

April 20, 2009

The Duplin County Board of Commissioners met in Regular Session on Monday, April 20, 2009 at 9:00 a.m. in Commissioners' Room, County Administration Building (224 Seminary Street), Kenansville, North Carolina.

Present: Commissioners David Fussell, Harold Raynor, Frances Parks, 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

Ms. Cynthia Potter gave the invocation.

The following reports were received by the board and are on file with the clerk:

#### Affidavits of Publication

Animal Control – March 2009  
Building Inspections – March 2009  
Communications – March 2009  
Cabin Lake – March 2009  
Register of Deeds – March 2009  
Social Services – March 2009  
Soil & Water – March 2009  
Water Department – March 2009

Motion was made by Commissioner Wells, seconded by Commissioner Williams, carried unanimously, to approve the Consent Agenda which included the following: Minutes – April 6, 2009; Budget Amendments #0189 - #0200; Solid Waste Releases # 6160 - # 6165; Tax Releases # 6142 - # 6159; Health Department Bad Debt Write Offs for period ending 4-1-06 - \$2,857.42 [general] & \$349.20 [dental]; and to add BA #201.

Mr. Mike Aldridge presented Administrative Budget Amendments # J350 - # J384 to be made part of the minutes.

#### Public Comments:

Mr. Franklin Fussell of Kenansville discussed the proposed early college program with James Sprunt Community College. He stated that the public would support a new high school for James Kenan but not to consolidate schools for a central high school. Mr. Fussell stated that the commissioners should consider allotting a certain percentage of the total budget for the school system.

Reverend Ray Kennedy of Kenansville presented a resolution opposing same-sex marriages to be sent to the North Carolina General Assembly. (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to adopt the resolution opposing same-sex marriages to be sent to the North Carolina General Assembly.

Ms. Amanda Bradshaw, Cooperative Extension All Stars/Project Alert Coordinator, invited the board to the "From Fun to Fatal" underage drinking and driving prom campaign to be held April 21, 2009 at the Duplin County Events Center. She stated that all 11<sup>th</sup> and 12<sup>th</sup> grade students in Duplin County would be attending. (See handout in minutes.)

Mr. Randall Tyndall, Planning Director, appeared before the board to conduct a public hearing on the revised Duplin County Minimum Housing Standards Ordinance. (See handout in minutes.)

The public hearing was called to order at 9:33 a.m.

Chairman Turner: Any comments or questions from the public?

Mr. Thurman Herring: My concerns are about some of the mobile homes that are being brought into this county that are junk. Wayne County has an ordinance that ones older than 15 years can not be moved in. The Town of Fremont has gone further, they only allow 10 years. If it's older than 10 years, you can't bring it in.

Mr. Tyndall: I'll defer that question to our building inspector, Mr. Ferrell Thigpen, who happens to be here. He's been a part of this process very much so.

Mr. Thigpen: We try to work with the customer. If the mobile home is torn up and he wants to do repairs to it and needs some temporary power, we try to make arrangements to get him some temporary power so he can do the repairs. After he does the repairs, we go out and do a final inspection and then do a Certificate of Occupancy on it.

Mr. Herring: How does that bring up the fire code? Because being on the fire department and seeing many fires over the years, when some mobile homes get engulfed, you can't save them. I've seen the outside aluminum melt because of the heat was so intense inside the home. Is that being address in this ordinance?

Mr. Tyndall: The ordinance basically mirrors what the Minimum Housing Standards Ordinance of the General Statutes states. We do not have an age limit in our ordinance or the word "amortization" which would allow us to say after a certain date, we would not allow the mobile home. This ordinance doesn't address either of those issues. As the ordinance is written today, would allow existing homes to remain as is and be "grandfathered". And the ordinance would apply only to those homes getting electricity after the effective date of the ordinance.

Mr. Herring: That still doesn't answer my question about being fire resistant and the fire code. Are we still allowing homes with wood paneling that burns so quickly?

Mr. Thigpen: Yes, they can go and put the same thing back in.

Mr. Herring: So we're not really improving are we? In the sense of safety and fire. The fire department goes out and burns stuff for people. Someone pulled up several mobile homes to burn that were flooded out. We couldn't burn them because they had sheet rock and were fire resistant. But the old homes will burn down before you can get there.

Mr. Thigpen: There's paneling in stick-built homes.

Mr. Herring: Yes, but there's a lot of sheetrock and insulation. They don't burn as quickly. And generally, there's no paneling overhead. I know what I'm talking about. I've been there and seen it. I've got over 35 years experience with it. I think it's something that needs to be addressed. If not in this ordinance, in the future for the safety of the occupants. About a week ago there was a mobile home fire in Wayne County in the Dudley area, and one person died before they could get out the door. So it is a fire and safety hazard. I do hope you consider some age limit on allowing mobile homes into the county. If they already have it here, do what you will with it. I don't want to restrict anybody's freedom. But it should be restricted before it starts. Thank you.

Commissioner Turner: Anyone else?

Commissioner Wells: Mr. Tyndall, we have counties around us as Mr. Herring spoke of, with ordinances stating the age of a mobile home allowed. So if Duplin County doesn't have anything relative to that, if I'm from Sampson, Lenoir, or Wayne and I know that Duplin doesn't have that, I'm going to bring all that stuff here – all the junk that other places won't take and bring it and set it up here. What are we going to do to stop being the dumping ground for junk?

Mr. Tyndall: The way the planning board chose to make a referral to this was on the recommendation of our building inspector which stated two things: One thing is that a large majority of homes that come into Duplin County and are established are to people that have income levels that need to use this as a consideration for a housing source. Our building inspector assured us that it was very difficult to ascertain the age of some of the homes he was asked to inspect. Therefore, he recommended that we look at the condition rather than the age.

Commissioner Wells: I understand the socioeconomic situation, but it's about improving the community and improving lives. There are some that I've seen that I wouldn't let my dogs live in it.

Mr. Tyndall: I assure you that the photographs that I showed you are much better than a lot I've seen.

Commissioner Wells: Those photos that Commissioner Fussell presented are of homes on Charity Road. But I'm talking about back in the country.

Mr. Tyndall: I've seen some that are deplorable if you want to look at it that way. This ordinance does address some concerns that our building inspector had such as taking two single wides and making a doublewide when that was not the intent of that structure when it was initially engineered. Taking two homes and making a "T" coming out the back door of one and adding another bedroom by adding another unit and modifying it. It eliminates that. The new ordinance does require underpinning on all homes when they are established. This is not only a safety issue, it's a health issue. It helps deter rodents and pest and things of that nature as well as making it look a little bit better. The planning board members took out the portion of the ordinance that required that required all of the homes to be painted the same color. We didn't want to get too far into aesthetics as to the homes themselves. To be frank with you, there were reluctant members in recommending this ordinance because of the socioeconomic issues we have in our world today. I will tell you that if we were to establish this ordinance it would require an additional inspection from our building inspector and it may cause him to have to adjust the fee schedule. So we present this as a response to what we understood the task to be. If the board would like to defer this decision to look at it more closely. If the board would like for us to go back and look at setting an age limit such as we are not going to accept anything older than ten or fifteen years. As I brought out to a reporter that called me the other day regarding this ordinance, they asked how this ordinance compares to those in other counties. I said, "Well in my opinion it's a little more stringent than Sampson County and a little less than Wayne County. I will point out that both counties talk about age in their ordinances but they do not talk about condition as to the detail that ours does. We hope that we have answered the task that we were given. But we are willing to go back and do whatever this board tasks us to do to modify or address those issues that you still have concerns over.

Commissioner Fussell: Following up on Commissioner Wells' comments, and I agree with him 100 percent. Manufactured housing has to have a title and these titles have a date on the title. Plus, they're supposed to have a title plate inside the house so I think with a little research we could find the age of a manufactured house. I know the Town of Rose Hill has an ordinance restricting the age of a mobile home that can be moved into Rose Hill. I think that's something we should consider.

Mr. Tyndall: Some of our municipalities chose to control manufactured home parks by putting an age limit or by requiring a specific type of underpinning. For example, Calypso requires brick only. Their thought process is that you won't pay \$5,000 to \$10,000 to have brick underpinning put under a piece of junk. Not disputing what you said Mr. Fussell, but I can show you documentation on a situation during Hurricane Floyd when I was very active involved in replacing housing in Duplin County

that part of the process of turning the home into real property, part of the process is you turn the title into DMV and then you cut the tongues off and put in permanent underpinning, then it becomes real property. But we have homes that were set up that way that are being relocated. And there shouldn't be any of those over ten years old.

Commissioner Fussell: I notice in here that all of the livable rooms have to be heated. Most of us grew up in homes that we didn't heat the whole house. I wonder if that is a wise restriction to put in here because the way the economy is, I may just want to heat the kitchen and living room.

Mr. Tyndall: I was under the opinion that is what is required by the minimum state code.

Mr. Thigpen: It is.

Commissioner Fussell: So we don't have a choice on that.

Mr. Thigpen: No sir. It has to have heat of 70 degrees three feet above the floor.

Commissioner Turner: I've seen some mobile homes where the aluminum has been stripped and the trailer house remains with the fiberglass showing. What's the procedure for disassembling and removing that?

Mr. Tyndall: There are several options we have on that and the building inspector, the solid waste inspector, the planning director, and the planning board, and an outside consulting firm have discussed on at least two occasions already and it's on the agenda to discuss at our next planning board meeting – a new state law that goes into effect on July 1<sup>st</sup>. It talks about what to do with abandoned mobile homes. We would assume one that was in disrepair to that point would be what the situation was. We hope to hear the consultant out if he can give an option on how to deal with this at little or no cost to the county that we feel comfortable in recommending, then we'll come back to you with that. That's the only thing that I'm aware of that we can do other than us putting some type of lien against the property. It cost between \$1,300 and \$1,500 to destroy and take care of what's left, taking care of all those things that are not salvageable. That is an issue and we can't figure out how to pay for it. Even though the state is offering some incentive there's just not enough to take care of the total cost. 9:47

Chairman Turner: Any more questions?

With no further comments, the public hearing was called to a close at 9:55 a.m.

Motion was made by Commissioner Williams, seconded by Commissioner Wells, carried unanimously, to adopt the revised Duplin County Minimum Housing Standards Ordinance and revoke the previous ordinance to be effective May 18, 2009.

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to recess Regular Session and go into session as the Board of Equalization and Review.

The board returned to Regular Session.

Mr. Brian Pearce appeared before the board to discuss several items.

Mr. Pearce gave a departmental update for the E911 Addressing and Communications Department.

Mr. Pearce discussed alternative funding for EMS as requested by Commissioner Fussell at a previous meeting. He stated that because the county already has a county wide EMS, service districts to levy an EMS tax can not be created according to N.C.G.S. 153A-302. Mr. Pearce stated that the volunteer fire departments would support promoting a ¼ cent sales tax with funds going to the fire departments.

Motion was made by Commissioner Fussell, seconded by Commissioner Parks, to propose a ¼ cent sales tax option be placed on the next countywide election ballot to be voted on by the citizens of the county and for the local fire departments be part of the publicity campaign.

Mr. Pearce gave an update on the backup E911 dispatch center. He stated that since renovations have begun, a decision has been made to have it as the primary dispatch center and use the current center as the backup. He stated that the new center is bigger has five telecommunicator stations and will have an emergency operations command center. Mr. Pearce requested that any future funds transfer requests for the backup center be placed on the consent agenda instead of having a presentation.

It was the consensus of the board to allow future funds transfer requests to be placed on the consent agenda with a summary of the purchase provided to the board.

Mr. Pearce discussed the need to purchase the phone equipment for the backup center from Embarq. He stated that this sole source designation is necessary to have compatibility with the phone system. (See handout in minutes.)

Motion was made by Commissioner Parks, seconded by Commissioner Raynor, carried unanimously, to designate Embarq as the sole source provider for the phones for the E911 system.

Mr. Mike Barnette with McDavid Associates appeared before the board to discuss two items.

Mr. Barnette stated that the county has received notification from the Division of Community Assistance that the county has received a \$850,000 CDBG Community Revitalization Grant. The application was submitted on August 29, 2008 to fund improvements in the Rosemary Community south of Rose Hill. (See handout in minutes.)

Motion was made by Commissioner Williams, seconded by Commissioner Wells, carried unanimously, to adopt the resolution accepting the grant and authorize the chairman to sign same.

Motion was made by Commissioner Wells, seconded by Commissioner Williams, carried unanimously, to approve the program budget, plans, and policies for the program and authorize the chairman to sign the related documents, thereby approving BA# 0202.

Motion was made by Commissioner Williams, seconded by Commissioner Parks, carried unanimously, to adopt the resolution to select McDavid Associates to administer the program and authorize the chairman to sign same.

Mr. Barnette stated that the county has received notification from the Division of Community Assistance that the county will receive a \$75,000 CDBG Hookup Grant. The application was submitted on December 9, 2008 to fund water connections throughout the county for low-moderate income persons served by existing water lines. He stated that the program will pay tap fees as well as connection fees. (See handout in minutes.)

Motion was made by Commissioner Parks, seconded by Commissioner Wells, carried unanimously, to adopt the resolution accepting the 2008 CDBG Hookup Grant and authorize the chairman to sign same.

Motion was made by Commissioner Wells, seconded by Commissioner Williams, carried unanimously, to approve the program budget, plans, and policies for the program and authorize the chairman to sign the related documents, thereby approving BA# 0203.

Motion was made by Commissioner Williams, seconded by Commissioner Wells, carried unanimously, to adopt the resolution to select McDavid Associates to administer the program and authorize the chairman to sign same.

Commissioner Wells left at this time.

Ms. Alice Lenihan, Branch Director of Nutrition Services with the North Carolina Division of Public Health, appeared before the board to discuss the Women, Infant, and Children's (WIC) Nutrition Program. She stated that request for bids to administer WIC will be requested sometime in the Fall of 2009. If the county chooses to administer the program, request for bids will not be necessary since it is a government agency. Ms. Lenihan stated that in most counties, the WIC program is administered by health department staff. (See handout in minutes.)

Motion was made by Commissioner Williams, seconded by Commissioner Raynor, to continue the Duplin County WIC program as is until a decision is made by the board closer to bid time. Commissioners Fussell, Raynor, Turner, and Williams voted for; Commissioner Parks voted against.

Commissioner Wells returned at this time.

Ms. Linda Hadden, Library Director, appeared before the board to discuss the Duplin County Friends of the Library organization. She stated that the group is down to three paying members with no volunteer workers; therefore, her recommendation is to dissolve the organization. She requested that the funds in the FOL trust account remain in the account in the event that a new FOL organization is created in the future. Ms. Hadden presented an amendment to the Library Service Policy stating that funds from the sale of surplus library items are to be restricted to provide for library programs and events. (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to approve the amendment to the Library Service Policy as presented.

Ms. Cynthia Potter, Interim Economic Development Director, appeared before the board to request permission to apply for the Building Reuse and Restoration Grant from the NC Rural Center on behalf of Four County Peanut Services to relocate in a vacant industrial site in Duplin County. She stated that the grant would not require any county funds but would require a 3 percent in-kind match. Mr. Lee Swinson, owner of Four County Peanut Services, was present and explained his plans for the expansion of his peanut processing business. (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to authorize the Interim Economic Development Director to submit an application for the Building Reuse and Restoration Grant to the NC Rural Center on behalf of Four County Peanut Services.

Motion was made by Commissioner Turner, seconded by Commissioner Wells, carried unanimously, to adopt the resolution supporting Four County Peanut Services application to the NC Rural Center and authorize the chairman to sign same.

Mr. Robb Wells, Tourism Director, appeared before the board to give an update on the Tourism Development Authority. He discussed the 2009 Duplin County Welcome Guide and presented copies to the board.

Ms. Jennell Ezzell & Ms. Sue Kilpatrick with the Warsaw Garden Club appeared before the board to request permission to plant a dogwood tree at the courthouse in memory of Ms. Violette Phillips.

Motion was made by Commissioner Parks, seconded by Commissioner Raynor, carried unanimously, for the Warsaw Garden Club to plant a dogwood tree at the courthouse in memory of Ms. Violette Phillips.

Commissioner Parks discussed the caseload that each income maintenance case worker and social worker is responsible for at the Department of Social Services. She stated that the workers were carrying a much larger caseload than the state average and that social services was not overstaffed. (See handout in minutes.)

Commissioner Fussell discussed the financial reports presented by the county manager at the last board meeting. He stated that he would not support the 2009-2010 budget if it increases the property tax rate.

Motion was made by Commissioner Fussell, seconded by Commissioner Williams, carried unanimously, to instruct the county manager to develop a budget without increasing the property tax burden on the citizens of Duplin County.

Mr. Aldridge stated that there were no proposals submitted for the redevelopment of the old Chinquapin School property. He presented a Request for Proposal to demolish the school. (See handout in minutes.)

Motion was made by Commissioner Parks, seconded by Commissioner Williams, to authorize the county manager to advertise for Request for Proposals to demolish the old Chinquapin School. Commissioners Fussell, Parks, Raynor, Wells, and Williams voted for; Commissioner Turner voted against.

Mr. Aldridge stated that a lift is needed for the Duplin County Events Center. He stated that a company has agreed to let the county use a lift until April 30<sup>th</sup> to install stage lighting to make certain it is what is needed. The cost to purchase is \$25,000.

Motion was made by Commissioner Williams, seconded by Commissioner Parks, to purchase the lift for \$25,000, thereby approving BA# 0204. Commissioners Fussell Parks, Turner, Wells, and Williams voted for; Commissioner Raynor voted against.

Mr. Aldridge presented a compliance questionnaire from the NCDOT Public Transportation Division on behalf of Mr. Steve Moore, Aging and Transportation Director. (See handout in minutes.)

Motion was made by Commissioner Parks, seconded by Commissioner Wells, carried unanimously, to authorize the chairman to sign the NCDOT Public Transportation Division Compliance Questionnaire.

Mr. Aldridge requested a public hearing to be held May 4, 2009 for the purpose of applying for grant funding for the transportation system from the federal "American Recovery and Reinvestment Act".

Motion was made by Commissioner Wells, seconded by Commissioner Williams, carried unanimously, to authorize a public hearing to be held on May 4, 2009 at 9:30 a.m. for the purpose of applying for grant funding for the transportation system from the federal "American Recovery and Reinvestment Act".

The board adjourned to meet again on Monday, May 4, 2009 at 9:00 a.m. in the Commissioners' Meeting Room, County Administration Building (224 Seminary Street), Kenansville, North Carolina.

---

Clerk