

September 8, 2009

The Duplin County Board of Commissioners met in Regular Session on Tuesday, September 8, 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; 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 Turner gave the invocation.

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

Affidavits of Publication

Animal Control – August 2009
Building Inspections – August 2009
Communications – August 2009
Finance – August 2009
Health Department – August 2009
Manager's Report – July 2009

Motion was made by Commissioner Wells, seconded by Commissioner Williams, carried unanimously, to approve the Consent Agenda which included the following: Minutes – August 17, 2009 and Water District D – August 17, 2009; Budget Amendments #050 - #059; Solid Waste Releases #6589 - #6714; Tax Releases #6415 - #6588; Health Department Bad Debt Write-offs for Period Ending 08/04/06; to add firearms to be surplus by the Sheriff's Department; a request to appoint Mr. Kenneth Smith to replace Mr. Billy Elston on the Military Growth Task Force; a discussion on the opportunity to showcase Duplin County on October 2nd; and a request for Closed Session regarding personnel matters.

Motion was made by Commissioner Fussell, seconded by Commissioner Williams, carried unanimously, to defer consideration of the lease/sale agreement with Duplin General Hospital in order for the county manager and county attorney to retain outside legal counsel experienced in this matter.

Mr. Aldridge presented Administrative Budget Amendments #B035 - #C060; Motor Vehicle Releases for August 2009 - \$ 7,002.66; and the FY 2009 - 2010 Juvenile Crime Prevention Council Funding Allocation to be made part of the minutes.

Commissioner Wells discussed the need for a procedure to have items placed on the agenda. He stated that most agenda items could be handled by management and reported to the board.

Commissioner Wells stated that policy regarding conflict of interest on the board should be addressed and ethics training is needed.

Public Comments:

Mr. Franklin Fussell of Kenansville stated that one of the constitutional rights that United States citizens have is the right to free speech. He stated that the public should be allowed to discuss anything before the board. Mr. Fussell also stated that the solid waste collection sites need work and entranceways need to have paved aprons.

Ms. Jerri Parker, NCDOT Maintenance Engineer, appeared before the board to give an update on various roads in the county.

Roads discussed: several warning & directional signs are bent in the Ronces Chapel area; left turn lane needed on Hwy 24 going towards Beulaville; traffic congestion on Hwy 41 at new Walmart in the Tin City area needs to be addressed; pothole needs repair at 475 Edmund Brinson Road in Beulaville.

Mr. Harvey Case, Duplin General Hospital CEO; and DGH Board Members Mr. Earl Brinkley, Mr. Glenn Jernigan, Ms. Thomasine Kennedy, Ms. Wendy Murphy, and Mr. Kenneth Smith appeared before the board to discuss and answer questions regarding the potential sale/lease of Duplin General Hospital. (See handout in minutes.)

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

Mr. Pearce gave a presentation on Patriots Day 2009 – September 11th. He showed photographs of the National Fallen Firefighters Memorial in Emmittsburg, Maryland and the North Carolina Fallen Firefighters Memorial in Raleigh with the names of two Duplin County firefighters who died in the line of duty, Mr. Stacy Britt of Warsaw and Mr. Hampton Hobbs of Faison. (See handout in minutes.)

Mr. Pearce discussed the E911 recording system for the new dispatch center to be complete by December 1, 2009. He stated that in order to maintain continuity in paralleling the new system with the existing system, the same type of recorder would need to be purchased and that Carolina Recording Systems is the sole source vendor of the recording system. Mr. Pearce stated that funds are budgeted from 911 telephone fees. (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to approve the resolution for purchasing the recording system from the sole source vendor, Carolina Recording Systems.

Mr. Pearce stated that a second console interface is needed for the new dispatch center just like one purchased before in order for both consoles to work together; therefore, he requested permission to purchase from the same vendor, Gately Communication Company, in the amount of \$23,002.75 (See handout in minutes.)

Motion was made by Commissioner Parks, seconded by Commissioner Wells, to authorize the purchase of equipment from Gately Communication Company in the amount of \$23,002.75.

Mr. Pearce requested permission to move \$25,000 from the Backup PSAP Reserve line item to the project budget in order to finish up the dispatch center with the purchase of a server and a security system.

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to approve \$25,000 to be moved from the Backup PSAP Reserve Account to the project budget, thereby approving BA# 060.

Mr. George Futrelle, Airport Director, appeared before the board to seek approval on Task Order 2 and Task Order 5 with W.K. Dickson Company, Inc. He stated that Task Order 2 - Amendment 1 is in an amount not to exceed \$19,372 for professional services relative to additional design services required in the Runway Widening and Overlay Project. Task Order 5 is in an amount not to exceed \$28,260 for professional services relative to maintaining drainage improvements associated with the South Parallel Taxiway Project. Mr. Futrelle explained this would utilize remaining funds in order to closeout three remaining grant projects. (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Williams, carried unanimously, to approve Task Order 5 agreement with W.K. Dickson Company, Inc. and authorize the chairman to sign same.

Motion was made by Commissioner Parks, seconded by Commissioner Williams, carried unanimously, to approve the Task Order 2 / Amendment 1 agreement with W.K. Dickson Company, Inc. and authorize the chairman to sign same.

Ms. Donna Rouse, Soil and Water Conservation Director, appeared before the board to seek approval on a herbicide/mowing contract with Kleen Line Ltd. in the amount of \$41,234.36 for the Limestone Creek and Muddy Creek Watershed Projects. (See handout in minutes.)

Motion was made by Commissioner Williams, seconded by Commissioner Parks, carried unanimously, to approve the herbicide/mowing contract between Duplin County and Kleen Line Ltd. in the amount of \$ 41,234.36 and authorize the chairman to sign same.

Mr. Davis Brinson, Registrar of Deeds, gave an update on fee increases imposed by the state for the register of deeds office. He stated that vital records fees at the local level would not increase (remain at \$10) but the state fee for vital records would increase to \$24 effective October 1, 2009; marriage license fees increased effective September 1, 2009 from \$50 to \$60; fees to record deed of trust documents will increase by \$6 and to record deeds will increase by \$5. Mr. Brinson stated that the fee increases would be collected at the local level and submitted to the state.

Mr. Brinson gave a presentation on the recently updated Duplin County Register of Deeds website.

Mr. Brinson stated that he has recently been elected as the president of the NC Register of Deeds Association. He requested the board's approval to close the Duplin County Register of Deeds office at 4:00 p.m. on September 22nd in order for his staff to travel to association's annual conference in Raleigh to see him installed as the president.

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to authorize the Duplin County Register of Deeds office to close at 4:00 p.m. on September 22, 2009.

Mr. Bee Barnett, Solid Waste Director, appeared before the board to discuss several items.

Mr. Barnett requested that Saturday, October 10th be declared as "Free Day" at the landfill as part of the Fall 2009 Litter Sweep Campaign.

Motion was made by Commissioner Wells, seconded by Commissioner Williams, carried unanimously, to waive tipping fees at the landfill for Saturday, October 10, 2009.

Mr. Barnett discussed the ban of oil filters, wood pallets, and plastic bottles at the landfill to be effective October 1, 2009.

Mr. Barnett presented information on oil filter storage bins and requested the board's permission to purchase six bins to put at five of the most used solid waste collection sites and one at the landfill. He stated that the cost of the bins is \$200 each per quarter. (See handout in minutes.)

Commissioner Fussell stated that the storage bins should be placed at all of the solid waste collection sites.

Motion was made by Commissioner Williams, seconded by Commissioner Wells, to authorize the Solid Waste Director to purchase six oil filter storage bins. Commissioners Parks, Raynor, Turner, Williams, and Wells voted for; Commissioner Fussell voted against.

Mr. Mike Aldridge and Dr. Lawrence Rouse, President of James Sprunt Community College, appeared before the board to propose a partnership to retain Ms. Paula Walls with Rural Development Solutions to seek grant funds to construct a public safety building on the campus of James Sprunt Community College. (See handout in minutes.)

Mr. Aldridge stated that Ms. Walls would also seek grant funds for other county projects. The cost of the contract would be \$2500 per month for a six month period.

Ms. Walls was present and spoke to the board regarding the scope of her services.

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to authorize the chairman to sign a six-month contract with Mrs. Paula Walls with one-third of the cost to be paid by James Sprunt Community College and two-thirds to be paid by the county; thereby approving BA # 061.

Commissioner Wells left at this time.

Ms. Wendy Sivori gave an update on the Beaufort County Board of Education lawsuit. She stated that the case was recently heard by the North Carolina Supreme Court whose decision was to reverse and remand the case for a new trial based on a jury instruction that was given by the judge in Beaufort county on the definition of the word "needed". Ms. Sivori stated that this could be beneficial to Duplin County because the same instructions were given in the Duplin County case. She stated that Duplin County's case is scheduled for oral arguments at the NC Court of Appeals in Raleigh on October 1, 2009 at 9:30 a.m. She encouraged all board members to attend if possible.

Commissioner Fussell discussed involuntary annexation. He stated that North Carolina is one of seven states that can annex property without the owner's permission. Commissioner Fussell requested that the board consider adopting a resolution opposing involuntary annexation to be presented to Representative Russell Tucker and Senator Charlie Albertson.

Mr. Aldridge discussed the implications from the board's decision at the last meeting to bill farmers for the use of the solid waste collection sites. He stated that a decision would need to be made regarding who would be classified as a farmer. Mr. Aldridge stated that Mr. Gary Rose, Tax Administrator, had provided a report of tax payers that have property in land use. The report is comprised of 2,918 taxpayers. Mr. Aldridge also explained why it would be difficult to impose a tax on a voluntary basis. He also discussed the expense of sending out additional tax bills in the middle of the fiscal year and how the additional collection of solid waste fees would affect the current solid waste enterprise fund revenues. (See handout in minutes.)

Commissioner Turner presented a sample notice that could be sent to the farmers explaining the purpose of their farm being charged as a business with a questionnaire to be completed and returned by the farmer regarding their desire to use the solid waste collection sites. (See handout in minutes.)

Motion was made by Commissioner Fussell to approve the letter presented by Commissioner Turner with the definition of a farmer to be determined by the county manager, the county agriculture extension agent, and representatives from farm services.

Motion died due to lack of a second.

Ms. Wendy Sivori reminded the board that it would be illegal for the county to impose a reduced fee or special fee to certain groups.

Motion was made by Commissioner Williams to develop a clear definition of a farmer, develop a list of these farmers, and implement a solid waste fee in the next fiscal year.

Motion died due to lack of a second.

It was the consensus of the board for the county manager to define “a farmer” and develop options to implement a solid waste fee for farmers to be discussed at the September 21st board meeting.

Mr. Gary Rose, Tax Administrator, appeared before the board to present the Tax Collector’s Settlement for Fiscal Year ending June 30, 2009. (See handout in minutes.)

Motion was made by Commissioner Parks, seconded by Commissioner Williams, carried unanimously, to accept the Tax Collector’s Settlement for Fiscal Year ending June 30, 2009 and authorize all board members, the county attorney, and the county finance officer to sign.

Mr. Aldridge stated that it was the consensus of the board at the last meeting for each board member to nominate someone from their respective district to serve on a committee to develop a policy to name county facilities and property. He asked if the board had names ready to submit.

Commissioner Fussell nominated Mr. Sonny Sikes. Commissioner Parks nominated Ms. Mavis Pigford. Commissioner Turner nominated Mr. Rouse Ivey. Commissioner Williams nominated Ms. Rebecca Judge. Commissioner Raynor stated that he did not have a nominee at this time. Commissioner Wells was not present during this portion of the meeting.

Motion was made by Commissioner Williams, seconded by Commissioner Fussell, carried unanimously, to accept the nominations for the committee to develop a policy on naming county facilities and property.

Mr. Aldridge presented the annual application for State Aid to Public Libraries for Fiscal Year 2009 – 10.

Motion was made by Commissioner Parks, seconded by Commissioner Williams, carried unanimously, to authorize the chairman to sign the State Aid Application to Public Libraries for FY 2009 – 10.

Mr. Aldridge stated that Mr. Steve Moore, Aging and Transportation Director, is requesting permission to schedule a second public hearing in regards to Rural Operating Assistance Program (ROAP) funding for FY 2009 – 10 to be held September 21, 2009 at 6:45 p.m. The purpose of the second public hearing is to ensure that the Latino population is included; therefore, the public hearing will be advertised in both English and Spanish.

Motion was made by Commissioner Parks, seconded by Commissioner Williams, carried unanimously, to schedule a public hearing regarding the FY 2009 – 10 ROAP funding to be held September 21, 2009 at 6:30 p.m.

Mr. Aldridge stated that the East Carolina Council of Government has offered to provide Local Government Code of Ethics training in October or November for any board members needing to complete the two hour training required every other year.

Mr. Aldridge presented a resolution from Eastpointe Mental Health Services proclaiming September 2009 as “Alcohol and Drug Addition Recovery Month”. (See handout in minutes.)

Motion was made by Commissioner Fussell, seconded by Commissioner Williams, carried unanimously, to adopt the resolution proclaiming September 2009 as “Alcohol and Drug Addition Recovery Month”.

Mr. Aldridge presented a list of four firearms that the Sheriff’s Department would like to declare as surplus to be sold online by a local gun dealer as collector items. He stated that only Class 3 license gun dealers will be allowed to bid and the money received will be applied to the purchase of new firearms for the Sheriff’s Department. (See handout in minutes.)

Motion was made by Commissioner Parks, seconded by Commissioner Williams, carried unanimously, to surplus the firearms as presented and authorize the sale of the firearms by a local gun dealer.

Mr. Aldridge stated that the Town of Faison will be holding its annual Market Day Celebration and Parade on October 10th beginning at 10:00 a.m. and would like the board of commissioners to participate in the parade. Commissioners Parks and Turner agreed to participate.

Commissioner Parks discussed “Cycle North Carolina”. She stated that this is a bicycle tour with over 1,000 bicyclists from 44 states that will travel through Duplin County with an overnight stop at the Duplin County Events Center on October 2nd. The tour will start in Cherokee, NC and will end in Surf City, NC. Commissioner Parks stated that she plans to talk with Sheriff Wallace about roadside cleanup along the Duplin route and Ms. Jerri Parker with the NCDOT about mowing along the route.

Motion was made by Commissioner Parks, seconded by Commissioner Williams, 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 Monday, September 21, 2009 at 6:30 p.m. at the Magnolia Town Hall (113 N. Railroad Street), Magnolia, North Carolina.

Clerk