

The Sampson County Board of Commissioners convened for their regular meeting at 6:00 p.m. on Monday, August 7, 2017 in the County Auditorium, 435 Rowan Road in Clinton, North Carolina. Members present: Vice Chairperson Sue Lee, and Commissioners Albert Kirby Jr., Jerol Kivett, and Harry Parker. Absent: Chairman Clark Wooten. Commissioner Parker arrived late.

Vice Chairperson Lee convened the meeting and called upon Commissioner Kirby for the invocation. Commissioner Kivett then led the Pledge Allegiance.

Approval of Agenda

Upon a motion made by Commissioner Kirby and seconded by Commissioner Kivett, the Board voted unanimously to approve the agenda as published.

Item 1: Reports and Presentations

Recognition of Retirees A service plaque was presented to retiree Pernella (Penny) Peterson.

Tax - Appointment of Deputy Tax Collector and Administration of Oath of Office Tax Administrator Jim Johnson informed the Board that upon the retirement of Angela Sanderson, Ms. Amanda Beatty had been promoted to Tax Collections Supervisor. Acknowledging the appointment, the Board then called on Deputy Clerk Richard Carr to administer the oath of office to Ms. Beatty.

Commissioner Parker arrived to the meeting.

Item 2: Planning and Zoning

RZ-5-17-2 Vice Chairperson Lee called the hearing to order and recognized Planning Director Mary Rose who reviewed a request to rezone approximately 4.6 acres located along Boyette Road and I-40 from RA-Residential Agriculture to C-Commercial. Ms. Rose informed the Board that the request had been recommended for denial by the Planning Board, finding it not consistent with the zoning ordinance; however, this did not preclude the Board of Commissioners from determining otherwise. Commissioner Kirby inquired about the reason of the denial, and County Attorney Joel Starling informed the Board that the property in question, while admittedly, was located right beside I-40, it is a controlled access highway, and the nearest secondary road that would allow access to the property is Boyette Road. There were some concerns about rights of access to the property and whether it fit the zoning consistency statement. In further

explanation, Ms. Rose noted that the proposed property does has access on Boyette Road, however, the particular portion of the property is located 2,500 feet back from Boyette Road. She continued by stating that there was concern of spot zoning and following proper land use practices. She noted that staff had recommended the property be conditionally rezoned for billboards; however the action would not be compliant with NCDOT policies and regulations. Thus, the Planning Board had made a recommendation solely on the existing zoning ordinance and land use maps. The Board requested disclosure of the planned use of the property and deliberated the matter. The floor was opened for comment, and the following was received:

Hubbard Morris Sutton (property owner): The property is in fourth generation of ownership. Interstate 40 took portions of the property. For this particular property, the desire is to place a billboard. The precedent has been set on properties south and west on Interstate 40. We would appreciate zoning for this.

The hearing was closed. Commissioner Kirby moved that the Board approve the use of the property for a billboard, the only apparent commercial use for the small piece of property in proximity to I-40. Commissioner Kivett seconded the motion, and it passed unanimously.

RZ-6-17-1 Vice Chairperson Lee opened hearing. Upon a motion made by Commissioner Kivett and seconded by Commissioner Kirby, the hearing was continued to the September meeting.

TA-6-17-1 Vice Chairperson Lee called the hearing to order and recognized Planning Director Mary Rose who reviewed a request to amend Zoning Ordinance Section 3.3.4 Commercial District to include Private Schools as a permitted use. There were no public comments. The Vice Chairperson closed the hearing. Upon a motion made by Commissioner Kirby and seconded by Commissioner Kivett, the Board voted unanimously to approve TA-6-17-1, as recommended.

Item 3: Action Items

Consideration of Request from Tarheel ChalleNGe for Sampson County to Provide Oversight and Management of Construction of Multi-Purpose Building Tarheel ChalleNGe State Director Col. (retired) Edward Timmons presented the Board with a request from Tarheel ChalleNGe for the County to provide oversight and management of the construction of a multi-purpose building on their Salemburg campus, which will provide an area for cadet activities. Col. Timmons informed the Board that in 2016, the General Assembly appropriated to the National Guard, earmarked for Tarheel ChalleNGe, the sum of \$700,000 for the project. Due to the fact that the National Guard had a number of projects “on the books” that would have priority for construction by their personnel, Tarheel ChalleNGe wished to expedite the project by having a local

government act as a recipient for the funding and manage the project on their behalf. Col. Timmons noted that the Academy had been without a facility for alternate training (as required) since relocating to Salemburg in 1994 and that the \$700,000 would be lost if the project was not approved. Col. Timmons clarified that the funding would be for Phase One of the project, and that once new construction was completed additional funding was available for additional phases. The Board, County staff, and the County Attorney expressed concerns regarding the financial liabilities for the County, as well as extra demands and expenses the County would likely be held accountable for. The County Attorney provided information regarding his discussions with the counsel for Tarheel ChalleNGe, noting that the counsel had stated that the organization follows the guidance that the state gives all their agencies, which they frown upon hold harmless agreements. An example was provided of the letter their organization was willing to extend in similar situations, which was not as robust a hold harmless agreement as the County Attorney would recommend because if the project went over budget the County would be liable for paying the costs. Moreover, it was noted that the administration of such project would be time-consuming for County staff and there was little information regarding the details of future phases. Finance Officer David Clack noted that if bids came in over the amount available from the State, the County would bear the costs for the engineering/architectural costs expended. County Manager Ed Causey noted the great appreciation for Tarheel ChalleNGe, but voiced concerns of the County's financial obligations and time constraints. Commissioner Kirby questioned whether legislation (by local act) could be enacted to limit the County's obligations beyond the monies available from the State for the project. Upon a motion made by Vice Chairperson Lee and seconded by Commissioner Kirby, the Board voted unanimously to continue matter until the County Attorney could receive clarification regarding possibility of legislative assurances and provide additional information.

Appointment - Juvenile Justice Crime Prevention Council Upon a motion by Vice Chairperson Lee and seconded by Commissioner Kivett, the Board voted unanimously to appoint Fred Cumbo, and reappoint Terrace Miller and Billy Frank Jackson to the Juvenile Justice Crime Prevention Council.

Nursing Home Community Action Committee Upon a motion by Vice Chairperson Lee and seconded by Commissioner Parker, the Board voted unanimously to reappoint Mary Brown and Clementine Mason to the Nursing Home Community Action Committee.

Item 4: Consent Agenda

Commissioner Parker asked Finance Officer David Clack to explain Item 4(e). Mr. Clack informed the Board that the Sheriff's Office had requested that the Board declared said weapons as surplus and authorize the Sheriff's Office to trade in those weapons to vendors as credit, and in turn use the credit to purchase other supplies,

including but limited to other weapons or ammunition, for Sheriff Office use. Upon a motion made by Commissioner Kirby and seconded by Commissioner Parker, the Board voted unanimously to approve the Consent Agenda items as follows:

- a. Approved the minutes of the July 10, 2017 meeting
- b. Adopted a proclamation celebrating the reunion of the Clear Run School classes of 1962, 1967 and 1969 (Copy filed in Inc. Minute Book ____ Page ____.)
- c. Approved the execution of the lease agreement between Sampson County and Eastpointe Human Services for 6,000 square feet of space located at 120 County Complex Road (ADAP) (Copy filed in Inc. Minute Book ____ Page ____.)
- d. Approved the execution of the contribution agreement between Sampson County and USDA/NRCS (Copy filed in Inc. Minute Book ____ Page ____.)
- e. Declared certain confiscated weapons as surplus and authorized transfer to vendor for credit on future purchases of supplies
- f. Adopted NCHFA policies related to ESRF-DR grant funding including the Assistance Policy and Procurement and Disbursement Policy (Copies filed in Inc. Minute Book ____ Page ____.)
- g. Approved the late disabled veteran exclusion application filed by Charles Edwin Tyndall
- h. Approved tax refunds and releases as submitted

#8094	William Nelson	\$190.71
#8039	Steven Lewis Coombs	\$105.03
#8120	William A. Butler	\$217.66
#8106	Javier Pena	\$174.30
#8077	Crop Production Services	\$113.38
#8128	DeAngela Pierce	\$268.15
#8110	Prestage Farms	\$528.68
#8140	Patricia Draughon	\$277.55
#8137	Oscar Wayne Thornton	\$112.35
#8115	Thomas M. Steed and Anthony R. Steed	\$375.73
#8125	PJ North Carolina LLC #2534	\$195.98
#8095	Danny Joe Pope	\$1,862.28

- i. Approved budget amendments as submitted

<u>EXPENDITURE</u>		<u>Various Departments</u>			
<u>Code Number</u>		<u>Description (Object of Expenditure)</u>	<u>Increase</u>	<u>Decrease</u>	
11141300	554000	Capital Outlay Vehicles	\$532,108.00		
11141300	532100	Telephone and Postage	\$10,000.00		
11449200	519100	Professional Services	\$17,883.00		

11449200	519500	Engineering	\$10,561.00
11449200	531101	Existing Industry Project	\$426.00
11449200	544000	Contract Services	\$17,000.00
11558200	526201	Dept Supplies Equipment	\$2,131.00

REVENUE

<u>Code Number</u>		<u>Source of Revenue</u>	<u>Increase</u>	<u>Decrease</u>
11033910	409100	Loan Proceeds	\$532,108.00	
11039999	409800	Fund Balance Approp Encumbrances	\$58,001.00	

EXPENDITURE

		<u>Finance - Airport Capital Project</u>		
<u>Code Number</u>		<u>Description (Object of Expenditure)</u>	<u>Increase</u>	<u>Decrease</u>
40981510	519500	Engineering	\$61,679.00	
21941250	596020	Transfer to Airport Capital Project	\$3,084.00	

REVENUE

<u>Code Number</u>		<u>Source of Revenue</u>	<u>Increase</u>	<u>Decrease</u>
40038151	404000	State Grant	\$55,511.00	
40038151	403623	City	\$3,084.00	
40038151	409619	Transfer From Capital Reserve	\$3,084.00	
21934125	409900	Fund Balance Appropriated	\$3,084.00	

EXPENDITURE

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

REVENUE

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

- Approved Clinton City Schools Amendment No. 11 (State); Approved Clinton City Schools Amendment No. 2 (Local); Approved Clinton City Schools Amendment No. 3 (Local); Approved Clinton City Schools Amendment No. 3 (Federal) as submitted.

Item 5: Board Information

The Board was provided with the following items for information only:

- a. Invitation to the Annual Joint Meeting with the Sampson Regional Medical Center Board of Trustees, September 25, 2017

County Manager Reports

County Manager Ed Causey reminded the Board of the County Commissioners Conference in Durham on August 10-12, 2017. He then informed the Board that upon

the Board's request, county staff would present in September an evaluation of the costs of the County providing its own planning services and a presentation outlining options for the consolidation of human service agencies, and if the Board so desired, staff would invite the UNC School of Government to provide a presentation as they have for other counties that have consolidated in the past.

Public Comments

The floor was opened for comments, and none were received.

Adjournment

Upon a motion made by Vice Chairperson Lee and seconded by Commissioner Kirby, the Board voted unanimously to adjourn.