

July 6, 2009

The Duplin County Board of Commissioners met in Regular Session on Monday, July 6, 2009 at 9:00 a.m. in Commissioners' Room, County Administration Building (224 Seminary Street), Kenansville, North Carolina.

Present: Commissioners David Fussell, Frances Parks, Cary Turner, Reginald Wells (arrived late and noted in minutes); and Zettie Williams

Absent: Commissioner Raynor

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

Commissioner Fussell gave the invocation.

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

Affidavits of Publication

Services for the Aged – May 2009

Social Services – May 2009

Water – May 2009

Motion was made by Commissioner Parks, seconded by Commissioner Williams, carried unanimously, to approve the Consent Agenda which included the following: Minutes – June 4, 2009; June 15, 2009; June 15, 2009 for Water Districts A, D & E; and June 30, 2009; Budget Amendments #002 - #022; Solid Waste Releases # 6366 - # 6384; Tax Releases # 6351 - # 6365; to add a discussion on the Duplin Commons; to add a discussion on the former Magnolia Golf Course.

Mr. Aldridge presented Administrative Budget Amendments #L650 - #L664 to be made part of the minutes.

Public Comments:

Mr. Jimmy Dixon of Calypso expressed his appreciation for the things done to correct the misuse of Solid Waste Enterprise Funds but stated that what has been done is only a token remedy. He stated that the Solid Waste Enterprise Fund should operate at cost. Mr. Dixon stated that the enterprise funds can not be used to correct any future problem with the old landfill and urged the county attorney to look into this matter. He also stated that a full-time solid waste enforcement officer is needed, not an "on-call" officer or the solid waste director doing this job in addition to his regular duties.

Mr. Rob Wells, Tourism Director, stated that the 2009 Duplin County Welcome Guide won first place at the NC Destination Marketing Association Awards Banquet.

Ms. Jerri Parker, NCDOT Maintenance Engineer, appeared before the board to discuss various roads in the county. Roads discussed: Norwood Blanchard and Deep Bottom Roads, Wallace – sign is missing; Hwy 24 in Kenansville going towards Beulaville – need caution signs of the upcoming traffic light; I-40 at Warsaw – thank you for the Veterans Museum directional signs on the interstate.

Mr. Bill Taylor, Chairman of the Duplin County Nursing Home Advisory Committee, appeared before the board to request the reappointment of several individuals to serve on the committee to replace those that have resigned. Mr. Taylor stated that an ex-officio member is also needed. (See handout in minutes.)

Motion was made by Commissioner Williams, seconded by Commissioner Parks, carried unanimously, to reappoint the following pending acceptance of the members: Ms. Maureen Albano, Ms. Eleanor Ezzell, Mr. Bob Roman, Ms. Ginger Roman, Ms. Cynthia Potter, Ms. Ann Outlaw, Mr. William Taylor, Ms. Betty Rouse, and Ms. Toni Faye Henderson to the

Duplin County Nursing Home Advisory Committee for a three-year appointment effective July 1, 2009 and expiring June 30, 2012.

Motion was made by Commissioner Williams, seconded by Commissioner Parks, carried unanimously, to appoint Commissioner David Fussell as the ex-officio member of the Duplin County Nursing Home Advisory Committee for a three year term effective July 1, 2009 and expiring June 30, 2012.

Mr. Mike Barnette with McDavid Associates and Mr. Randall Tyndall, Planning Director, appeared before the board to conduct a public hearing regarding the 2009 Community Development Block Grant Scattered Site Housing Program application cycle. He stated that the grant program is administered by the Division of Community Assistance and every year, the DCA offers various grant programs for counties and municipalities in non-entitlement areas of North Carolina. All of the programs require the county to hold two public hearings and do not obligate the county to apply for any specific program. Mr. Barnette stated this was the first of two public hearings. The second public hearing will be held July 20, 2009.

The public hearing was called to order at 9:38 a.m.

Chairman Turner: Any comments or questions from the public?

Mr. Win Batten: The towns can apply on their own and some of the towns are considering doing that.

Mr. Randall Tyndall: Yes, sir. That's correct.

Mr. Mike Barnette: Let me clarify something. You are right in your statement. This particular category, Scattered Site Housing, is available just to counties. The balance of that \$42 million is available to the towns.

Mr. Win Batten: Some of that money could be used for houses located in those communities but then they would be taken off the county list.

Ms. Rebecca Judge: If you do not put a date on your list and you have two or more people that are equally needy and the last one gets it before the first one that calls and they happen to find out about it, would that not open you up for criticism?

Mr. Mike Barnette: The point of not having a date is to make that not a part of the process. This is not a "go get in line, I asked first" process. It's intentionally left off so that we don't consider that a part of a process.

Mr. Randall Tyndall: We're trying to meet the most desperate needs for those that do not have the resources to help themselves.

Mr. Gary Sholar: Is there any validation process? If a person calls and says they have these problems, is someone validating the severity of those problems?

Mr. Mike Barnette: Yes, we actually go out and visit the home and inspect the home. We validate ownership through the county attorney's office. We validate any type of liens against the house. We also validate the income. If they are on social security benefits, we contact the Social Security Administration and let them tell us what the benefit payment is or what their job is. This is the initial step. We go through a whole second wave of validation to make sure what they told us is accurate.

Mr. Randall Tyndall: We have to go to the extreme of lead-based paint assessment and asbestos assessment. There's a laundry list of three or four pages of items. Just like a building inspector does to inspect a house from the ground on up. Then we evaluate the need whether the house can in fact be repaired under certain limitations or if it needs to be replaced. Unfortunately if it has to be replaced, that takes away from the number of people that we can help. If it is replaced, we try to put back a similar product, the same size as close as we can find on the market. We've even gone to the extreme of copying the floor print and have an architect draw it up and get three or four contractors to give a quote on what it would cost to build the house back.

Mr. Mike Barnette: It's important to recognize that this assistance is in the form of a deferred payment forgiven loan. And that is to deal with something called "funds recapture". If we fix the house and that occupant chose to sell that house and profit from what we did to it, they would owe the county the money back. And that's secured through a note and deed of trust. So, this is not a grant program. This is a deferred payment forgiven loan program. If they comply with the program for a period of over eight years, the prorated part of the money that would be paid back eventually phases it out to zero. That's an important part of the program. And in order to get a deed of trust to the property, obviously they've got to have an ownership interest that we determine through the attorney's office.

Mr. Gary Sholar: With that type of information that you're storing, you could use that if anyone wanted to come in and criticize.

Mr. Randall Tyndall: There again, it's not a numerical list of when you call in. What we hope to do is be able to rationalize with anyone that would have a concern that we did indeed help the six or eight most critical needs within the county.

Mr. Mike Barnette: It's real difficult in what we do to tell someone why they weren't selected because the need is severe. We can tell you why we selected who we selected but with such a broad base and such a broad need, there's a lot of needy people in needy situations that we don't have the funds for. Usually we can tell the people why we selected them but it's very difficult to tell someone why we didn't select them just because of limited funds.

Mr. Randall Albertson: It would seem to me that you'd be open to criticism for the simple reason that you don't have. . . Joe over here calling saying "my house is in worse condition than that house over there is. How did you determine that my house wasn't ready to be fixed?" Somehow it appears to me that you would need a way to prioritize.

Mr. Mike Barnette: We have to have some priorities and we have to make some rational decisions. And sometimes it takes looking at the database we have, the group, we have to look at . . . and usually if you do that you see lines start to fall within the group whether they are elderly or different housing situations. You're right, it is difficult and yes we are open to criticism.

Chairman Turner: Any more questions from the public? Going back to Ms. Daniels, where are we on that and why was the first proposal declined?

Mr. Randall Tyndall: Basically, and I'll let Mike clarify, the way I understand from being very involved in this particular case, it happened to be one of the clients that did not agree with the . . .

Chairman Turner: The layout plans?

Mr. Randall Tyndall: No, it goes back further than that. The initial complaint, and that's the only complaint to my knowledge that Duplin County has ever had in this program and we've been doing this program for more than 20 years. We had suggested when we looked at the house's face value, that minor repairs could be done to that house to meet that family's needs. The family, who was also the legal guardian/ caretaker of the owner disagreed with the repairs we did to the extent that she carried it all the way to HUD from what I understand. And those complaints came back to us. By the time all that process had been done, the house had deteriorated even more.

Mr. Mike Barnette: We sent them an initial plan that we brought to the board and with that plan, we felt like that was an open floor plan and was very economical. I have since talked with her and she explained to me some of the family concerns dealing with a handicapped person and some of the ways they are dealing with their home situation and I agree with her that we should probably go with something different even if it's exactly what they have now.

Chairman Turner: I was questioning the \$65,000 as compared with the \$75,000.

Mr. Mike Barnette: That's specifically what I was trying to address. We wanted to bring that before this board before we made any obligations on behalf of the board. We wanted to let you all know what we were doing. That particular plan did not meet with the agreement.

Chairman Turner: With whose agreement?

Mr. Mike Barnette: With the guardian's agreement, Ms. Stanley's guardian. And as I've talked with her, I tend to agree. I'm very comfortable with what she's said. When you establish what you offer them, you establish it based on something. We have since redrawn their floor plan and have gotten a price on rebuilding the house exactly as it is and that's what we intend to bring to you at a future meeting as far as their benefit. That will be our next step which is kind of what you were asking.

Mr. Randall Tyndall: The most recent letter that you got was to clarify some previous correspondence that we have had with the state. And unfortunately I think they are skipping steps as to where we are in this process. It was a clarification letter.

Chairman Turner: Will you touch base with her and let her know what was discussed here today?

Mr. Randall Tyndall: Yes sir.

Ms. Rebecca Judge: I had one other question. Do you have any method of validating the competency of the contractors who do this work?

Mr. Randall Tyndall: Yes, in order for the contractors to receive final payment, McDavid Associates have certified builders, and they go in there and validate every single item that was done. The biggest complaints I hear of in regards to housing, unfortunately is when the client chooses to use other programs such as USDA and they tell the owner to go hire their own contractor and then there may not be a validation process. But that's not the CDBG program. The CDBG program that the county does, we have to validate that every single item is done to a building code standard prior to payment. We even hold retainers.

Mr. Mike Barnette: We also try to be sure up front if we're not familiar with the contractor's work. We make ourselves familiar with that contractor by getting references on experience levels to try to make sure people are getting good work. Obviously we're dealing with a government program so we've got to deal with low bids, we've got to deal with reasonable costs, we've got to deal with responsible contractors. That's sometimes a complicated issue. But we try our best to make sure the people we are dealing with and recommending to people are competent to do the work. And we also go through the checking process Mr. Tyndall was talking about.

Mr. Randall Tyndall: We're even required to take a state representative back through these houses once they are completed to validate if they are to the state's standards.

With no further comments, the public hearing was called to a close at 9:51 a.m.

Mr. Randall Albertson of Mount Olive gave a DVD presentation on the Veterans Museum at Warsaw.

Ms. Ila Davis, Health Department Director, appeared before the board to present a contract for hiring a dentist for the mobile dental unit. (See handout in minutes.)

Motion was made by Commissioner Parks, seconded by Commissioner Fussell, carried unanimously, to approve the dental contract and authorize the board of health chairman and the county finance officer to sign same.

Commissioner Wells arrived at 10:30 a.m.

Ms. Heather Beard gave a departmental update on recent economic development activities. She also requested the Assistant Director position for economic development be filled as a Marketing and Research Services Administrator with the salary starting at Grade 65. (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Williams, carried unanimously, to approve the reclassification of the Assistant Economic Development Director's position to a Marketing and Research Services Administrator and advertise to fill the vacancy.

Ms. Beard stated that she had been in contact with a couple that may be interested in purchasing the old Chinquapin School to renovate into office and meeting space but wanted to make sure the community would support the effort before proceeding with purchasing the property.

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to defer this matter in order to give the prospective buyers time to check with the community for interest in renovating the old Chinquapin School.

Mr. Bee Barnett, Solid Waste Director, appeared before the board to be sworn in as the Solid Waste Enforcement Officer. Mr. Barnett explained that in order to correct legal violations regarding the use of Solid Waste Enterprise Funds, a sheriff's deputy can no longer carry out the duties of the Solid Waste Enforcement Officer.

Motion was made by Commissioner Wells, seconded by Commissioner Fussell, carried unanimously, to defer this matter until the July 20th board meeting in order to receive a response from Sheriff Blake Wallace.

Mr. Barnette presented a draft of the proposed wording for signs that will be posted at the solid waste collection centers that will give notice that the collection sites are for rural residents of Duplin County – no agricultural waste or municipal waste accepted. (See handout in minutes.)

It was the consensus of the board to approve the signage as presented.

Ms. Donna Brown, Water Department Director, appeared before the board to discuss several items.

Ms. Brown presented a list of bad debts to be written off in order to clear the books. She stated that some of the debts were from the old computer system and were not collectible due to missing or incorrect information on the customer. (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to approve the Water Department bad debt write off as presented.

Ms. Brown presented a resolution for Consolidated Pipe and Supply Company to be the sole source provider for radio read meters. She stated that the radio read meters have to be compatible with the existing water meter equipment and the previous supplier is no longer in business. (See handout in minutes.)

Motion was made by Commissioner Parks, seconded by Commissioner Wells, carried unanimously, to adopt the resolution to approve Consolidated Pipe and Supply Company to be the sole source provider for radio read meters and authorize the chairman to sign same.

Ms. Brown presented a contract with Mr. Stanley Miller dba Miller Utilities, Inc. The new contract will be on an as-needed emergency basis only. (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Williams, carried unanimously, to approve the contract with Mr. Stanley Miller.

Ms. Brown discussed salary adjustments for several water department staff due to the certifications achieved by each and the elimination of the full time contract with Mr. Stanley Miller. (See handout in minutes.)

Motion was made by Commissioner Parks, seconded by Commissioner Wells, carried unanimously, to approve the salary reclassification as presented.

Mr. John Vogt, Events Center Director, gave a financial and up-coming events update on the Events Center. Mr. Jimmy Sauls and Mr. Stephen Williams, members of the Duplin County Events Center Advisory Board, were present and discussed improvements made to the events center and the increased usage as a result. (See handout in minutes.)

Commissioner Frances Parks discussed the auditorium at the Duplin Commons Office Complex. She stated that it would be a well-deserved honor to name the auditorium at the Duplin Commons the "Ed Emory Auditorium". (See handout in minutes.)

Motion was made by Commissioner Parks, seconded by Commissioner Wells, carried unanimously, to adopt the resolution naming the auditorium at Duplin Commons the "Ed Emory Auditorium".

Mr. Billy Varker, owner of Midnite Promotions of Albertson, an events planning and management company, appeared before the board to discuss the services that his company provides. He expressed desire to manage the Duplin County Events Center. Mr. Varker stated that he could operate the events center at a lower cost than the current contract with VenueWorks and would make shows more affordable for the public.

Commissioner Turner discussed House Bill 921 regarding fox hunting and trapping season that he would like sent to state representatives. (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Williams, to send information to draft similar legislation for Duplin County regarding fox hunting and trapping.

Commissioner Fussell amended the motion to table this matter until members of the Duplin County Animal Advisory Board and local hunting clubs receive information and can discuss it with the board at a future meeting.

The amended motion died due to lack of a second.

Since the amended motion failed, the vote on the original motion was: Commissioners Parks, Turner, Wells, and Williams voted for; Commissioner Fussell voted against. Motion carried.

Commissioner Fussell discussed Duplin County's current economic situation. He stated that North Carolina's unemployment rate is currently at 11.1 percent and Duplin County's unemployment rate is 10.4 percent. He discussed the recent closing of Minchew Motors in Wallace after being in business for 70 years.

Mr. Mike Aldridge stated that the Eastern Carolina Workforce Development Board, Inc. is requesting the reappointment of Ms. Thomasina Williams and the appointment of Dr. Lawrence Rouse for a two-year term beginning July 1, 2009 and expiring June 30, 2011.

Motion was made by Commissioner Williams, seconded by Commissioner Parks, carried unanimously, to reappoint Ms. Thomasina Williams and to appoint Dr. Lawrence Rouse to the Eastern Carolina Workforce Development Board, Inc. for a two-year term beginning July 1, 2009 and expiring June 30, 2011.

Mr. Aldridge discussed the cost for the county maintenance staff to mow the Duplin Commons and library tracts, a total of approximately 50 acres. He stated that four bids were received on June 5, 2009. The lowest bid that met the requirements was from Mr. Cecil Beamon of Kenansville in the amount of \$1,272 per cutting. The cost for the county to mow is \$1,168 per cutting. Mr. Aldridge recommended continuing to use county staff to mow. (See handout in minutes.)

Motion was made by Commissioner Parks, seconded by Commissioner Williams, carried unanimously, to continue with county maintenance staff to mow the Duplin Commons and library property.

Mr. Aldridge stated that two bids were received to move the dental unit from school to school as needed. Mr. Charles Kirby was the low bidder at \$200 per move. (See handout in minutes.)

Motion was made by Commissioner Fussell, seconded by Commissioner Williams, carried unanimously, to approve Mr. Charles Kirby to move the dental unit as needed at a cost of \$200 per move.

Mr. Aldridge presented the annual security services contract and the annual contract for process servers between the Duplin County Sheriff's Department and the Duplin County Department of Social Services. (See handout in minutes.)

Motion was made by Commissioner Williams, seconded by Commissioner Parks, carried unanimously, to approve the contracts for security services and process servers between the Duplin County Sheriff's Department and the Duplin County Department of Social Services and authorize the chairman to sign same.

Mr. Aldridge presented the agreement with Maximus Consulting Services, Inc. to prepare and negotiate Duplin County's indirect cost allocation plans for Fiscal Years 2009 – 2011. (See handout in minutes.)

Mr. Aldridge stated that Mr. Steve Moore, Aging and Transportation Director, is requesting a public hearing to be held at the July 20th board meeting in order to receive citizen comments on the FY 2009-10 Rural Operating Assistance Program (ROAP) application for funds.

Motion was made by Commissioner Wells, seconded by Commissioner Williams, carried unanimously, to schedule a public hearing regarding the FY 2009 -10 ROAP funding application for July 20, 2009.

Mr. Aldridge presented the FY 2009 – 10 Home and Community Care Block Grant Funding Plan and related documents for approval for the Aging Department. (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to approve the Home and Community Care Block Grant for Older Adults and related documents for FY 2009 -10 and authorize the chairman to sign same.

Mr. Aldridge presented the contract for Title III – E Family Caregiver Support Program between Duplin County Services for the Aged and the Eastern Carolina Council of Governments to provide services to family caregivers. (See handout in minutes.)

Motion was made by Commissioner Parks, seconded by Commissioner Wells, carried unanimously, to approve the Title III – E Family Caregiver Support Program Contract between Duplin County Services for the Aged and the Eastern Carolina Council of Governments and authorize the chairman and finance officer to sign same.

Mr. Aldridge presented the annual Cooperative Service Agreement between Duplin County and the USDA Wildlife Service for beaver management assistance program services.

Motion was made by Commissioner Parks, seconded by Commissioner Wells, carried unanimously, to approve the agreement for B-MAP services between Duplin County and the USDA Wildlife Service and authorize the chairman to sign same.

Mr. Aldridge discussed a substitute part-time Public Information Clerk position at the Sheriff's Department/Jail. He stated that the position was approved in this year's budget as a part-time permanent position but Sheriff Wallace intended and understood it to be approved as a permanent full-time position with benefits. Mr. Aldridge stated that funds are in the Sheriff Department's budget to cover the additional costs.

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to approve the part-time Public Information Clerk to full-time status with benefits.

Commissioner Parks discussed Roberts Rules of Order – Rule 20(b)12. This rule allows a motion to reconsider to be introduced only by a member of the prevailing side. (See handout in minutes.)

Motion was made by Commissioner Fussell that any board member may reintroduce any topic at any time regardless if that commissioner voted with the prevailing side.

Motion died due to lack of a second.

It was the consensus of the board to leave Rule 20(b)12 as is.

Mr. Aldridge stated the 102nd Annual Conference of the North Carolina Association of County Commissioners will be held August 27th – August 29th. Commissioners Fussell and Turner stated that they would attend.

Motion was made by Commissioner Williams, seconded by Commissioner Wells, carried unanimously, to appoint Commissioner Turner as the voting delegate for the county at the NCACC Annual Conference.

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to recess Regular Session and go into Closed Session pursuant to NCGS 143-318.11(a)3 for legal matters, NCGS 143-318.11(a)(4) for economic development matters, and NCGS 143-318.11(a)6 for personnel matters.

The board returned to Regular Session.

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

The board returned to Regular Session.

Commissioner Turner discussed a meeting he had with Ms. Kip Tompkins, owner of the former Magnolia Golf Course. He stated that Ms. Tompkin would like to convert the property into a veteran's hospital and is requesting a letter of support from the board. (See handout in minutes.)

It was the consensus of the board to direct the county manager to write a letter of support of a veteran's hospital to be given to Ms. Kip Tompkins.

Ms. Wendy Sivori presented copies of pending contracts for 40 East Steel Company as requested by the board a previous board meeting. She stated that 40 East Steel had applied for a \$40,000 loan from the county's Revolving Loan Fund and that Duplin County would be taking a third position on the loan.

Motion was made by Commissioner Wells, seconded by Commissioner Parks, to proceed with the Revolving Loan in the amount of \$40,000 to 40 East Steel. Commissioners Parks, Wells, and Williams voted for; Commissioners Fussell and Turner voted against.

Commissioner Williams discussed the Duplin County EMS's response to a recent call on Lanefield Road. She stated that due to an ambulance not being available in Kenansville at the time of the call, an ambulance from Faison had to respond to the call. Commissioner Williams stated that she has requested information regarding this matter from Mr. Brian Pearce, EMS Director, but has not received the information yet.

The board adjourned to meet again on Monday, July 20, 2009 at 9:00 a.m. in the Commissioners' Meeting Room, County Administration Building (224 Seminary Street), Kenansville, North Carolina.

Clerk