duly passed that the Nash County Board of Commissioners approve the request to add the missing fallen officer names to FOP Memorial located on the Nash County Courthouse grounds.

Mr. Anison Kirkland, Human Resources Director, Chairman Davis, and Ms. Stacie Shatzer, County Manager provided special recognition to Nash County employees with 20 or more years of Nash County service.
Mr. Adam Tyson, Planning Director presented for the Board’s consideration
Second Public Hearing on Conditional Rezoning Request CZ-211102 for the Seamster
Phase 2 Subdivision and requested adoption of a statement of plan consistency and
reasonableness, and approval or denial of the zoning map amendment. He noted the
following information:

**Request Update:**

The Board previously held and closed a public hearing on this request at the December
6, 2021 regular meeting and voted to table the request for a second public hearing in
order for the applicant to provide additional information regarding the impact of the
proposed new road and waterline extension to the Beaverdam Creek and its related
wetlands.

The applicant has since submitted a new sketch plan for the Seamster Phase 2
Subdivision with the following significant revisions:

1. The road connection previously proposed to cross the Beaverdam Creek to the Old
   Smithfield Road Subdivision to the south has been removed;

2. The road connection previously proposed to the immediately adjacent property to
   the west (currently in the ownership of Brandy & Timmy Bailey) has been removed;

3. The total number of proposed new residential lots has been reduced from 49 to 45;
   and

4. The waterline connection to the Seamster Phase 1 Subdivision to the south is now
   proposed to be bored underneath the Beaverdam Creek in order to reduce the
   potential disturbance of the creek itself as well as to its related riparian buffer zone.

He advised the Nash County Technical Review Committee (TRC) considered
Conditional Rezoning Request CZ-211102 on November 3, 2021 and recommended
**APPROVAL** of the request and the suggested statement of plan consistency and
reasonableness below, subject to the recommended development conditions. He also
advised the Nash County Planning Board considered Conditional Rezoning Request
CZ-211102 on November 15, 2021. Kevin Varnell with Stocks Engineering addressed
the Board in support of the request on behalf of the applicant. The following members
of the public addressed the Board in opposition to the request, expressing concerns
regarding the increased residential density and traffic, the loss of forest and farmland,
the potential environmental impact to the Beaverdam Creek, the potential accumulation
of trash, and safety issues related to increased demands on local EMS and law
enforcement:

Sharon Eatmon, Adjacent Property Owner to the Southwest
Michael Simonof, 9894 Pauls Ln
Wilbur Pace, 4210 Bull Head Rd
Timmy Bailey, 4373 Bull Head Rd
With a split vote of 6 to 2, the Planning Board recommended APPROVAL of the request and the suggested statement of plan consistency and reasonableness below, subject to the recommended development conditions.

**Statement of Plan Consistency and Reasonableness:**

Conditional Rezoning Request CZ-211102 is:

1. Consistent with the recommendations of the Nash County Land Development Plan (LDP) because:
   a. The LDP designates the subject property as Suburban Growth Area.
   b. The LDP supports the rezoning of property located within the Suburban Growth Area where public water service is available to either the RA-30 or RA-20 Zoning Districts at the Board’s discretion.
   c. The subject property has access to Nash County public water service via existing four-inch (4”) waterlines installed along either the Old Smithfield Road right-of-way to the south or the Bull Head Road right-of-way to the east.
   d. Permitting higher density residential development will help to accommodate the significant residential growth anticipated by the LDP for the Suburban Growth Area.

2. Reasonable and in the public interest because:
   a. The request is not “spot zoning” because it is an expansion of the immediately adjacent RA-20-CZ (Medium Density Residential) Conditional Zone previously established for the development of the similar Old Smithfield Road Subdivision (Case File #CU-210304) and the Seamster Subdivision (Case File #CZ-210802) to the south.
   b. The subject property already is and will continue to be zoned for residential use, similar to the adjacent and surrounding properties.
   c. Approval of the request will permit smaller minimum lot areas and increased residential density, but the new zoning district is also more restrictive in terms of permitted land uses than the current zoning district.

**Development Conditions:**

1. The subject property shall be developed in accordance with the approved subdivision sketch plan for the Seamster Phase 2 Subdivision.

2. The subject property may be developed for the land uses permitted in the RA-20 (Medium-Density Residential) Zoning District in accordance with the standard requirements and procedures established for that district by the Nash County Unified Development Ordinance.

3. All residential lots subdivided from the subject property shall be served by the Nash County Public Water System, which shall be extended by the developer as necessary.

4. Significant or substantial modifications or revisions to the approved design of the subdivision sketch plan may require additional review by the Nash County Technical Review Committee and the Nash County Planning Board as well as re-approval by the Nash County Board of Commissioners at the discretion of the Zoning Administrator.

On motion of J. Wayne Outlaw seconded by Gwen Wilkins and duly passed that the Nash County Board of Commissioners go into a public hearing.
Mr. Michael Simonof of Pauls Lane, Bailey, NC spoke in opposition to the rezoning request.

Ms. Sharon Eatmon of Pace Road, Bailey, NC spoke in opposition to the request.

Mr. Wilbur Pace, of Bull Head Road, Bailey, NC spoke in opposition to the rezoning request.

Mr. Timmy Bailey of Bull Head Road, Bailey, NC spoke in opposition to the rezoning request.

Mr. Kevin Varnell, Stocks Engineering spoke representing the owner/developer and in support of the rezoning request.

Ms. Cindy Childress of Bull Head Road, Bailey, NC spoke in opposition to the request.

Mr. Bailey spoke for a second time to ask a question regarding the approval of the original site plan.

Mr. Tyson provided a response to Mr. Bailey’s question regarding the prior approval of the original site plan for the Old Smithfield Road Subdivision.

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

Commissioner Fred Belfield, Jr. made a motion that the Nash County Board of Commissioners APPROVE Conditional Rezoning Request CZ-211102 to rezone the specified property to RA-20-CZ (Medium Density Residential Conditional Zone) for the development of the Seamster Phase 2 Subdivision and the statement of plan consistency and reasonableness below, subject to the following five (5) development conditions.

Statement of Plan Consistency and Reasonableness:

Conditional Rezoning Request CZ-211102 is:

1) Consistent with the recommendations of the Nash County Land Development Plan (LDP) because:
   a) The LDP designates the subject property as Suburban Growth Area.
   b) The LDP supports the rezoning of property located within the Suburban Growth Area where public water service is available to either the RA-30 or RA-20 Zoning Districts at the Board’s discretion.
   c) The subject property has access to Nash County public water service via existing four-inch (4”) waterlines installed along either the Old Smithfield Road right-of-way to the south or the Bull Head Road right-of-way to the east.
Permitting higher density residential development will help to accommodate the significant residential growth anticipated by the LDP for the Suburban Growth Area.

Reasonable and in the public interest because:

(a) The request is not "spot zoning" because it is an expansion of the immediately adjacent RA-20-CZ (Medium Density Residential) Conditional Zone previously established for the development of the similar Old Smithfield Road Subdivision (Case File #CU-210304) and the Seamster Subdivision (Case File #CZ-210802) to the south.

(b) The subject property already is and will continue to be zoned for residential use, similar to the adjacent and surrounding properties.

(c) Approval of the request will permit smaller minimum lot areas and increased residential density, but the new zoning district is also more restrictive in terms of permitted land uses than the current zoning district.

Development Conditions:

1. The subject property shall be developed in accordance with the approved subdivision sketch plan for the Seamster Phase 2 Subdivision.

2. The subject property may be developed for the land uses permitted in the RA-20 (Medium-Density Residential) Zoning District in accordance with the standard requirements and procedures established for that district by the Nash County Unified Development Ordinance.

3. All residential lots subdivided from the subject property shall be served by the Nash County Public Water System, which shall be extended by the developer as necessary.

4. Significant or substantial modifications or revisions to the approved design of the subdivision sketch plan may require additional review by the Nash County Technical Review Committee and the Nash County Planning Board as well as re-approval by the Nash County Board of Commissioners at the discretion of the Zoning Administrator.

5. The developer shall plant a vegetative screening buffer consisting of two (2) rows of Leyland cypress trees (or a similar, equivalent species) to be located on the northern rear portions of proposed Lots 41 through 45 and on the northern side portion of proposed Lot 1 along and adjacent to the Bull Head Road public right-of-way (with the exception of the driveway entrance required for proposed Street "A") as well as on the western rear portions of Lots 1 through 5 along and adjacent to the property identified as Tax Map PIN #277400251731 (Owner: Bailey.)

Commissioner Marvin C. Arrington seconded the motion. The motion failed by the following vote:

<table>
<thead>
<tr>
<th>Commissioner</th>
<th>Vote</th>
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<tbody>
<tr>
<td>Marvin C. Arrington</td>
<td>Yes</td>
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<tr>
<td>Fred Belfield, Jr.</td>
<td>Yes</td>
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<tr>
<td>Robbie B. Davis</td>
<td>Yes</td>
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<tr>
<td>Dan Cone</td>
<td>No</td>
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<tr>
<td>Sue Leggett</td>
<td>No</td>
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<tr>
<td>J. Wayne Outlaw</td>
<td>No</td>
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<tr>
<td>Gwen Wilkins</td>
<td>No</td>
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</tbody>
</table>
On motion of Sue Leggett seconded by Gwen Wilkins and duly passed with Fred Belfield, Jr. voting "no" that the Nash County Board of Commissioners **APPROVE** Conditional Rezoning Request CZ-211102 to rezone the specified property to RA-20-CZ (Medium Density Residential Conditional Zone) for the development of the Seamster Phase 2 Subdivision and the statement of plan consistency and reasonableness below, subject to the following six (6) development conditions.

**Statement of Plan Consistency and Reasonableness:**

Conditional Rezoning Request CZ-211102 is:

1. Consistent with the recommendations of the Nash County Land Development Plan (LDP) because:
   a. The LDP designates the subject property as Suburban Growth Area.
   b. The LDP supports the rezoning of property located within the Suburban Growth Area where public water service is available to either the RA-30 or RA-20 Zoning Districts at the Board’s discretion.
   c. The subject property has access to Nash County public water service via existing four-inch (4”) waterlines installed along either the Old Smithfield Road right-of-way to the south or the Bull Head Road right-of-way to the east.
   d. Permitting higher density residential development will help to accommodate the significant residential growth anticipated by the LDP for the Suburban Growth Area.

2. Reasonable and in the public interest because:
   a. The request is not "spot zoning" because it is an expansion of the immediately adjacent RA-20-CZ (Medium Density Residential) Conditional Zone previously established for the development of the similar Old Smithfield Road Subdivision (Case File #CU-210304) and the Seamster Subdivision (Case File #CZ-210802) to the south.
   b. The subject property already is and will continue to be zoned for residential use, similar to the adjacent and surrounding properties.
   c. Approval of the request will permit smaller minimum lot areas and increased residential density, but the new zoning district is also more restrictive in terms of permitted land uses than the current zoning district.

**Development Conditions:**

1. The subject property shall be developed in accordance with the approved subdivision sketch plan for the Seamster Phase 2 Subdivision.

2. The subject property may be developed for the land uses permitted in the RA-20 (Medium-Density Residential) Zoning District in accordance with the standard requirements and procedures established for that district by the Nash County Unified Development Ordinance.

3. All residential lots subdivided from the subject property shall be served by the Nash County Public Water System, which shall be extended by the developer as necessary.
(4) Significant or substantial modifications or revisions to the approved design of the subdivision sketch plan may require additional review by the Nash County Technical Review Committee and the Nash County Planning Board as well as re-approval by the Nash County Board of Commissioners at the discretion of the Zoning Administrator.

(5) The developer shall plant a vegetative screening buffer consisting of two (2) rows of Leyland cypress trees (or a similar, equivalent species) to be located on the northern rear portions of proposed Lots 41 through 45 and on the northern side portion of proposed Lot 1 along and adjacent to the Bull Head Road public right-of-way (with the exception of the driveway entrance required for proposed Street “A”) as well as on the western rear portions of Lots 1 through 5 along and adjacent to the property identified as Tax Map PIN #277400251731 (Owner: Bailey.)

(6) The area identified on the sketch plan as proposed Lots 41 through 45 (which is located immediately south of the Bull Head Road public right-of-way, east of proposed Street “A”, and north of proposed Street “B”) shall be reduced from a total of five (5) lots to no more than four (4) lots.

Mr. Tyson presented for the Board's consideration Second Public Hearing on General Rezoning Request Z-211101 for a General Commercial District at Joyners Crossroad and requested adoption of a statement of plan consistency and reasonableness, and approval or denial of the zoning map amendment. He noted the following information:

**Request Update:**

The Board previously held and closed a public hearing on this request at the December 6, 2021 regular meeting and voted to deny the request.

A second public hearing on this request has been scheduled to allow for its reconsideration. There have been no changes to the request since the previous public hearing.

He advised the Nash County Technical Review Committee (TRC) considered General Rezoning Request Z-211101 on November 3, 2021 and recommended **APPROVAL** based on its determination that the request is consistent with the recommendations of the Nash County Land Development Plan, reasonable, and in the public interest. He also advised the Nash County Planning Board considered General Rezoning Request Z-211101 on November 15, 2021. Kevin Varnell with Stocks Engineering addressed the Board in support of the request on behalf of the applicant. The Planning Board voted unanimously to recommend **APPROVAL** of the request and the suggested statement of plan consistency and reasonableness below.
Statement of Plan Consistency and Reasonableness:

General Rezoning Request Z-211101 is:

(1) Consistent with the recommendations of the Nash County Land Development Plan (LDP) because:

(a) The LDP designates the subject property as part of a General Commercial Area centered around Joyners Crossroad.

(b) This General Commercial Area was established to encourage the development of more intensive and efficient commercial land uses with shared road access and interconnectivity.

(c) The subject property has potential access to Nash County public water service via the existing twelve-inch (12”) water line installed along the E NC Highway 97 right-of-way and/or the eight-inch (8”) water line installed along the S Halifax Rd right-of-way.

(2) Reasonable, in the public interest, and not “spot zoning” because it is an expansion of the already existing commercial zoning at the Joyners Crossroad intersection, including the Jacks Grocery convenience store at the northeast corner and the Joyners Crossing at Mill Branch shopping center at the southeast corner.

On motion of J. Wayne Outlaw seconded by Dan Cone and duly passed that the Nash County Board of Commissioners go into a public hearing.

No one spoke at the public hearing.

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

On motion of J. Wayne Outlaw seconded by Gwen Wilkins and duly passed that the Nash County Board of Commissioners APPROVE General Rezoning Request Z-211101 to rezone the specified property to GC (General Commercial) along with the following statement of plan consistency and reasonableness.

Statement of Plan Consistency and Reasonableness:

General Rezoning Request Z-211101 is:

(1) Consistent with the recommendations of the Nash County Land Development Plan (LDP) because:

(a) The LDP designates the subject property as part of a General Commercial Area centered around Joyners Crossroad.

(b) This General Commercial Area was established to encourage the development of more intensive and efficient commercial land uses with shared road access and interconnectivity.

(c) The subject property has potential access to Nash County public water service via the existing twelve-inch (12”) water line installed along the E NC Highway 97 right-of-way and/or the eight-inch (8”) water line installed along the S Halifax Rd right-of-way.

(2) Reasonable, in the public interest, and not “spot zoning” because it is an expansion of the already existing commercial zoning at the Joyners Crossroad intersection,
including the Jacks Grocery convenience store at the northeast corner and the Joyners Crossing at Mill Branch shopping center at the southeast corner.

Mr. Tyson presented for the Board’s consideration General Rezoning Request Z-211201 to Expand the General Commercial District at 3714 & 3718 S Halifax Rd. and asked the Board to hold a legislative public hearing, adopt a statement of plan consistency and reasonableness, and approve or deny the zoning map amendment. He advised the Nash County Technical Review Committee (TRC) considered General Rezoning Request Z-211201 on December 9, 2021 and recommended APPROVAL based on its determination that the request is consistent with the recommendations of the Nash County Land Development Plan, reasonable, in the public interest, and not “spot zoning.” He also advised the Nash County Planning Board considered General Rezoning Request Z-211201 on December 20, 2021. No members of the public, other than the applicant, addressed the Board regarding this request. The Planning Board voted unanimously to recommend APPROVAL of the request and the suggested statement of plan consistency and reasonableness below.

**Statement of Plan Consistency and Reasonableness:**

General Rezoning Request Z-211201 is:

1. Consistent with the recommendations of the Nash County Land Development Plan (LDP) because the plan designates the northern portion of the subject property as part of a Rural Commercial Area centered around the West Mount Crossroads, which it identifies as a key road intersection where small-scale commercial services are already present and where the development of additional limited commercial and light industrial land uses should be encouraged to serve the local customer base of surrounding residents.

2. Reasonable, in the public interest, and not “spot zoning” because it is an expansion of the existing GC (General Commercial) Zoning District already established on this parcel around the Ashley’s Hardware & Supplies and Ashley’s Plumbing, Heating & Cooling, Inc. buildings and located across the road from the existing GC (General Commercial) Zoning District at the Ramo’s Pizza & Grill restaurant.

On motion of J. Wayne Outlaw seconded by Dan Cone and duly passed that the Nash County Board of Commissioners to into a public hearing.

No one spoke at the public hearing.

On motion of J. Wayne Outlaw seconded by Gwen Wilkins and duly passed that the public hearing adjourn.

On motion of J. Wayne Outlaw seconded by Dan Cone and duly passed that the Nash County Board of Commissioners APPROVE General Rezoning Request Z-
211201 to rezone the specified property to GC (General Commercial), along with the following statement of plan consistency and reasonableness.

**Statement of Plan Consistency and Reasonableness:**

General Rezoning Request Z-211201 is:

(1) Consistent with the recommendations of the Nash County Land Development Plan (LDP) because the plan designates the northern portion of the subject property as part of a Rural Commercial Area centered around the West Mount Crossroads, which it identifies as a key road intersection where small-scale commercial services are already present and where the development of additional limited commercial and light industrial land uses should be encouraged to serve the local customer base of surrounding residents.

(2) Reasonable, in the public interest, and not “spot zoning” because it is an expansion of the existing GC (General Commercial) Zoning District already established on this parcel around the Ashley’s Hardware & Supplies and Ashley’s Plumbing, Heating & Cooling, Inc. buildings and located across the road from the existing GC (General Commercial) Zoning District at the Ramo’s Pizza & Grill restaurant.

Mr. Tyson presented for the Board’s consideration Conditional Rezoning Request CZ-211201 for a Heavy Construction Contractor at the Intersection of US 64A & NC 231 and asked the Board to hold a legislative public hearing, adopt a statement of plan consistency and reasonableness, and approve or deny the zoning map amendment. He advised the Nash County Technical Review Committee (TRC) considered Conditional Rezoning Request CZ-211201 on December 9, 2021 and recommended APPROVAL based on its determination that the request is mostly consistent with the recommendations of the Nash County Land Development Plan, reasonable, in the public interest, and not unreasonable “spot zoning.” He also advised the Nash County Planning Board considered Conditional Rezoning Request CZ-211201 on December 20, 2021. Robert Fulton of 234 River Ridge Ln addressed the Board with questions about the proposed use of the property. Travis Felts of FMC Grading, Inc. explained that the site would be used for office activity, materials storage, employee parking, and the servicing of equipment. The Planning Board voted unanimously to recommend APPROVAL of the request and the suggested statement of plan consistency and reasonableness below, subject to the recommended development conditions.

**Statement of Plan Consistency and Reasonableness:**

Conditional Rezoning Request CZ-211201 is:

(1) Mostly consistent with the recommendations of the Nash County Land Development Plan (LDP) because:

(a) The LDP designates the subject property as a Suburban Growth Area.
The LDP supports the development of limited nonresidential land uses within the Suburban Growth Area that meet specific locational criteria, including: frontage along and access to either a major state highway or secondary road, location at a major intersection, proximity to similar land uses, and spatial separation from non-compatible land uses such as existing residential development.

The conditional use nature of the request qualifies it as a "limited" nonresidential land use because the development of the property would be limited to the operation of a heavy construction contractor facility only.

The subject property has frontage along and direct access to US Highway 64A as well as frontage along NC Highway 231, both of which are major highways.

The subject property is located directly at the intersection of these two major highways.

The subject property is located in relative proximity to the existing, industrially-zoned Suburban Propane site to the east at 11724 US Highway 64A.

The subject property is located immediately adjacent to the residentially-used property to the east at 12007 US Highway 64A, but the screening buffer of natural vegetation to be preserved along the shared property boundary should mitigate the potential impact of the proposed facility.

Reasonable, in the public interest, and not unreasonable “spot zoning” because:

The subject property is uniquely located at the interchange of NC Highway 231 and the US Highway 64 Bypass, allowing for quick and efficient access for heavy equipment to potential construction sites throughout the region.

The heavy construction activity of the proposed business will be performed primarily offsite.

The proposed screening measures should mitigate the potential impact of the facility on the adjacent and surrounding residentially-used properties.

Development Conditions:

1. The subject property is approved for the development of a heavy construction contractor facility only.

2. The subject property shall be developed in accordance with the approved site plan only, with the following revisions:

   a. Per the NCDOT District Engineer, the site plan shall be revised to include and depict the required installation of a left-hand turn lane in the US Highway 64 public right-of-way for the driveway of the proposed facility.

   b. Per UDO 11-2.4 (C)(1)(i), either the sidewalk directly in front of the office shall be increased in width from five feet (5’) to six feet (6’) or wheel stops shall be depicted at the front of the five (5) immediately adjacent parking spaces in order to provide the minimum required unobstructed walkway width.

   c. The site plan shall depict the proposed location on the property for a stormwater control measure (SCM.)

   d. The location listed in the title block of the site plan shall be revised from “US 264 A & NC 231 HWY” to “US 64A HWY & NC 231 HWY”.

3. The natural vegetative buffers depicted on the approved site plan shall be preserved, maintained, supplemented, and/or replaced as necessary to effectively screen the facility from the surrounding properties and road rights-of-way.
Prior to the construction of the heavy construction contractor facility, the following permits and documents shall be submitted, reviewed, approved and/or issued, as applicable:

(a) Erosion & Sedimentation Control Plan Approval issued by the N.C. Department of Environmental Quality;
(b) Driveway Permit issued by the N.C. Department of Transportation;
(c) Onsite Well and Wastewater System Permits issued by the Nash County Environmental Health Division; and
(d) Tar-Pamlico Stormwater Permit, Zoning Permit, Commercial Building Permit, and Commercial Trade Permits issued by the Nash County Planning & Inspections Department.

On motion of Dan Cone seconded by Sue Leggett and duly passed that the Nash County Board of Commissioners go into a public hearing.

Ms. Jo Ann Turner of Boone Ln., Spring Hope, NC spoke in opposition to the rezoning request.

Ms. Marsha Hopkins of 12007 U.S. 64A, Spring Hope, NC spoke in opposition to the request.

Mr. Travis Felts of FMS Grading, Inc. spoke in favor of the request.

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

On motion of Dan Cone seconded by Gwen Wilkins and duly passed that the Nash County Board of Commissioners APPROVE Conditional Rezoning Request CZ-211201 to rezone the specified property to GI-CZ (General Industrial Conditional Zone) for a heavy construction contractor facility and the statement of plan consistency and reasonableness below, subject to the following development conditions.

**Statement of Plan Consistency and Reasonableness:**

Conditional Rezoning Request CZ-211201 is:

(1) Mostly consistent with the recommendations of the Nash County Land Development Plan (LDP) because:

(a) The LDP designates the subject property as a Suburban Growth Area.
(b) The LDP supports the development of limited nonresidential land uses within the Suburban Growth Area that meet specific locational criteria, including: frontage along and access to either a major state highway or secondary road, location at a major intersection, proximity to similar land uses, and spatial separation from non-compatible land uses such as existing residential development.
(c) The conditional use nature of the request qualifies it as a “limited” nonresidential land use because the development of the property would be limited to the operation of a heavy construction contractor facility only.
The subject property has frontage along and direct access to US Highway 64A as well as frontage along NC Highway 231, both of which are major highways.

The subject property is located directly at the intersection of these two major highways.

The subject property is located in relative proximity to the existing, industrially-zoned Suburban Propane site to the east at 11724 US Highway 64A.

The subject property is located immediately adjacent to the residentially-used property to the east at 12007 US Highway 64A, but the screening buffer of natural vegetation to be preserved along the shared property boundary should mitigate the potential impact of the proposed facility.

Reasonable, in the public interest, and not unreasonable “spot zoning” because:

- The subject property is uniquely located at the interchange of NC Highway 231 and the US Highway 64 Bypass, allowing for quick and efficient access for heavy equipment to potential construction sites throughout the region.
- The heavy construction activity of the proposed business will be performed primarily offtsite.
- The proposed screening measures should mitigate the potential impact of the facility on the adjacent and surrounding residentially-used properties.

Development Conditions:

1. The subject property is approved for the development of a heavy construction contractor facility only.

2. The subject property shall be developed in accordance with the approved site plan only, with the following revisions:

   a. Per the NCDOT District Engineer, the site plan shall be revised to include and depict the required installation of a left-hand turn lane in the US Highway 64 public right-of-way for the driveway of the proposed facility.

   b. Per UDO 11-2.4 (C)(1)(i), either the sidewalk directly in front of the office shall be increased in width from five feet (5’) to six feet (6’) or wheel stops shall be depicted at the front of the five (5) immediately adjacent parking spaces in order to provide the minimum required unobstructed walkway width.

   c. The site plan shall depict the proposed location on the property for a stormwater control measure (SCM.)

   d. The location listed in the title block of the site plan shall be revised from “US 264 A & NC 231 HWY” to “US 64A HWY & NC 231 HWY”.

3. The natural vegetative buffers depicted on the approved site plan shall be preserved, maintained, supplemented, and/or replaced as necessary to effectively screen the facility from the surrounding properties and road rights-of-way.

4. Prior to the construction of the heavy construction contractor facility, the following permits and documents shall be submitted, reviewed, approved and/or issued, as applicable:

   a. Erosion & Sedimentation Control Plan Approval issued by the N.C. Department of Environmental Quality;
   b. Driveway Permit issued by the N.C. Department of Transportation;
   c. Onsite Well and Wastewater System Permits issued by the Nash County Environmental Health Division; and
Mr. Tyson presented for the Board’s consideration Conditional Rezoning Request CZ-211202 to Expand the Gideon Solar Farm on Taylors Gin Rd. and asked the Board to hold a legislative public hearing, adopt a statement of plan consistency and reasonableness, and approve or deny the zoning map amendment. He advised the Nash County Technical Review Committee (TRC) considered Conditional Rezoning Request CZ-211202 on December 9, 2021 and recommended APPROVAL based on its determination that the request is consistent with the recommendations of the Nash County Land Development Plan, reasonable, in the public interest, and not “spot zoning.” Furthermore, the TRC recommended the attachment of the same conditions previously applicable to Conditional Use Permit CU-210401, which first authorized the development of the Gideon Solar Farm. He also advised the Nash County Planning Board considered Conditional Rezoning Request CZ-211202 on December 20, 2021. No members of the public, other than the applicant, addressed the Board regarding this request. The Planning Board voted unanimously to recommend APPROVAL of the request and the suggested statement of plan consistency and reasonableness below, subject to the recommended development conditions.

Statement of Plan Consistency and Reasonableness:

Conditional Rezoning Request CZ-211202 is:

1. Consistent with the recommendations of the Nash County Land Development Plan (LDP) because while the plan does not specifically address solar farm facilities as a land use, they have previously been found to be consistent with its general recommendations for the Rural Growth Area because:
   a. Solar farm facilities do not require services that are typically available only in more urban or suburban areas such as public water and/or sewer service.
   b. Solar farm facilities have proven compatible with the low-density residential and agricultural development pattern that typically characterizes the Rural Growth Area.

2. Reasonable, in the public interest, and not “spot zoning” because:
   a. The solar farm facility will provide a renewable, sustainable, alternative energy source that is in the public interest.
   b. The solar farm facility should generate minimal noise and traffic and should not generate any dust, fumes, odors, or toxic wastes.
   c. The solar farm facility shall be screened from the view of the public road right-of-way by a preserved natural vegetative buffer.
   d. The solar farm facility may operate in harmony with the other agricultural and residential land uses typically found throughout the A1 (Agricultural) Zoning District.
Development Conditions:

(1) The subject property is approved for the development of a photovoltaic solar farm facility only.

(2) The solar farm facility shall be developed on the subject property in accordance with the submitted application materials, the approved site plan, and all applicable requirements of the Nash County Unified Development Ordinance.

(3) All inverters and battery energy storage systems (BESS) shall be located a minimum of three hundred (300) feet from the exterior boundary of the subject property.

(4) The twenty-five (25) foot wide vegetative screening buffer depicted on the approved site plan shall be preserved, maintained, supplemented, or replaced with additional plantings as necessary in order to provide effective visual screening of the solar farm facility from the public right-of-way of Taylors Gin Road.

(5) The fifty-foot (50') wide access easement depicted along the existing farm path on the northern subject parcel shall remain clear and passable both during and after the construction of the proposed solar farm facility.

(6) A permanent modular trailer may be located on the solar farm facility site, subject to the standard zoning and permitting requirements applicable to that type of structure.

(7) Prior to the construction of the solar farm facility, the following permits and documents shall be submitted, reviewed, approved and/or issued, as applicable:

   (a) A revised, final site plan depicting the specific construction details of the solar farm facility;
   (b) The manufacturer’s specifications of the actual battery energy storage systems (BESS) to be utilized on the solar farm site as well as a related safety and management plan;
   (c) A decommissioning plan for the removal of the solar farm facility;
   (d) A Certificate of Public Convenience and Necessity (CPCN) issued by the North Carolina Utilities Commission;
   (e) Erosion & Sedimentation Control Plan Approval, Riparian Stream Buffer Determinations, and Stream Crossing Approvals issued by the N.C. Department of Environmental Quality and/or the U.S. Army Corps of Engineers;
   (f) Driveway Permit(s) issued by the N.C. Department of Transportation;
   (g) Well and Wastewater System Abandonment Permits issued by the Nash County Environmental Health Division (if necessary) for the existing structure located on the western tract at 8301 N NC Highway 58; and
   (h) Tar-Pamlico River Basin Overlay District Stormwater Permit, Demolition Permit, Zoning Permit, and Electrical Permit issued by the Nash County Planning & Inspections Department.

(8) A vested right is established upon the approval of this conditional zoning district and its associated site plan (as may be amended from time to time during the development process), which shall remain valid for a period of five (5) years and...
which is warranted due to the large size and complexity of the proposed solar farm facility project as well as the multi-million dollar investment required to upgrade the surrounding electrical infrastructure in accordance with N.C.G.S. 160D-108.1(e)(2).

(9) The solar farm facility shall be removed, at the expense of the landowner(s) of record or such other responsible party as identified by the lease agreement, within one hundred eighty (180) days of a determination by the Zoning Administrator that the facility has been abandoned or is no longer being maintained in an operable state of good repair in accordance with the requirements of UDO Article XI, Section 11-4, Subsection 11-4.72(a)(G).

Chairman Davis called for a ten (10) minute recess.

Chairman Davis called the meeting back to order.

Mr. Tyson provided an update to the Board on the rezoning request. He stated that during the recess he was advised by the applicant that they have negotiated an additional development condition that they would like to add to the proposal prior to the public hearing:

(10) The applicant will provide a twenty-five foot (25’) wide vegetative buffer along the approximately five hundred feet (500’) of shared property line between the site and the adjacent parcel identified as Nash County Tax Map PIN #288400590172 (Owner: Fisher.) The buffer shall consist of either existing vegetation or planted, managed regrowth to be located on either the site or the adjacent parcel as to be agreed upon between the applicant and the adjacent parcel owner.

On motion of Marvin C. Arrington seconded by Fred Belfield, Jr. and duly passed that the Nash County Board of Commissioners go into a public hearing.

Mr. Brooks Camp, Birdseye Renewable Energy spoke in support of the request.

On motion of Gwen Wilkins seconded by Sue Leggett and duly passed that the public hearing adjourn.

On motion of Marvin C. Arrington seconded by Gwen Wilkins and duly passed that the Nash County Board of Commissioners APPROVE Conditional Rezoning Request CZ-211202 to rezone the specified property to A1-CZ (Agricultural Conditional Zone) for the development and expansion of the 80-megawatt photovoltaic Gideon Solar Farm facility and the statement of plan consistency and reasonableness below, subject to the following development conditions.
Statement of Plan Consistency and Reasonableness:

Conditional Rezoning Request CZ-211202 is:

(1) Consistent with the recommendations of the Nash County Land Development Plan (LDP) because while the plan does not specifically address solar farm facilities as a land use, they have previously been found to be consistent with its general recommendations for the Rural Growth Area because:
   (a) Solar farm facilities do not require services that are typically available only in more urban or suburban areas such as public water and/or sewer service.
   (b) Solar farm facilities have proven compatible with the low-density residential and agricultural development pattern that typically characterizes the Rural Growth Area.

(2) Reasonable, in the public interest, and not “spot zoning” because:
   (a) The solar farm facility will provide a renewable, sustainable, alternative energy source that is in the public interest.
   (b) The solar farm facility should generate minimal noise and traffic and should not generate any dust, fumes, odors, or toxic wastes.
   (c) The solar farm facility shall be screened from the view of the public road right-of-way by a preserved natural vegetative buffer.
   (d) The solar farm facility may operate in harmony with the other agricultural and residential land uses typically found throughout the A1 (Agricultural) Zoning District.

Development Conditions:

(1) The subject property is approved for the development of a photovoltaic solar farm facility only.

(2) The solar farm facility shall be developed on the subject property in accordance with the submitted application materials, the approved site plan, and all applicable requirements of the Nash County Unified Development Ordinance.

(3) All inverters and battery energy storage systems (BESS) shall be located a minimum of three hundred (300) feet from the exterior boundary of the subject property.

(4) The twenty-five (25) foot wide vegetative screening buffer depicted on the approved site plan shall be preserved, maintained, supplemented, or replaced with additional plantings as necessary in order to provide effective visual screening of the solar farm facility from the public right-of-way of Taylors Gin Road.

(5) The fifty-foot (50’) wide access easement depicted along the existing farm path on the northern subject parcel shall remain clear and passable both during and after the construction of the proposed solar farm facility.

(6) A permanent modular trailer may be located on the solar farm facility site, subject to the standard zoning and permitting requirements applicable to that type of structure.

(7) Prior to the construction of the solar farm facility, the following permits and documents shall be submitted, reviewed, approved and/or issued, as applicable:
(a) A revised, final site plan depicting the specific construction details of the solar farm facility;
(b) The manufacturer’s specifications of the actual battery energy storage systems (BESS) to be utilized on the solar farm site as well as a related safety and management plan;
(c) A decommissioning plan for the removal of the solar farm facility;
(d) A Certificate of Public Convenience and Necessity (CPCN) issued by the North Carolina Utilities Commission;
(e) Erosion & Sedimentation Control Plan Approval, Riparian Stream Buffer Determinations, and Stream Crossing Approvals issued by the N.C. Department of Environmental Quality and/or the U.S. Army Corps of Engineers;
(f) Driveway Permit(s) issued by the N.C. Department of Transportation;
(g) Well and Wastewater System Abandonment Permits issued by the Nash County Environmental Health Division (if necessary) for the existing structure located on the western tract at 8301 N NC Highway 58; and
(h) Tar-Pamlico River Basin Overlay District Stormwater Permit, Demolition Permit, Zoning Permit, and Electrical Permit issued by the Nash County Planning & Inspections Department.

(8) A vested right is established upon the approval of this conditional zoning district and its associated site plan (as may be amended from time to time during the development process), which shall remain valid for a period of five (5) years and which is warranted due to the large size and complexity of the proposed solar farm facility project as well as the multi-million dollar investment required to upgrade the surrounding electrical infrastructure in accordance with N.C.G.S. 160D-108.1(e)(2).

(9) The solar farm facility shall be removed, at the expense of the landowner(s) of record and/or such other responsible party as identified by the lease agreement, within one hundred eighty (180) days of a determination by the Zoning Administrator that the facility has been abandoned or is no longer being maintained in an operable state of good repair in accordance with the requirements of UDO Article XI, Section 11-4, Subsection 11-4.72(a)(G).

(10) The applicant will provide a twenty-five foot (25’) wide vegetative buffer along the approximately five hundred feet (500’) of shared property line between the site and the adjacent parcel identified as Nash County Tax Map PIN #288400590172 (Owner: Fisher.) The buffer shall consist of either existing vegetation or planted, managed regrowth to be located on either the site or the adjacent parcel as to be agreed upon between the applicant and the adjacent parcel owner.

Mr. Tyson presented for the Board’s consideration Conditional Rezoning Request CZ-211204 for the Baker Farm Subdivision and asked the Board to hold a legislative public hearing, adopt a statement of plan consistency and reasonableness, and approve or deny the zoning map amendment. He advised the Nash County Technical Review Committee (TRC) considered Conditional Rezoning Request CZ-211204 on December 9, 2021 and recommended APPROVAL, subject to the suggested development conditions. He also advised the Nash County Planning Board considered Conditional Rezoning Request CZ-211204 on December 20, 2021. No members of the public, other
than a representative for the applicant, addressed the Board with regard to this request.

The Planning Board voted unanimously to recommend APPROVAL of the request – specifically with the four road connections to the adjacent properties as shown on the sketch plan – and the suggested statement of plan consistency and reasonableness below, subject to the recommended development conditions.

**Statement of Plan Consistency and Reasonableness:**

Conditional Rezoning Request CZ-211204 is:

(1) Consistent with the recommendations of the Nash County Land Development Plan (LDP) because:
   (a) The LDP designates the subject property as Suburban Growth Area.
   (b) The LDP supports the rezoning of property located within the Suburban Growth Area where public water service is available to either the RA-30 or RA-20 Zoning Districts at the Board’s discretion.
   (c) The subject property has access to Nash County public water service via an existing six-inch (6”) waterline installed along the Barnes Hill Church Rd public right-of-way.
   (d) Permitting higher density residential development will help to accommodate the significant residential growth anticipated by the LDP for the Suburban Growth Area.

(2) Reasonable and in the public interest because:
   (a) The request is not “spot zoning” because it is very similar to the R-20-CU Zoning District previously established along the same road to the north in February 2019 for the development of the 45-lot Castle Berry Section Two Subdivision (Case File #CU-190102.)
   (b) The subject property already is and will continue to be zoned for residential use, similar to the adjacent and surrounding properties.
   (c) Approval of the request will permit smaller minimum lot areas and increased residential density, but the new zoning district is also more restrictive in terms of permitted land uses than the current zoning district.

**Development Conditions:**

(1) The subject property shall be developed in accordance with the approved sketch plan for the Baker Farm Subdivision.

(2) The subject property may be developed for the land uses permitted in the RA-20 (Medium Density Residential) Zoning District in accordance with the standard requirements and procedures established for that district by the Nash County Unified Development Ordinance.

(3) All residential lots subdivided from the subject property shall be served by the Nash County Public Water System, which shall be extended by the developer as necessary.

(4) All new road names proposed on the subdivision sketch plan shall be reviewed and approved by Nash County Emergency Services prior to their official assignment.

(5) A stream buffer determination issued for the subject property by the N.C. Department of Environmental Quality, Division of Water Resources shall be submitted prior to a construction approval.
(6) Significant or substantial modifications or revisions to the approved design of the subdivision sketch plan may require additional review by the Nash County Technical Review Committee and the Nash County Planning Board as well as re-approval by the Nash County Board of Commissioners at the discretion of the Zoning Administrator.

Mr. Tyson provided information to the Board stating that he had been approached during the recess by the representative for the applicant, Mr. Nick Rightmyer with Joyner Keeny because they had a proposed change to the design. They are requesting the elimination of the stub road on the southern connection to the adjacent property to be turned back into a cul-de-sac per the request of the adjacent property owner. He advised the Board that staff is recommending this item be returned to the Planning Board for reconsideration. However, because this has a site plan attached to the rezoning, the Board has the authority under their rezoning power to grant this change today.

On motion of J. Wayne Outlaw seconded by Sue Leggett and duly passed that the Nash County Board of Commissioners go into a public hearing.

Mr. Nick Rightmyer with Joyner Keeny spoke in support of the request and provided additional information on the proposed change to the design.

On motion of J. Wayne Outlaw seconded by Dan Cone and duly passed that the public hearing adjourn.

On motion of J. Wayne Outlaw seconded by Fred Belfield, Jr. and duly passed that the Nash County Board of Commissioners APPROVE Conditional Rezoning Request CZ-211204 to rezone the specified property to RA-20-CZ (Medium Density Residential Conditional Zone) for the development of the Baker Farm Subdivision and the statement of plan consistency and reasonableness below, subject to the following development conditions.

**Statement of Plan Consistency and Reasonableness:**

Conditional Rezoning Request CZ-211204 is:

1. Consistent with the recommendations of the Nash County Land Development Plan (LDP) because:
   a. The LDP designates the subject property as Suburban Growth Area.
   b. The LDP supports the rezoning of property located within the Suburban Growth Area where public water service is available to either the RA-30 or RA-20 Zoning Districts at the Board’s discretion.
The subject property has access to Nash County public water service via an existing six-inch (6”) waterline installed along the Barnes Hill Church Rd public right-of-way.

Permitting higher density residential development will help to accommodate the significant residential growth anticipated by the LDP for the Suburban Growth Area.

Reasonable and in the public interest because:

(a) The request is not "spot zoning" because it is very similar to the R-20-CU Zoning District previously established along the same road to the north in February 2019 for the development of the 45-lot Castle Berry Section Two Subdivision (Case File #CU-190102.)

(b) The subject property already is and will continue to be zoned for residential use, similar to the adjacent and surrounding properties.

(c) Approval of the request will permit smaller minimum lot areas and increased residential density, but the new zoning district is also more restrictive in terms of permitted land uses than the current zoning district.

Development Conditions:

(1) The subject property shall be developed in accordance with the revised sketch plan for the Baker Farm Subdivision dated 12/29/2021 and presented at the 1/3/2022 public hearing, which substitutes a cul-de-sac for the second, southernmost stub road connection to the immediately adjacent property to the east identified as Nash County Tax Map PIN #372900267159, currently in the ownership of Nils W. Joyner, Jr. & Debbie V. Joyner.

(2) The subject property may be developed for the land uses permitted in the RA-20 (Medium Density Residential) Zoning District in accordance with the standard requirements and procedures established for that district by the Nash County Unified Development Ordinance.

(3) All residential lots subdivided from the subject property shall be served by the Nash County Public Water System, which shall be extended by the developer as necessary.

(4) All new road names proposed on the subdivision sketch plan shall be reviewed and approved by Nash County Emergency Services prior to their official assignment.

(5) A stream buffer determination issued for the subject property by the N.C. Department of Environmental Quality, Division of Water Resources shall be submitted prior to a construction approval.

(6) Significant or substantial modifications or revisions to the approved design of the subdivision sketch plan may require additional review by the Nash County Technical Review Committee and the Nash County Planning Board as well as re-approval by the Nash County Board of Commissioners at the discretion of the Zoning Administrator.

(7) The owner of the immediately adjacent property to the east identified as Nash County Tax Map PIN #372900267159 (currently Nils W. Joyner, Jr. & Debbie V. Joyner) shall submit written confirmation of their request to substitute a cul-de-sac for the previously proposed second, southernmost stub road connection to that property.
Mr. Andy Hagy, Economic Development Director presented for the Board’s consideration a request for a public hearing for the proposed sale of Nash County property and approval of the resolution for Project Start-FirstWave.

On motion of Dan Cone seconded by Fred Belfield, Jr. and duly passed that the Nash County Board of Commissioners go into a public hearing.

No one spoke during the public hearing.

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

On motion of Dan Cone seconded by J. Wayne Outlaw and duly passed that the Nash County Board of Commissioners approve the sale of the property and the following resolution:

RESOLUTION OF THE
NASH COUNTY BOARD OF COMMISSIONERS

WHEREAS, the Local Development Act of 1925 authorizes counties to make appropriations, and to convey and acquire interests in real property for the purposes of aiding and encouraging the location of manufacturing enterprises, and to assist in locating industrial and commercial plants in the county which will, in the discretion of the governing body of the county, increase the population, taxable property, agricultural industries and business prospects of the county; and

WHEREAS, counties may acquire, construct, and convey "shell" buildings for the purpose of encouraging economic development as authorized by N.C.G.S. 158-7.1(a), (b)(4) and (d); and

WHEREAS, Nash County (herein “County”) has constructed a shell building in the industrial park known as the Middlesex Corporate Centre; and

WHEREAS, the County has entered into a contract to sell the Shell Building to FirstWave Innovations, Inc. (herein “Company”) for One Million Six Hundred Thousand Dollars and No/100 ($1,600,000.00) and the Company has agreed to upfit the
Building with an investment of at least Ten Million Dollars and No/100 ($10,000,000.00) and the Company has agreed that it will create 25 new jobs by the end of 2022 paying an average annual salary wage of over $50,000.00 which is above the average yearly wage of Nash County; and

WHEREAS, the sale of the said shell building by Nash County will increase the taxable property and business prospects of the County; and

WHEREAS, Nash County desires to authorize the sale and conveyance of said shell building to the Company in accordance with the terms of North Carolina General Statute 158-7.1; and

WHEREAS, a public hearing was held by the Nash County Board of Commissioners to further consider this sale.

BE IT NOW THEREFORE, RESOLVED that the Nash County Commissioners approve the sales transaction of the following described property:

Being all of Tract 1 consisting of 7.797 acres, more or less, as shown on that survey entitled “Minor Subdivision Plat Property of Nash County,” dated August 30, 2017, by James G. Strickland Land Surveying, P.A. and recorded in Map Book 41, Page 89, Nash County Registry.

The property was conveyed to Nash County by deed recorded in Book 2431, Page 838, Nash County Registry.
And the Nash County Board of Commissioners makes the following findings after hearing the presentation of Nash County Economic Development Director, Andy Hagy.

1. Nash County is hereby authorized to sell the described real property at the Middlesex Corporate Centre in accordance with the terms of the Purchase Contract with the Company and subject to the Declaration of Covenants, Conditions, Restrictions and Easements for Middlesex Corporate Centre recorded in Book 2857, Page 129, Nash County Registry.

2. The Nash County Commissioners hereby authorize its Chairman and Clerk to execute the deed and related Seller documents to convey the property to the Company named herein in accordance with the terms of the Purchase Contract.

3. The Commissioners do hereby find that the value of the consideration to be received by Nash County including purchase price, projected ad valorem taxes, projected sales tax revenues, the creation of a substantial number of jobs that pay at an above median average wage in the County, and other miscellaneous revenue to be generated by the conveyance meets or exceeds the fair market value of the property to be conveyed to the Company.

The Nash County Board of Commissioners reserves the right
Ms. Donna Wood, Finance Director presented for the Board’s consideration Community Development Block Grant – Building Reuse First Wave Innovations Project Ordinance.

On motion of Gwen Wilkins seconded by Marvin C. Arrington and duly passed that the Nash County Board of Commissioners approve the following Community Development Block Grant – Building Reuse First Wave Innovations Project Ordinance.

ADOPTED this 3rd day of January, 2022.

NASH COUNTY BOARD OF COMMISSIONERS

By: [Signature]

Robbie B. Davis, Chairman
Nash County Board of Commissioners

ATTEST:

[Signature]

Janice Evans, Clerk to the Board

(SEAL)
NASH COUNTY COMMUNITY DEVELOPMENT PROGRAM
FIRST WAVE INNOVATIONS BUILDING REUSE PROJECT
GRANT 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 Grant Project Ordinance is hereby adopted:

Section 1. The project authorized is the Community Development Project described in the work statement contained in Grant Agreement 2022-031-3201-2587 between Nash County and the North Carolina Department of Commerce. This project is more familiarly known as Nash County’s First Wave Innovations Building Reuse Project.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant documents, the rules and regulations of the North Carolina Department of Commerce and the budget contained herein.

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

| 0160659-449348 | CDBG- Building Reuse- First Wave Innovations | 400,000 |

Section 4. The following amounts are appropriated for the project:

| 0164947-569643 | First Wave Innovations Project | 400,000 |

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the Grant Agreement and Federal and State regulations.

Section 6. Funds will be requisitioned periodically from the State after submission of documentation to the County. Disbursement of funds will be made by the County upon actual receipt of invoice from the vendor. Compliance with all federal and state procurement regulations is required.

Section 7. The Finance Officer will report periodically on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this Board.

Section 9. Copies of this Grant Project Ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this 3rd day of January 2022.

Robbie B. Davis, Chairman

ATTEST:

Janice Evans, Clerk to the Board
Ms. Wood presented for the Board’s consideration Debris Removal – Grant Project Ordinance Amendment.

On motion of J. Wayne Outlaw seconded by Sue Leggett and duly passed that the Nash County Board of Commissioners approve the following grant project ordinance amendment.

NASH COUNTY, NC
DEBRIS REMOVAL PROJECT
GRANT PROJECT ORDINANCE
AMENDMENT 3

BE IT ORDEAIN 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 Grant Project Ordinance is hereby amended:

Section 1. The projects authorized are the Tar River Debris Removal, the Stoney Creek Debris Removal the Tar River (Phase 2)/Turkey Creek and Fishing Creek vegetative debris removal for the purpose of stream debris removal and stream repair assistance to assist with disaster recovery activities.

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

Section 3. The following revenues are amended for this project:

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<tr>
<th></th>
<th>Amended</th>
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</thead>
<tbody>
<tr>
<td>095 0600-488038</td>
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Section 4. The following expenditures are projected:

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<td>838,005</td>
</tr>
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Section 5. The Finance Officer shall report quarterly on the financial status of each project element in Section 4 and total revenues received or claimed.

Section 6. 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 3rd day of January 2022.  

Robbie B. Davis, Chairman

ATTEST:

Janice Evans, Clerk to the Board
Ms. Wood presented for the Board’s consideration COVID-19 Grant Project Ordinance Amendment.

On motion of Marvin C. Arrington seconded by Fred Belfield, Jr. and duly passed that the Nash County Board of Commissioners approve the following grant project ordinance amendment.

NASH COUNTY, NC
COVID-19 GRANT PROJECT ORDINANCE AMENDMENT 14

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 Grant Project Ordinance is hereby amended:

Section 1. The project authorized is the COVID-19 Grant Project described in various work statements. These work statements are contained in the following information:

* CARES Act North Carolina Coronavirus Relief fund through S.L. 2020-40 and S.L.2020-80
* CARES Act Provider Relief Funds from the US Health and Human Services Stimulus;
* CARES Act North Carolina Coronavirus Relief fund through S.L. 2020-40 DHHS Local Health Department COVID-19 Infection Prevention
* CARES Act and NC Department of Health and Human Services 716 CDC COVID-19 Vaccination Program, ELC Program, and 539 Centers for Disease Control
* CDC Cooperative Agreement for Emergency Response: Public Health Crisis Response through the Division of Public Health;
* CARES Act and HAVA Funds from HB1169
* North Carolina Department of Administration for the Board of Elections One-Stop
* North Carolina Community Foundation for the Board of Election;
* CARES Act S.L. 2020-97 Election Day Voting
* Bureau of Justice Assistance with the Department of Justice for the Sheriff’s Office;
* CARES Act funding and FFCRA fund for the Provision of County-Based Aging Services
* CARES Act funding for Adult Protective Services/Child Protective Services – DSS Workforce
* CARES Act S.L.2020-97 NCDA & CS Emergency Aid for funding for Farmers Market Operations and Local Food Hubs program.
* CARES Act funding Nutrition Program

Program activities are required to be completed by December 31, 2021 based on extensions for all except the Bureau of Justice available through January 31, 2022, Nutrition Program through June 30, 2022 and the Provision for County Based Aging Services available through June 30, 2021.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant documents and the rules and regulations within the related Federal and State grant projects documents, and the budget contained herein.

Section 3. The following revenues are amended for this project:

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<th>Federal Funding</th>
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<td>141 0210-456002 CARES – DSS IV-B1</td>
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<td>141 0213-458650 CARES – Aging Services</td>
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### Section 4. The following expenditures are projected:

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<td>CARES – Nutrition Based Services for the Aging</td>
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<td>CARES - Coronavirus Relief Fund</td>
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<td>BIA FY20 Coronavirus Supplemental Funding</td>
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<tr>
<td>141</td>
<td>NC Department of Administration</td>
<td>$12,518</td>
<td>$12,518</td>
</tr>
<tr>
<td>141</td>
<td>CARES/HAVA HB1169 Funding</td>
<td>$161,669</td>
<td>$161,669</td>
</tr>
<tr>
<td>141</td>
<td>NC Community Foundation</td>
<td>$51,000</td>
<td>$51,000</td>
</tr>
<tr>
<td>141</td>
<td>CARES – 2020 Federal Election Cycle</td>
<td>$32,500</td>
<td>$32,500</td>
</tr>
<tr>
<td>141</td>
<td>CARES – Provider Relief Fund</td>
<td>$149,551</td>
<td>$149,551</td>
</tr>
<tr>
<td>141</td>
<td>CARES – COVID Program Relief 2020</td>
<td>$6,000</td>
<td>$6,000</td>
</tr>
<tr>
<td>141</td>
<td>CARES – Nutrition Program Farmers Market</td>
<td>$384,089</td>
<td>$384,089</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$6,238,155</td>
<td>$6,517,765</td>
</tr>
</tbody>
</table>

#### CARES – Provider Relief Funds

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>141</td>
<td>Medical Services</td>
<td>$149,551</td>
<td>$149,551</td>
</tr>
<tr>
<td></td>
<td>Total CARES- Provider Relief Funds</td>
<td>$149,551</td>
<td>$149,551</td>
</tr>
</tbody>
</table>

#### Coronavirus Relief Fund-CARES

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>141</td>
<td>Category 1: Medical Expenses</td>
<td>$255,811</td>
<td>$255,811</td>
</tr>
<tr>
<td>141</td>
<td>Category 2: Public Health Expenses</td>
<td>$519,091</td>
<td>$519,091</td>
</tr>
<tr>
<td>141</td>
<td>Category 3: Payroll Expenses</td>
<td>$1,390,382</td>
<td>$1,390,382</td>
</tr>
<tr>
<td>141</td>
<td>Category 4: Facilitate Compliance</td>
<td>$520,056</td>
<td>$520,056</td>
</tr>
<tr>
<td>141</td>
<td>Category 5: Economic Support</td>
<td>$12,000</td>
<td>$12,000</td>
</tr>
<tr>
<td>141</td>
<td>Category 6: Other Functions</td>
<td>$19,955</td>
<td>$19,955</td>
</tr>
<tr>
<td>141</td>
<td>Category 7: Municipal Grants</td>
<td>$898,435</td>
<td>$898,435</td>
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<tr>
<td></td>
<td>Total CARES</td>
<td>$3,615,730</td>
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</tr>
</tbody>
</table>

#### Board of Elections-COVID 19

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>141</td>
<td>CARES/HAVA - Supplies</td>
<td>$161,669</td>
<td>$161,669</td>
</tr>
<tr>
<td>141</td>
<td>NC CMTY FDN - Supplies</td>
<td>$51,000</td>
<td>$51,000</td>
</tr>
<tr>
<td>141</td>
<td>CARES Act – Equipment Supply</td>
<td>$10,000</td>
<td>$10,000</td>
</tr>
<tr>
<td>141</td>
<td>CARES Act – Polyworker Supp Pay</td>
<td>$22,500</td>
<td>$22,500</td>
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<tr>
<td>141</td>
<td>NC Dept of Admin – One Stop Bonus</td>
<td>$12,518</td>
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<tr>
<td></td>
<td>Total – Board of Election COVID Funding</td>
<td>$257,687</td>
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</table>

#### Bureau of Justice - JAG

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>141</td>
<td>Equipment Supply</td>
<td>$58,008</td>
<td>$58,008</td>
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</table>

#### CARES – NCDA&CS COVID 19

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>141</td>
<td>Supplies</td>
<td>$6,000</td>
<td>$6,000</td>
</tr>
<tr>
<td></td>
<td>Total – NCDA&amp;CS COVID-19</td>
<td>$6,000</td>
<td>$6,000</td>
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</table>

#### CARES – Nutrition Program Farmers Market

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>141</td>
<td>Supplies</td>
<td>$384,089</td>
<td>$384,089</td>
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<tr>
<td></td>
<td>Total – Nutrition Program Farmers Market</td>
<td>$384,089</td>
<td>$384,089</td>
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</table>

#### CARES – AA115 Infection Prevention

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Amount 1</th>
<th>Amount 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>141</td>
<td>Equipment Supply</td>
<td>$106,033</td>
<td>$106,033</td>
</tr>
<tr>
<td>Item ID</td>
<td>Description</td>
<td>Amount 1</td>
<td>Amount 2</td>
</tr>
<tr>
<td>--------</td>
<td>--------------------------------------------------</td>
<td>----------</td>
<td>----------</td>
</tr>
<tr>
<td>141 5110 555000</td>
<td>Equipment</td>
<td>$ 18,000</td>
<td>$ 18,000</td>
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<td></td>
<td>Total CARES- CRF Infection Prevention</td>
<td>$ 124,033</td>
<td>$ 124,033</td>
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<tr>
<td>141 5131 519330</td>
<td>CDC - AA619 COVID Relief Funding</td>
<td>$ 75,145</td>
<td>$ 75,145</td>
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<tr>
<td>141 5131 526000</td>
<td>Medical Services Lab</td>
<td>$ 18,382</td>
<td>$ 18,382</td>
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<tr>
<td>141 5131 531100</td>
<td>Supplies</td>
<td>$ 1,187</td>
<td>$ 1,187</td>
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<tr>
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<td>Total CDC Health Response Funding</td>
<td>$ 94,714</td>
<td>$ 94,714</td>
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<tr>
<td>141 5211 512100</td>
<td>CARES -AA716 Vaccination Program</td>
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<td></td>
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<tr>
<td>141 5211 519951</td>
<td>Salaries</td>
<td>$ 200,000</td>
<td>$ 0</td>
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<tr>
<td>141 5211 526000</td>
<td>Program Support</td>
<td>$ 37,000</td>
<td>$ 237,000</td>
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<tr>
<td>141 5211 526000</td>
<td>Supplies</td>
<td>$ 46,355</td>
<td>$ 186,160</td>
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<tr>
<td>141 5211 526500</td>
<td>Equipment Supply</td>
<td>$ 26,765</td>
<td>$ 166,570</td>
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<td>Total CARES- Vaccine Program</td>
<td>$ 310,120</td>
<td>$ 589,730</td>
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<tr>
<td>141 5218 526000</td>
<td>CARES - AA539 Epidemiology/Comm Disease</td>
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<tr>
<td></td>
<td>Supplies</td>
<td>$ 40,875</td>
<td>$ 40,875</td>
</tr>
<tr>
<td></td>
<td>Total Epidemiology/Communicable Disease</td>
<td>$ 40,875</td>
<td>$ 40,875</td>
</tr>
<tr>
<td>141 5225 526000</td>
<td>CARES - AA543 ELC Enhancing Detection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>141 5225 526500</td>
<td>Supplies</td>
<td>$ 522,000</td>
<td>$ 522,000</td>
</tr>
<tr>
<td></td>
<td>Equipment Supply</td>
<td>$ 522,948</td>
<td>$ 522,948</td>
</tr>
<tr>
<td></td>
<td>Total CARES- ELC Enhancing Detection</td>
<td>$1,044,948</td>
<td>$1,044,948</td>
</tr>
<tr>
<td>141 5330 569075</td>
<td>Aging Services – COVID Relief Funding</td>
<td></td>
<td></td>
</tr>
<tr>
<td>141 5330 569078</td>
<td>CARES - Senior Center Operations</td>
<td>$ 26,121</td>
<td>$ 26,121</td>
</tr>
<tr>
<td>141 5330 569078</td>
<td>FFCRA- Home Delivered Meals</td>
<td>$ 66,498</td>
<td>$ 66,498</td>
</tr>
<tr>
<td></td>
<td>Total Aging Services COVID 19 Funding</td>
<td>$ 92,619</td>
<td>$ 92,619</td>
</tr>
<tr>
<td>141 5510 569801</td>
<td>DSS – COVID Relief Funding</td>
<td></td>
<td></td>
</tr>
<tr>
<td>141 5510 569802</td>
<td>CARES – APS/CPS COVID-19</td>
<td>$ 57,529</td>
<td>$ 57,529</td>
</tr>
<tr>
<td>141 5510 569802</td>
<td>CARES – IV-B1</td>
<td>$ 2,252</td>
<td>$ 2,252</td>
</tr>
<tr>
<td></td>
<td>Total – CARES – DSS</td>
<td>$ 59,781</td>
<td>$ 59,781</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>$6,238,155</td>
<td>$6,517,765</td>
</tr>
</tbody>
</table>

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the Grant Agreement and Federal and State regulations.

Section 6. The Finance Officer shall report quarterly on the financial status of each project element in Section 4 and total grant revenues received or claimed.

Section 7. The County Manager shall have the authority to approve incidental change orders up to $25,000 per occurrence within the budgeted project.

Section 8. Copies of this Grant Project Ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this 3rd day of January 2022

[Signature]

Robbie B. Davis, Chairman

ATTEST:

[Signature]

Janice Evans, Clerk to the Board
Ms. Wood requested approval of seven (7) budget amendments.

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

**Department of Social Services**

This amendment is presented to budget Federal Funds received for Low Income Energy Assistance Payments to provide assistance to low income households to assist in the cost of heating expenses and CARES Act funding to allow automated LIEAP payments for a specified preapproved population. No County funds are required.

<table>
<thead>
<tr>
<th>Revenue:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0100210-455323</td>
<td>Low Income Home Energy Program</td>
<td>558,016</td>
</tr>
<tr>
<td>0100210-455324</td>
<td>LIEAP COVID-19</td>
<td>735,584</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,293,600</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditure:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0105510-569820</td>
<td>Low Income Home Energy Program</td>
<td>558,016</td>
</tr>
<tr>
<td>0105510-569821</td>
<td>LIEAP COVID-19</td>
<td>735,584</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,293,600</td>
</tr>
</tbody>
</table>

**Facilities Department**

This amendment is presented to budget additional funding to cover the new custodial services contract to begin January 2022. Additional funding required due primarily to increased pricing of services and supplies.

<table>
<thead>
<tr>
<th>Revenue:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0100991-49910</td>
<td>Fund Balance Appropriated</td>
<td>9,150</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditure:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0104260-544000</td>
<td>Service Maintenance Contract</td>
<td>6,750</td>
</tr>
<tr>
<td>0104160-544000</td>
<td>Service Maintenance Contract</td>
<td>2,400</td>
</tr>
<tr>
<td></td>
<td></td>
<td>9,150</td>
</tr>
</tbody>
</table>

**Insurance Proceeds/Sheriff’s Office**

This budget amendment is to budget insurance proceeds received for a 2019 Sheriff’s Office 2019 Dodge Charger identified as totaled. These funds will be used to purchase a replacement vehicle.

<table>
<thead>
<tr>
<th>Revenue:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0100600-492005</td>
<td>Insurance Proceeds</td>
<td>29,157</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditure:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0104310-554000</td>
<td>Vehicle</td>
<td>29,157</td>
</tr>
</tbody>
</table>
**Parks and Recreation**

This budget amendment is presented to budget sponsorship support collected to support Winter Sports of Basketball and Futsal. No County funds are required.

<table>
<thead>
<tr>
<th>Revenue:</th>
<th>Expenditure:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sponsorship</td>
<td>6,336 Incr</td>
</tr>
</tbody>
</table>

**Cooperative Extension**

This budget amendment is presented to budget funding from The Deleon Carter Foundation to support the Nash County Farmers Market. These funds will be used toward the purchase of a walk-in cooler. No county funds are required.

<table>
<thead>
<tr>
<th>Revenue:</th>
<th>Expenditure:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deleon Carter Foundation</td>
<td>2,000 Incr</td>
</tr>
</tbody>
</table>

**Federal Asset Forfeiture Fund**

This amendment is presented to budget asset forfeiture revenue received, to be used for training required for professional service, officer and public safety and funding for case investigations. No County funds are required.

<table>
<thead>
<tr>
<th>Revenue:</th>
<th>Expenditure:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dept of Treasury - Revenue</td>
<td>50,000 Incr</td>
</tr>
<tr>
<td>Travel and Training</td>
<td>20,000 Incr</td>
</tr>
<tr>
<td>Telephone Subpoena</td>
<td>15,000 Incr</td>
</tr>
<tr>
<td>Informants</td>
<td>15,000 Incr</td>
</tr>
</tbody>
</table>

**Central Nash Water and Sewer**

This amendment is presented to budget revenue received from water connection fees to purchase and install additional taps. No County funds are requested.

<table>
<thead>
<tr>
<th>Revenue:</th>
<th>Expenditure:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Connection Fees</td>
<td>15,000 Incr</td>
</tr>
</tbody>
</table>

| Expenditure: |
|----------------|--------------|
| Professional Services | 15,000 Incr |
Ms. Shatzer asked the Board to consider an appointment for an Alternate Member #3 to the Nash County Board of Adjustment.

On motion of Fred Belfield, Jr. seconded by J. Wayne Outlaw and duly passed that Oscar Bruce be appointed to the Nash County Board of Adjustment as Alternate Member #3.

Ms. Doris Sumner, Tax Administrator presented the monthly tax report.

The Monthly Tax Collector’s report was accepted.

There were no tax refund requests for January 2022.

Chairman Davis called on the Commissioners for any comments.

Ms. Shatzer and Mr. Zee B. Lamb, County Manager provided a Manager’s Report to the Board.

On motion of J. Wayne Outlaw seconded by Marvin C. Arrington 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.

Chairman Davis called for a brief recess for lunch.

Chairman Davis called the closed session to order.

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 Board.

On motion of Gwen Wilkins seconded by Fred Belfield, Jr. and duly passed that the December 6, 2021 closed session minutes be approved.

On motion of Gwen Wilkins seconded J. Wayne Outlaw and duly passed that the closed session adjourn.

On motion of Sue Leggett seconded by Gwen Wilkins and duly passed that the meeting adjourn.

Janice Evans, Clerk
Nash County Board of Commissioners