Regular Meeting January 18, 2022

A regular meeting of the Nash County Board of Commissioners was held at 1:30 PM, January 18, 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 Senator Lisa Barnes, Stacie Shatzer, Donna Wood, Major Eddie Moore, 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.

Vice Chairman J. Wayne Outlaw made a presentation and read the resolution honoring Mr. Zee B. Lamb, Nash County Manager from 2013 – 2022.

On Motion of J. Wayne Outlaw seconded by Commissioners Robbie B. Davis, Marvin C. Arrington, Fred Belfield, Jr., Dan Cone, Sue Leggett, and Gwen Wilkins and duly passed that the following resolution be adopted.

Chairman Davis, and Commissioners Marvin C. Arrington, Fred Belfield, Jr., Dan Cone, Sue Leggett, J. Wayne Outlaw, and Gwen Wilkins presented the Resolution Honoring the Public Service of Zee B. Lamb, Nash County Manager from 2013 – 2022 to retiring County Manager Zee B. Lamb.
NASH COUNTY RESOLUTION HONORING THE PUBLIC SERVICE OF 
ZEE B. LAMB

WHEREAS, Zee B. Lamb obtained his Bachelor of Arts Degree in Political Science and History from Duke University in 1980 and attended Duke University for studies in Public Policy in 1985; and

WHEREAS, Zee attended the University of North Carolina School of Law and obtained his Juris Doctor Degree in 1986. Zee was admitted to the North Carolina State Bar and to practice in the United States District Court for the Eastern District of North Carolina in 1986; and

WHEREAS, Zee was elected as County Commissioner in Pasquotank County, North Carolina in 1988 and subsequently reelected in 1992 and 1996. Zee resigned from the Board of Commissioners in April 1997 after accepting employment in the Office of the Lieutenant Governor in Raleigh, North Carolina; and

WHEREAS, Zee began his managerial career as the County Manager of Bertie County, North Carolina in August, 2000; and

WHEREAS, Zee next became the County Manager of Chowan County, North Carolina in December, 2011; and

WHEREAS, Zee became the County Manager of Nash County, North Carolina in December, 2013; and

WHEREAS, during his tenure as manager of Nash County, Zee has provided effective and skilled leadership to the County, the Board of Commissioners, and the citizens of Nash County; and

WHEREAS, Zee has been a tireless advocate for the employees of Nash County and has been instrumental in obtaining significant employee raises for County employees; and

WHEREAS, Zee’s guidance and leadership in Nash County has resulted in an eight-year incremental increase in the tax collection rate which has helped maintain a positive fund balance for the County and has enabled the County to operate efficiently without the need for an ad valorem tax increase during his time as manager; and

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WHEREAS, Zee, was instrumental in the County's decision to disengage from Eastpointe LME/MCO and realign with Trillium Health Resources LME/MCO thereby providing Nash County citizens with much improved mental health services; and

WHEREAS, Zee has consistently provided the Nash County Department Heads with a listening ear and has advocated for improvements that have provided Nash County citizens with better and more efficient services; and

WHEREAS, Zee, in March, 2020, offered exemplary leadership and guidance to Nash County and its citizens through the global pandemic of COVID-19; and

WHEREAS, Zee has served on numerous committees and Boards both in Nash County and with the North Carolina Association of County Commissioners. During his career with Nash County, Zee, most notably, was a member of the State's Five-Five-Five Committee made up of Five County Managers, Five County Commissioners and Five County Attorneys who successfully negotiated the Opioid Settlement for the State of North Carolina and its counties; and

WHEREAS, Zee’s accomplishments in Nash County include numerous capital projects that have begun or have been completed including the Courthouse expansion, construction of the Nashville EMS Station, construction of the Southern Nash Senior Center, construction of a new elementary school, a jail renovation and addition, and expansion of the Northern Nash water system, among others; and

WHEREAS, Zee has also provided public service to the County by serving on the boards of the Rocky Mount Area Chamber of Commerce, Braswell Memorial Library, and as President of the Rocky Mount Rotary Club.

NOW THEREFORE BE IT RESOLVED that the Nash County Board of Commissioners wishes to express its sincere gratitude and sincere appreciation for his eight years of dedicated service and leadership to Nash County.

Adopted this the 18th day of January, 2022.

Robbie B. Davis, Chairman
Nash County Board of Commissioners

ATTEST:

Janice Evans, Clerk to the Board
Ms. Kim Moore, Resident Engineer, North Carolina Department of Transportation made a presentation and provided an update on the Eastern Avenue and the Old Carriage Road projects in Nash County.

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

Upon reconvening, Chairman Davis called on Mr. Bill Hill, Human Services Director.

Mr. Hill provided an update to the Board on COVID-19 cases in Nash County.

Ms. Donna Wood, Finance Director presented for the Board’s consideration Nash County Outside (Non-County) Agency Funding Policy.

On motion of J. Wayne Outlaw seconded by Gwen Wilkins and duly passed that the Nash County Board of Commissioners adopt the following Nash County Outside (Non-County) Agency Funding Policy:
1.0 Purpose

To set parameters and establish guidelines for the funding of outside agencies by the County and to ensure transparency, accountability, consistency, and adherence to best practices. This policy also establishes eligibility criteria for outside agencies and the required public process for consideration and allocation of funding by the Board of County Commissioners.

2.0 Policy

2.1 Nash County recognizes that nonprofit organizations serve an important role in improving the quality of life for our community by delivering services to our citizens in a cost effective manner through the use of partnerships.

2.2 Nash County is committed to providing financial assistance to those nonprofit agencies which assist Nash County Government in carrying out its mission, and:
   2.2.1 Demonstrably contribute to meeting the County’s strategic objectives and are consistent with key priorities; and
   2.2.2 Support the delivery of needed services that the County does not provide or that can more effectively or efficiently deliver those services; or
   2.2.3 Provide programs or services that enhance a County function or service; or
   2.2.4 Address a documented need for the outside agency’s program or service.

3.0 Outside Agency Eligibility Criteria

It shall be the policy of Nash County to consider providing assistance to outside agencies meeting the criteria below.

3.1 Outside agencies and their respective program(s) must be nonprofit or a governmental entity. All nonprofits shall verify their nonprofit status by submitting an IRS tax exempt letter confirming 501 (c)(3) or 501 (c)(6) status, an IRS 990 or 990 EZ form, and a current solicitation license from the North Carolina Secretary of State (or if exempt, the exemption letter).
3.2 Outside agencies must be incorporated and must not have had their revenue suspended by the North Carolina Secretary of State or have overdue federal, state or local taxes.

3.3 All agencies that apply for funding must have been in operation for at least two years by December 31st of the year preceding the application deadline. The County does not fund start-up agencies.

3.4 Eligible outside agencies must have a governing board and submit a current board roster.

3.5 Agency program(s)/service(s) must be available to all Nash County residents who meet the eligibility requirements of the agency/program. Program(s)/service(s) offered by the agency must comply with all state and federal statutes related to protection from discriminatory actions.

3.6 Outside agencies must provide a disclosure of any potential conflicts of interest.

3.7 Outside agencies shall adhere to accountability standards set by the Board of County Commissioners and as required by law, including complying with all financial and performance measurement requirements and reporting, and terms of contracts and/or memorandum of understanding, including meeting all deadlines. Compliance with the standards is a criterion for funding. Funds will not be released until, and unless, all financial, performance, contract or memorandum terms, and deadlines are met. All deadlines for reporting and for delivery of any follow-up information will be clearly stated in writing and included in the County contract.

3.8 A nonprofit agency must meet all eligibility requirements on its own, and may not use a funding agent or other third party arrangement to meet eligibility requirements.
OUTSIDE AGENCY FUNDING POLICY

4.0 Funding Application Procedure

4.1 All outside agency funding requests must be evaluated, discussed, and funding awarded and/or appropriated by the Board of Commissioners in a public meeting, either as part of the annual budget deliberation and adoption process, or as an agenda item at a regular or special board meeting.

4.2 Funding requests must be made in writing. Outside agencies must complete an outside agency funding application, and provide all required documentation by the advertised deadline (for annual budget consideration) or Board of County Commissioner agenda deadline (for mid-year requests brought forward by the County Manager or one or more Commissioners, for Board consideration as an agenda item at a public meeting of the Board). Mid-year requests should be an exception, not the rule.

4.2.1 Outside agency funding applications are available from the Nash County Finance Office. Completed applications should be submitted to the Finance Office.

4.2.2 Incomplete applications will not be considered for funding.

4.3 The County Manager will make outside agency funding recommendations annually in the Recommended Budget to the Board of County Commissioners.

4.3.1 The County Manager will establish an internal funding committee to evaluate applications.

4.3.2 The Internal Funding committee will evaluate and provide recommendations to the County Manager based on Countywide objectives as set forth by the Board of Commissioners.

4.4 The Board of County Commissioners will approve final funding for all outside agencies.

4.4.1 Applicants will be notified within two (2) weeks of budget adoption or midyear funding approval.

4.4.2 A revised scope of work and budget reflecting the final award amount will be required of outside agencies that receive an amount that differs from the original funding request prior to contract execution.

4.5 An agency awarded funds must accept the funds by the completion of a contract agreement which must be signed by the agency director and County Manager (or designee). The contractual agreement and other contract requirements must be signed by the agency and received by the Finance Office no later than 30 days after the date the contract is received by the agency. Failure to comply with this date will result in funding awards being withdrawn.

4.5.1 No major changes can occur after contract signing, either in activities, financing or use of funds, without requesting and receiving approval in writing from Nash County.
5.0 Reporting and Monitoring

5.1 Relating to the agency’s scope of services, all agencies approved for funding will be required to submit a financial and programmatic mid-year report by January 15 and a year-end report by July 15.

5.1.1 The report must indicate the extent to which County funds have been spent and goals and objectives are being achieved and/or have been achieved.

5.1.2 If performance is not at the expected level, the agency must submit an explanation for the deviation and describe actions it will take to remedy the situation.

5.2 Annual Agency Financial Reporting

5.2.1 Any outside agency that receives $25,000 or more of funding must submit a financial audit at its own expense. The audit must be conducted by a certified public accountant; (Two-year comparative financials recommended). Additional information may be requested if required to understand the financial statements of the agency.

5.2.2 An outside agency receiving less than $25,000 must submit financial statements that have been prepared by an accounting professional and approved by the agency’s governing board. (Two-year comparative financials are recommended). Additional information may be requested if required to understand the financial statements of the agency.

5.2.3 Any related-party transactions must be identified, and a detailed explanation provided, if not identified in the audited financial statements. A related-party transaction is a business deal or arrangement between two parties who have a relationship prior to the deal. This could include, but is not limited to, an arrangement between a key member of management, a close family member of key management staff, a parent or subsidiary company, or a member of the managing board. Typical arrangements could include, but is not limited to, purchases, loans or receivables.

5.3 Outside agencies requesting funding may be subject to a program evaluation. Program evaluations can include:

5.3.1 Reviewing current financial relationship with Nash County;

5.3.2 Agency background and partnership history (if applicable);

5.3.3 Assessing achievement of the County’s goals and alignment with Nash County’s strategic objectives;

5.3.4 Performance measurement evaluation and customer evaluation;

5.3.5 Cost/benefit analysis and benchmarking; and

5.3.6 Identification of program challenges.
6.0 The funding process is as follows:

6.1 Outside agencies submit an accurate application, and all its components, for funding to the county by a set deadline.

6.2 Non-profit applications are evaluated by the Outside Agency Funding Committee, which recommends agencies and funding amounts to the County Manager for consideration.

6.3 Final recommendations for funding are included in the County Manager’s Recommended Budget that is presented to the Board of County Commissioners.

6.4 Outside agencies approved for funding will be notified within two weeks of the budget adoption.

6.5 Funded agencies will be required to sign a contract or memorandum of understanding and will have January 15 and July 15 reporting requirements based on Measurable Results. They will also be required to submit audited (≥ $25K received) or (< $25K received), board approved, financial statements prepared by a licensed professional.
Vice Chairman Outlaw called on Board Members for reports on the following boards and committees.

- Commissioner Marvin Arrington (District 1)
  - Community Caregiver Advisory Board
  - Juvenile Crime Prevention Council (Fred Belfield)
  - Spaulding Family Resource Center

- Commissioner Fred Belfield (District 2)
  - Farmer’s Market Advisory Board
  - Juvenile Crime Prevention Council (Marvin Arrington)
  - Upper Coastal Plain COG
  - Tar River Transit

- Commissioner Dan Cone (District 3)
  - Human Services Board
  - Agricultural Advisory Board
  - Trillium Health Resources – Central Regional Board

- Commissioner Sue Leggett (District 4)
  - UNC – Nash Health Care Board of Directors
  - Strategic Twin-Counties Education Partnership (S.T.E.P.)
  - Natural Resources Resilience Committee

- Commissioner Wayne Outlaw (District 5)
  - Nash Community College Board of Trustees
  - Upper Coastal Plain RPO
  - Broadband Committee (Dan Cone)

- Commissioner Gwen Wilkins (District 6)

- Commissioner Robbie Davis (District 7)
  - Tourism Development Authority
  - Rocky Mount MPO

Chairman Davis provided information to the public regarding the late mailings of the Nash County personal property forms and the utility bills due to a problem with the printing vendor that had an excessive number of employees out due to COVID-19. He explained that by North Carolina General Statute the personal property forms are due and required to be turned in by January 31, 2022, but if anyone had a hardship and could not meet that date they could request a thirty-day extension with the Nash County Tax Office. The extension request would have to be in writing and received by the Tax Office no later than January 31, 2022.

Chairman Davis called for a motion to go into closed session.

On motion of Gwen Wilkins seconded by Sue Leggett 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)(6) to consider the qualifications and performance of an employee.
During closed session, the Board consulted with the attorney to discuss matters that are subject to the attorney-client privilege between the attorney and the Board and a personnel matter.

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

Chairman Davis called the regular meeting back to order.

On motion of Gwen Wilkins seconded by Dan Cone and duly passed that the Nash County Board of Commissioners approve the following Temporary Access Agreement for Project Start/Middlesex Corporate Centre Shell Building and authorize the County Manager to sign the agreement on behalf of the Board of Commissioners.

Prepared by and sent after according to:
Battle, Winslow, Scott & Wiley, P.A.
P.O. Box 7100
Rocky Mount, NC 27804
Attn: G. Vincent Durham, Jr.

NORTH CAROLINA

TEMPORARY ACCESS AGREEMENT

THIS TEMPORARY ACCESS AGREEMENT (the “Agreement”) is made and entered into effective as of the 15th day of January, 2022 by and between NASH COUNTY, a body politic and corporate of the State of North Carolina, whose address is 120 West Washington Street, Nashville, North Carolina 27856 (the “County”) and FIRSTWAVE INNOVATIONS, INC., a Delaware corporation (herein “FirstWave”).

REQUITALS

1. The County is the owner of certain real property located in or near Middlesex, North Carolina and described as Tract I of the Middlesex Corporate Centre as shown in Plat Book 41, Page 89, Nash County Registry (the “Property”).

2. FirstWave is currently the prospective purchaser of the Property and desires to access the Property for the purpose of preliminary grading and utility installation related to the Shell Building located on the Property.

3. FirstWave requires temporary access over, upon and across the roads in the Middlesex Corporate Centre park and driveways located on the Property for the purposes set forth herein. The County agrees, subject to the terms of this Agreement, to grant to FirstWave temporary access over, upon and to the Property for a period not to exceed forty-five (45) days from the date hereof.

NOW, THEREFORE, in consideration of the rights and privileges granted herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and the FirstWave hereby agree as follows:
I

Grant of Temporary Access and the Right of Inspection

1.1 The County hereby grants to the FirstWave, a temporary access over, upon and across the Property as is necessary to access the Property.

1.2 This Temporary Access shall automatically terminate upon notice from the County to FirstWave by email to mdrugs@sinnovatek.com.

1.3 Any damage to the Property caused by or resulting from the FirstWave's access shall be promptly repaired by FirstWave at its sole cost and expense. All repairs shall, to the extent practicable, restore the Property to the same condition that existed prior to the damage.

1.4 FirstWave shall indemnify, defend and hold harmless the County from and against any and all liabilities, suits, judgments, costs and expenses (including, but not limited to, reasonable attorneys' fees and expenses) arising from or related to: (a) any injury to or death of any persons over, upon and across the Property related to the access granted herein; or (b) damage to Property as a result of the access and grading of the Property.

II

Miscellaneous

2.1 Notwithstanding anything contained in this Agreement to the contrary, each reference to any party named herein shall be deemed to mean such party and its heirs, successors, assigns, agents, contractors and employees; and this Agreement shall be binding upon and inure to the benefit of such heirs, successors, assigns, agents, contractors and employees.

2.2 This Agreement shall be construed in accordance with the laws of the State of North Carolina.

2.3 This Agreement may be amended, modified, or terminated only by an agreement in writing, executed and acknowledged by all the parties to this Agreement. This Agreement shall not be otherwise amended, modified or terminated.

2.4 This Agreement may be executed in multiple counterparts and/or counterpart signature pages, all of which when taken together shall constitute but one and the same agreement.

2.5 This Agreement constitutes the entire agreement between the parties and supersedes any other prior oral or written communications, representations or statements with respect to the subject matter of this Agreement.

2.6 No delay or omission of any party hereto in the exercise of any right accruing upon any default hereunder on the part of any other party hereto shall impair such right or be construed to be a waiver thereof, and every such right may be exercised at any time during the
continuance of such default. A waiver by a party hereto of a breach of, or a default in, any of the terms and conditions of this Agreement by any other party hereto shall not be construed to be a waiver of any subsequent breach of or default in the same or any other provision of this Agreement.

[Signatures and Notary Acknowledgments on Following Pages]
NASH COUNTY

By: ____________________________

Stacie Shatzer, Nash County Manager

STATE OF NORTH CAROLINA

COUNTY OF NASH

I, Janice Evans, a Notary Public of the aforesaid County and State, do hereby certify
that Stacie Shatzer (the "Signatory"), County Manager of Nash County, personally appeared before me this day and
by authority duly given, acknowledged the due execution of the foregoing instrument on behalf of Nash County.

I certify that the Signatory personally appeared before me the day, and (check one of the following):

☐ I have personal knowledge of the identity of the Signatory; or
☐ I have seen satisfactory evidence of the Signatory's identity, by a current or state or federal identification
with the Signatory's photograph in the form of; (check one of the following)

☐ a driver's license or
☐ in the form of  ____________________________ ; or

☐ (a credible witness has sworn to the identity of the Signatory).

The Signatory acknowledged to me that he/she voluntarily signed the foregoing document for the purpose
stated therein and in the capacity indicated.

Witness my hand and official stamp or seal this 2022 day of January, 2022.

Janice Evans
Notary Public

Janice Evans
Print/Type
Notary Public
(Note: Notary Public must sign exactly as on notary seal)

My Commission Expires: 11/11/2025

[NOTARY SEAL]
(MUST BE FULLY LEGIBLE)

JANICE EVANS
NOTARY PUBLIC
HALIFAX COUNTY, N.C.
On motion of Sue Leggett seconded by Dan Cone and duly passed that the meeting adjourn.

Janice Evans, Clerk
Nash County Board of Commissioners