

October 19, 2009

The Duplin County Board of Commissioners met in Regular Session on Monday, October 19, 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, and Zettie Williams

Absent: Commissioner Harold Raynor

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 Wells gave the invocation.

Motion was made by Commissioner Parks, seconded by Commissioner Wells, to approve the Consent Agenda which included the following: Minutes – October 5, 2009 and Water District E – October 5, 2009; Budget Amendments #080 - #088; Tax and Solid Waste Releases #6873 - #6901; Health Department Bad Debt Write Offs for Period Ending 10/01/2006 - \$4,102.93; to add a request to fill a position vacancy; a discussion on the probation office lease; a discussion on the Duplin County Board of Education; and to add a discussion on the gym at the old Chinquapin School. Commissioners Parks, Turner, Wells, and Williams voted for; Commissioner Fussell voted against.

Commissioner Turner questioned BA# 80 regarding transfer of funds to pay for damage to a wrecked sheriff deputy vehicle. It was the consensus of the board to receive a report of all county vehicles damaged and the cause of the damage on a quarterly basis.

Mr. Aldridge presented Administrative Budget Amendments # D103 - #D124 and Motor Vehicle Releases for September 2009 - \$8,473.16 to be made part of the minutes.

Public Comments:

Mr. Reginald Kenan urged the board to reconsider the decision to not allow the transfer of funds to help pay for clerical and janitorial positions as requested at the October 5, 2009 board meeting by Ms. Jo Ann Hartley, Duplin County Board of Education Finance Officer. He stated that the board of education is not requesting additional money from the county, just permission to use county funds where needed.

Mr. Jimmy Dixon stated that the state made the funding cuts to the school system; therefore, the board of education should take their request to the state. He also stated that in the past, funds given by the board of commissioners to the school system for repairs and maintenance were given unrestricted and the board of education misused the funds.

Commissioner Fussell discussed a *Time* magazine article, "The Tragedy of Detroit" regarding the decreasing population of Detroit, Michigan. He stated that it was due to the government raising taxes and that forced businesses to close and Duplin County should learn from the mistakes of Detroit. Commissioner Fussell stated that the Evergreen audit commended the board on setting the tax rate at 69 cent, the lowest since 1987.

Mr. Ken Jones, Executive Director of Eastpointe Mental Health, gave an update and discussed how state budget cuts have affected his agency. (See handout in minutes.)

Ms. Melisa Brown, Assistant Aging Director, appeared before the board to seek approval for an agreement between Duplin County and the Eastern Carolina Council of Government for the Senior Center General Purpose Plan. (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Williams, carried unanimously, to approve the Senior Center General Purpose Plan agreement between Duplin County Services for the Aged and the Eastern Carolina Council of Government as presented and authorize the chairman and finance officer to sign same, thereby approving BA# 089.

Mr. Gary Ange discussed ethics and gave his recommendations on the code of ethics policy that the board of commissioners plans to adopt. Mr. Ange is a retiree from Abbott Laboratories where he was in charge of their ethics program. (See handout in minutes.)

Mr. Joe McKemey with McDavid Associates, Inc. appeared before the board to seek adoption of a resolution titled "Participation Goal of Minority Business in Contractual Work" and adoption of the "Minority Business Participation Outreach Plan" for Duplin County, Albertson Water and Sewer District, and Water Districts B, E, F, and G. A public hearing on this matter was held August 17, 2009 at which time the resolutions were adopted for Water District D. (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to adopt the resolution titled "Participation Goal of Minority Businesses in Contractual Work" and to adopt the "Minority Business Participation Outreach Plan" for Duplin County.

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to recess Regular Session and go into session as the Albertson Water and Sewer District.

The board returned to Regular Session.

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

The board returned to Regular Session.

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

The board returned to Regular Session.

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

The board returned to Regular Session.

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

The board returned to Regular Session.

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

The board Returned to Regular Session.

Ms. Heather Beard, Economic Development Director, appeared before the board regarding several matters.

Ms. Beard discussed the incentive agreement with Bunge North America. She stated that she had received word from Bunge's headquarters that plans can move forward with the feed distribution project in Duplin County. Ms. Beard stated that Ms. Sivori has reviewed the agreement and recommends changing the wording of "tax value" to "property tax bill" on Page 2 of the agreement. (See handout in minutes.)

Motion was made by Commissioner Parks, seconded by Commissioner Wells, carried unanimously, to approve the incentive agreement between Duplin County and Bunge North America pending the changes by the county attorney and the review of Bunge North America, and authorize the chairman to sign same.

Ms. Beard discussed the incentive agreement with U.S. Cold Storage. She stated that the incentive package was approved by the board of commissioners in January 2007 but the agreement was never executed. Ms. Beard stated that the company was due an incentive payment in January 2009 and another in January 2010 but a signed agreement is needed before the incentives can be paid. (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to approve the incentive agreement between Duplin County and U. S. Cold Storage and authorize the chairman to sign same.

Ms. Beard presented a service agreement with the NC Association of Loggers for a study to be conducted in conjunction with Sampson County for a project near the Sampson County line that will benefit both counties. She stated that the information from the study can be used for other projects. Ms. Beard stated that the total cost of the study is \$12,000 with \$3,500 coming from the Duplin EDC budget, \$5,000 from the Eastern Region, and the remainder from Sampson County. (See handout in minutes.)

It was the consensus of the board to defer this matter till after Closed Session in order to receive more information about the project.

Ms. Beard discussed the 501(c)6 and 501(c)3 non-profit corporations. She requested permission to set aside the 501(c)6 in order to focus on the 501(c)3 fundraising foundation and to transition the by-laws and board members of the 501(c)6 to the 501(c)3. She stated that the Economic Development Board had voted unanimously in favor of the transition.

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to transition the non-profit bylaws and board members of the 501(c)6 corporation to the 501(c)3.

Motion was made by Commissioner Wells, seconded by Commissioner Williams, carried unanimously, to recess Regular Session and go into Closed Session pursuant to N.C.G.S. 143-318.11(a)(4) for economic development matters.

The board returned to Regular Session.

Motion was made by Commissioner Parks, seconded by Commissioner Williams, carried unanimously, to approve BA #090 for "Project Pine" and authorize the finance officer to sign the service agreement between the county and the NC Association of Loggers.

Motion was made by Commissioner Williams, seconded by Commissioner Wells, carried unanimously, to approve BA# 091 for "Project Pipeline" and authorize the chairman to sign the agreement.

Mr. Aldridge stated that Ms. Thomasine Kennedy, Chairperson of the Duplin General Hospital Board of Trustees, has sent a memo requesting that the board of commissioners consider appointing Mr. Kenneth Smith, a member of the DGH board, as a liaison to the board of commissioners regarding the sale/lease of Duplin General Hospital. (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Williams, carried unanimously, to approve Mr. Kenneth Smith as the Duplin General Hospital liaison to the Duplin County Board of Commissioners.

Mr. Aldridge stated that Ms. Katie Harrell, Clerk of Court, is requesting that Mr. Robert Ray Thomas be reappointed on the Jury Selection Committee for a two year term effective October 19, 2009.

Motion was made by Commissioner Wells, seconded by Commissioner Williams, carried unanimously, to reappoint Mr. Robert Ray Thomas to the Jury Selection Committee for a two year term effective October 19, 2009.

Mr. Aldridge stated that Mr. Jeffery Lynn Davis has submitted a petition to have SR 1552 – Mill Pond Circle Road in the Albertson community abandoned by North Carolina Department of Transportation. He stated that it is a dirt road with no residences and Mr. Davis is the sole property owner on each side of the road.

Motion was made by Commissioner Parks, seconded by Commissioner Wells, to have Mill Pond Circle Road abandoned and forward the request to the NCDOT. Commissioners Parks, Turner, Wells, and Williams voted for; Commissioner Fussell voted against.

Mr. Aldridge presented the report from Mr. Carl Pate, Sr., delegate to the Senior Tar Heel Legislature. (See handout in minutes.)

Mr. Aldridge discussed the lease agreement with the North Carolina Department of Corrections for the probation office space provided by the county at the former Cooperative Extension building at 103 Duplin Street, Kenansville. He stated that because the lease agreement provides office space for the probation office for \$1.00 per year, Ms. Sivori will modify the lease to add a statement that the county may relocate or limit space as needed. (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Williams, carried unanimously, to approve the lease agreement with the North Carolina Department of Corrections for the probation office space pending revisions to the agreement by the county attorney.

Mr. Aldridge discussed the names submitted by each commissioner for the committee that will develop a policy to name county buildings and facilities. The following names were submitted: Mr. Sonny Sikes (Commissioner Fussell); Ms. Mavis Pigford (Commissioner Parks); Mr. Rouse Ivey (Commissioner Turner); Mr. James D. Lanier (Commissioner Raynor); Ms. Delilah Gomes (Commissioner Wells); and Ms. Rebecca Judge (Commissioner Williams).

Motion was made by Commissioner Wells, seconded by Commissioner Williams, carried unanimously, to appoint Mr. Sonny Sikes, Ms. Mavis Pigford, Mr. Rouse Ivey, Mr. James D. Lanier, Ms. Delilah Gomes, and Ms. Rebecca Judge to serve on a committee to develop a policy for naming county buildings and facilities.

Commissioner Turner stated that several residents of the Chinquapin community contacted him requesting that the gym at the old Chinquapin School not be torn down with the other buildings on site. Commissioner Turner stated that he would check out the condition of the gym before the demolition begins.

Commissioner Wells discussed the decision at the October 5, 2009 board meeting to not allow the board of education to transfer funds from capital reserve in order to pay salaries for clerical and janitorial staff. He urged the board put aside personal differences with board of education members and reconsider the decision to allow the transfer of funds.

Commissioners Fussell stated that the board of education could use money that is funding the supplements of the central office staff to pay for the needed clerical and janitorial staff. Commissioner Fussell and Turner stated that their vote stands firm to not allow the transfer of funds as requested by the board of education.

Commissioner Williams stated that she would like to have a current report on the board of education's fund balance.

Motion was made by Commissioner Fussell, seconded by Commissioner Williams, to have the county manager request a fund balance report from the Duplin County Board of Education. Commissioners Fussell, Parks, Wells, and Williams voted for; Commissioner Turner voted against.

Mr. Aldridge requested permission to advertise and fill the vacancy of the Human Resource Clerk position.

Motion was made by Commissioner Wells, seconded by Commissioner Parks, to authorize the county manager to advertise and to fill the vacant Human Resource Clerk position. Commissioners Parks, Turner, Wells, and Williams voted for; Commissioner Fussell voted against.

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to recess Regular Session and go into Closed Session pursuant to N.C.G.S. 143-318.11(a)(3) for legal matters.

The board returned to Regular Session.

The board adjourned to meet again on Monday, November 2, 2009 at 9:00 a.m. in the Commissioners' Room, County Administration Building (224 Seminary Street), Kenansville, North Carolina.

Clerk