

August 17, 2009

The Duplin County Board of Commissioners met in Regular Session on Monday, August 17, 2009 at 9:00 a.m. in Commissioners' Room, County Administration Building (224 Seminary Street), Kenansville, North Carolina.

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

Absent: None

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

Commissioner Williams gave the invocation.

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

#### Affidavits of Publication

Airport – June & July 2009  
Animal Control – July 2009  
Building Inspections – July 2009  
Cabin Lake – July 2009  
Manager's Report – July 2009  
Register of Deeds – July 2009  
Services for the Aged – July 2009  
Social Services – July 2009  
Soil & Water Conservation – July 2009  
Water Department – July 2009

Motion was made by Commissioner Williams, seconded by Commissioner Wells, carried unanimously, to approve the Consent Agenda which included the following: Minutes – August 3, 2009 and Water District D – August 3, 2009; Budget Amendments #039 - #047; Solid Waste Releases #6405 - #6414; Tax Releases #6395 - #6404; to add a tourism update; a discussion on the sale or lease of Duplin General Hospital; a discussion on the use of the solid waste collection centers by farmers; a discussion on security at the reception areas at the Department of Social Services; and the FY 2009 - 2010 Juvenile Crime Prevention Council Funding Allocation for the chairman's signature.

Mr. Aldridge presented Administrative Budget Amendments #A023 - #B034 and Motor Vehicle Releases for July 2009 - \$ 8,609.31; and a mutual aid agreement for between Duplin County and the Duplin County Board of Education to be made part of the minutes.

#### Public Comments:

Mr. Charles Edwards of Beulaville spoke against the board's decision to not allow farmers the use of the solid waste collection centers. He stated that maybe a different fee structure should be developed for the agricultural users.

Mr. Jimmy Dixon of Calypso stated that farmers should not be excluded from use of the solid waste collection centers. He stated that the use of the solid waste collection centers by farmers is not a new issue, he had brought it to the attention of county management six years ago but nothing was done to correct it.

Mr. Robb Wells, Tourism Director, appeared before the board to give an update on travel statistics for Duplin County for 2008. (See handout in minutes.)

Mr. George Futrelle, Airport Director, appeared before the board to conduct a public hearing on the Duplin County Airport Rules and Regulations Ordinance. Mr. Jim Novak, engineer with WK Dickson was also present. (See handout in minutes.)

The public hearing was called to order at 9:23 a.m.

Chairman Turner: Any comments or questions from the public?

Mr. Jimmy Dixon: I don't have a question but is it permissible to make a comment? I think that the Duplin County Airport is one of the positive visionary decisions that has been made in Duplin County. And I think that all the people associated with the airport should be complimented. I don't feel that Duplin County has yet realized all the positive benefits from the airport. I think those in charge of the airport have done a good job to position Duplin County to benefit from a #1 airport in Duplin County.

Chairman Turner: I've heard that from other people and nothing but good things about you, George.

Mr. George Futrelle: Thank you. I'm very humbled. And as I've said before, I'm very blessed to be able to work for this county.

Commissioner Fussell: How much longer, with the leaks that you have, do you expect the terminal to last?

Mr. George Futrelle: I don't know. The old original terminal was built in 1974 and we just wrapped around that. Then we had major termite damage. We do have leaks. The state realizes the situation that we're in and we're hoping that they're going to be able to fund us for a terminal soon. Most people look at our building and think that it's OK, but you know from a first-hand visit seeing what type of structural damage we have. We've masked over the top of that. We don't know when that's going to be funded. We're just like everybody else. The funding is slim right now. Unlike what you see on the news about airports getting a lot of funding, the \$23 million in stimulus money that came to North Carolina went to five air carrier airports. None of the small airports got anything. I don't know when we'll be funded for a terminal. I hope it will be soon. I'm ready to build again.

Chairman Turner: Is there anything you'd like to say, Mr. Novak?

Mr. Jim Novak: George is doing a great job. He runs a tight ship out there. He keeps me in line.

Chairman Turner: Is there any other questions or comments from the public?

With no further public comments, the public hearing was called to a close at 9:27 a.m.

Motion was made by Commissioner Parks, seconded by Commissioner Williams, carried unanimously, to adopt the Duplin County Airport Rules and Regulations Ordinance to be effective September 1, 2009 and authorize the chairman to sign same.

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. This public hearing is a repeat from the July 6, 2009 public hearing due to the date being advertised incorrectly in the newspaper.

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

Chairman Turner: Any comments or questions from the public?

With no comments received, the public hearing was called to a close at 9:34 a.m.

Mr. Barnette discussed the Optional Coverage Relocation Plan as a part of the 2006 CDBG Scattered Site Housing Program. He stated that the Division of Community Assistance has reviewed the county's plan and requests that an appeals section be added. (See handout in minutes.)

Motion was made by Commissioner Williams, seconded by Commissioner Parks, carried unanimously, to approve the revised Optional Coverage Relocation Plan as presented.

Mr. Barnette discussed the relocation benefit for the Ms. Eleanor Stanley home. He stated that he and Mr. Randall Tyndall have meet with the Division of Community Assistance and have agreed to replace the home as it is currently constructed at a cost of \$75,770.

Motion was made by Commissioner Williams, seconded by Commissioner Parks, to approve the relocation benefit for Ms. Eleanor Stanley in the amount of \$75,770 with a contingency of \$3,950. Commissioners Parks, Raynor, Turner, and Williams voted for; Commissioner Fussell voted against.

Mr. Barnette conducted a public hearing in regards to a Minority Business Participation Outreach Plan for all water districts – Districts A, B, D, E, F, G, and Duplin County in accordance to NCGS 143-128. He explained that the plan is a condition of funding for the federal stimulus funds. (See handout in minutes.)

The public hearing was called to order at 9:49 a.m.

Chairman Turner: Are there any questions or comments?

Mr. Win Batten: Does this comply with The Davis-Bacon Act?

Mr. Mike Barnette: Even though The Davis-Bacon Act is not specifically incorporated with this action, The Davis-Bacon Act is a construction requirement for the programs.

Chairman Turner: Anyone else?

With no further comments or questions, the public hearing was called to a close at 9:50 a.m.

Motion was made by Commissioner Williams, seconded by Commissioner Parks, carried unanimously, to recess Regular Session and go into session as Water District D.

The board returned to Regular Session.

Ms. Heather Beard, Economic Development Director, appeared before the board to conduct a public hearing on an incentive package of three years tax incentives at 80 percent for "Project Chest". She explained that Bunge North America has selected an area to locate a transfer station in Teachey off of US 117 near the Rosemary Community. Ms. Beard stated that Bunge is an agricultural commodity based industry and will be creating \$10.5 million taxable value and five new jobs for the county. Mr. Tim Hodson of Bunge North America and Mr. Russ Smitley of CSX Corporation were present.

Mr. Hodson explained that Bunge North America will be building a transfer station where soybean meal will be received by rail then transferred by truck to service the local feed mill market.

The public hearing was called to order at 9:58 a.m.

Chairman Turner: Are there any questions from the public?

Mr. Win Batten: Does your company own their trucks and will handle their own distribution?

Mr. Hodson: No, we don't own trucks, we will hire contract haulers.

Chairman Turner: Any other questions?

With no further public comment or questions, the public hearing was called to a close at 9:59 a.m.

Motion was made by Commissioner Parks, seconded by Commissioner Williams, carried unanimously, to finalize the incentive package for Bunge North America.

Mr. Steve Peters, President of VenuWorks, appeared before the board to discuss the request for management proposals for the Duplin County Events Center. Mr. John Vogt, Duplin County Events Center Manager; and Mr. Stephen Williamson, Chairman of the Duplin County Event Center Advisory Committee were also present for the discussion. Mr. Peters stated that when VenuWorks began managing the events center in 2005, many improvements were needed such as installing the concrete floor, adding acoustical treatments and light rigging equipment. He reviewed the progress made by VenuWorks since the improvements have been made. Mr. Peters stated that although revenues have increased, it would not be a realistic goal for the events center to make a profit. (See handout in minutes.)

Mr. Stephen Williamson presented a resolution for approval requesting that the board of commissioners not seek proposals for management services for the Duplin County Events Center from other management companies and that the board desist from portraying the event center as a county liability and instead join with the advisory board in promoting the event center as a cultural and community asset. (See handout in minutes.)

Motion was made by Commissioner Williams, seconded by Commissioner Parks, to adopt the resolution as presented by the Duplin County Events Center Advisory Committee. Commissioners Parks and Williams voted for; Commissioners Fussell, Raynor, and Turner voted against.

Commissioner Wells arrived at this time.

Mr. Bobby Norwood, Duplin County Board of Education Maintenance Director, appeared before the board to discuss several items. Mr. Norwood requested approval to use some of the previously appropriated high school athletic funds to construct an auxiliary locker room and multi-purpose building at North Duplin High School. He stated that this was approved by the board of education at their August 4, 2009 meeting. Mr. Norwood provided a list of contractor bids with Carr & Carr Builders, Inc. being the lowest bidder on the project.

Motion was made by Commissioner Parks, seconded by Commissioner Williams, carried unanimously, to approve the construction of the locker room addition and multi-purpose building at North Duplin High School to be constructed by Carr & Carr Builders of Mt. Olive.

Mr. Norwood presented a revised application for lottery funds for the public school building capital fund. He stated that the funds will be used for window replacement projects at James Kenan High School and Wallace-Rose Hill High School. Mr. Norwood stated that the revised application was approved by the board of education at their August 4, 2009 meeting. (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Williams, carried unanimously, to approve the revised application for lottery funds for the public school building capital fund.

Mr. Norwood presented a Duplin County Board of Education current expense report on behalf of Ms. JoAnn Hartley. (See handout in minutes.)

Mr. Mike Aldridge and Ms. Wendy Sivori discussed the use of Solid Waste Enterprise Funds for paying the past salary of the solid waste enforcement officer. Mr. Aldridge stated that he and Ms. Sivori had met with Mr. Jimmy Dixon recently to discuss reimbursing the Solid Waste Enterprise Fund the appropriate amount of money that was spent on the salary of the enforcement officer when he was performing duties for the Sheriff's Department not related to solid waste. Ms. Sivori stated that if the issue were brought before a judge, the court system would go back three years. Mr. Aldridge presented a spreadsheet prepared by the finance officer calculating the salary and fringe benefits of the enforcement officer for hours actually worked for solid waste, 20 hours per week, for the past three years for a total of \$47,478.06. (See handout in minutes.)

Mr. Dixon stated that he felt the amount to be reimbursed should be calculated by taking half of the solid waste officer's salary and fringe benefits, approximately \$50,000 per year for the six years that the funds were misused for a total of \$150,000.

Motion was made by Commissioner Fussell, seconded by Commissioner Raynor, to move \$150,000 from the general fund to reimburse the Solid Waste Enterprise Fund. Commissioners Fussell, Raynor, Turner, and Wells voted for; Commissioners Parks and Williams voted against.

Motion was made by Commissioner Fussell, seconded by Commissioner Raynor, that the solid waste rural availability fee be set at \$90 for each farmer wishing to use the collection sites. This fee will cover his total farming operation and will be in addition to any other \$90 fee currently being paid. No farmer will be charged more than one additional \$90 fee. This fee will allow the farmer to use the collection sites only in accordance with the current solid waste rules as stated in the Duplin County Solid Waste Ordinance. As soon as possible, management and the tax office will develop a list of farmers and send them a letter of explanation along with a bill for the additional \$90 fee. The current signs forbidding the agricultural use of the sites are to immediately be taken down.

Motion was made by Commissioner Wells, seconded by Commissioner Williams, to defer this matter for at least 30 days so that management can study the issue with the farmers being allowed to use the solid waste collection sites during this time and to remove the signs forbidding the agricultural use of the sites. Commissioners Parks, Wells, and Williams voted for; Commissioners Fussell, Raynor, and Turner voted against. A tie vote results in no action taken.

Since the motion resulted in a tie vote; the vote on the original motion was: Commissioners Fussell, Raynor, Turner, and Williams voted for; Commissioners Parks and Wells voted against.

Mr. Brian Pearce, EMS Director, appeared before the board to present a resolution to place a ¼ cent sales tax referendum on the November 2009 ballot with proceeds to go to the local fire departments. He stated that the next scheduled county-wide election is May 4, 2010. If the referendum were to be placed on the November ballot, there would be additional costs involved in order to open all precincts. Ms. Suzanne Southerland, Board of Elections Director, was present and stated that if the board would like to place the sales tax referendum on the November ballot, she would have to have a resolution adopted today to present to her board for approval and have the information printed on the ballots. Mr. Clayton Herring, Chairman of the Duplin County Firemen's Association, was also present and stated that more funding is needed as each of the fire departments require \$65,000 on average to operate but only receives \$26,000

from the county with the difference coming from fund raising or donations. He stated that members of the local fire departments are in favor of the sales tax referendum. (See handout in minutes.)

Motion was made by Commissioner Williams, seconded by Commissioner Fussell, carried unanimously, for each of the county's twenty fire departments to submit a written statement of their willingness to support and promote the ¼ cent sales tax referendum to benefit the fire departments.

Motion was made by Commissioner Wells, seconded by Commissioner Fussell, carried unanimously, to adopt the resolution to place the ¼ cent sales tax referendum on the May 4, 2010 ballot. (See handout in minutes.)

Mr. Brian Pearce requested permission to purchase a new ambulance at an approximate cost of \$100,000 to replace the 1998 Ford ambulance that the garage staff has rendered not repairable due to the needed parts not being manufactured anymore.

Motion was made by Commissioner Williams, seconded by Commissioner Parks, carried unanimously, to authorize the EMS Director to seek bids for the purchase of a new ambulance not to exceed \$100,000.

Ms. Millie Brown, Social Services Director, appeared before the board to request permission to fill two vacant positions. She stated that a Child Protective Services Social Worker will be retiring soon and a Daycare Social Worker recently resigned.

Motion was made by Commissioner Parks, seconded by Commissioner Williams, to authorize the Social Services Director to promote someone in house to the vacant positions and/or advertise to fill two vacant positions. Commissioners Parks, Raynor, Turner, Wells, and Williams voted for; Commissioner Fussell voted against.

Commissioner Turner discussed the lack of security for the receptionists at social services. He stated that protective glass should be installed at the receptionist areas at social services and any other reception areas in county office buildings.

It was the consensus of the board to direct the county manager to obtain estimates on installing bullet-proof glass at the receptionist areas at social services and other county offices as needed.

Mr. Aldridge stated that Commissioner Fussell had requested a discussion on a policy for naming county buildings at the last board meeting. He provided copies of policy examples from other towns, colleges, and agencies. Mr. Aldridge stated that most policy examples that he could find addressed naming rights for monetary contributions to a facility or property.

Motion was made by Commissioner Wells, seconded by Commissioner Parks, to develop a committee with one member from each commissioner's district to develop a policy for naming county-owned buildings and properties and for each commissioner to submit their name at the September 8, 2009 board meeting.

Commissioner Fussell discussed the sale or lease of Duplin General Hospital. He stated that more information is needed regarding the financial status of the hospital before a decision is made. Commissioner Fussell stated that the acceptance of the Request for Proposal for Duplin General Hospital will be subject to the North Carolina laws and the approval of the board of commissioners. In addition, he requested that the management of the hospital provide financial information to the commissioners within the next week.

Motion was made by Commissioner Fussell that the Duplin General Hospital Request for Proposal includes a provision that requires any submitted proposal to acknowledge that such submitted proposal complies with the laws of the state of North Carolina and any sale or lease of Duplin General Hospital is subject to the approval of the

Duplin County Board of Commissioners in its sole discretion. The hospital is to provide the commissioners and its agents any and all information required by the commissioners and its agents to access the current and past financial situation of the hospital. Such information shall include but not be limited to the hospital's audited financial statements and its annual Medicare cost reports for the past five years.

Commissioner Wells responded that the hospital has been forthcoming with financial information and the RFP has been handled properly and the county attorney and Duplin General Hospital's attorney will be working together during the process.

Commissioner Fussell withdrew his motion.

Motion was made by Commissioner Wells, seconded by Commissioner Williams, carried unanimously, to set up a meeting between the Duplin County Board of Commissioners and the Duplin General Board of Directors to discuss concerns with the sale or lease of the hospital with the county manager and the hospital's chief financial officer to arrange a date and time for the meeting.

Ms. Heather Beard discussed appointments to the Duplin County Economic Development Board. She presented a list of potential appointees willing to serve and requested that the board of commissioners select two individuals from this list. She stated that the terms would not have an expiration date. (See handout in minutes.)

Motion was made by Commissioner Fussell, seconded by Commissioner Williams, carried unanimously, to appoint Ms. Anita Powers Branch and Mr. Roger Davis to the Duplin County Economic Development Board.

Mr. Aldridge presented the Juvenile Crime Prevention Council funding allocation plan previously approved at the May 18, 2009 board meeting. He stated that the chairman's signature was required due the application being revised to include other funding for teen court. (See handout in minutes.)

Motion was made by Commissioner Parks, seconded by Commissioner Wells, to approve the JCPC funding allocation plan as presented. Commissioners Parks, Turner, Raynor, Wells, and Williams voted for; Commissioner Fussell voted against.

Mr. Aldridge stated that the James Sprunt Board of Trustees is recommending the reappointment of Sheriff Blake Wallace to the board for a four-year term to be effective July 1, 2009 through June 30, 2013.

Motion was made by Commissioner Fussell, seconded by Commissioner Wells, carried unanimously, to reappoint Sheriff Blake Wallace to the James Sprunt Community College Board of Trustees for a four-year term effective July 1, 2009 through June 30, 2013.

Mr. Aldridge presented a request on behalf of Dr. Lawrence Rouse, President of James Sprunt Community College, to carry forward \$239,059 in capital funds budgeted in FY 2008 – 2009 for several unfinished projects.

Motion was made by Commissioner Parks, seconded by Commissioner Williams, carried unanimously, to approve the request to carry forward \$239,059 of FY 2008-2009 capital funds.

Mr. Aldridge presented a Memorandum of Understanding between Duplin County and James Sprunt Community College for the WestPark Business Technology Center. (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to approve the Memorandum of Understanding between Duplin County and James Sprunt Community College for the WestPark Business Technology Center.

Mr. Aldridge stated that the Town of Warsaw would be hosting the 89<sup>th</sup> Consecutive Veterans Celebration on Saturday, November 7<sup>th</sup> and is seeking financial support from the commissioners to assist in the costs of holding the event.

Motion was made by Commissioner Williams, seconded by Commissioner Parks, for each commissioner to give \$50 to the Warsaw Veterans Day Committee to assist in the cost of the Veterans' Celebration.

Commissioner Williams withdrew her motion.

Motion was made by Commissioner Wells, seconded by Commissioner Williams, to give \$250 to the Warsaw Veterans Day Committee with funds to come from the general fund, thereby approving BA# 49.

Mr. Aldridge presented Services for the Aged a contract for legal services between the county and Mr. Reginald Kenan, Attorney-at-Law and a health promotions contract between the county and Ms. Deborah Philyaw, RN. (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Williams, to approve the legal services contract between the county and Mr. Reginald Kenan and the health promotions contract between the county and Ms. Deborah Philyaw, RN. Commissioners Parks, Raynor, Turner, Wells, and Williams voted for; Commissioner Fussell voted against.

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

The board returned to Regular Session.

The board adjourned to meet again on Tuesday, September 8, 2009 at 9:00 a.m. in the Commissioners' Meeting Room, County Administration Building (224 Seminary Street), Kenansville, North Carolina.

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Clerk