

December 21, 2009

The Duplin County Board of Commissioners met in Regular Session on Monday, December 21, 2009 at 9:00 a.m. in the Commissioners' Room, County Administration Building (224 Seminary Street), Kenansville, North Carolina.

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

Mr. Randy Cashwell, Solid Waste Enforcement Officer, sang "Silent Night" in observance of the Christmas season.

Commissioner Parks gave the invocation.

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

Affidavits of Publication

Airport – October 2009 & November 2009  
Manager's Report – December 2009  
Register of Deeds – November 2009  
Services for the Aged – November 2009  
Social Services – November 2009  
Soil & Water – November 2009  
Water Department – November 2009

Motion was made by Commissioner Parks, seconded by Commissioner Williams, carried unanimously, to approve the Consent Agenda which included the following: Minutes – December 7, 2009; Budget Amendments # 119 - # 123; Tax and Solid Waste Releases # 7009 - # 7048; Health Department Bad Debt Write Off for the period ending 12/01/06 - \$ 2,113.43 [general] and \$304.00 [dental]; to add a Duplin County Board of Education financial report; a discussion on a contract with Mr. Ferrell Thigpen, Chief Building Inspector; and a discussion on the ¼ cent sales tax referendum to benefit the local fire departments.

Mr. Aldridge presented Administrative Budget Amendments # F183 - # F197 to be made part of the minutes.

Motion was made by Commissioner Wells, seconded by Commissioner Fussell, carried unanimously, to elect Commissioner Turner to continue to serve as the chairman of the board of commissioners.

Public Comments:

Ms. Gloria Morgan of Mount Olive spoke against the Duplin County Board of Education's recent decision to approve the school facilities plan which would consolidate the B.F. Grady, North Duplin, and James Kenan school districts. She stated that the way the plan was approved by the board of education was underhanded and manipulative. Ms. Morgan urged the board of commissioners to not support the facilities plan. (See handout in minutes.)

Mr. Rodney Scott of Smith Albertson Township spoke against the Duplin County Board of Education's recent decision to approve the school facilities plan. He stated that the board of education chairman, Mr. Reginald Kenan, should have postponed the vote on such an important matter until all board members were present. (Mr. Willie Gillespie was present at the meeting but left during the vote on the facilities plan.)

Mr. Brent Davis of Calypso spoke against the recently approved school facilities plan. He stated that the county taxpayers could not afford the plan with the current economical situation. Mr. Davis stated that the farmers comprise 80 percent of Duplin County's tax base and such a plan would hurt the financial situation of the county's farmers especially with the recent bankruptcy filings of four local hog integrators.

Ms. Swannie Branch of Mount Olive appeared before the board to discuss and appeal for the land use on her property.

Commissioner Turner thanked Ms. Branch for her comments and advised her that this would be discussed later on the agenda.

Mr. Rick Summerlin of Kenansville spoke against the demolition of the old Chinquapin School.

Commissioner Turner explained that sufficient notice was given to anyone wanting to purchase the old Chinquapin School property for development. He stated that for the safety of the public and the potential for a lawsuit against the county if someone get injured, the property needed to be demolished.

Mr. Reginald Kenan, Chairman of the Duplin County Board of Education, defended the actions of the board of education regarding the recent vote on the approval of the school facilities plan. He stated that as chairman, it is his duty to proceed with the meeting in the absence of any board member.

Mr. Gary Rose, Tax Administrator, discussed several land use applications that were not filed within the time limits of the general statutes due to delays at their attorney's office. The following citizens appeared before the board for a decision to be rendered on their untimely land use applications: Ms. Swannie Branch of Mount Olive, Mr. John Byrd of Warsaw, and Ms. Connie Jones of Mount Olive. (See handout in minutes.)

Motion was made by Commissioner Fussell, seconded by Commissioner Raynor, carried unanimously, to accept the applications for land use by Ms. Swannie Branch, Mr. John Byrd, and Ms. Connie Jones.

Mr. Kenneth Avent, Sr. of Faison appeared before the board to discuss the Faison Wellness and Multi-purpose Center currently under construction. He stated that the center will include a regulation size gymnasium, a kitchen, a fitness room, and gathering room. He explained that the center will be used for the Duplin County Nutrition site if the kitchen can be equipped with the proper appliances. Mr. Avent stated that the Town of Faison received a \$250,000 grant from the NC Parks and Recreation Department that required a match from the town. He stated that the project is short \$25,000 needed to equip the kitchen and for bleachers for the gymnasium. He requested a contribution from the county. (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Williams, carried unanimously, to defer this matter until the January 4, 2010 board meeting.

Mr. Aldridge stated that there is a vacancy for a Water Assistant I in the Water Department and a vacancy for a Secretary I in the Solid Waste Department due to the promotion of those persons to another department within the county. He requested permission to advertise and hire for the two vacancies.

Motion was made by Commissioner Wells, seconded by Commissioner Williams, to authorize the Utilities Manager and the Solid Waste Director to advertise and hire for their respective vacancies. Commissioner Parks, Raynor, Turner, Wells, and Williams voted for; Commissioner Fussell voted against.

Mr. Dean Horne, CPA with Pittard, Perry, & Crone Inc. appeared before the board to discuss the county's audit report for FY 2008 – 09. (See handout in minutes.)

Commissioner Fussell inquired about the calculation of the revenue-neutral tax rate for the county. He requested that Mr. Horne return at the January 4, 2010 board meeting to further discuss the audit and answer questions the board may have after they have time to review the audit report.

Commissioner Wells discussed the recent football state championship won by Wallace-Rose Hill High School for the 1-A Division. It was the consensus of the board to recognize their achievement by presenting them with a plaque at the next commissioner's meeting.

Mr. Brian Pearce, EMS Director, appeared before the board to give an update on the tragic death of Mr. Kurt Price, EMS Supervisor at the Pleasant Grove EMS Station, which occurred on Sunday, December 20, 2009. He gave copies of the press release regarding the incident to the board of commissioners. (See handout in minutes.)

It was the consensus of the board to direct the county manager write a letter of condolence on behalf of the board to send to the family of Mr. Kurt Price.

Mr. Stephen Williamson, Chairman of the Duplin County Events Center Advisory Board, appeared before the board to discuss the events center management contract. Mr. Jim Harris, Chairman of the Duplin County Tourism Development Authority, was also present and spoke in support of VenuWorks. Mr. Harris presented several letters of recommendation and support for VenuWorks to continue to manage the events center. (See handout in minutes.)

Motion was made by Commissioner Fussell, seconded by Commissioner Wells, carried unanimously, for the new year beginning July 1, 2010 the county attorney is to develop a contract to operate the Duplin County Event Center based upon the recommendations of the Evergreen Solutions, LLC audit report that the center become profitable. This contract will then be presented to the Duplin County Board of Commissioners for approval, and then if approved by the board of commissioners, it will then be presented to the Duplin County Events Center Advisory Committee for their review. After the review of the advisory committee, it will then be submitted to VenuWorks. If the contract is rejected by VenuWorks, the new proposed contract will be open to other companies.

Ms. Heather Beard, Economic Development Director, appeared before the board to discuss the U.S. Cold Storage incentive agreement originally approved at the October 19, 2009 in which the agreement stated that U.S. Cold Storage was to create 15 new jobs. Ms. Beard explained that the agreement did not specify if the jobs created had to be full time permanent positions. She stated that U.S. Cold Storage met the conditions of the agreement by hiring 12 full time employees and 3 contracted employees if that is acceptable with the board of commissioners. Ms. Beard stated that in future incentive agreements, it will be clearly stated that the jobs are to be full time positions and not contracted positions.

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to proceed with the incentive agreement between the county and U.S. Cold Storage.

Motion was made by Commissioner Williams, 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)(4) for economic development matters.

The board returned to Regular Session.

Mr. Aldridge discussed the modular building owned by Brown's Service Center that is available for rent. He stated that he has been in contact with the owner and is negotiating a lease agreement with the assistance of the county attorney to lease the building to house the water department. Mr. Aldridge stated that he will present the lease agreement to the board for their approval at the next board meeting.

Mr. Aldridge discussed the contract between the Duplin County Health Department and Dr. Matthew Fell, DDS to provide dental services for the mobile dental unit. He stated that Dr. Fell started work in September 2009 and the contract provides for Dr. Fell to earn a bonus payment if a net profit is earned. Mr. Aldridge explained that the date in which the bonus is calculated needs to be clarified in the contract to begin October 1, 2009. (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Williams, carried unanimously, to defer this matter until the January 4, 2010 board meeting in order for Ms. Ila Davis, Health Department Director, to discuss the contract further.

Mr. Aldridge presented a contract between the county and Mr. Charles Kirby to provide equipment and labor for moving the mobile dental unit. He stated that Mr. Kirby was awarded the contract at the July 6, 2009 board meeting but a contract was not signed at that time. (See handout in minutes.)

Motion was made by Commissioner Raynor, seconded by Commissioner Wells, carried unanimously, to authorize the finance officer to sign the contract as presented.

Mr. Aldridge presented a letter from the Executive Committee of the Local Government Commission in which the board of commissioners' request of an increase of \$200,000 to the original State Revolving ARRA Loan for Water District D was approved. (See handout in minutes.)

Mr. Aldridge discussed the retirement of Mr. Ferrell Thigpen, Chief Building Inspector. He stated that Mr. Ferrell has agreed to continue employment with the county under a contract currently being negotiated until a replacement can be hired.

Commissioner Parks discussed the proposed ¼ cent sales tax referendum to benefit the local volunteer fire departments.

Motion was made by Commissioner Parks, seconded by Commissioner Williams, if the ¼ cent sales tax referendum passes the revenue will be equally distributed to the fire departments currently supported by the county and to continue the current contribution to each fire department. Commissioner Parks voted for; Commissioners Fussell, Raynor, Turner, Wells, and Williams voted against.

The board discussed the eight fire departments that currently have a fire tax in addition to the county contribution and discussed various ways to distribute the revenue to all 24 fire departments from the sales tax revenue. It was the consensus of the board to have Commissioner Turner report back to the board with the wishes of the fire departments since he serves on the fire tax committee.

Mr. Aldridge presented a resolution to abolish Old Mill Pond Circle Road in Albertson from the NC Department of Transportation system. He explained that this was approved by the board at the October 19, 2009 board meeting but the NCDOT requires a resolution to proceed.

Motion was made by Commissioner Wells, seconded by Commissioner Raynor, carried unanimously, to adopt a resolution to abandon Old Mill Pond Circle Road from the NCDOT system and authorize the chairman to sign same.

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. 138-318.11(a)(6) for personnel matters.

The board returned to Regular Session.

The board adjourned to meet again on Monday, January 4, 2010 at 9:00 a.m. in the Commissioners' Meeting Room (224 Seminary Street), Kenansville, North Carolina.

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Clerk