

NORTH CAROLINA

WAYNE COUNTY

The Wayne County Board of Commissioners met on Tuesday, December 21, 2021 at 9:00 a.m. in the Commissioners Meeting Room in the Wayne County Courthouse Annex, Goldsboro, North Carolina, after due notice thereof had been given.

Members present: Joe Daughtery, Chairman; George Wayne Aycock, Jr., Vice-Chairman; Barbara Aycock; Bevan Foster; Chris Gurley; Freeman Hardison, Jr., and Antonio Williams.

Members absent: None

Briefing Session

During the scheduled briefing and prior to the regularly scheduled meeting, the Board of Commissioners held an advertised briefing session to discuss the items of business on the agenda.

The briefing began at 8:08 a.m. with County Manager Craig Honeycutt reviewing the agenda. The agenda was adjusted by the following:

- Remove Unfinished Business (DSS information on privatization of the Child Support Enforcement Office)
- Add the Summary of OSHA's COVID-19 Vaccination and Testing Emergency Temporary Standard.

Finance Director Allison Speight reviewed the Budget Amendments and answered questions from the board.

Staff Attorney Andrew Neal reviewed the surplus property sales and the changes to the Wayne County Ordinances.

Commissioner Bevan Foster asked for clarification of conforming and non-confirming versus standard and sub-standard lots. The Board discussed the City of Goldsboro not properly handling all procedures for a surplus sale; i.e. notifying adjoining property owners of a potential sale.

Chairman Joe Daughtery asked if the Board concurred on sending the item under Consent Agenda, regarding the sale of surplus property at 412 E. Walnut Street, back to the City of Goldsboro and the Board agreed.

Planning Director Berry Gray reviewed the final plat for Glenn Laurel Section 13.

Recess the Board of Commissioners Meeting

At 8:38 a.m., Chairman Joe Daughtery recessed the meeting of the Board of Commissioners.

Call to Order

Chairman Joe Daughtery called the meeting of the Wayne County Board of Commissioners to order.

Invocation

Commissioner Chris Gurley introduced Pastor Bill Rose who gave the invocation.

Pledge of Allegiance

Commissioner Antonio Williams led the Board of Commissioners in the Pledge of Allegiance to the Flag of the United States of America.

Approval of Minutes

Upon motion of Commissioner Freeman Hardison, Jr., the Board of Commissioners approved the minutes of the regularly scheduled meeting of the Board of Commissioners on December 7, 2021, by a vote of 6 to 1. Voting against the motion was Commissioner Bevan Foster.

Discussion/Adjustment of Agenda

County Manager Craig Honeycutt made the following adjustments to the agenda:

- Remove the first Item #4 Under Consent Agenda
- Remove Unfinished Business
- Add #2 Under New Business - Summary of OSHA's COVID-19 Vaccination and Testing Emergency Temporary Standard

Upon motion of Commissioner Chris Gurley, the Board of Commissioners unanimously approved and authorized the adjusted agenda.

Recognition of the Wayne County Finance Department

County Manager Craig Honeycutt recognized the Finance Department's GFOA Certificate of Achievement for Excellence in Financial Reporting, attached hereto as Attachment A.

Presentation by GIS Director Julio Garrido

GIS Director Julio Garrido gave a presentation on District maps as they are now and how they would look as maps created centuries ago. Following the presentation, he gave each Commissioner a map of their district, depicted from centuries ago, as well as one to the County Manager.

Announcement of Community Development Block Grant (CDBG) funds for the Neighborhood Revitalization Program for Rollingwood Community in Dudley

County Manager Craig Honeycutt read the announcement for the Community Development Block Grant (CDBG) funds for the Neighborhood Revitalization Program for Rollingwood Community in Dudley, attached hereto as Attachment B.

Commissioner Antonio Williams thanked the Board, the staff, and the citizens of Rollingwood for their help in securing the grant. He also recognized Ms. Debra Graham for being present and for her persistence.

Consent Agenda

Upon motion of Commissioner Freeman Hardison, Jr., the Board of Commissioners unanimously approved and authorized the following items under the consent agenda:

1. Applications for Elderly or Disabled Exclusion.
2. Application for Present Use Value.
3. Budget Amendments
 - a. Sheriff's Office - #176
 - b. DSS - #178
 - c. Sheriff's Office - #179
 - d. DSS - #182
4. Motion to Adopt Resolutions #2021-45 and #2021-46: Resolutions declaring surplus real property and authorizing its sale. The Surplus Property is at 611 and 613 E. Spruce

Street, and 306 N. Carolina Street, Goldsboro, North Carolina, jointly owned with the City of Goldsboro, attached hereto as Attachment C.

5. Motion to Approve the Annual Community Services Block Grant (CSBG) application, attached hereto as Attachment D.

6. Motion to Approve changes to the Wayne County Ordinances to comply with Session Law 2021-138, new GS 153A-123 and GS 14-4, attached hereto as Attachment E.

7. Motion to Approve Final Plat for Glenn Laurel Subdivision Section 13, as recommended by the Wayne County Planning Board, attached hereto as Attachment F.

8. Motion to Establish a Public Hearing on Tuesday, January 4, 2022 at 5:15 p.m. in the Commissioners Meeting Room in the Wayne County Courthouse Annex, 224 E. Walnut Street, Goldsboro, North Carolina. The purpose of the public hearing is to receive public comments regarding a proposed economic development incentive grant to Hosokawa Micron International. The Board of Commissioners will consider a \$240,000 incentive grant payable over ten (10) years in exchange for the company's commitment to invest \$6,335,169 in capital improvements and to create 16 jobs in Wayne County, attached hereto as Attachment G.

Motion to Amend the Wayne County Board of Commissioners Rules of Procedure

County Manager Craig Honeycutt reviewed the proposed Amendment to the Wayne County Board of Commissioners Rules of Procedure, attached hereto as Attachment H.

Commissioner Antonio Williams asked when the procedures were amended prior to today and the Clerk stated it was September of 2020. He asked why the changes were not included in the last amendment and County Attorney E. B. Borden Parker stated the Clerk to the Board requested item #1 and item #2 was regarding Special Presentations, and that question had not been raised before. Mr. Williams stated the entire Rules of Procedure should be reviewed or the matter tabled until such time as the Rules could be reviewed. He stated he had concerns over some items in the Rules. He initially motioned to table the matter until January 4, 2022, but amended it to January 18, 2022.

Upon motion of Commissioner Antonio Williams, the Board of Commissioners approved tabling the Amendment to the Rules of Procedure until the January 18, 2022 regular meeting of the Board of Commissioners. Voting against the motion were Chairman Joe Daughtery and Vice-Chairman George Wayne Aycock, Jr.

Presentation of OSHA's COVID-19 Vaccination and Testing Emergency Temporary Standard (ETS)

Staff Attorney Andrew Neal presented the Summary of OSHA's COVID-19 Vaccination and Testing Emergency Temporary Standard, attached hereto as Attachment I. Commissioner Chris Gurley asked questions about testing and results, and expressed his concerns over employees being out for extended periods of time, as well as affected employers in Wayne County being notified of the law. Commissioner Bevan Foster stated testing would be an issue as tests are in short supply. He also expressed concerns over mandatory vaccinations but County Manager Craig Honeycutt stated that is not being considered by the County.

Mr. Neal explained the benefits for the County employees voted on by the Board of Commissioners regarding time off for COVID-19 and leave without pay for non-vaccinated employees.

County Manager's Report

County Manager Craig Honeycutt reminded the Board of filming holiday greetings after the meeting and the January 4, 2022 meeting being the first night meeting for the Board. He wished everyone a Merry Christmas.

Board of Commissioners Committee Reports

Commissioner Antonio Williams wished everyone Happy Holidays and stated he appreciated the staff, and Debra Graham from the Rollingwood Community for attending the meeting.

Commissioner Bevan Foster had no comment.

Commissioner Barbara Aycock stated December was very busy and she attended the staff Christmas party, thanking the staff who organized the event; the Christmas parades, thanking the organizers of the parades; the Laying of the Wreaths ceremony at Pikeville Cemetery, and thanked Lodge 541, as well as appreciating the youth taking part in the event; a luncheon at Brisas regarding the proposed LPGA tournament; and swearing-in ceremonies for the Pikeville Board and Fremont Fire Department. Ms. Aycock stated it was an honor to do the swearing-in ceremonies and wished everyone a Merry Christmas and Happy New Year. She also said everyone should pray for a better 2022.

Commissioner Freeman Hardison, Jr. reminded everyone of the free rides on Christmas Eve for Goldsboro-Wayne Transportation Authority. He also stated he attended the Mt. Olive Commissioners meeting and learned of the ENC Recovery and Resilience Alliance, which focuses on recidivism. He stated grants were available for the program. He wished everyone a Merry Christmas and a Happy New Year and said to "love one another".

Commissioner Chris Gurley thanked the Clerk to the Board for the Christmas baskets and thanked GIS Director Julio Garrido for the maps presented to the Board. He discussed a transportation meeting and future projects coming to Wayne County, including fast-forwarding the Princeton section of Highway 70/1-42, and the Kinston bypass. He discussed paving projects on Hwy. 117 and railroad tracks being addressed. He said he has received several calls from citizens regarding subdivision roads and tells them it is a D.O.T. matter. He wished everyone a Merry Christmas and a Happy New Year and said he hoped 2022 is a better year.

Vice-Chairman George Wayne Aycock, Jr. stated he attended Christmas parades and was honored to participate. He also attended the Senior Volunteer luncheon at McCall's. Mr. Aycock commended the five fire departments who assisted in the Rocky Mount QVC fire and the EMS staff for how well they handled his own incident over the weekend. He wished everyone a Merry Christmas.

Chairman Joe Daughtery applauded the Finance Department for receiving their distinguished award for the past 25 years. He said he did not think people knew how lucky Wayne County is to have such a great staff in that department. He commended Julio Garrido for doing an amazing job and said the Community Development Block Grant for Rollingwood showed persistence paid off. He said the chances seemed minimal when the County asked for \$750,000 but persistence and filling out the application proved otherwise. He wished everyone a very, very Merry Christmas and asked the Board members to review items they want discussed at the retreat, including state and national issues.

County Manager Craig Honeycutt announced Friday, January 28, 2022 as the tentative date for the Board's annual retreat. The meeting will be held at The Maxwell Center.

Commissioner Antonio Williams asked the Chairman to allow Debra Graham to speak about the Development Grant. Ms. Graham expressed her thanks and explained her water issues. Commissioner Chris Gurley thanked the D.O.T. staff, CDBG Administrator David Harris, and Assistant County Manager Chip Crumpler for their help. He said the County is blessed to have Mr. Crumpler, who does not say much but does a lot of work behind the scenes and brings tremendous knowledge of the County.

Adjournment

At 10:02 a.m., Chairman Joe Daughtery adjourned the meeting of the Wayne County Board of Commissioners.



Carol Bowden, Clerk to the Board
Wayne County Board of Commissioners



Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax: 312.977.4806

11/24/2021

Craig Honeycutt
Manager
County of Wayne, North Carolina

Dear Mr. Honeycutt:

We are pleased to notify you that your annual comprehensive financial report for the fiscal year ended June 30, 2020 qualifies for GFOA's Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

When a Certificate of Achievement is awarded to a government, an Award of Financial Reporting Achievement (AFRA) is also presented to the individual(s) or department designated by the government as primarily responsible for its having earned the Certificate. This award has been sent to the submitter as designated on the application.

We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and give appropriate publicity to this notable achievement. A sample news release is included to assist with this effort.

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,

Michele Mark Levine
Director, Technical Services



GOVERNMENT FINANCE OFFICERS ASSOCIATION
NEWS RELEASE

FOR IMMEDIATE RELEASE

11/24/2021

For more information contact:
Michele Mark Levine, Director/TSC
Phone: (312) 977-9700
Fax: (312) 977-4806
Email: mlevine@gfoa.org

(Chicago, Illinois)—Government Finance Officers Association of the United States and Canada (GFOA) has awarded the Certificate of Achievement for Excellence in Financial Reporting to **County of Wayne** for its annual comprehensive financial report for the fiscal year ended June 30, 2020. The report has been judged by an impartial panel to meet the high standards of the program, which includes demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the report.

The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

Government Finance Officers Association (GFOA) advances excellence in government finance by providing best practices, professional development, resources, and practical research for more than 21,000 members and the communities they serve.

203 NORTH LASALLE STREET, SUITE 2700, CHICAGO, ILLINOIS 60601-1210



**NC DEPARTMENT
of COMMERCE**
RURAL ECONOMIC
DEVELOPMENT

Roy Cooper
GOVERNOR

Machelle Sanders
SECRETARY

Kenny Flowers
ASSISTANT SECRETARY

December 9, 2021

The Honorable George Wayne Aycock, Jr., Chairman
Wayne County Board of Commissioners
Post Office Box 227
Goldsboro, North Carolina 27533

Dear Chairman Aycock:

It is my pleasure to officially notify you that the Wayne County has been awarded \$750,000 in Community Development Block Grant (CDBG) funds for the Neighborhood Revitalization Program. I commend you on your efforts to provide Community Development Assistance.

Please note that under CDBG program regulations, project funds may not be obligated or spent until certain grant conditions are met with the Rural Economic Development Division (REDD), which administers the CDBG Program, will contact you about these conditions and help you implement your grant.

Congratulations on this award. We look forward to working with you and other officials. Should you have any questions regarding this grant, please contact Valerie Fegans, Rural Economic Development Division at (919) 814-4673.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenny Flowers".

Kenny Flowers
Assistant Secretary

**WAYNE COUNTY
STAFF ATTORNEY**



WAYNE COUNTY
NORTH CAROLINA
Phone: (919) 705-1713
Fax (919) 988-6495

TO: WAYNE COUNTY BOARD OF COMMISSIONERS
FROM: ANDREW NEAL, STAFF ATTORNEY *AN*
SUBJECT: SALE OF SURPLUS PROPERTY JOINTLY OWNED WITH THE CITY OF
GOLDSBORO; 306 N. CAROLINA STREET, GOLDSBORO (PIN: 2599775683) AND
611/613 E. SPRUCE STREET, GOLDSBORO (PINS: 3509049269 & 3509140217)
DATE: 12/10/2021
CC: CRAIG HONEYCUTT, COUNTY MANAGER

The County and the City of Goldsboro jointly own the properties located at 306 N. Carolina Street and 611/613 E. Spruce Street in Goldsboro. The properties were obtained via tax foreclosure auctions. The County has received offers to purchase the properties pursuant to NCGS §160A-269.

306 N. Carolina Street, Goldsboro (PIN: 2599775683)

Buyer: LaShauna Reid Ballard (adjoining property owner)

Sales Price: \$2,000.00

Tax Value: \$3,900.00

Deposit: \$100.00 (5% of purchase price)

611 & 613 E. Spruce Street, Goldsboro (PINs: 3509049269 & 3509140217)

Buyer: Stephanie Ross

Sales Price: \$2,400.00

Combined Tax Value: \$5,140.00

Deposit: \$120.00 (5% of purchase price)

If the terms are approved by the Board of Commissioners, the offers will be advertised in the News-Argus and upset bids will be accepted for 10 days. Once upset bidding is complete, the sales will be sent to the Goldsboro City Council for City approval. Enclosed please find proposed Resolutions, Public Notices, Tax Cards, and GIS maps.

THE GOOD LIFE. GROWN HERE.

P.O. BOX 227
GOLDSBORO, NC 27533

NORTH CAROLINA

WAYNE COUNTY

**RESOLUTION #2021-45: A RESOLUTION DECLARING SURPLUS REAL
PROPERTY AND AUTHORIZING ITS SALE**

WHEREAS, the County has acquired a property interest a piece of property located at 306 N. Carolina Street, Goldsboro, North Carolina, having parcel identification numbers of 2599775683 and being more particularly described in the deed recorded in Deed Book 3686, Page 107 in the Office of the Register of Deeds for Wayne County ("Property"); and

WHEREAS, the County obtained an interest in this property through tax foreclosure proceedings; and

WHEREAS, the Staff Attorney and County Manager have recommended that this property be declared surplus and sold, following a careful review by the Staff Attorney and the Facilities Services Director that determined the County has no use for these properties; and

WHEREAS, NCGS § 160A-269 permits the County to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the properties described above, in the amount of \$2,000, submitted by LaShauna Reid Ballard; and

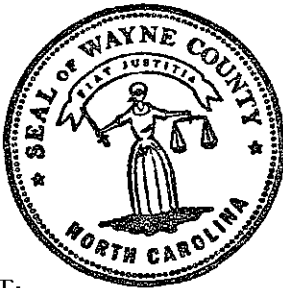
WHEREAS, LaShauna Reid Ballard has paid the required five percent (5%) deposit on its offer;

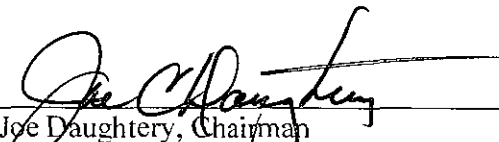
NOW, THEREFORE BE IT RESOLVED by the Wayne County Board of Commissioners that:

1. The Board of Commissioners declares the property described above surplus and authorizes the sale of the Property through upset bid procedure of North Carolina General Statute §160A-269.
2. A notice of the proposed sale shall be published which shall describe the property and the amount of the offer and shall state the terms under which the offer may be upset.
3. Any person may submit an upset bid to the Clerk to the Board within 10 days after the notice of sale is published. Once a qualifying higher bid has been received, that bid will become the new offer.
4. If a qualifying higher bid is received, new notice of upset bid shall be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of Commissioners.

5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.
6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The county will return the deposit of the final high bidder at closing.
7. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.
8. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate County officials are authorized to refer the matter to the City of Goldsboro by the City Council and, pending approval by said body, execute the instruments necessary to convey the property to LaShauna Reid Ballard.

Passed and adopted this the 21st day of December, 2021.




Joe Daughtery, Chairman
Wayne County Board of Commissioners

ATTEST:


Carol Bowden, Clerk to the Board

PUBLIC NOTICE
SALE OF COUNTY PROPERTY

An offer of \$2,000.00 has been submitted for the purchase of certain property owned by the County of Wayne located at 306 N. Carolina Street, Goldsboro, NC (Wayne County PIN 2599775683) more particularly described as follows:

BEGINNING at an iron stake on the Eastern right of way of Carolina Street, said stake being located South 22 degrees 00 minutes West 220 feet from an iron stake at the most Southeastern intersection corner of Oak Street and said Carolina Street; thence from the beginning South 68 degrees 00 minutes East 150 feet to an iron stake; thence South 22 degrees 00 minutes West 60 feet to an iron stake; thence North 68 degrees 00 minutes West 150 feet to an iron stake in the most Eastern right of way of Carolina Street; thence north 22 degrees 00 minutes East and along the Eastern right of way of Carolina Street 60 feet to the point of beginning; and being part of lot No. 5 as shown on a plat made by C. Beems, Surveyor, in September 1940, showing subdivision of certain lots in the F.K. Borden Subdivision, said plat having been recorded in the Wayne County Registry in Plat Book 5 at page 9.

Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer and the required deposit to the Clerk to the Board of Commissioners, PO Box 227, Goldsboro, NC 27533 by 5:00 P.M. on January 7, 2022. At that time the Clerk to the Board shall open the bids, if any, and the highest qualifying bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.

A qualifying higher bid is one that raises the existing offer at least 10% of the first \$1,000 and 5% of the remainder. A qualifying bid must raise the existing offer to an amount not less than \$2,150.00.

A qualifying higher bid must be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted and will return the deposit on an offer subject to upset if a qualifying higher bid is received. If no other bids are made the original offer to purchase of \$2,000.00 will be accepted.

Further information may be obtained at the Wayne County Staff Attorney's Office, 100 S. Ormond Ave., Goldsboro, NC or by telephone at (919) 705-1971 during normal business hours.

Andrew J. Neal
Wayne County Staff Attorney
PO Box 227
Goldsboro, NC 27533
(919) 705-1971
Run date: December 28, 2021

WAYNE COUNTY

Attachment C Page 5

12/10/2021 9:10:25 AM

ACTION INVESTMENT GROUP LLC

306 N CAROLINA ST

75336790

CITY - GOLDSBORO (100), COUNTYWIDE ADVALOREM TAX (100)

CARD NO. 1 of 1

1.000 LT

TW-12

Return/Appeal Notes: 2599775683

UNIQU ID 47379

ID NO: 12000068006003

SRC=

C-01 EX-AT-

LAST ACTION 20180329

Reval Year: 2019 Tax Year: 2021

Appraised by 60 on 01702 WEST SIDE DOWNTOWN

CAROLINA ST

CONSTRUCTION DETAIL		MARKET VALUE						DEPRECIATION				CORRELATION OF VALUE													
TOTAL POINT VALUE		USE	MOD	EFF. Area	QUAL	BASE RATE	RCN	EYB	AYB					CREDENCE TO											
BUILDING ADJUSTMENTS		01	00							% GOOD				DEPR. BUILDING VALUE - CARD											
TOTAL ADJUSTMENT																DEPR. OB/XF VALUE - CARD									
FACTOR																MARKET LAND VALUE - CARD									
TOTAL QUALITY INDEX																TOTAL MARKET VALUE - CARD									
																TOTAL APPRAISED VALUE - CARD									
																TOTAL APPRAISED VALUE - PARCEL									
																TOTAL PRESENT USE VALUE - PARCEL									
																TOTAL VALUE DEFERRED - PARCEL									
																TOTAL TAXABLE VALUE - PARCEL									
																PRIOR									
																BUILDING VALUE									
																OBXF VALUE									
																LAND VALUE									
																PRESENT USE VALUE									
																DEFERRED VALUE									
																TOTAL VALUE									
																PERMIT									
																CODE DATE NOTE NUMBER AMOUNT									
																ROUT: WTRSHD:									
																SALES DATA									
																OFF. RECORD DATE DEED TYPE Q/UV/I INDICATE SALES									
																BOOK PAGE MOYR									
																02708 0533 10 2008 WD U I 6500									
																02457 0609 9 2006 WD U I 11500									
																02364 0727 10 2005 WD U I 69000									
																01219 0130 12 1988 WD U I 22000									
																00866 0368 1 1975 WD U I 0									
																HEATED AREA									
																NOTES									
																P9-17 DEMO FOR 2018.									

SUBAREA			CODE		QUALITY		DESCRIPTION		LTH		WTH		UNITS		UNIT PRICE		ORIG % COND		BLDG#		L/B		SIZE FACT		AYB/EYB		ANN DEP RATE		% OVR		COND		OB/XF DEPR. VALUE	
TYPE			GS AREA		RPL CS		TOTAL OB/XF VALUE																											
FIREPLACE																																		
SUBAREA																																		
TOTALS																																		

BUILDING DIMENSIONS

LAND INFORMATION

HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRONTAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES				ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJST	ADJUSTED UNIT PRICE	LAND VALUE	LAND NOTES	
0100	0100	R-6	60	150	1.0000	2	1.0000	RF	AC	LC	TO	QT		65.00	60.000	FF	1.000	65.00	3900	

TOTAL MARKET LAND DATA

TOTAL PRESENT USE DATA



Users of the GIS information/data contained in this web mapping application are hereby notified that the information was compiled from recorded deeds, plats and other public records and data. Users are notified that the aforementioned public primary information sources should be consulted for verification of the data contained in this information. The County of Wayne and the mapping companies or other entities assume no legal responsibility for the information contained herein. By accepting this disclaimer you agree and understand the disclaimer.

NORTH CAROLINA

WAYNE COUNTY

**RESOLUTION #2021-46: A RESOLUTION DECLARING SURPLUS REAL
PROPERTY AND AUTHORIZING ITS SALE**

WHEREAS, the County and the City of Goldsboro have acquired a property interest a piece of property located at 611 and 613 E. Spruce Street, Goldsboro, North Carolina, having parcel identification numbers of 3509049269 and 3509140217 and being more particularly described in the deed recorded in Deed Book 3411 Page 621 in the Office of the Register of Deeds for Wayne County ("Property"); and

WHEREAS, the County and the City of Goldsboro obtained an interest in this property through tax foreclosure proceedings; and

WHEREAS, the Staff Attorney and County Manager have recommended that this property be declared surplus and sold, following a careful review by the Staff Attorney and the Facilities Services Director that determined the County has no use for these properties; and

WHEREAS, NCGS § 160A-269 permits the County to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the properties described above, in the amount of \$2,400, submitted by DeAnthony and Stephanie Ross; and

WHEREAS, DeAnthony and Stephanie Ross have paid the required five percent (5%) deposit on its offer;

NOW, THEREFORE BE IT RESOLVED by the Wayne County Board of Commissioners that:

1. The Board of Commissioners declares the property described above surplus and authorizes the sale of the Property through upset bid procedure of North Carolina General Statute §160A-269.
2. A notice of the proposed sale shall be published which shall describe the property and the amount of the offer and shall state the terms under which the offer may be upset.
3. Any person may submit an upset bid to the Clerk to the Board within 10 days after the notice of sale is published. Once a qualifying higher bid has been received, that bid will become the new offer.
4. If a qualifying higher bid is received, new notice of upset bid shall be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board

of Commissioners.

5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.
6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The county will return the deposit of the final high bidder at closing.
7. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.
8. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate County officials are authorized to refer the matter to the City of Goldsboro by the City Council and, pending approval by said body, execute the instruments necessary to convey the property to DeAnthony and Stephanie Ross.

Passed and adopted this the 21st day of December, 2021.




Joe Daughtery, Chairman
Wayne County Board of Commissioners

ATTEST:


Carol Bowden, Clerk to the Board

PUBLIC NOTICE
SALE OF COUNTY PROPERTY

An offer of \$2,400.00 has been submitted for the purchase of certain property owned by the County of Wayne and City of Goldsboro, located at 611 and 613 E. Spruce Street, Goldsboro (Wayne County PINs 3509049269 & 3509140217) more particularly described as follows:

PIN: 3509049269 / 611 E. Spruce St., Goldsboro

BEGINNING at a stake on East Spruce Street, Annie Fort's Southeast corner, and runs thence with her line Northwardly 85 feet to a stake in the old Fields line; thence Eastwardly 50 feet to Dorothy Peel's Northwest corner; thence Southwardly with her line 85 feet to Spruce Street; thence Westwardly with said street 50 feet to the beginning. Being the same property described in a deed recorded in Book 1364, Page 845 in the Wayne County Registry.

PIN: 3509140217 / 613 E. Spruce Street, Goldsboro

BEGINNING at Margaret Boothe's Southwest corner of East Spruce Street and runs thence with her line Northwardly 85 feet to a stake; thence Westwardly 50 feet to stake in the dividing line between the lot of land herein conveyed and the vacant lot adjoining same on the West; thence Southerly with said line 85 feet to Spruce Street; thence with Spruce Street Eastwardly 50 feet to the beginning. Being the same property described in a deed recorded in Book 822, Page 803 in the Wayne County Registry.

Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer and the required deposit to the office of the Wayne County Staff Attorney, PO Box 227, Goldsboro, NC 27533 by 5:00 P.M. on January 7, 2022. At that time the Clerk to the Board shall open the bids, if any, and the highest qualifying bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.

A qualifying higher bid is one that raises the existing offer at least 10% of the first \$1,000 and 5% of the remainder. A qualifying bid must raise the existing offer to an amount not less than \$2,570.00. A qualifying higher bid must be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted and will return the deposit on an offer subject to upset if a qualifying higher bid is received. If no other bids are made the original offer to purchase of \$2,400.00 will be accepted.

Further information may be obtained at the Wayne County Staff Attorney's Office, 100 S. Ormond Ave., Goldsboro, NC or by telephone at (919) 705-1971 during normal business hours.

Andrew J. Neal
Wayne County Staff Attorney
PO Box 227
Goldsboro, NC 27533
(919) 705-1971
Run date: December 28, 2021



Users of the GIS information/data contained in this web mapping application are hereby notified that the information was compiled from recorded deeds, plats and other public records and data. Users are notified that the aforementioned public primary information sources should be consulted for verification of the data contained in this information. The County of Wayne and the mapping companies or other entities assume no legal responsibility for the information contained herein. By accepting this disclaimer you agree and understand the disclaimer.

WAYNE COUNTY
CITY OF GOLDSBORO
613 E SPRUCE ST
75254500

Attachment C Page 13
WAYNE COUNTY

CITY - GOLDSBORO (100), COUNTYWIDE ADVALOREM TAX (100)
E SPRUCE ST

Reval Year: 2019 Tax Year: 2021
Appraised by on 01502 DOWNTOWN

Return/Appeal Notes: 3509140217
UNIQ ID 50950
ID NO: 12000003002011

CARD NO. 1 of 1
1.000 LT
TW-12

SRC=
C-01 EX-2AT-
LAST ACTION 20190104

CONSTRUCTION DETAIL		MARKET VALUE						DEPRECIATION				CORRELATION OF VALUE			
TOTAL POINT VALUE		USE	MOD	Eff. Area	QUAL	BASE RATE	RCN	EYB	AYB	CREDENCE TO					
BUILDING ADJUSTMENTS		01	00							% GOOD					
TOTAL ADJUSTMENT FACTOR		TYPE: SINGLE FAMILY RESIDENTIAL										DEPR. BUILDING VALUE - CARD			
TOTAL QUALITY INDEX		STORIES:										DEPR. OB/XF VALUE - CARD			
												MARKET LAND VALUE - CARD			
												TOTAL MARKET VALUE - CARD			
												TOTAL APPRAISED VALUE - CARD			
												TOTAL APPRAISED VALUE - PARCEL			
												TOTAL PRESENT USE VALUE - PARCEL			
												TOTAL VALUE DEFERRED - PARCEL			
												TOTAL TAXABLE VALUE - PARCEL			
												PRIOR			
												BUILDING VALUE			
												OBXF VALUE			
												LAND VALUE			
												PRESENT USE VALUE			
												DEFERRED VALUE			
												TOTAL VALUE			
												PERMIT			
		CODE		DATE		NOTE		NUMBER		AMOUNT					
		ROUT: WTRSHD:													
		SALES DATA													
		OFF. RECORD		DATE		DEED TYPE		Q/UR/I		INDICATE SALES PRICE					
		BOOK	PAGE	MO	YR										
		03411	0621	12	2018	WD	C	V					0		
		03230	0668	6	2016	WD	C	I					0		
		03036	0241	7	2013	WD	C	I					0		
		03030	0789	3	2013	WD	A	I					5000		
		00822	0803	1	1973	WD	U	I					0		
		HEATED AREA													
		NOTES													
		3/15-no change. poor cond. P1-16 DEMO FOR 2017													

SUBAREA				CODE	QUALITY	DESCRIPTION	LTH	WTH	UNITS	UNIT PRICE	ORIG % COND	BLDG#	L/B	SIZE FACT	AYB	EYB	ANN DEP RATE	% OVR	COND	OB/XF DEPR. VALUE		
TYPE				GS AREA	%	RPL CS	TOTAL OB/XF VALUE														0	
FIREPLACE																						
SUBAREA																						
TOTALS																						
BUILDING DIMENSIONS																						
LAND INFORMATION																						
HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRONTAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES RF AC LC TO OT			ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJST	ADJUSTED UNIT PRICE	LAND VALUE	LAND NOTES				
0100	0100	R-6	50	85	0.7900	2	1.0000					65.00	50.000	FF	0.790	51.35	2568					
TOTAL MARKET LAND DATA																	2,570					
TOTAL PRESENT USE DATA																						

Community Services Block Grant [CSBG]
Documentation of Submission to County Commissioners

Background: The North Carolina Administrative Code [10A NCAC 97C.0111 (b)(1)(A)] requires that each CSBG grant recipient submit its Community Anti-Poverty Plan [grant application] to each County Commissioner Board that it serves.

Instructions: This form is to be completed and notarized by the Clerk to the Board.

Agency Name: Wages
County: Wayne

Date of Application Submission: _____
[Note: This application should be submitted to the County Commissioners at least thirty (30) days prior to application submission to the Office of Economic Opportunity [OEO]. The grant application is due to OEO **January 14, 2022**.

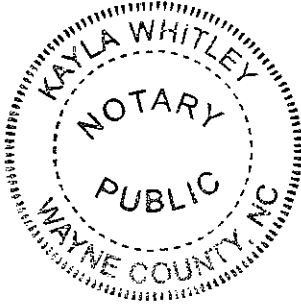
Clerk to the Board should initial all items below.

- ☒ The agency submitted a complete grant application for Commissioner review.
- ☒ The Clerk to the Board will be responsible for assuring that the application is distributed to the Commissioners.
- ☐ Commissioners' comments provided those to the agency. (If applicable)

Card Bowden 12-21-21
Clerk to the Board Date

Kayla Whitley 12-21-21
Notary Date

My commission expires March 24, 2024



WAYNE COUNTY
STAFF ATTORNEY



TO: WAYNE COUNTY BOARD OF COMMISSIONERS

FROM: ANDREW NEAL, STAFF ATTORNEY *AN*

SUBJECT: ORDINANCE CHANGES PURSUANT TO NC GENERAL ASSEMBLY SESSION
LAW 2021-138

DATE: 11/23/2021

CC: CRAIG HONEYCUTT, COUNTY MANAGER

At the December 7, 2021 meeting staff proposed changes to sixteen ordinances in order to comply with North Carolina General Assembly SL 2021-138. At that meeting, the Board amended nine ordinances to remove criminal enforcement which are now barred under new NCGS §153A-123. Additionally, staff introduced amendments to six ordinances which require text changes under new NCGS §14-4. SL 2021-138 modified NCGS §153A-123 such that these six amendments could not be enacted at the first meeting in which they were presented. These amendments are therefore being recommended for approval at the December 21, 2021 meeting. Attached are the proposed ordinance amendments and relevant portion of SL 2021-138.

THE GOOD LIFE. GROWN HERE.

P.O. BOX 227
GOLDSBORO, NC 27533

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION LAW 2021-138

PART XIII. DECRIMINALIZATION OF CERTAIN ORDINANCES

SECTION 13.(a) G.S. 153A-123 reads as rewritten:

"§ 153A-123. Enforcement of ordinances.

(b) ~~Unless the board of commissioners has provided otherwise,~~ Except for the types of ordinances listed in subsection (b1) of this section, violation of a county ordinance ~~is~~ may be a misdemeanor or infraction as provided by ~~G.S. 14-4. G.S. 14-4 only if the county specifies such in the ordinance.~~ An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4. ~~Notwithstanding G.S. 153A-45, no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.~~

(b1) No ordinance of the following types may impose a criminal penalty:

- (1) Any ordinance adopted under Article 18 of this Chapter, Planning and Regulation of Development or, its successor, Chapter 160D of the General Statutes, except for those ordinances related to unsafe buildings.
- (2) Any ordinance adopted pursuant to G.S. 153A-134, Regulating and licensing businesses, trades, etc.
- (3) Any ordinance adopted pursuant to G.S. 153A-138, Registration of mobile homes, house trailers, etc.
- (4) Any ordinance adopted pursuant to G.S. 153A-140.1, Stream-clearing programs.
- (5) Any ordinance adopted pursuant to G.S. 153A-143, Regulation of outdoor advertising or, its successor, G.S. 160D-912, Outdoor advertising.
- (6) Any ordinance adopted pursuant to G.S. 153A-144, Limitations on regulating solar collectors or, its successor, G.S. 160D-914, Solar collectors.
- (7) Any ordinance adopted pursuant to G.S. 153A-145, Limitations on regulating cisterns and rain barrels. (8) Any ordinance regulating trees.

SECTION 13.(c) G.S. 14-4 reads as rewritten:

"§ 14-4. Violation of local ordinances misdemeanor.

(a) Except as provided in subsection ~~(b)~~, (b) or (c) of this section, if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$50.00).

(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00).

(c) A person may not be found responsible or guilty of a local ordinance violation punishable pursuant to subsection (a) of this section if, when tried for that violation, the person produces proof of compliance with the local ordinance through any of the following:

- (1) No new alleged violations of the local ordinance within 30 days from the date of the initial alleged violation.
- (2) The person provides proof of a good-faith effort to seek assistance to address any underlying factors related to unemployment, homelessness, mental health, or substance abuse that might relate to the person's ability to comply with the local ordinance."

PROPOSED CHANGES TO WAYNE COUNTY ORDINANCES PURSUANT TO
SESSION LAW 2021-138
DECEMBER 21, 2021 ACTION ITEMS

Chapter 14: Buildings and Building Regulations; Articles I-V-

Current Language:

Sec. 14-299. Willful failure or refusal to comply with order.
It shall be unlawful for any person to willfully fail or refuse to comply with any final order or direction of the building inspector or board of commissioners made by virtue and in pursuance of this article, and any person violating this article shall, upon conviction, be punished as provided by G.S. §153A-123 for the violation of county ordinances, and every day such person shall willfully fail or refuse to comply with any final order or direction of the building inspector or governing body made by virtue and in pursuance of this article shall constitute a separate and distinct offense.

Proposed Language:

Sec. 14-299. – Willful failure or refusal to comply with order.
It shall be unlawful for any person to willfully fail or refuse to comply with any final order or direction of the building inspector or board of commissioners made by virtue and in pursuance of this article. Any person violating this article shall, upon conviction, be punished as provided by G.S. 14-4 for a class 3 misdemeanor and shall be fined not more than \$500.00 for the violation of county ordinances. Every day such person shall willfully fail or refuse to comply with any final order or direction of the building inspector or governing body made by virtue and in pursuance of this article shall constitute a separate and distinct offense. In addition to criminal prosecution, the County shall be permitted to define and declare nuisances and to cause their abatement by summary action as provided by law.

Justification: Reference to NCGS §14-4 required under new NCGS §153A-12(b).

Chapter 23: State of Emergency-

Current Language:

Sec. 23-10. – Violations of subchapter.
Any person violating any prohibition or restriction imposed by a proclamation authorized by this chapter shall be guilty of a misdemeanor.

Proposed Language:

Sec. 23-10. – Violations of subchapter.
Any person violating any prohibition or restriction imposed by a proclamation authorized by this chapter shall be guilty of a misdemeanor pursuant to G.S. 14-4 and shall be subject to a fine up to \$500.00.

Justification: Reference to NCGS §14-4 required under new NCGS §153A-12(b).

Chapter 42: Manufactured Housing

Current Language:

Sec. 42-86. – Penalties for violation.

(a) After the effective date of the ordinance from which this article is derived, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this article, thereafter establishes or operates a mobile home park on his land in violation of this article before the plat has been properly approved under the terms of this article shall be guilty of a misdemeanor. The county, through its attorney or other official designated by the board of commissioners, may enjoin illegal creation or operation of a mobile home park by action or injunction. Further, violators of this article shall be subject, upon conviction, to a fine and/or imprisonment as provided by G.S. 14-4.

Proposed Language:

After the effective date of the ordinance from which this article is derived, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this article, thereafter establishes or operates a mobile home park on his land in violation of this article before the plat has been properly approved under the terms of this article shall be guilty of a misdemeanor pursuant to G.S. § 14-4 and shall be subject to a fine up to \$500.00. The county, through its attorney or other official designated by the board of commissioners, may enjoin illegal creation or operation of a mobile home park by action or injunction.

Justification: Reference to NCGS §14-4 and punishment clarification required under new NCGS §153A-123(b).

Chapter 66: Streets, Sidewalks, and Other Public Property; Article I: Concealed Weapons-

Current Language:

Sec. 66-1. – Concealed weapons prohibited in county buildings.

(e)Any person violating this section shall be guilty of a misdemeanor and shall be subject to a fine of \$500.00 or imprisonment of up to 30 days.

Proposed Language:

Sec. 66-1. – Concealed weapons prohibited in county buildings.

Any person violating this section shall be guilty of a misdemeanor pursuant to G.S. 14-4 and shall be subject to a fine up to \$500.00

Justification: Reference to NCGS §14-4 required under new NCGS §153A-12(b).

Chapter 78: Utilities; Article II: Sewer Service-

Current Language:

Sec. 78-26. – Penalties.

(a) Any person found to be violating any provisions of this chapter shall be served by the county with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof; provided, however, that said notice shall not be required for violations of section 78-23. The offender shall, within the period of time stated in such notice, permanently cease all violations and shall pay the cost of sampling which revealed said violations.

(b) Any person who shall continue any violation beyond the above time limit shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding \$200.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(c) Any person violating any of the provisions of this chapter shall become liable to the county for any expense loss or damage occasioned by the county, by reason of such violation.

Proposed Language:

Sec. 78-26. – Penalties.

Subsection (b) shall be modified as follows:

(b) Any person who shall continue any violation beyond the above time limit shall be guilty of a misdemeanor under G.S. 14-4, and upon conviction thereof, subject to a fine not exceeding \$200.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Justification: Reference to NCGS §14-4 required under new NCGS §153A-12(b).

Chapter 78: Utilities; Article 3: Stormwater Management-

Current Language:

Sec. 78-67. – Criminal penalties.

Any person who knowingly or willfully violates any provision of this article, rule, regulation, or order duly adopted or issued pursuant to this article, shall be guilty of a misdemeanor, punishable by a fine not to exceed \$500.00. Each violation shall be a separate offense.

Proposed Language:

Sec. 78-67. – Criminal penalties.

Any person who violates any provision of this article, rule, regulation, or order duly adopted or issued pursuant to this article, shall be guilty of a misdemeanor under G.S. 14-4 and upon conviction thereof, subject to a fine not to exceed \$500.00. Each violation shall be a separate offense.

Justification: Reference to NCGS §14-4 required under new NCGS §153A-12(b).

MEMORANDUM

To: Wayne County Board of Commissioners

From: Berry Gray, Planning Director

Date: December 15, 2021

Re: Final Subdivision Plat Approval

Item: Glenn Laurel Section 13, Final
Owner/Developer: The H Ray Family Limited Partnership
Surveyor/Engineer: R. Daneel Butler, PLS
Stoney Creek Township, Daw Pate Road (SR 1546)
Lots 108-109, 115-125 (13 lots)

Discussion: Glenn Laurel Section 13 consists of 13 lots on 7.62 acres. This subdivision includes the extension of Glenn Laurel Drive and Coffman Drive off Daw Pate Road (SR 1546), just north of the intersection with NC Hwy 111 N. The property is not within a zoning district and the average lot size at 18,250 sf. Building lots will utilize public water and onsite septic. The property is shown within the Rural area on the Wayne County Growth Strategies Map. Improvements are complete and a NCDOT Built to Standards letter has been submitted to the County. Until the streets are accepted onto the State's secondary road system, the developer has signed a statement regarding the maintenance of the streets and right of ways.

The property is located within the following service areas:

Schools – Charles B Aycock HS, Norwayne Middle, Northeast Elementary
Water – Belfast Patetown Sanitary District
Fire – Patetown Fire Department
EMS – Station 10
Transportation – MPO
Water Supply Watershed – No
Voluntary Agriculture District – No
Wetlands – No
Board of Commissioners District – 5

Recommendation: The Wayne County Planning Board recommends approval of the final plat.

NOTICE OF PUBLIC HEARING
NORTH CAROLINA
WAYNE COUNTY

Notice is hereby given the Wayne County Board of Commissioners will hold a public hearing on Tuesday, January 4, 2022 at 5:15 p.m. in the Commissioners Meeting Room in the Wayne County Courthouse Annex, 224 E. Walnut St., Goldsboro, NC. The purpose of the public hearing is to receive public comments regarding a proposed economic development incentive grant to Hosokawa Micron International. The Board of Commissioners will consider a \$240,000 incentive grant payable over ten (10) years in exchange for the company's commitment to invest \$6,335,169 in capital improvements and to create 16 jobs in Wayne County.

All interested parties are invited to attend this public hearing and be heard. Written comments may be made in advance to the following:

Carol Bowden, Clerk to the Board
Wayne County Board of Commissioners
P.O. Box 227
Goldsboro, NC 27533-0227
919-731-1445
carol.bowden@waynegov.com

This the 21st day of December, 2021.

Carol Bowden
Wayne County Clerk to the Board

STATE OF NORTH CAROLINA
COUNTY OF WAYNE

ECONOMIC DEVELOPMENT AGREEMENT

This AGREEMENT is executed this 7th day of January, 2022, by and between Company, Hosokawa Micron International, headquartered at 10 Chatham Road, Summit, NJ 07901, a corporation authorized to do business in the state of North Carolina, having a principal place of business at 501 Challen Drive Goldsboro, NC, 27530 (hereinafter “Hosokawa Micron International”), and Wayne County a political subdivision of the State of North Carolina, having its principal place of business at 224 E. Walnut Street, Goldsboro NC 27530 (hereinafter the “County”).

WITNESSETH:

WHEREAS, Hosokawa Micron International desires to install certain machinery and equipment and expand its existing facility located in Goldsboro, Wayne County, representing a total non-depreciated investment of at least \$6,335,169 in personal and real property, and to create at least sixteen (16) new jobs at this facility on or before December 31, 2023, with incremental achievement goals starting December 31, 2021; and

WHEREAS, Hosokawa Micron International shall incur certain costs for installation of these improvements; and

WHEREAS, the addition of these improvements will expand the County tax base through increased ad valorem tax value created as a consequence of capital investment in real property and machinery and equipment being brought into the County; and

WHEREAS, the County recognizes that a portion of the revenues generated as a consequence of this business venture be returned to Hosokawa Micron International to pay a portion of the costs of the investment, and that such revenues be designated as an “Economic Development Grant” to Hosokawa Micron International in the amount of Two Hundred Forty Thousand Dollars (\$240,000); and

WHEREAS, the parties hereto wish to reduce their understanding regarding the details of the Economic Development Grant and Hosokawa Micron International performance to this writing;

NOW, THEREFORE, for the mutual considerations noted hereinafter, the sufficiency of which are hereby acknowledged, the parties do hereby contract and agree as follows:

I. Economic Development Incentives.

Hosokawa Micron International will incur costs in adding machinery and equipment as well as additional real property at their current facility and the County will realize economic benefits due to the expansion of the tax base. As an incentive for Hosokawa Micron International to invest in machinery and equipment and real property at its existing site in accordance with NCGS §158-7.1, the County shall provide to Hosokawa Micron International the incentives set forth herein in accordance with the terms and conditions of this Agreement. The County shall provide an Economic Development Grant to Hosokawa Micron International with an estimated value of \$240,000, with such a grant to be

made available to Hosokawa Micron International as set forth in Exhibit A.

- A. The County shall pay to Hosokawa Micron International in installments a total grant of \$240,000 as shown on, and in accordance with terms and conditions described in, Exhibit A to this Agreement (the “**County Performance Grant**”).

II. Representations.

The County represents and warrants that (a) it has the power and authority to bind itself to the requirements of this Agreement and (b) this Agreement is executed under the authority granted to the County under North Carolina General Statutes §158-7.1, The Local Development Act of 1925, as amended, and 1987 Sessions Laws, Chapter 1002, a Local Act applying to the County.

III. Miscellaneous Provisions.

- A. Independent Agreement. This Agreement and the conditions hereof only relate to the provisions and grants from the County set forth herein and do not limit or affect other commitments made by the County, the State of North Carolina, or other entities.
- B. Governing Law. This Agreement has been drafted and shall be interpreted under the laws of the State of North Carolina and in the event any provision is found by a court of competent jurisdiction to be unenforceable or unconstitutional, all other provisions shall remain in full force and effect. The parties agree that exclusive venue for any dispute shall be the General Court of Justice in Wayne County, North Carolina.
- C. Binding Agreement. The parties hereto acknowledge that this Agreement and the foregoing actions and grants each represent binding contractual agreements among the parties hereto and that Hosokawa Micron International is acting in reliance upon this Agreement and the provisions and grants provided herein in its decision as to whether it will expand its investment in Wayne County, North Carolina.
- D. Assignment. This Agreement shall be assignable by Hosokawa Micron International to any entity that is controlled by controls or under common control with Hosokawa Micron International or in the case of a sale of substantially all of the operating assets of the facility, Hosokawa Micron International may assign this Agreement to the purchaser of the facility.
- E. Survival. The contractual commitments provided for herein and made by the parties hereto shall be deemed to continue into the future, survive, and remain binding upon future elected officials fully permitted under applicable law.
- F. Force Majeure. Hosokawa Micron International shall not assume any responsibility for any event or failure to act that is due to any cause in whole or in part that is beyond Hosokawa Micron International control, even if advised of same, foreseeable or in contemplation of the parties, including without limitation force majeure, the public enemy, fire, flood, earthquake, hurricane, strike or labor disputes, boycott, the inability to obtain raw materials, labor or transportation, the loss of any public or private supplied utilities, the regulations issued by any government or any of its agencies, acts of God, or any other cause similar or dissimilar to the foregoing.

G. Entire Agreement. This writing contains the entire agreement between the parties hereto and may be amended only by writing signed by all parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

WAYNE COUNTY

Attest:

Chairman
Wayne County Board of Commissioners

Clerk to the Board

Hosokawa Micron International

Attest:

By: _____

Secretary

Title: _____

EXHIBIT A

Performance Goals

Year	Annual Job Increase (minimum)	Total Jobs in County (minimum as of 12.31.21)	Non Depreciated Capital Investment Increase (minimum)	Capital Investment Cumulative Totals (minimum)	County Grant Annual New Increment (maximum)	County Grant Payment Year (Amount attributed to prior year achievement)
2021	13	13	\$3,155,244	\$3,155,244	\$14,000	\$0
2022	1	14	\$3,179,925	\$6,335,169	\$28,000	\$14,000
2023	2	16			\$28,000	\$28,000
2024					\$27,000	\$28,000
2025					\$26,000	\$27,000
2026					\$25,000	\$26,000
2027					\$25,000	\$25,000
2028					\$23,000	\$25,000
2029					\$23,000	\$23,000
2030					\$21,000	\$23,000
2031					0	\$21,000
Totals	16	16	\$6,335,169	\$6,335,169	\$240,000	\$240,000

Calculation Methodology:

Hosokawa Micron International performance against the job creation, job maintenance, and the capital investment goals shall be reviewed by the County after submission by Hosokawa Micron International before September of each year, beginning in CY 2019 for performance year 2019. The total amount of capital investment and job increases as of January 1st of that year shall be calculated; the total for each shall be expressed as a percentage of the respective total projected goal. The average of the two percentages shall be the achievement percentage of capital investment and job creation and the grant funds that shall be actually awarded in and for each calendar year based on that achievement, subject to the County Grant Annual New increment maximum and the following. Should the average percentage of the cumulative projected goal capital investment and job increase be less than 100% as of January 1st of any given year, the County shall accrue the amount of funds budgeted but unearned and such funds shall be paid out in the first year Hosokawa Micron International attains in a given year at least 100% of its cumulative projected goals, in addition to paying the new increment amount of funds budgeted for that year. The payments by the County, should Hosokawa Micron International be current in all tax payments and to the extent provided above that performance goals be met, shall be made by September 30th of each year beginning in 2022, for calendar year 2021. This grant shall expire on December 31, 2031. For clarification, if Hosokawa Micron International does not submit performance data for a year before September of the normal review year, the funds budgeted will accrue and be reviewed by the County during the review year following Hosokawa Micron International submission, but not after December 31, 2031 (that is, when the grant expires).

Example of Calculation Methodology:

	A	B	C	D	E
Year	Annual Job Increase Goal (minimum)	Total Jobs Increase Cumulative Goal	Total Jobs Increase Cumulative Attained (% = C/B)	Capital Investment Cumulative Totals Goal	Actual Investment Cumulative Totals (%=E/D)
2021	13	13	9	\$3,155,244	\$2,555,747
2022	1	14	5	\$3,179,925	\$6,335,169
2023	2	16	2	\$0	\$0
2024					
2025					
2026					
2027					
2028					
2029					
2030					
2031					
Totals	16	16	16 (100%)	\$6,335,169	\$6,335,169 (100%)

Year 2022

(For calendar year 2021)
Average % attained = (67% [Jobs] + 81% [Investment]) ÷ 2 = 74%
Amount due from County payable by September 30, 2022, = .74 x \$14,000 = \$10,360
Amount unearned and being accrued \$14,000 - \$10,360 = \$3,640

Year 2023

(For calendar year 2022)
Average % attained = (100% [Jobs] + 100% [Investment]) ÷ 2 = 100%
Amount due from County payable by September 30, 2023, = 1.00 x \$28, 000 = \$28,000
2022 Accruals now earned and also due from County payable by September 30, 2023, = \$3,640
Total due from County payable by September 30, 2023, = \$28,000 + \$3,640 = \$31,640

Year 2024

(For calendar year 2023)
Average % attained = (100% [Jobs] + 100% [Investment]) ÷ 2 = 100%
Amount due from County payable by September 30, 2024, = 1.00[cap] x \$28,000 = \$28,000

Year 2025

(For calendar year 2024)
Average % attained = (100% [Jobs] + 100% [Investment]) ÷ 2 = 100%
Amount due from County payable by September 30, 2025, = 1.00 x \$27,000 = \$27,000

Year 2026

(For calendar year 2025)
Performance Goals completed as of December 31, 2023, County final payment by
September 30, 2031. Grant amount earned and paid.
Average % attained = (100% [Jobs] + 100% [Investment]) ÷ 2 = 100%
Amount due from County payable by September 30, 2026, = 1.00 x \$26,000 = \$26,000

Definitions:

“Capital Investment” shall be the ad valorem tax value of the property located in the County that is owned by Hosokawa Micron International its affiliates, or financing entities where Hosokawa Micron International or its affiliates maintain operational control of the property. Any disputes as to the calculation of Capital Investment shall be subject to mediation between senior executives of the applicable parties, or if such mediation is not successful by an action at law or in equity.

“Budget” unless otherwise agreed in this Agreement, the County shall approve a budget for the specific grant amount offered to Hosokawa Micron International by July 1st of each year that the respective grant is offered, for payment by the agreed-upon date.

No provision of this Agreement shall be construed or interpreted as creating a pledge of the faith and credit of the County within the meaning of any constitutional debt limitation. No provision of this Agreement shall be construed or interpreted neither as delegating governmental powers nor as a donation or a lending of the credit of the County within the meaning of the State Constitution. No provision of this Agreement shall be construed to pledge or to create a lien on any class or source of the County's moneys, nor shall any provision of the Agreement restrict to any extent prohibited by law, any action or right of action on the part of any future County governing body. To the extent of any conflict between this paragraph and any other provisions of this Agreement, this paragraph shall take priority.

The Rules of Procedure for the Wayne County Board of Commissioners is amended as follows:

1. In paragraph (5) a. add after Briefing Session “The Agenda Briefing on the Board of Commissioners meeting days is the time to introduce the Agenda to the full Board. As such, this is not a time to discuss or act upon any items. Individuals associated with the items may provide further explanation during the briefing at the request of the Chairman, but discussion should be held until the formal meeting begins.”

2. In paragraph (8) Powers of the Presiding Officer, add g. as follows: “The presiding officer shall determine the length of special presentations if scheduled.”

SUMMARY OF OSHA'S COVID-19 VACCINATION AND TESTING EMERGENCY TEMPORARY STANDARD

Background:

OSHA issued the rule on November 5, 2021 and applies to employers with more than 100 employees. NC Occupational Safety and Health (NC OSH) is responsible for enforcement in North Carolina.

Two options available for employers:

- Option 1: Mandatory Vaccination Policy for all employees
- Option 2: Voluntary Vaccination with weekly testing of non-vaccination employees

Original deadline for compliance was January 4, 2021 for testing provisions and December 6, 2021 for all other provisions. These deadlines have been delayed due to ongoing litigation.

The Rule was immediately challenged in federal court and the US Court of Appeals for the 5th Circuit issued an injunction preventing the Rule from taking effect. Multiple lawsuits were filed throughout the Country and the cases were consolidated in the US Court of Appeals for the 6th Circuit. The 6th Circuit reversed the original decision on December 17th and lifted the stay.

Current Status:

The matter has been appealed to the US Supreme Court who will decide whether the preliminary injunction will be reinstated. OSHA has released an update that it will not enforce the testing provisions until February 9, 2022 and all other provisions until January 20, 2022. This is meant to provide employers with sufficient time to come into compliance. NC OSH has not released any information on enforcement deadlines. If the Supreme Court reinstates the injunction, the rule will not take effect.

Summary of Vaccination, Testing, and Face Covering Policy (Option 2):

- All employees must disclose vaccination status to HR and provide proof of vaccination.
- Any employee who is not vaccinated would be required take a COVID-19 test at least once every seven days. Tests would be provided to HR.
- All non-vaccinated employees would be required to wear face coverings at work.
- The County must provide paid time off for any employee who wishes to get vaccinated. This includes time away from work getting a shot and time off for any negative side effects.
- Any employee who tests positive for COVID-19 shall not be permitted to return to work until 10 days have passed since symptoms first appeared and 24 hours have passed with no fever, without fever-reducing medication.
- At this time, the rule does not apply to COVID-19 boosters.

Next Steps:

Staff will update the draft policy once NC OSH issues final guidance on the rule. A policy will be presented to the Board for approval at the January 4, 2022 Board of Commissioner meeting.