

May 3, 2010
Board of Commissioners Meeting

The Duplin County Board of Commissioners met in Regular Session on Monday, May 3, 2010 at 9:00 a.m. in the Commissioners Room, County Administration Building (224 Seminary Street), Kenansville, North Carolina.

Present: Chairman Cary Turner, Commissioners David Fussell, Frances Parks, Harold Raynor and Reginald Wells.

Absent: Commissioner Zettie Williams

Also Present: Mr. Mike Aldridge, County Manager; Ms. Paige Marshburn, Administrative Officer; Ms. Teresa Lanier, 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:

Board of Education Capital Outlay & General Fund – June 2009
Finance Office Activity – March 2010
Fund Balance

Motion was made by Commissioner Raynor, seconded by Commissioner Williams, carried unanimously, to approve the Consent Agenda which included the following: Tax & Solid Waste Releases #7460 - #7471 and Budget Amendments #204-#216.

Mr. Aldridge presented Administrative Budget Amendments #J400 – #J432 to be made part of the minutes.

Public Comments: None

Ms. Jerri Parker, North Carolina Department of Transportation, appeared before the board to discuss any road issues in Duplin County.

Commissioner Parks addressed Hwy 117 from Wallace to Faison is in worst condition than before work was done on it. Ms. Parker commented that the contractor is not finished working on the road and will be back to level the joints on the road.

Commissioner Turner was curious that he had seen the Department of Transportation on his road and also paint on the road and asked Ms. Parker were they planning to work on the road. Ms. Parker said she was not aware of anything, but would investigate it.

Ms. Anne Hunter commented that on Hwy 111 across from the Old Grant School there is a sign that has writing on it.

Mr. Chris Barnette was recognized for 20 years of service as a sheriff deputy and school resource officer. Commissioner Turner presented him with a retirement plaque.

Mr. Sam Kornegay appeared before the board and thanked the commissioners for voting to have the fire districts redrawn.

Mr. Kornegay handed out a letter he received from the Duplin County Board of Elections (See handout in minutes.) Mr. Derl Walker contacted Mr. Kornegay and asked if he would serve as a poll official for the May 4, 2010 primary election. He agreed and attended the scenario training. A few days later, Mr. Walker asked Mr. Kornegay what happened at the training. Mr. Kornegay proceeded by saying his actions were interpreted as being very contentious.

It was Mr. Kornegay's opinion that Ms. Ingram's position was that his political view would not allow him to carry out the duties of a poll official. Ms. Ingram sent the letter to Mr. Kornegay with no consultation of any other board member. Mr. Kornegay believes this action by Ms. Ingram is illegal and constitutes slander to his name, his character, and his actions. Mr. Kornegay would like to see Ms. Ingram removed from the Duplin County Board of Elections and County employment.

Ms. Nanette Smith appeared before the board to take the oath of office for Interim DSS Director (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to go out of regular session and into Water District A.

Return to regular session.

Mr. Fussell appeared before the board to discuss non-emergency transport. Mr. Fussell stated that this would be another contentious issue if the board considers non-emergency transport and this topic has already led to one legal situation and could lead to another that would involve the court system. He does not even want to discuss, due the political nature of governments, competing with private enterprise.

Motion was made by Commissioner Fussell, seconded by Commissioner Raynor that the county not eliminate any franchise agreements with established business and they can continue to operate non-emergency transport. Commissioner Fussell, Turner and Raynor voted for. Commissioner Parks and Wells voted against. Motion carried 3 to 2. Commissioner Williams was absent.

Mr. Brian Pearce, EMS Director, appeared before the board to present a ride along policy, liability release and HIPPA release, approved by Ms. Wendi Sivori, County Attorney and Mr. Aldridge, County Manager. This Ride Along Policy will allow volunteers, news media and other interested individuals to ride along with the EMS/fire marshal vehicles for response etc. (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to approve the Ride Along Policy for only qualified persons to ride along with the EMS crew or fire marshal.

Chief Mike O'Conner, Rose Hill Police Department, appeared before the board to present a list of names for approval to be appointed or re-appointed to the Duplin County Juvenile Crime Prevention Council (JCPC). Due to administrative oversight, several members' terms have expired and Mr. O'Conner asks that the re-appointed persons be made retroactively to July 1, 2009 (See handout in minutes.)

Chief O'Conner appeared before the board to request approval to apply for State JCPC funding for programs approved by Duplin County JCPC committee. Since no additional funds will be allocated by the State of North Carolina for the upcoming Fiscal Year, the total expenditures are not intended to exceed last years total expenditures. Adjustments within certain programs have been made and Mr. O'Conner asks the board to apply for these grants for FY 2010/2011 (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to accept the request for reappointing and appointing members to Juvenile Crime Prevention Council and to authorize the chairman to sign the grant applications for State JCPC funding for Fiscal Year 2010-2011.

Ms. Shelia Lewis, Regional Ombudsman II, and Mr. Bill Taylor, Chairman with the Duplin Nursing Home and Duplin Adult Care Home Advisory committee appeared before the board to present their annual reports. (See handout in minutes.)

Mr. Mike Aldridge, County Manager, appeared before the board to discuss Piedmont Natural Gas request for an easement from the county for them to relocate, at Piedmont's expense, a gas line that supports the S & J Villari Livestock on Penny Branch Road. The board of commissioners need to agree to allow them to prepare and execute an easement agreement for this purpose. This would be along the eastern property line of the tract that the West Park Business Technical Center is located (See handout in minutes.)

Motion was made by Commissioner Parks, seconded by Commissioner Raynor, carried unanimously, to accept this request of relocating the gas line that supports Piedmont Natural Gas at their expense.

Ms. Donna Rouse, Soil & Water Conservation Director, appeared before the board to present two contracts. The first contract was for annual vegetation spraying/mowing repairs on the Limestone and Muddy Creek watersheds. NaturChem is the selected contractor. The second contract was for the annual maintenance repair on the Limestone & Muddy Creek watersheds. D & D Construction LLC is the selected contractor (See handout in minutes.)

Motion was made by Commissioner Raynor, seconded by Commissioner Parks, carried unanimously, to accept the contract to NaturChem to perform annual vegetation spraying/mowing repairs on the Limestone and Muddy Creek watersheds.

Motion was made by Commissioner Wells, seconded by Commissioner Raynor, carried unanimously, to accept the contract to D & D Construction, LLC to perform annual maintenance repairs on the Limestone and Muddy Creek watersheds in Duplin County and authorize the chairman, clerk and finance officer to sign same.

Mr. Aldridge appeared before the board to present the first work-in-progress draft budget. Mr. Aldridge reminded the board that the board of education has not presented their budget request. The budget was balanced per the board's instructions with the current 69 cent tax rate and no fund balance contribution. Mr. Aldridge reviewed with the board the departments and positions that would be eliminated (See handout in minutes.)

Commissioner Fussell presented an article from the Wilmington newspaper referencing fund balance. Misappropriating of funds for many years was Mr. Fussell's opinion for having to drastically cut the budget (See handout in minutes.)

Ms. Wendy Sivori, County Attorney, presented a rough draft about the lawsuit for consideration as a press release to the commissioners. Ms. Teresa Lanier, Finance Officer, provided an email from the State and Local Government Finance Division of the North Carolina Department of State Treasurer providing four options to settle the judgment of \$4,795,784 (See handout in minutes.)

Commissioner Fussell wants the Duplin County citizens to know this was very difficult to commit to and was not willfully with malice and intent of hardship for this county.

Motion was made by Commissioner Fussell, seconded by Commissioner Williams to send the press release to the media and change wording to "we may" instead of "we will". Commissioner Fussell, Raynor and Wells voted for and Commissioner Parks and Turner voted against. Motion carries 3 to 2. Commissioner Williams not present.

Mr. Aldridge advised that Mr. Scotty Summerlin, Beulaville Town Manager, has requested a head count for the upcoming required ethic training scheduled for Thursday, May 20, 2010 at 6:00 p.m. at the Beulaville Fire Department, 205 N. Wilson Ave., Beulaville (See handout in minutes.)

A notice has been advertised concerning the adoption of the water shortage ordinance. The adoption of the resolution is scheduled for June 7, 2010 (See handout in minutes.)

Mr. Carl Kornegay, Chairman of the Eastern Carolina Regional Housing Authority desires to serve another (5-year) term with the board. His term expires June 30, 2010 (See handout in minutes.)

Motion was made by Commissioner Parks, seconded by Commissioner Wells, carried unanimously, to appoint Mr. Kornegay to another term (5-year) as chairman of the Board of Eastern Carolina Regional Housing Authority.

Mr. Aldridge advised The Board of Education audit report has been received for year ending 6-30-09.

Commissioner Parks shared that she attended Mt. Olive College and met with the Eastern Coalition for Gangs. The next meeting is June 25, 2010 and she supports counties working on gangs and encourages commissioners and anyone else interested to attend. The meeting will be at 10:00 a.m. at 114 Moye Building at Mt. Olive College.

Motion was made by Commissioner Wells, seconded by Commissioner Fussell, carried unanimously, to go out of regular session and into session as the Board of Equalization and Review.

The board returned to regular session.

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to recess until May 10, 2010 at 9:00 a.m. in the commissioner's room.

Clerk

