

**SAMPSON COUNTY,  
NORTH CAROLINA**

**August 5, 2013**

The Sampson County Board of Commissioners convened for their regular meeting at 7:00 p.m. on Monday, August 5, 2013 in the County Auditorium, 435 Rowan Road in Clinton, North Carolina. Members present: Chairman Billy Lockamy, Vice Chairman Jarvis McLamb and Commissioners Albert D. Kirby, Jr., Harry Parker, and Jefferson Strickland.

The Chairman convened the meeting and called upon Commissioner Parker for the invocation. Commissioner Strickland then led the Pledge Allegiance.

**Approval of Agenda**

Upon a motion made by Commissioner McLamb and seconded by Commissioner Strickland, the Board voted unanimously to approve the agenda as presented.

**Item 1: Roads**

Introduction of NCDOT Board Member Division Engineer Karen Fussell introduced NCDOT Board member Michael Lee, who stated that he appreciated the opportunity to meet the board and would come back as often as the Board would like for him to be there. He noted that the Assistant District Engineer and Highway Engineer were also in attendance.

Monthly Report - NCDOT Keith Eason, NCDOT Assistant District Engineer, was present to answer questions and concerns of the Board and citizens in attendance. Mr. Eason reported that within the next two weeks the Department would be paving Darden, Fleet Naylor, and Ballance Roads. He reported that mill patching and overlay would be completed to reinforce and strengthen a number of roads, and that the new construction and paving on Keith Road would begin in the Fall after issues with utilities could be resolved.

**Item 2: Planning and Zoning Items**

RZ-6-13-1 Chairman Lockamy opened the public hearing and called upon Planning Director Mary Rose who reviewed the request to rezone approximately 0.91 acres located at 3101 Wilmington Highway from RA-Residential Agriculture to C-Commercial. Ms. Rose reported that this was unanimously recommended by the Planning Board, that notification had been made to surrounding property owners with no one in attendance in opposition. There being no comments, the hearing was closed. Upon a motion made by Commissioner Strickland and seconded by Commissioner

McLamb, the board voted unanimously to approve rezoning request. RZ-6-13-1 accepting the presented findings of fact and making the following zoning consistency statement: *Whereas, in accordance with the provisions of North Carolina General Statute 153A-341, the Sampson County Board of Commissioners does hereby find and determine that the recommendations of the ordinance amendment RZ-6-13-1 is consistent with the goals and objectives of the Sampson County Land Use Plan and other long range planning documents due to the fact that this property is located along a major thoroughfare where commercial development is encouraged.*

### **Item 3: Reports and Presentations**

Recognition of Midway High School Baseball Team The Clerk to the Board read a proposed resolution honoring the Midway High School Raiders Baseball Team for their championship season. Upon a motion made by Commissioner McLamb and seconded by Commissioner Kirby, the Board voted unanimously to adopt the resolution (Copy filed in Inc. Minute Book \_\_\_\_\_, Page \_\_\_\_\_.) Team Coach Jason Fussell and players were recognized and presented with a copy of the resolution.

Recognition of Retirees Retirees Sandra Britt, John Conerly and Sylvester Wilson were unable to be present, so this item was tabled.

### **Item 4: Action Items**

Update On and Approval of Medicaid Transportation Contracts Chairman Lockamy recognized DSS Director Sarah Bradshaw who reviewed a handout offering an update on the Non-Emergency Medicaid Transportation Services as of August 5<sup>th</sup>.

Ms. Bradshaw: On August 1, 2013, Primary Provider (Van-Go Transportation) began receiving all referrals with the exception of the few dialysis trips SAT started serving in July while contract decisions were outstanding. All Safety and Risk Management criteria was met by Van-Go by July 31st. The only outstanding matters left to be addressed (beyond July 31st) were the receipt of some required policies (some of the policies that we talked about that we could work together on but would not prevent trips from being provided or the contract being approved) as well as the provision of some additional training and procedural guidance. Also, we currently anticipate that Van-Go will be notifying us soon of the hiring of the additional office staff and drivers we understand they currently need. During a visit to Van-Go by DSS Program Evaluation Staff (Arrida Johnson and Erma Thornton) on August 1, 2013, DSS gave some hands on assistance to Van-Go's office manager. Based on continued needs, the DSS Medicaid Transportation Supervisor was asked to spend additional time assisting Van-Go on August 2, 2013. She did; I think she stayed there all day, and that was very helpful, I believe. As of today (August 5th), the DSS Medicaid Transportation Coordinator and Supervisor determined a reduction of trips for the next two business

days (only, for now – we send trips two days out always). They made a decision today to reduce the trips for the next two days in order to allow Van-Go's Office Manager more time to prepare routes in a manner that will result in the progress currently needed. Therefore, the Secondary Provider (Enroute Transportation) has been engaged for a portion of the trips for August 6th and 7th. DSS staff intend to continue providing start-up/readiness assistance as needed and look forward to the continual development of Van-Go's business operations. I believe you've got some contracts before you – I believe three. Sampson Area Transportation was one, the reason for that being that Sampson Area Transportation approached us in July with a request to continue throughout the 2013-14 fiscal year providing services to the few dialysis clients that they were currently serving. Of course we took this into consideration as their rate was the lowest at \$1.24 per mile. After initial consultation, a draft contract for SAT was prepared and routed for consideration. As of Friday, August 2, 2013, it was discovered that the County would need to increase the liability insurance coverage to the \$1.5 million coverage that's needed for NEMT services. We understand the current insurance policy is due to be renewed as of later this month, so we are pulling the contract request for Sampson Area Transportation from consideration tonight. We may bring it up later, but that will be at the direction of the County Manager. You should have the other two contracts – the primary and the secondary provider contracts – as drafted per your decision at the last meeting. These are state contract templates. Hurmean Beach is here if there are questions; she prepares these for our office.

Chairman Strickland asked for the record if all the requirements had been met by the primary and secondary provider, and Ms. Bradshaw stated yes, the requirements that are needed to be met before referrals can be routed.

Commissioner Parker asked about the contract language. He stated that he believed the last time Commissioner Kirby made a motion with stipulations, and he did not see that anywhere on the contract. He stated, I understand they are primary, but we made stipulations also. Mr. Causey noted that it was in the title. Commissioner Parker stated that the wording was supposed to be that Van-Go received all of the referrals and when they are not able to perform their duties then Enroute would step in and do that. He asked at what point is Enroute getting referrals now. Ms. Bradshaw stated that they were getting them whenever the primary provider is deemed as not able to provide the services, any number of trips, one, two or more. Commissioner Parker asked since August 1, how many Enroute had received, and Ms. Bradshaw answered that they had received none. Commissioner Parker stated that he understood Sampson Area Transportation already did trips with dialysis, and Ms. Bradshaw stated that they had been doing them starting July 1 because DSS needed someone to make the trips while the Board was considering contracts; they had the capacity to do a few of the dialysis trips to add them into the routes their vans already made. She stated that as of tomorrow they would not be doing those because the insurance requirements are not met, and until those insurance requirements are met, they could not say they meet the

contract requirements to receive referrals. Commissioner Parker stated that he had read in the contract where the federal funds for the secondary contract would be made at \$258,300 and Sampson Area Transportation Service would be \$40,920 and asked what that meant. Ms. Bradshaw expected that this meant SAT would receive an estimated amount of business, and Finance Officer David Clack explained that this was a maximum amount assigned to the contract so it could be audited and signed, not a guarantee of actual business. He reiterated that based on the Medicaid regulations the rides would go to the lowest cost per mile provider based upon their regulations as long as the provider has capacity and meets all of the other requirements. He stated that all the contracts have caps in them to allow the County to pre-audit the contacts; it was not meant as a guarantee of anybody getting that amount of business; we know we would not exceed that amount of business without coming back to the Board if for any reason a provider would need to provide more business than the amount allows. Commissioner Parker noted that there was now more than one contract, and the only one they were supposed to be concerned with was with Van-Go because they are the ones operating now. Mr. Clack stated that we have contracts so that if for any reason a provider cannot fulfill their requirements, we can call another provider; we have to have a contract in order to call a provider. Commissioner Parker stated those stipulations should be in the contract, and Mr. Clack explained that they already exist in Medicaid regulations.

Commissioner Kirby stated that he had contemplated that Van-Go would have the primary contract and not just in words; they would have the referrals because they were lower. He stated that he understood that to the extent that they were not able to provide their services, then the secondary contract would go to Enroute. He stated that he did not anticipate there being any cap on Enroute's amount, because if Van-Go is not able to go, then Enroute should be able to take over altogether; that was his idea of primary and secondary. Mr. Clack explained that the County had to have a cap on each contract. He explained that the majority share of the business was allocated to Van-Go because as primary it was assumed that they would be providing a majority of the rides anyway; the amounts were split arbitrarily, but the County could not have contracts for the \$800,000 without increasing the budget. Commissioner Kirby stated that his motion had taken into consideration that if Van-Go actually operated and they were the lowest, the only way that the Enroute contract would be operable would be if Van-Go couldn't do it. Ms. Bradshaw stated that his was the case, and the action taken by the Board was in the record and on file and stands and controls that. She stated that the state contract template could not be changed but so much; they had stretched it by putting primary, secondary and specialty on those. She voiced concerns about the state auditor coming in and questioning what they had done to the state contract because they are an agent of the state at DSS and contracts must be prepared per state guidance by every DSS in the state. She stated that minor tweaks could be made to certain components, but titling things and changing things is a stretch. She stated that they had consulted with the County Manager, and understanding the Board's action on record and taken together

with two contracts, one that says primary for Van-Go and one that says secondary for Enroute would be sufficient. She stated that DSS would never operate the primary and secondary contracts separate and apart from the Board's direction, per the Board's actions and stipulations at the last meeting. She added that things were going well, tomorrow would be the only time they have had to engage a secondary provider and it will only be for a very temporary time. Commissioner Kirby stated that this put them in a weird position because they were hoping to put Enroute in a position that if they need to take over period and not have a cap at all. Mr. Clack explained that it would have to come back to the Board if that happened to increase their contract. Mr. Causey noted that likewise, if Van-Go were to matriculate and get all the business, staff would also have to come back and take away from the Enroute contract and add back to the Van-Go contract to ensure they are getting business if they are the lowest cost provider. Commissioner Kirby stated, so what we voted on is like a guiding regulation and you're operating under the mandate with these contracts here and the wording primary and secondary is being used in the manner in which the Board voted. He stated that in his vote, he took primary and secondary to mean what the dictionary says, and he went back to his motion, and this defines it: "if the primary is operating, then it makes the secondary inoperable" because the idea is to give the business to the primary one. Ms. Bradshaw stated that she understood the mandate for them was to give the business to the lowest expensive means at any given time. Commissioner Kirby noted that Enroute's contract was more than Van-Go was charging. Commissioner Kirby noted that when you looked at the contracts, the only difference were the words primary and secondary and the cap, everything else was exactly the same. Ms. Bradshaw noted that contained in the contract was the Medicaid manual which obligated them to the lowest rate; that plus the Board's mandate at the last meeting well covers them with sending the trips only to Van-Go first, then to Enroute only what Van-Go cannot do.

Commissioner Parker that he is confused when he sees the amount that each one of the providers will get. He noted that he sees almost \$300,000, the part that was supposed to be savings. Ms. Bradshaw cautioned that they should not get caught up in the estimated amounts, even Mr. Kirby had pointed to some contract issues in the past where DSS had not come back and amended contracts when services increased with service demands. She reiterated the amounts for the multiple contracts were for auditing purposes and not to exceed the amount budgeted. It was agreed that it was confusing and looked as if there was a guaranteed amount when there was not. Ms. Bradshaw noted that it was the same with the attorney contracts with DSS (that were also included in the agenda). Commissioner Kirby noted that concerns are often voiced that when amounts are allocated and not spent, it is never sent back; they try to spend it all. Commissioner Kirby stated that he understood now, the bottom line was that DSS used the state template.

Commissioner Strickland moved that the contracts (primary and secondary) be approved as presented. Commissioner Kirby seconded the motion, and it passed unanimously. (Copies filed in Inc. Minute Book \_\_\_\_\_, Page \_\_\_\_\_.)

Public Hearing - Naming of Private Roads The Chairman opened the public hearing and called upon Assistant County Manager Susan Holder who reviewed the recommendations of the Road Naming Committee. There were no other comments, and the hearing was closed. Upon a motion made by Commissioner Kirby and seconded Commissioner Parker, the Board voted unanimously to name the private roads as follows:

PVT 1120 2574	Wetland Drive
PVT 1121 2488	Kerr Complex Lane

Scheduling of Second Monthly Meetings Regarding Budget Issues County Manager Ed Causey noted that during the Board's budget deliberations, they were unanimous in their desire to continue its in-depth, strategic budget planning to ensure that the County is poised to meet the fiscal challenges of next year and beyond. He explained that the staff wanted the topics of the meetings to be those of the Board's choosing (selected in advance of each meeting), but had developed a proposed listing of topics and a schedule of dates on the third Tuesday of each month as a suggestion. Upon a motion made by Commissioner Kirby and seconded by Commissioner Parker, the Board voted unanimously to adopt the proposed schedule of meetings (attached). Commissioner Strickland suggested that all the Department Heads be requested to attend the first budget work session so that the Board could explain the process. Commissioner Kirby suggested that members of the community interested in the various topics be invited also.

Appointment - Transportation Advisory Board Upon a motion made by Commissioner McLamb and seconded by Commissioner Kirby, the Board voted unanimously to appoint Youlanda Hoxie to the Transportation Advisory Board.

Juvenile Crime Prevention Council (JCPC) Upon a motion made by Commissioner McLamb and seconded by Commissioner Parker, the Board voted unanimously to appoint the following members to the JCPC Board:

Terrace Miller, representing City Schools	term June 2013 - June 2014
Rev. Roger A. White, representing faith community	term June 2013 - June 2014
Darold Cox, representing general public term	June 2013 - June 2014
Billy Frank Jackson, representing general public term	June 2013 - June 2014

Social Services Board This item was tabled.

Sampson Community College Board of Trustees Upon a motion made by Commissioner McLamb and seconded by Commissioner Parker, the Board voted 3-2 (with Commissioners Lockamy and Strickland voting nay) to appoint Larinda Haight to replace Chris Fann on the SCC Board of Trustees. Commissioner Strickland voiced his concern with not following the Board's tradition of reappointing those committee members who were eligible for reappointment.

Sampson County Convention and Visitors Bureau Upon a motion made by Commissioner McLamb and seconded by Commissioner Kirby, the Board voted unanimously to reappoint Sherri Smith and Deborah Hall to the Sampson County CVB. Upon a motion made by Commissioner McLamb and seconded by Commissioner Kirby, the Board voted unanimously to appoint Aaron Jackson to replace David King (who did not wish to be reappointed). Upon a motion by Commissioner McLamb and seconded by Commissioner Parker, the Board voted unanimously to appoint Ray Jordan as Chairman of the CVB.

Adult Care Home Community Advisory Committee Upon a motion by Commissioner McLamb and seconded by Commissioner Parker, the Board voted to appoint Allison Morrisey to the Adult Care Home CAC.

Jury Commission This item was tabled.

Workforce Development Board Upon a motion made by Commissioner McLamb and seconded by Commissioner Parker, the Board voted unanimously to reappoint Alonza Royal to the Workforce Development Board.

#### **Item No. 5: Consent Agenda**

Commissioner Kirby requested that item d (renewal of solid waste container sites leases for Spivey's Corner, Ingold, Harrells and Mt. Gilead container sites) be tabled, requesting that the lessees be asked if they would reduce their lease payments. Upon a motion made by Commissioner Kirby and seconded by Commissioner Parker, the Board voted unanimously to approve the Consent Agenda, excluding item d as follows:

- a. Approved the execution of Funding Agreement for Urgent Repair Program grant funding from the North Carolina Housing Finance Agency (Copy filed Inc. Minute Book \_\_\_\_\_, Page \_\_\_\_\_.)
- b. Approved the Urgent Repair Program Assistance Policy for 2013 Funding Cycle (Copy filed in Inc. Book \_\_\_\_\_, Page \_\_\_\_\_.)
- c. Authorized the surplus and transfer of Ford E350 Passenger Van from Sampson County Sheriff's Office to Duplin County Sheriff's Office

- d. ~~Approve renewal of solid waste container sites leases for Spivey's Corner, Ingold, Harrells and Mt. Gilead container sites~~-This item was tabled.
- e. Approved the Contract for Planning Services between Sampson County and the City of Clinton (Copy filed in Inc. Minute Book \_\_\_\_\_, Page \_\_\_\_.)
- f. Approved DSS Attorney Contracts with Warrick and Bradshaw, P.A. (Primary Contract, contract #13) and Howard and Bradshaw, PLLC (Secondary Contract, contract #14) for fiscal year 2013-2014 (Copies filed in Inc. Minute Book \_\_\_\_\_, Page \_\_\_\_.)
- g. Approve disabled veterans exclusion applications from Sadie S. Lee and Willie D. Barksdale
- h. Approved the following tax refunds:

# 5719	Charles Duncan	\$ 640.04
# 5770	Leon Eldridge Norris	\$ 198.92
# 5767	Brent Woodard Parrish	\$ 112.63
# 5776	Bobby George Matthis	\$ 159.03

- i. Approved the following budget amendments:

<u>EXPENDITURE</u>		<u>Parks and Recreation</u>			
<u>Code Number</u>		<u>Description (Object of Expenditure)</u>	<u>Increase</u>	<u>Decrease</u>	
11761200	512100	Salaries	20,172.00		
11761200	518200	Retirement	1,465.00		
11761200	518901	401K	524.00		
11761200	512600	Part time Salaries		22,561.00	
11761200	518120	Medicare FICA		26.00	
11761200	518100	FICA		114.00	

<u>EXPENDITURE</u>		<u>Aging</u>			
<u>Code Number</u>		<u>Description (Object of Expenditure)</u>	<u>Increase</u>	<u>Decrease</u>	
02558800	526200	Nutrition - Dept Supplies	300.00		

<u>REVENUE</u>				
<u>Code Number</u>		<u>Source of Revenue</u>	<u>Increase</u>	<u>Decrease</u>
02035880	408401	Nutrition - Donations	300.00	

<u>EXPENDITURE</u>		<u>Schools Capital Outlay</u>			
<u>Code Number</u>		<u>Description (Object of Expenditure)</u>	<u>Increase</u>	<u>Decrease</u>	
11659140	555030	Capital Outlay Category 1	606,900.00		



11659140	555031	Capital Outlay Category 2	15,000.00	
11659140	555032	Capital Outlay Category 3	39,000.00	
11659140	550000	Unallocated Capital Outlay		660,900.00

Approved the Sampson County Schools Capital Outlay budget amendment as presented.

### **County Manager Reports**

County Manager Ed Causey reported that there had been challenges with the County email system, which is being addressed. He reminded the Board of the upcoming County Commissioners Conference. He noted that two of the commissioners would need to complete ethics training by the end of November.

### **Public Comments**

There were no public comments offered.

### **Closed Session**

Upon a motion made by Commissioner McLamb and seconded by Commissioner Kirby, the Board voted unanimously to go into Closed Session pursuant to GS 143-318.11(a)(4) to consider matters related to the location of two industries. In Closed Session Economic Developer John Swope provided an update on the Chemtex project and the Exit 355 project. (Minutes maintained separately.) The Board returned to the Auditorium and exited Closed Session by unanimous vote, upon a motion by Commissioner Strickland and second by Commissioner Kirby.

### **Adjournment**

Upon a motion made by Commissioner Strickland and seconded by Commissioner Parker, the Board voted unanimously to adjourn.