

August 2, 2010  
Board of Commissioners Meeting

The Duplin County Board of Commissioners met in Regular Session on Monday, August 2, 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, Zettie Williams and Reginald Wells.

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

Commissioner Parks gave the invocation.

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

Affidavits of Publication

Board of Education – June 2010  
Health Dept. – June 2010  
Solid Waste Landfill Annual – July 1, 2009 – June 20, 2010  
Fund Balance – June 2010

Motion was made by Commissioner Williams, seconded by Commissioner Raynor, carried unanimously, to approve the Consent Agenda which included the following: Minutes – July 19, 2010, Tax & Solid Waste Releases #7542 - #7606. Budget Amendment #0028 - #0034; Dental Service Write Off – June 30, 2007 - \$357.80; Health Service Write Off - \$1744.10; to add Closed Session for legal matters; James Sprunt Community College request to carry over capital funds; reappoint Mr. Albert Brown, James Sprunt Board Member; add Forestry Service Agreement; delete Mr. Ken Jones from agenda; annual contract with NC Department of Insurance for Services to Aged for SHIP Program; Commissioner Wells resigning; Commissioner Parks to add discussion about public comments. Commissioner Williams asked if the money made in motions for promotions and reclassifications was already budgeted. Mr. Aldridge answered her that the money was already in the department budget.

Mr. Aldridge presented Administrative Budget Amendments #A013 - #A026 to be made part of the minutes and motor vehicle tax release – June 30, 2010 - \$8223.64.

Mr. Steve Moore, Transportation, appeared before the board to have a public hearing to accept, approve, adopt, and sign the certified statement for funding the 2010-2011 Rural Operating Assistance Program (ROAP). (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to approve and adopt the 2010-2011 ROAP funds and authorize the County Manager and Chairman to sign same.

Mr. Moore explained that the public hearing being held is required as part of the application for ROAP funding in the amount of \$194,000.00.

Chairman Turner: Any comments or questions from the board?

Commissioner Parks: The total amount is more than last year. Is this based on need?

Mr. Moore: It is about \$2000 greater than last year. It is based on a formula in which the State uses. The formula is based on demographics from each county.

Commissioner Williams: What does ROAP stand for?

Mr. Moore: ROAP stands for Rural Operating Assistance Program. These are state allocated funds.

Commissioner Fussell: How much total is your operating budget of transportation?

Mr. Moore: I do not have the exact figure, I think around \$890,000.00.

Commissioner Fussell: Can you break down the \$890,000.00? Where do the funds come from?

Mr. Moore: This year we applied for the CTP grants for around \$270,000.00. This grant has not been approved yet. We have been allocated \$469,000.00 from FTA and State.

Commissioner Fussell: How much of it is County money?

Mr. Moore: The County money received for fuel is around \$96,000.00.

Public Hearing was called to order at 9:10 a.m.

No comments from the public. The Public Hearing was called to a close at 9:11 a.m.

Mr. Gary Rose, Tax Administration, appeared before the board to discuss the land use application appeal for Mr. Shawn Jackson. The deed was completed on January 26, 2010 and was brought to the tax office on the January 27, 2010, transferring the farm land property from his parents to him. The land use application was mailed to him from the tax office giving him 60 days to fill out and return it back to the tax office to retain the land use on the property, have tax deferred for this year, and not have to pay the deferred taxes for the last three years. The tax office did not receive the application back until July, 2010. The tax office cannot approve this after 60 days, but the

commissioners can approve for just cause. It is the recommendation from the tax administration to not accept this untimely land use application and that Mr. Jackson reapply January, 2011. The tax amount is \$2700.00.

Mr. Jackson appeared before the board and said he did not receive the application in mail, possibly due to problems he has receiving his mail. He received a call last week by the tax office about the tax amount due and he went to the tax office to get the application. He was not aware at the time the deed transferred that an application had to be completed.

Motion was made by Commissioner Wells, seconded by Commissioner Parks, to follow procedure that has been established from the past and encourage Mr. Jackson to apply January 1, 2011. Commissioner Parks, Turner, Raynor, Williams and Wells voted for. Commissioner Fussell voted against. Motion carried 5 to 1.

#### Public Comments

Mr. Gary Ange appeared before the board to request the County tax money be spent wisely. He would like to see tax dollars spent towards education and providing jobs.

In the absence of Ms. Jerri Parker, Mr. D. L. Smith with Department of Transportation appeared before the board to discuss any concerns on roads in the County.

Commissioner Parks spoke about the danger and fatalities at the Calypso Intersection.

Commissioner Raynor commented that the grater that has been working on Quince Dail Road is leaving piles of dirt on people's driveways.

Commissioner Williams mentioned the petition for bypass and Hwy 24. Mr. Aldridge said the petitions have been sent to different places and we are allowing a month to be turned back in. Also, Ms. Williams commented that her driveway near the mailbox is washed out again and on Lanefield Road there are hanging limbs at Rainbow Church need to be cut down.

Mr. Geno Kennedy reported there is an indicator sign missing on Kennedy Lane and Country Club Road.

Commissioner Wells mentioned the mowing at the Southern end of the County is needed.

Ms. Ann Hunter reported that the traffic light response time at Intersection Hwy 903 & Hwy 50 is too fast and makes it hazardous to go through.

Ms. Rebecca Judge reported she lives at Hwy 41 and Hwy 111 and that the ditch needs some work to make proper drainage.

Dr. Obasahon appeared before the board to say thank you to the commissioners and to the county manager for their leadership and what they do for the

children and Duplin County. Dr. Obasahon accepted his position to provide equal opportunity for the children of Duplin County and their education.

Mr. Brian Pearce, EMS, appeared before the board to present an updated Fire Prevention and Protection Code Ordinance (See handout in minutes.)

Mr. Fussell asked about the fees for inspections in the ordinance. Mr. Linwood Kennedy, EMS, answered \$50.00 for a small business and \$125.00 for a large business. The penalty fee is \$50.00 per day. Anything over 20,000 square feet constitutes a large business.

Motion was made by Commissioner Wells, seconded by Commissioner Williams, carried unanimously, to adopt the Fire Prevention and Protection Code Ordinance as presented to become effective September 1, 2010 and to concurrently abolish the current ordinance which became effective March 1, 2005 and authorize the chairman and clerk to sign same.

Commissioner Reginald Wells appeared before the board to announce his resignation as County Commissioner of District VI to be effective August 16, 2010.

Mr. George Futrelle, Airport Director, appeared before the board to request approval for the Airport Land Acquisition Project. This project consists of purchasing two parcels of property and two avigational easements on two parcels of property. This is the first round of closings with adjacent property owners affected by the Land Acquisition Project. The property owner, acreage and negotiated amounts are as follows (See handout in minutes.):

- Mrs. Arthenia Hall – 27.59 acres - \$74,375.00
- Mrs. Ann Tyson – 33.72 acres - \$34,000.00
- Triple H Swine (1) Easement – 9.17 acres = \$13,200.00
- Triple H Swine (2) Easement – 2.83 acres = \$ 1,200.00

Motion was made by Commissioner Wells, seconded by Commissioner Williams, carried unanimously, to recommend the County Attorney proceed with closing on the purchase of the Hall and Tyson tracts and approve the Aviation Easements on Triple H Swine Tracts 1 and 2.

Mr. Jim Harris, Tourism Development Chairperson, appeared before the board to introduce the new Tourism Development Director, Ms. Kristina Ayres.

Mr. Harris requested that the Tourism Board, the County Commissioners, and the Event Center Board get together and discuss what is best for the Event Center.

Commissioner Fussell agreed with Mr. Harris that everything needs to be put back on the table as a business manner and not a personal manner. Mr. Fussell has put letters to editors in several newspapers and has received many responses from the citizens (See handout in minutes.)

Ms. JoAnn Stroud, Vice Chairperson Event Center, recommended the commissioners approve the contract with Stephen Williamson to serve as an interim director for the Event Center, DBA Williamson Artist and Venue Services, LLC. (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to approve the contract between the County and Williamson Artist and Venue Services, LLC, effective August 1, 2010, whereby Mr. Williamson will serve as an interim director to market and manage the Event Center and authorize the Chairman and County Finance Officer to sign same.

Mr. Aldridge recommended that since the next item to talk about was an Economic Development issue, to go into Closed Session for legal matters.

Motion was made by Commissioner Raynor, seconded by Commissioner Wells to follow Mike's recommendation to go into closed session. Commissioner Parks, Turner, Raynor, Williams and Wells voted for. Commissioner Fussell voted against. Motion carried 5 to 1.

Motion was made by Commissioner Williams, seconded by Commissioner Parks to go into Closed Session for legal matters. Commissioner Parks, Turner, Raynor, Williams and Wells voted for. Commissioner Fussell voted against. Motion carried 5 to 1.

The meeting returned to Regular Session.

Ms. Heather Beard, Economic Development, appeared before the board to discuss Piedmont Natural Gas. The agreement between the County and Piedmont was taken back to Piedmont for changes. Ms. Wendy Sivori, County Attorney, was able to get a couple of items changed and some she was not able to get changed, which still provides issues for her. There is no more negotiating with Piedmont. It is up to the County if this is something they want to take on. (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to move forward with the natural gas line with Piedmont.

Ms. Heather Beard, Economic Development, appeared before the board to discuss the expansion of Whole Harvest in Duplin County. Whole Harvest needs to acquire 8.3 acres of land that joins with county property (lot 12, Westpark-Bruce Costin Road). Ms. Wendy Sivori, County Attorney, has approved the Option Agreement with Whole Harvest. The cost of the land to them will be \$58,100.00 (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Williams, carried unanimously, to approve the option agreement between the County and Whole Harvest Foods, LLC and authorize the chairman and clerk to sign same.

Mr. Randall Tyndall, Planning, appeared before the board to request endorsement of Sustainable Communities Initiative Grant Application for the Military Growth Task Force (MGTF) (See handout in minutes.)

Motion was made by Commissioner Parks, seconded by Commissioner Williams, carried unanimously, to endorse the Sustainable Communities Initiative Grant Application for the MGTF and authorize the chairman to sign.

Mr. Tyndall appeared before the board to present the 2008 CDBG CR Program – Engineering Services Resolution. The 2008 CDBG CR Program is a neighborhood revitalization program for the Rosemary area. The Planning Department has solicited proposals, evaluated proposals, and recommends the County contract with McDavid Associates, Inc. to provide engineering and inspection services for the 2008 CDBG CR Program. CDBG and local funds for these services have already been budgeted (See handout in minutes.)

Motion was made by Commissioner Raynor, seconded by Commissioner Wells, carried unanimously, to approve the resolution for McDavid Associates, Inc. to provide engineering and inspection services for the street and drainage improvements in the 2008 CDBG CR Program and authorize the chairman and clerk to sign same.

Ms. Donna Rouse, Soil Conservation, appeared before the board as a representative for the voluntary agriculture district. The County entered into a contract with Mr. Gottwalls, Agriculture Community Development Service Consultant, for writing the Farmland Protection Plan in March 2010. Due to personnel change at the Soil Conservation Department, an amendment needs to be made in the contract to extend the date to December 31, 2010 to go along with the grant and authorize the chairman to sign (See handout in minutes.)

Motion was made by Commissioner Parks, seconded by Commissioner Raynor, carried unanimously, to approve the amendment to the contract and authorize the chairman to sign.

Mr. Gottwalls appeared before the board to discuss the Farmland Protection Plan and how it operates. (See handout in minutes.)

Mr. Jack Zoech appeared before the board to recommend delaying the discussion on strategic planning until after the election in November (See handout in minutes.)

Mr. Randall Tyndall, Planning, appeared before the board to recommend Ms. Gertie Williams, Beulaville, for a benefit not to exceed \$78,000.00 to replace her house out of the 2009 scattered sites housing grant program.

Motion was made by Commissioner Wells, seconded by Commissioner Williams, carried unanimously, to recommend Ms. Gertie Williams for the benefit, not to exceed \$78,000 to replace her house provided by the 2009 scattered sites housing grant program.

Mr. Joe McKemmy, McDavid Associates, Inc. appeared before the board to discuss Water District E.

The Board returned to Regular Session.

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

Motion was made by Commissioner Williams, seconded by Commissioner Wells, carried unanimously, to adjourn regular session and go into Water District G.

The Board returned to Regular Session.

Mr. Mike Aldridge, County Manager, appeared before the board to request adoption of the Investment Policy. In order to comply with Governmental Accounting Standard Board Guidance, the County needs to adopt an investment policy that specifies the investments that are allowed for County safety and preservation of principal. Adoption of a board approved policy is necessary to avoid any findings on future annual audits (See handout in minutes.)

Motion was made by Commissioner Williams, seconded by Commissioner Wells, carried unanimously, to adopt the Investment Policy as presented and authorize the clerk to sign.

James Sprunt Community College had two requests for the board. The first one was to carry forward budgeted capital money of \$118,498.00 from 2009-2010 to 2010-2011 for projects that have not been completed (See handout in minutes.)

Motion was made by Commissioner Wells, seconded by Commissioner Parks, carried unanimously, to allow JSCC to carry forward budgeted capital money from 2009-2010 to 2010-2011.

The second request from James Sprunt was to reappoint Mr. Albert Brown as a member of the Board of Trustees for a four year term beginning July 1, 2010 through June 30, 2014 (See handout in minutes.)

Motion was made by Commissioner Williams, seconded by Commissioner Wells, carried unanimously, to reappoint Mr. Albert Brown to a four year term beginning July 1, 2010 through June 30, 2014 (See handout in minutes.)

The Forestry Service Agreement has been received. The County's contribution of \$127,985.00 is in the budget for the Forestry Service Agreement. The County Manger requests the board to authorize the chairman to sign.

Motion was made by Commissioner Wells, seconded by Commissioner Raynor, carried unanimously, to authorize the chairman to sign the agreement with Forestry Service.

Mr. Steve Moore, Transportation, has the annual contract with the Department of Insurance (SHIIP Federal Grant) in the amount of \$3,096.00 and request the chairman and clerk to sign same.

Motion was made by Commissioner Wells, seconded by Commissioner Williamson, carried unanimously, to approve the annual contract (Senior Health Insurance Program) SHIIP in the amount of \$3,096.00 and authorize the chairman and clerk to sign same.

Commissioner Parks appeared before the board to discuss a public comment from the last commissioner's meeting when Mr. Tim Smith announced his running for County Commissioner and spoke for 10 minutes. Her concern is the policy for public comments is for 3 minutes and a door has been opened that anyone could campaign during public comments, which she has not seen happen in 12 years.

Mr. Turner is not worried about the time limit for only two or three that would like to speak and that anyone could speak during public comments time.

Mr. Aldridge advised the Board that a new treasury website is available that provides bar graphs and enables the comparison of five counties of your choice (See handout in minutes.)

Commissioner Fussell asked Mr. Aldridge that more information about this new website be made part of the agenda at the next meeting.

Mr. Aldridge brought to the board's attention that the county gave \$2000.00, with the consensus of the board, to the 15 & 16 year's old Dixie Base Baseball team from the request of Mr. Ronnie Bostic. The team went to play at the World Series (See handout in minutes.)

Motion was made by Commissioner Williams, seconded by Commissioner Wells, carried unanimously, to adjourn until August 16, 2010, at 9:00 a.m. the commissioner's board room.

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Clerk



Motion was made by Commissioner Wells, seconded by Commissioner Raynor, carried unanimously, to adjourn until August 2, 2010 at 9:00 a.m. in the commissioner's meeting room.

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Clerk



