

August 6, 2007

The Duplin County Board of Commissioners met in Regular Session on Monday, August 6, 2007 at 9:00 a.m. in the Commissioners' Room, County Administration Building (224 Seminary Street), Kenansville, North Carolina.

Present: Chairman David Fussell and Commissioners L. S. Guy, Jr., Harold L. Raynor, Cary Turner, Reginald Wells, and Zettie Williams

Absent: None

Also Present: Mr. Mike Aldridge, County Manager; Ms. Julia Herring, Administrative Officer; Ms. Teresa Lanier, Finance Officer; and Ms. Wendy Sivori, County Attorney

Commissioner Reginald Wells gave the invocation.

The following report was received by the board and is on file with the clerk:

Finance – June 2007

Motion was made by Commissioner Turner, seconded by Commissioner Raynor, carried unanimously, to approve the Consent Agenda which included the following: Minutes – July 16, 2007; Budget Amendments #032 - #045; Tax Releases #4064, #4068 - #4083; to add closeout documents for Water District D; deed of trust and security agreement for Moulding Solutions, Inc.; Town of Faison Sheriff Substation Agreement; a personnel issue for closed session pursuant to N.C.G.S. 143-311.11 (a)(6); and to add a personnel report to be made part of the minutes.

Mr. Mike Aldridge presented Administrative Budget Amendments # A009- # A023 to be made a part of the minutes.

Public Comments:

Mrs. Ruth Evans of Magnolia, questioned the board on the reason they have not made a decision on whether or not to re-establish an EMS station in Magnolia.

Ms. Jerri Parker, NC DOT Maintenance Engineer, gave an update on various roads in the county.

Roads discussed: Intersection of Hwy 403 and Warren Road near Faison – tall vegetation is obstructing the view; West Pine Forest near Calypso – trees & other growth along fence needs cutting down; Hwy 50 – ditches were dug out over two months ago and dirt is still left beside road; Hwy 117 near the Rosemary Community – ditches need cleaning out; 466 Cornwallis Road in Rose Hill – low spot that was repaired is still too low and causes cars to run off the road; Hwy 117 at North Pine Street near Chelly Street in Warsaw – a sinkhole has developed by a drain; Hwy 11 near Landfill Road – need industrial warning signs with flashing lights to warn public of trucks entering the highway at intersection.

The board presented retirement plaques to Mr. Tommie E. Davis, EMT/Basic with Emergency Services [January 3, 1994 – June 29, 2007] and to Ms. Linda A. McIver, Lieutenant with the Sheriff's Department [May 7, 1979 – June 30, 2007].

Sheriff Blake Wallace appeared before the board to discuss an application for the Edward Byrne Memorial Justice Assistance Grant [JAG] Program in the amount of \$14,217. He stated that if awarded, the money will be used to purchase two ATV's to assist officers with eradication of drugs in the county and also to purchase surveillance equipment. No county match will be required.

Motion was made by Commissioner Guy, seconded by Commissioner Wells, carried unanimously, to authorize the expenditure of JAG funds as requested by the Sheriff's Department.

Ms. Teresa Quinn, Recycling Coordinator, appeared before the board to request approval to schedule "Free Disposal Day" for Saturday, September 22, 2007 at the landfill.

Motion was made by Commissioner Guy, seconded by Commissioner Wells, carried unanimously, to waive tipping fees at the landfill for "Free Disposal Day" to be held Saturday, September 22, 2007.

Mr. Bee Barnette, Solid Waste Director, appeared before the board to request the purchase of two transfer trailers at a total cost of \$110,000 with funds to come from the Solid Waste Enterprise Fund. Mr. Barnette stated that the trailers are needed for storage due to the increase in trash collection and he would try to find used trailers but it was difficult to find any in good condition.

Motion was made by Commissioner Wells, seconded by Commissioner Williams, carried unanimously, to authorize the Solid Waste Director to seek used transfer trailers or advertise for bids for new trailers at cost not to exceed \$110,000 with funds to come from the Solid Waste Enterprise Fund, thereby approving BA #046.

Ms. Rhonda Ferrell with the Duplin Partnership for Health, appeared before the board to discuss a grant that the partnership would like to apply for that requires a \$5,000 county-match. She stated that the grant is offered by the KB Reynolds Foundation is given over a three-year period at \$10,000 per year for a total of \$30,000. As part of the grant award, a \$5,000 per year match is required, but the county would only be required to provide a one-time match of \$5,000 for the first year. Ms. Ferrell stated that the grant can only be used for personnel costs to administer a wellness program.

Motion was made by Commissioner Wells, seconded by Commissioner Guy, carried unanimously, to direct the county manager to look for funding for the \$5,000 county-match from the Parks & Recreation budget and to give a report at the next board meeting.

Ms. Millie Brown, Social Services Director, appeared before the board to give an update on the impact of the Medicaid Relief Bill that recently passed in the state legislature. (See handout in minutes.)

Mr. Johnson Sheffield and Mr. Steve Sheffield, partners with Mr. Jeff Foster of CropHolding LLC, appeared before the board to appeal the board's decision to evict their company from WestPark Business Technology Center. Mr. Steve Sheffield stated that the company had experienced some setbacks due to problems with their biodiesel formula. Mr. Johnson Sheffield requested that the board allow them to continue their operation for more two months.

Motion was made by Commissioner Williams, seconded by Commissioner Wells, to rescind the July 18, 2007 board action to evict Jeff Foster Enterprises & CropHolding, LLC from WestPark Business Technology Center. Commissioners Guy, Raynor, and Turner voted for; Commissioner Fussell voted against.

Motion was made by Commissioner Williams, seconded by Commissioner Wells, to defer rent & utility payments from CropHolding, LLC until November 1, 2007 and to enter into a new lease agreement with CropHolding, LLC and Jeff Foster Enterprises with the equipment to serve as collateral as part of the lease agreement. Commissioners Guy, Raynor, and Turner voted for; Commissioner Fussell voted against.

Mr. Woody Brinson, EDC Director, appeared before the board to request the board's authorization of an encroachment agreement to allow natural gas lines to be located within the county's easement at WestPark and to authorize the county attorney to prepare a deed for a 10' x 30' gas substation site.

Mr. Stanley Miller, Water Department Director, was present and stated that the Water Department was not contacted prior to installation of the gas line in order to mark existing water lines. He stated that the gas line crosses the county water line in three locations and the gas line needs to be moved at least ten feet.

Motion was made by Commissioner Williams, seconded by Commissioner Raynor, carried unanimously, to authorize the chairman to sign the encroachment agreement for the natural gas lines and the deed for the gas substation at WestPark pending approval by the county engineer and county attorney.

Mr. Eric West, District Conservationist, appeared before the board to discuss two matters.

Mr. West stated that he conducted a field study in regards to the drainage issues at Mr. Chris Jarman's residence on the Ottis Miller Road in Beulaville. He stated that although water does collect in Mr. Jarman's yard after heavy rains, it would take a catastrophic storm to cause a major concern. Mr. West also stated that the watershed lateral that joins Mr. Jarman's property is not obstructed and is not the cause of the flooding; therefore, cleaning it out will not help. Mr. West added that if surrounding landowners would clean their ditches, it may help the flooding situation at Mr. Jarman's residence. (See handout in minutes.)

Ms. Karen Fussell, District Engineer with the NCDOT, was also present and stated that the DOT is not responsible for causing the drainage issues on Mr. Jarman's property and that one solution would be to have dirt hauled in the low areas of his yard.

Mr. West discussed concerns regarding potential erosion problems to the watershed lateral traversing the property and to the driveway crossing owned by Mr. Heber Raynor of Beulaville. He explained that the driveway leads to a trucking business located off of Edmund Brinson Road in Beulaville and was installed after the laterals were put in place on Mr. Raynor's property. He stated that maintenance, upgrade, or repair for any potential erosion problems would normally be considered a landowner's expense. Mr. West stated that the Soil & Water Board met July 2, 2007 and voted to stay within the scope of the original design and that the landowner would be responsible for repair. (See handout in minutes.)

Commissioner Turner left the meeting at this time.

Motion was made by Commissioner Guy, seconded by Commissioner Fussell, to stay with the recommendations of the Soil & Water Board. Commissioners Raynor, Wells, and Williams voted against.

Motion was made by Commissioner Williams, seconded by Commissioner Raynor, to amend the current contract with Mr. Eddie Smith of S & C Construction, LLC to include planting of a 15 foot grass field border along the lateral on Mr. Raynor's property. Commissioners Guy and Wells voted for; Commissioner Fussell voted against.

Mr. George Futrelle, Airport Director, appeared before the board to discuss the 2007 State Aid to Airports Grant. He stated that the Duplin County Airport Commission had recently received notification of award for the grant in the amount of \$810,000 which requires a ten percent local match of \$90,000 for a total project budget of \$90,000. (See handout in minutes.)

Motion was made by Commissioner Guy, seconded by Commissioner Wells, carried unanimously, to accept the 2007 State Aid to Airports Grant in the amount of \$810,000 and to appropriate \$90,000 for the required local match, thereby approving Budget Amendment # 0047.

Commissioner Turner returned to the meeting.

Ms. Wendy Sivori, County Attorney, appeared before the board to discuss the storm debris removal contract that was awarded to Omni Pinnacle of Slidell, LA at the May 21, 2007 board meeting. She stated that the contract did not specify any bonding requirements but did state that general liability and vehicle coverage of \$1 million would be required of contractors. Ms. Sivori also stated that the county could cancel the contract without notice but Omni Pinnacle would be required to give 60 days notice if they wanted to cancel.

Mr. Coy Carter of the Northeast Community, along with several local trucking contractors, were present and stated that local contractors could meet the insurance requirements and be eligible to submit a bid if the county chooses to cancel the contract with Omni Pinnacle and re-advertise for bids.

Motion was made by Commissioner Guy, seconded by Commissioner Turner, carried unanimously, to direct the county manager to work with the county attorney to re-advertise for bids for storm debris removal services within the next two weeks but maintain the existing contract with Omni Pinnacle until a decision is made on the bid award.

Mr. Mike Aldridge presented several finance matters from the Board of Education. Ms. Carolyn Olivarez, Finance Officer for the Board of Education, was present for this portion of the meeting and answered various questions from the board regarding how funds will be spent. (See handout in minutes.)

Mr. Aldridge presented the detail prepared by Ms. Olivarez showing how the Board of Education would like to budget local Capital Outlay funds. (See handout in minutes.)

Motion was made by Commissioner Williams, seconded by Commissioner Wells, carried unanimously, to allocate the capital outlay funds as requested by the Board of Education, thereby approving BA #048.

Mr. Aldridge presented the debt service payment as a project in the Public School Capital Building Fund Application. He stated that the release of funds must be jointly requested by the Board of Education and the Board of Commissioners and that the Board of Education would meet August 7th to approve the application. (See handout in minutes.)

Motion was made by Commissioner Guy, seconded by Commissioner Turner, to approve the debt service payment as a project in the Public School Capital Building Fund Application and authorize the chairman to sign same. Commissioners Raynor, Wells, and Williams voted for; Commissioner Fussell voted against.

Mr. Aldridge presented the detail prepared by Ms. Olivarez on how the Board of Education would like to allot the Current Expense & restricted funds. (See handout in minutes.)

Motion was made by Commissioner Turner, seconded by Commissioner Wells, carried unanimously, to approve the \$6.5 million allocation in Current Expense requested by the Board of Education and to revisit the \$750,000 local funding at a later time.

Mr. Aldridge presented a two-year agreement with US Cellular to continue to provide cellular phone service for the same rates as the previous contract. (See handout in minutes.)

Motion was made by Commissioner Turner, seconded by Commissioner Williams, carried unanimously, to approve the customer service agreement with US Cellular and authorize the county manager to sign same.

Mr. Aldridge stated that Dr. Lawrence Rouse, President of James Sprunt Community College is requesting the carry forward of \$328,293 of 2006 – 2007 Capital Funds in order to complete projects in progress. (See handout in minutes.)

Motion was made by Commissioner Williams, seconded by Commissioner Wells, carried unanimously, to approve the carryover of \$328,293 in Capital Funds to the 2007 – 2008 budget for James Sprunt Community College.

Mr. Aldridge discussed the personnel changes of Emergency Management Service since the resignation of Mr. Craig Forlines. He stated that Mr. Brian Pearce, Emergency Medical Director, would serve as director over all of Emergency Services and would continue to supervise Emergency Medical Services. Mr. Linwood Kennedy would be promoted to Fire Marshal. Mr. Aldridge stated that a new Safety Manager position is needed and a job description would be developed and given to the board for review before it is advertised. (See handout in minutes.)

Mr. Aldridge presented a substation contract with the Town of Faison to provide law enforcement services. Commissioner Guy requested that the mayor of Faison be contacted to provide feedback to the board on the effectiveness of the agreement. (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Guy, carried unanimously, to approve the substation contract with the Town of Faison and authorize the chairman to sign same.

Motion was made by Commissioner Guy, seconded by Commissioner Williams, carried unanimously, to go into Closed Session pursuant to N.G.G.S. 143-318.11(a)(6).

The board returned to Regular Session.

The board adjourned to meet again on Monday, August 20, 2007 at 9:00 a.m. in the Commissioner's Meeting Room, County Administration Building (224 Seminary Street), Kenansville, North Carolina

Clerk