

The Sampson County Board of Commissioners convened for their regular meeting at 7:00 p.m. on Monday, October 7, 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 Strickland for the invocation. Commissioner Kirby then led the Pledge Allegiance.

Boy Scout Seth Partington of Troop 40 was recognized as in attendance.

Approval of Agenda

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

Item 1: Roads

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 secondary road paving projects were complete except for Keith Road, on which construction should start before winter, with paving to be completed next year. He reported on the success of the Big Sweep event, noting that 8.6 miles of roads were cleaned with crews and inmates and 845 bags of litter were collected. Commissioner Strickland asked if there were any chance of improved funding for secondary road projects, and Mr. Eason stated that funding formulas had been changed which reduced funding over the past years, so he did not anticipate additional monies available. Commissioner Kirby asked about the bid process for the Highway 24 project, and District Engineer Len Reynolds, also present, reported that bids were opened during the past month for sections C and D, but with a contractor pulling his bid, the Section D portion will be rebid, which should not delay the project more than a couple months. He added that there were still unresolved concerns regarding the signal lights on the Section D project, and the design unit was reviewing the plans for potential changes. Commissioner Kirby if the project funding were stable and how much of the bidding was done. Mr. Reynolds stated that about three quarters of the project bidding was complete. Commissioner Kirby asked if the issues with regard to the entrance at Waste Industries had been resolved, and Mr. Reynolds replied that modifications to the design had been made which resolved the issues.

Mr. Reynolds spoke regarding the request of the Friends of the Sampson County Waterways and the Clinton-Sampson Chamber (included on the agenda as Board Information) to locate a wildlife access boat ramp on the Great Coharie as part of the Highway 24 project. He stated that he was doing research to see if it could be added and expected to have a report within 30-60 days. He did note that there potential concerns regarding wetlands and the volume of traffic. Commissioner Strickland asked if the organization had suggested alternate sites, and Mr. Reynolds stated that he had ridden the route and there were a number of unofficial boat ramp sites in the Garland area and one official site. The Board will delay action on the FSCW request until the report from NCDOT.

Request for Addition of Roads in Mill Ridge Subdivision (Mill Ridge Court, Waterwheel Lane and Race Court) to State Secondary Roads System Mr. Eason explained the roads of Mill Ridge Subdivision (Mill Ridge Court, Waterwheel Lane and Race Court) met the standards for inclusion in the state system, and a resolution from the Board was required for the Department to proceed to accept the road. Upon a motion made by Commissioner Kirby and seconded by Commissioner Parker, the Board voted unanimously to adopt a resolution requesting the addition of Mill Ridge Court, Waterwheel Lane and Race Court to the State secondary roads system. (Copy filed in Inc. Minute Book _____, Page _____.)

Item 2: Planning and Zoning Items

RZ-9-13-1 Chairman Lockamy opened the public hearing and called upon Planning Director Mary Rose. Ms. Rose reviewed the request to rezone approximately 1.38 acres located at 4590 Hobbton Highway from RA-Residential Agriculture to C-Commercial. She reported that the property had been used for a number of years for commercial purposes, and the need for rezoning was brought to the Planning Department's attention because the applicant would like to add an additional structure to be used for commercial purposes. She explained that the applicant was only requesting rezoning on the portion of the property needed for the structure. She reported that there was no one present at the Planning Board meeting in opposition to the request. There were no further comments from the public, and the hearing was closed. Upon a motion made by Commissioner Kirby and seconded by Commissioner Lockamy, the Board voted unanimously to approve rezoning request RZ-9-13-1 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 recommendation of the ordinance amendment RZ-9-13-1 is consistent with the goals and objectives of the Sampson County Land Use Plan and other long range planning documents due to the fact this property is located along a major thoroughfare where commercial development is encouraged.*

RZ-9-13-2 Chairman Lockamy opened the public hearing and called upon Planning Director Mary Rose. Ms. Rose reviewed the request to rezone approximately .46 acres located at 424 Cedar Lake Lane from RA-Residential Agriculture to R-Residential. She stated that the Planning Board had found the request consistent with the Land Use Plan and had unanimously recommended approval of the request. She explained that when the County was originally zoned, the entire Cedar Lakes subdivision was zoned RA, and would have been recommended for Residential zoning as the subdivision is primarily site built homes; it was an oversight. She explained that the applicants have a home in the subdivision that does not currently meet the setback requirements for RA or R; however the R front setback requirement is slightly reduced. If the rezoning is approved, she explained, the applicant can come back to the Planning Board and request a variance to make an addition to their home that would meet the front, back and side setback requirements. She noted that she had talked with the Cedar Lakes Homeowners Association, and they are very likely going to come back after their next annual meeting and request that the entire subdivision be rezoned. There were no comments from the public, and the hearing was closed. Upon a motion made by Commissioner Strickland and seconded by Commissioner Parker, the Board voted unanimously to approve rezoning request RZ-9-13-2 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 recommendation of the ordinance amendment RZ-9-13-2 is consistent with the goals and objectives of the Sampson County Land Use Plan for residential growth due to the fact this area is located within a portion of the County designated as a Residential Growth Area in Section 2 of the Sampson County Land Use Plan (Future Land Use Map). This section further identifies appropriate uses for this area would include primarily residential development.*

RZ-9-13-3 Chairman Lockamy opened the public hearing and called upon Planning Director Mary Rose. Ms. Rose reviewed the request to rezone approximately 31.26 acres located along Autry Highway and Boren Brick Road from RA-Residential Agriculture to I-Industrial. She called the Board's attention to the findings of fact and reported that the Planning Board had found the request consistent with the Land Use Plan and had unanimously recommended approval of the request. She noted that the property across the highway, Boren Brick, was already zoned Industrial. Commissioner Kirby asked if this property were grandfathered in, and Ms. Rose stated that it was originally zoned Industrial in 2004. The floor was opened for comments and the following were received:

Ben Warrick, Attorney (representing applicant Barnhill Construction): Barnhill Construction was started in 1949 by Robert E. Barnhill, Sr. with surplus army equipment. He started building fishponds in and around the Tarboro area. Despite the fact that it is now run primarily by a grandchild, Rob Barnhill, and in the top 400 construction companies in America, it still has small town roots; it has stayed in

Tarboro. They have done some tremendous projects. If you've been to Raleigh and have seen the new Courthouse; it cost upwards of \$100 million and Barnhill was a co-contractor in that. They've done little jobs and big jobs. Their motto is when we do it, we're going to do it right, and we're going to do what's right. Barnhill has been working in this county for years. They own property in this county, and we think that the area that they have chosen to place what will be an asphalt plant for the 24 widening is the ideal place. We have three or four people to speak briefly to that.

John Swope, Economic Director: I want to speak in support of developing industry on the Highway 24 corridor. With the improvements which are going to be made, this is going to be a great connection for industry in and around Sampson County to get to I-95, to the Fayetteville area or the west. This also provides an opportunity for Sampson County to look for, our Industrial Commission to seek, industrial sites along 24. Along 24 you would mostly have Sampson County water. On portions you would have Piedmont Natural Gas line service. Sewer service from the Town of Roseboro would be available depending upon the size of the project and the distance of sewer and depending upon the jobs. With Boren Brick there, this offers the opportunity for an industrial project right there with the utilities needed, industrial zoning across the road. Our office will be seeking other industrial sites along Highway 24 with the opportunity of taking advantage of that highway corridor. So, I want to lend support to the development of the area in and around Boren Brick and to tell you we are looking as much as we can to develop the NC 24 corridor as much as we can as a new asset for Sampson County.

Mike Smith, Barnhill: I have been with Barnhill about 23 years; I look after the seven asphalt plants in this division, scattered from Kenansville to Rockingham to Lumberton. We take pride in what we do, and we keep our place as neat as possible. We go by all the guidelines we have to follow, which is a whole bunch.

Roland Hall: I want to thank the Board for this opportunity to make some comments on the request to rezone part of the land on the north side of Hanson Brick to Industrial in order for Barnhill Contracting to build an asphalt plant. Your approval of this rezoning request is in keeping with the comprehensive County Land Use Plan, which includes designating more industrial and manufacturing operations along the NC 24 corridor. I want to also commend the Planning and Zoning Board for making a strong and transparent effort to ensure all input associated with this rezoning request was reviewed and given due consideration. An example of this was the amendment that Barnhill Contracting made in consideration of concerns about not having enough buffer. They redid the footprint for the plant and reduced the size of the plant itself given about 15 more acres that did not have to be rezoned. Barnhill Contracting needs to build this plant in order to supply the asphalt that will be needed to pave NC 24 and also to provide asphalt to other customers in the region. The company needs to build the plant at this site, as already stated, because of its strategic location and accessibility

to an adequate supply of natural gas. I've been a member of the Roseboro Town Council for the past 21 years. During the past 21 years, we and local business leaders have worked for and encouraged more economic development and community development for the Town and western Sampson County. There has been very little industrial expansion in this area of the county for the past thirty years. For those who are familiar with Roseboro, let me just list a few of the losses. We have witnessed the closing of the Roseboro Cotton Mill, Dodger Apparel Sewing Plant, Denning Plywood Plant, Blue Diamond Plastic Pipe, Tart & West Drug Store, Butler Furniture, Spell Furniture, Caison's Clothing Store and two new car dealerships, Roseboro Ford and Owens Chevrolet, and several other small businesses along Main Street and other locations around town. The loss of 400+ jobs during this period of time has been very difficult for us. Currently most new and expanding industrial operations are being located in and around the City of Clinton. I encourage you to uphold the unanimous recommendation that was made from the Planning Board by approving this request. Sampson County needs the investment and the jobs that are associated with this new plant. Roseboro and western Sampson County needs the increased business activity. Since the company operates under a set of core values that include integrity and honesty and commitment to quality, and since there has been no evidence to the contrary, I feel that Barnhill Contracting will be a good corporate partner.

Gordon Rose, Call Sign Engineers: I have been hired by Barnhill to assist them in siting this plant. What I have before you is the presentation that was made to the zoning commission last month, and is our amended request. My outline: I will talk about the request that has been amended; how the site is in compliance with the Sampson County Land Use Plan; that the site has a proximity to major utilities, which is a key reason for selecting the site; and how the plant will meet environmental standards. [See attached copy of presentation.] The site consists of about 46.25 acres. This was our original request for rezoning. However, we heard the concerns expressed by neighbors and by the board during our first presentation; therefore we have amended our request to try to address those concerns. The entire tract is not requested for rezoning. We've reduced it from 46 acres, down to 31.3 acres. The other two tracts will remain as Residential Agricultural. We also reviewed the Sampson County Land Use Plan, particularly on the parts regarding economic development, which states as part of its implementation strategies, to identify non-residential development, office, commercial and industrial, based on access and proximity to major thoroughfares, railroad corridors and to public sewer. Under the land use categories, it identifies an industrial growth corridor was designated along NC 24 highway. This two-lane highway corridor is to be improved to a multi-lane facility, which as you are aware of is underway now. It is prime for industrial growth due to the proximity of public water, sewer and natural gas. [Showing slide] This is an approximation of the natural gas lines owned by Piedmont Natural Gas. You can see that there are very few areas along the NC 24 corridor where natural gas is available. It is available at the Hanson Brick plant right across the street from this site, which again was one of the primary reasons for this site being selected.

There's also a major water line along NC 24 that will be used as well. There were some comments expressed at one of the first planning and zoning commission meetings regarding the possible damage to crops. [Showing a slide of a Lumberton asphalt plant.] This is a harvested cornfield adjacent to the asphalt plant. [Showing another slide of a separate Lumberton plant.] This is a separate plant in Lumberton with a soybean field right adjacent to the plant. There's no damage to the crops there. In fact, the Carolina Asphalt Pavement Association has provided some fact information. All plants must obtain a permit, an air quality permit from the North Carolina Division of Air Quality. All new, modified or relocated asphalt plants must comply with the State's air regulations as well as governing odor and fugitive dust from haul roads and storage areas. If a permit is granted, the facility will conduct ongoing, onsite testing to demonstrate compliance with air quality standards. This site obviously can have issues with dust from time to time. Barnhill will take a water truck, as you see at this particular asphalt plant, and water down the area to keep dust down. Asphalt plants generally do not create any industrial waste water. However, the plant will be required to obtain a storm water pollution prevention plan as part of the permitting process. There was also an emissions study done some years ago, and in that study they found that a single asphalt plant gives off in one year about the same amount of volatile organic compounds (VOCs) as two residential fireplaces, or about the same as an average commercial bakery does in two days. This information provided by DENR states that the North Carolina regulations for air toxics are more stringent than those required by the US EPA and by many states. To obtain an air permit in North Carolina, asphalt plants must demonstrate that they can meet rules for controlling particulates, or dust, sulfur dioxide, nitrogen oxides, and air toxics. This includes computer modeling of those toxics emissions from a plant stack as well as from the storage and loading areas. They must show that they can meet air quality guidelines at the property lines, meaning residents should not be exposed to unhealthy levels of air pollutants even if they live next door. These guidelines, these standards which must be met, assume that residents would be exposed to air emissions 24 hours a day, 365 days a year, over a 70-year period. That's the standard which must be met by these asphalt plants. There are a number of permits which must be obtained for an asphalt plant - air quality from NC DENR, erosion and sedimentation control permits from land quality, storm water pollution control permit, driveway permits from DOT, and plant certifications from DOT. So we believe that we have made a complete application, that we are in compliance with the Sampson County Land Use Plan; we're in a location that is in proximity to natural gas and other major utilities, and that we will meet requirement of current North Carolina regulations to protect adjoining properties.

Commissioner Kirby asked with respect to the environmental issues, what would be the chemical composition of the emitted particulates. Mr. Rose stated that while he could not speak to exactly what the particulates were, he could go back and speak to what is being tested from his presentation.

Skip Partington, Vice President Barnhill: Department of Air Quality with DENR would come and part of our plant would have the "bag house" which filters out a lot of the contaminants, dust, small particulates. It goes to the bag house and is then released as steam. There is no smoke that comes out of the asphalt plant; nothing is being burnt. They come in before we get started with the plant. They stick a probe in and measure emissions, and we have to meet a certain standard.

Commissioner Strickland asked approximately how many people would be employed.

Skip Partington: Eighty to ninety people on the Highway 24 project, being employed to widen the existing roadway.

Chairman Lockmay asked if the plant in Faison would be closed.

Skip Partington: Actually we will be moving the Faison plant from Faison to this site.

Commissioner Kirby asked if the eighty employees would be new.

Skip Partington: From existing and new.

Commissioner Strickland asked what would be the expected life of the plant at our location.

Skip Partington: We have no plans to move it. We feel like this area is up and coming and hopefully the strategic location of this plant is going to allow us to access Fayetteville from this side and also hopefully when 24 gets widened giving us strategic location to do that. Plus serve Clinton and Roseboro and all the adjacent communities.

Wayne Butler: I live at 369 Boren Brick Road. Thank you for allowing me to come and speak. I've lived in this section all my life. I know all of us here are for progress; we are not against progress. That piece of land they want to put that asphalt plant on is as fine a piece of farmland as you could ever step your feet on. If it was land that was sandy and you couldn't grow anything on it. It's nice land. I know we've got to build a road, and I know these gentlemen. I know that the place where you want it is where you want it. Runion's is right across the road. It's been closed down. Land back there to my knowledge is no good. You can't plant anything on it. It's not a quarter of a mile. It's just across the road. I don't see why some kind of arrangement couldn't be made where they could build the asphalt plant over there. They would be on 24. They would be back there. It wouldn't be an eyesore. There's houses around where we're going to be living. It's doing to downgrade; it's going to affect the value of the housing. Someone goes there and you want to sell your house, and they see an asphalt plant. They have permits for what they want to do. The reason they have permits is, I assume, because there's

going to be dust. There's going to be all these things. I'm sure, Mr. Barnhill, that you will be doing everything you can to run a clean company, but in some of the sites that I have seen from pictures, when they left they were not anything I would want to build a house beside. I guess one of my main concerns is how long the life of it will be. In the case that it is shut down, are they just going to leave it? Are they going to clean it up? That's some of the main concerns about the residents around this area and the farmers. If it is shut down, are they going to clean it up and make it back the way it was? Yes, I do object to them coming there. I'm not against progress. I do not want to see an asphalt plant put there. In the case that they have to move somewhere else in the future, would they be willing to clean that site up? Take all that metal out and make it look presentable. Would that be too much to ask? Not to just leave it. I know that things are going to be done, and the road is coming through, but an ant builds a hill little by little, and we're losing our land little by little. If you put an asphalt plant there, there will never nothing else grow. We've got to think about our grandchildren, and there's two other sites that they already have asphalt plants at right now that I assume could be used. Right across the road is Runion's, and they're closed down. Maybe they don't to use that. Maybe they've already got their plans made. But why not use a piece of land that's not farmland. That land at Runion's has had trash hauled in there. You can't farm that land. Use that land for something that you want to use it for, and let this land stay farmland.

Gloria Gray: I live at 2227 Pleasant Union Road. My concerns are the same as my brother's - the pollution, will we be left, if they do move, with an unsightly place, not cleaned up.

James Gray: I live at 2226 Pleasant Union Road. I am sure these guys mean everything. I know Mr. Smith; I coach his son in baseball. My concern is I'll be there for the next 35 years, I hope. What's going to happen when these guys leave? They're great neighbors, but who's the next neighbors. Who am I going to have to deal with in the next 20 years? That's scary to me. I'm just getting started. I just got married. My kids are going to be living there too. I've lived there all my life, and it's a great place to live. I played baseball and basketball in those yards. That corner's a very a sacred place to me. We don't have a contingent here like we had the other night. There were 10 or 12 people that spoke at the zoning committee, but they're not here tonight. But, I can't leave and not say something. I worry about the zoning. As mentioned earlier, can we not put conditions on it? I don't know if that's a term, conditional zoning. We they come in, and when they leave it goes back to residential zoning. Is that a possibility? Thank you for letting me speak. If it goes through, we'll be right down the road. We'll keep our eye on it and make sure they're doing what they need to do.

There being no further public comments, the hearing was closed Commissioner Kirby stated that what Mr. Butler and the Grays had said was the crux of the issue and creates a dilemma for the commissioners. He stated Sampson County had been pretty

much an agrarian county; however they could not ignore other types of industry. Farming is not supporting our tax base, he added, in a way that would prevent tax increases. Other forms of income and jobs were needed. To sustain the services that we have, we end up having to raise taxes without aggressively pursuing industry and jobs. Commissioner Strickland stated that he had been pro-business, and he could not be inconsistent in his thinking. However, he noted that if the company did not live up to their promises, he would be their worst enemy. Upon a motion made by Commissioner Lockamy and seconded by Commissioner Kirby, the Board voted unanimously approve rezoning request RZ-9-13-3 accepting the presented findings of fact and making the following consistency statement: *Whereas, in accordance with the provisions of North Carolina General Statute 153A-341, the Sampson County Planning Board does hereby find and determine that the recommendation of the ordinance amendment RZ-9-13-3 is consistent with the goals and objectives of the Sampson County Land Use Plan and other long range planning documents due to the fact this property is located along a major thoroughfare where commercial development is encouraged.*

TA-9-13-1 The Chairman opened the public hearing and called upon Planning Director Mary Rose who explained the request to amend the Sampson County Zoning Ordinance by adding Section 3.4 to address Conditional Zoning Districts. She informed the Board that it had been unanimously recommended by the Planning Board after several months of consideration. She explained that conditional zoning districts were used by about 40% of counties in North Carolina. As an example, she explained that conditional zoning would enable applicants to petition to conditionally zone a piece of property that was located in an area that was primarily residential agricultural with no commercial zoning for miles to locate a counseling office, a CPA, etc. The request would be made site specific, with a presented site plan to the Planning Board. Unlike other special use permitting, these requests would come before the County Commissioners for final approval. The applicant and the commissioners must agree on the conditions, she noted. If the conditional zoning was approved and the business closed, she explained, the rezoning would revert back unless someone came back to the Board with another site specific plan. There were no comments from the floor, and the hearing was closed. Upon a motion made by Commissioner Kirby and seconded by Commissioner Parker, the Board voted unanimously to approve the request to amend Section 3 of the Sampson County Zoning Ordinance to include section 3.4 regarding Conditional Zoning Districts as follows:

3.4 Conditional Zoning Districts

Purpose

- A. *Conditional Zoning districts are created to correspond to six of the base zoning districts created in Section 3.3. Conditional Zoning (CZ) Districts allow specific uses to be established in accordance with prescribed conditions pertaining to an individual project.*

- B. *The purpose is to provide a voluntary alternative procedure for the rezoning of a property for a specific use. A broad range of uses are permitted in the base district. However, there are instances where a base zoning district designation is clearly inappropriate for a property, but a specific use or uses permitted under this district and subject to development requirements would be consistent with the spirit and intent of this Ordinance. Conditional Zoning districts, herein established, are intended to accommodate such situations. This voluntary procedure is intended for firm development proposals, and is neither intended nor suited for securing early zoning for tentative uses which may not be undertaken for a long period of time.*
- C. *The six Conditional Zoning Districts are as follows.*
- *CZ RA Conditional Zoning Residential/Agricultural District*
 - *CZ R Conditional Zoning Residential District*
 - *CZ MRD Conditional Zoning Mixed Residential District*
 - *CZ I Conditional Zoning Industrial District*
 - *CZ CON Conditional Zoning Conservation District*
 - *CZ C Conditional Zoning Commercial District*

Applicability

- A. *Property may be placed in a Conditional Zoning District only in response to a petition by the owners of all the property to be included.*
- B. *Specific conditions applicable to these districts may be proposed by the petitioner or the County or its agencies, but only those conditions mutually approved by the County and the petitioner may be incorporated into the requirements of the district. Conditions and site-specific standards imposed in a Conditional Zoning District shall be limited to those that address the conformance of the development and use of the site to the County's ordinances and to any officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site.*
- C. *Conditional Zoning Districts allow specific standards for a particular use after review and comment from the public. A petition to rezone a property to a Conditional Zoning District shall be accompanied by a site specific plan.*
- D. *Within a CZ district, only those uses authorized as either permitted or conditional uses in the base zoning district with which the CZ district corresponds shall be permitted, and all other requirements of the corresponding district shall be met as minimum standards.*
- E. *In approving a CZ district, the County Commissioners may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured, and substantial justice done.*
- F. *If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid or if the applicant should fail to accept any condition, it is the intent of this Ordinance that the authorization of such CZ district shall be null and void and of no effect, and that proceedings shall be instituted to rezone the property to its previous zoning classification.*
- G. *Conditional Zoning districts shall be approved through the map amendment approval process outlined in Section 11.*

TA-9-13-2 The Chairman opened the public hearing and called upon Planning Director Mary Rose who explained that the text amendment was in relation to the previously approved text amendment and addressed applications for conditional

zoning district map amendments. There were no comments from the floor, and the hearing was closed. Upon a motion made by Commissioner Kirby and seconded by Commissioner Strickland, the Board voted unanimously to approve the request to amend section 11.2.B of the Sampson County Zoning Ordinance to add the statement: *Applications for conditional zoning district map amendments shall also be accompanied by a site specific plan and a written list and/or statement of any proposed restrictions or conditions on the use or development of the property.*

Item 3: Reports and Presentations

Recognition of Cooperative Extension Staff for Achievement Awards The Board recognized Leitha Lee for receiving the Extension Teamwork Award and the Community Partnership Award from the North Carolina Association of Extension Program Assistants, Associates, and Technicians. Della King was recognized as a recipient of the Achievement Award from the North Carolina Association of County Agricultural Agents and the National Association of County Agricultural Agents for excellent performance of agent with less than 10 years of service. James Hartsfield was recognized as a recipient of the Distinguished Service Award from the North Carolina Association of County Agricultural Agents and the National Association of County Agricultural Agents.

Extension Director Eileen Coite announced that Ms. King had been selected to fill the Field Crops Agent position, effective October 1st.

Item 4: Action Items

Public Hearing - Application for Rural Operating Assistance Program Funding for Sampson Area Transportation Chairman Lockamy declared open the public hearing to receive public comments regarding the County's intent to apply for FY 2014 Rural Operating Assistance Program funding. Todd Daughtry, Director of Sampson Area Transportation, was present to review the proposed uses for the grant funding. The floor was opened for questions or comments, and the following were received:

Ann Knowles: This, of all the programs that we have, is one of the most needed programs. It takes veterans to the VA hospital when they don't have any other way to get there. It takes them to have cataract surgery because they don't have a family member to take them and sit with them. Any funds that you put to this is well deserved. Our senior citizens and our veterans, our children – children travel on this to go to doctor's appointments. Of all the funds that you are asked to fund, this is absolutely one of the best to fund to serve your citizens, my veterans, our seniors.

There being no further comments, the Chairman closed the public hearing. Upon a motion made by Commissioner Strickland and seconded by Commissioner Parker, the

Board voted unanimously to authorize the submission of the grant application for FY 2014 and the execution of all associated documents, including the certification statement. (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 McLamb and seconded Commissioner Kirby, the Board voted unanimously to name the private roads as follows:

PVT 1431 1538

Old House Lane

Consideration of Draft Animal Control Ordinance County Manager Ed Causey noted that there had been some confusion regarding the draft ordinance. He clarified that there was no intention that the draft ordinance was a “done deal”, and that staff had proceeded purposefully first discussing the development of a proposed ordinance with the Board in their February planning session, to the work of a committee to develop a draft, which was provided to the Board at their previous meeting as Board information with sections highlighted which may be questionable. The idea was, he noted, to give a general presentation to discuss why and what was proposed and get general input from the Board and then the Board would have of options for proceeding: they could schedule a public hearing or revisit to see if there were modifications by the Board first. The staff’s whole idea, he stated, was to be methodical and deliberate in the process to ensure a full discussion to ensure the best possible ordinance. Health Director Wanda Robinson, who had headed the committee which drafted the ordinance, reviewed the sections of the draft ordinance. Upon a motion made by Commissioner Lockamy and seconded by Commissioner Strickland, the Board voted unanimously to table the ordinance for further discussion at a separate work session (committee and staff, not general public comments), which would then be followed by a duly advertised public hearing. The Clerk to the Board noted that those in attendance could provide their contact information and they would be notified separately of the hearing date.

Amendment to Medicaid Transportation Contract with Enroute Transportation County Attorney Annette Chancy Starling stated that she had reviewed the legal issues related to the consideration of a request from Enroute Transportation to amend their contract to lower their rate. (Copy of her memorandum attached.) She noted that she had discussed the issue with Division of Medicaid Assistance Compliance and had been referred to the Attorney General’s office, which had not yet replied to her request. She suggested that the Board may wish to delay action until the Attorney General’s opinion was returned. Upon a motion made by Commissioner McLamb and seconded by Commissioner Parker, the Board voted unanimously to table action on the request until

they received the AG opinion. Commissioner Kirby suggested that case law be requested, if available.

Consideration of Request for School Roof Funding County Manager Ed Causey recapped that at the Board's recent work session, the City and County Schools had provided, at the County's request, information regarding their capital needs, specifically roof needs. The desire, he added, was to get by two full years without additional known capital needs. He noted that it was staff's idea that there was currently funding available to reduce immediate capital needs and alleviate budget pressure for the next two years, however the Board would have limited flexibility of reserve money available in the future. Commissioner Kirby stated that he had seen the County School's roofs, and there were indeed leaking whereas the City School's roofs were not. He asked if it would create a problem if they approved the County School request and did not grant the City School request, and could the City School's do patch work to get by. Mr. Causey noted that the County Schools have indicated pressure for a longer time, but the City Schools had voiced the same kinds of concerns. He stated that the money which was not spent would remain in reserve; the Board could come back and consider the City School request at the point in time the Board determined that situation became more dire. Finance Officer David Clack added that the costs to replace the roofs would not, however, get any cheaper. Commissioner Strickland voiced concerns that the budget work sessions are for the budget for 2015, and we are only in the third or fourth month of the current budget; he cautioned that this was not replenishing money. Mr. Causey clarified that this was money in reserve. He noted that school roofs had been debated every spring since he became County Manager and always in arrears of what the needs were. Upon a motion made by Commissioner Kirby and seconded by Commissioner Parker, the Board voted unanimously to fund the County School request for \$452,250 and delay action on the City School request at this time.

Appointment - Workforce Development Board Upon a motion made by Commissioner McLamb and seconded by Commissioner Kirby, the Board voted unanimously to appoint Tarheel Challenge Deputy Director Frank Bolton as the CBO representative to the Workforce Development Board.

Item 5: Consent Agenda

Commissioner Strickland asked that item e (Ordinance to Prohibit Smoking and the Use of Other Tobacco Products in County Buildings and Vehicles) be pulled for discussion. He asked that revisions be made to the ordinance with regard to designated smoking areas with receptacles, how contractor vehicles are handled, and the differentiation between vehicles used for transporting other people or only by staff. Upon a motion made by Commissioner Kirby and seconded by Commissioner Strickland, the proposed ordinance was tabled for revisions. With regard to item f

(Memorandum of Understanding between the County of Sampson and Waste Industries, LLC for extension of the contract for solid waste collection), Commissioner Kirby asked if the company would entertain extension of the contract for only three years, and staff explained that the contract reductions and site improvement costs were based upon Waste Industries' five-year amortization of their capital costs. Commissioners Lockamy and Strickland noted that delaying the extension cost the county about \$4,000 in savings each month. Upon a motion made by Commissioner Strickland and seconded by Commissioner McLamb, the Board voted unanimously to approve the Consent Agenda, excluding item e as follows:

- a. Approved the minutes of the June 10, 2013 and September 24, 2013 meetings
- b. Adopted a resolution proclaiming October as Breast Cancer Awareness Month (Copy filed in Inc. Minute Book _____, Page _____.)
- c. Scheduled a public hearing regarding closeout of 2010 Community Development Block Grant Program for Monday, November 4, 2013
- d. Approved the Agreement between Johnston Community College and Sampson County EMS for clinical affiliation/field internships (Copy filed in Inc. Minute Book _____, Page _____.)
- ~~e. Approve the Ordinance to Prohibit Smoking and the Use of Other Tobacco Products in County Buildings and Vehicles (see also information provided regarding adoption of ordinance when introduced)~~
- f. Approved the Memorandum of Understanding between the County of Sampson and Waste Industries, LLC for extension of the contract for solid waste collection (Copy filed in Inc. Minute Book _____, Page _____.)
- g. Approved amendments to the Records Retention Schedules for County Management, Tax Administration and Register of Deeds pursuant to NC Department of Cultural Resources (Copies filed in the Clerk's Records Retention Schedule)
- h. Approved the renewal of the contracts for the Mt. Gilead container site (Bass site at \$2,000/year; Taylor site at \$750 total)
- i. Approved the execution of the Grantee Acknowledgements and Grant Agreements between the County and Golden Leaf Foundation for Project Trio and Project Triumph (Copies filed in Inc. Minute Book _____, Page _____.)

j. Approve disabled veterans tax exclusion applications from Forrest C. Tyler and Stephen Joel Carlson

k. Approved the following tax refunds:

# 5636	Ester J. Giddens	\$ 2,488.84
# 5833	Cynthia A. Wallace	\$ 334.22
# 5832	Carolyn F. Wiley	\$ 271.83
# 5850	Jamie Riner Pope	\$ 200.77
# 5863	Janellen Bradshaw	\$ 470.72

l. Approved the following budget amendments:

<u>EXPENDITURE</u>		<u>Sheriff</u>			
<u>Code Number</u>		<u>Description (Object of Expenditure)</u>	<u>Increase</u>	<u>Decrease</u>	
11243100	555000	Capital Outlay Other Equipment	27,965.00		
11243100	526200	Department Supplies	11,069.00		

<u>REVENUE</u>			
<u>Code Number</u>		<u>Source of Revenue</u>	<u>Increase</u> <u>Decrease</u>
11034310	402603	Federal Asset Funds	39,034.00

<u>EXPENDITURE</u>		<u>Health/Health Promotions</u>			
<u>Code Number</u>		<u>Description (Object of Expenditure)</u>	<u>Increase</u>	<u>Decrease</u>	
12551550	512100	Salaries	6,800.00		
12551550	518100	FICA	422.00		
12551550	518120	Medicare FICA	99.00		
12551550	518200	Retirement	459.00		
12551550	518901	401K	173.00		
12551550	518300	Group Insurance	935.00		
12551550	518400	Dental Insurance	28.00		
12551550	531100	Travel	1,084.00		

<u>REVENUE</u>			
<u>Code Number</u>		<u>Source of Revenue</u>	<u>Increase</u> <u>Decrease</u>
12535155	404000	State Assistance	10,000.00

<u>EXPENDITURE</u>		<u>Social Services</u>			
<u>Code Number</u>		<u>Description (Object of Expenditure)</u>	<u>Increase</u>	<u>Decrease</u>	
13554810	568415	Duke Energy Merger Settlement Funds	24,360.00		

<u>REVENUE</u>			
<u>Code Number</u>		<u>Source of Revenue</u>	<u>Increase</u> <u>Decrease</u>
13535480	403318	Duke Energy Merger Settlement Funds	24,360.00

Item 6: Board Information

The following items were provided to the Board for information only:

- a. Friends of Sampson County Waterways Request for Support of Wildlife Access Ramp to be Included with NC 24 Project; Support Letters from Chamber of Commerce and Senator Brent Jackson

County Manager Reports

County Manager Ed Causey reiterated that the request for the location a wildlife access ramp from the Friends of Sampson County Waterways was provided as Board Information and would be placed back on the agenda once the NCDOT had completed their research on the feasibility of adding it to the NC 24 project. Mr. Causey noted that each Board member had been provided a copy of the annual report for NRCS. He reported that the NCACC had requested that a short video be shown at the October meeting, but since the video was primarily to discuss their upcoming seminar on the Affordable Care Act which coincides with the Board's upcoming budget work session, he had not included it on the agenda. Mr. Causey reminded the Board of their work session scheduled for October 15th, which will focus on Courthouse security and the potential for a pay plan, classification and benefits study. He noted that Commissioners Lockamy and Parker had been provided with a memo reminding them of the statutory requirement for 2 hours of ethics training within twelve months of their election or reelection. Mr. Causey also reported that staff had been monitoring the impact of the federal shutdown and could not project the full impact on local programs. Staff will continue to have meetings with appropriate departments and if necessary make a report to the Board on the 15th.

Public Comments

There were no public comments offered.

Adjournment

The Board tabled the planned Closed Session for the County Manager's annual evaluation. Upon a motion made by Commissioner Kirby and seconded by Commissioner McLamb, the Board voted unanimously to adjourn.