

The Sampson County Board of Commissioners convened for their regular meeting at 6:00 p.m. on Monday, April 2, 2018 in the County Auditorium, 435 Rowan Road in Clinton, North Carolina. Members present: Chairman Clark Wooten, Vice Chairperson Sue Lee, and Commissioners Thaddeus Godwin, Jerol Kivett and Harry Parker.

Chairman Wooten convened the meeting and recognized Vice Chairperson Lee. She called upon Commissioner Godwin for the invocation. Vice Chairperson Lee then led the Pledge Allegiance.

Approval of Agenda

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

Item 1: Roads

Quarterly Report NCDOT District Engineer Keith Eason provided the Board with a quarterly report providing updates on maintenance projects such as the resurfacing projects of US Hwy 701 from Garland through Clinton and US Hwy 13 from Spivey's Corner to the Cumberland County line, and other secondary routes. He also noted that all repair projects stemming from Hurricane Matthew had been completed.

Adoption of County Resolution NCDOT Project #47777 Mr. Eason informed the Board that NCDOT was preparing to install approximately 1900 feet of center turn lane on NC 24 east of Clinton. He explained that the roadway would be constructed with state funds, but required the adoption of the county resolution provided in the agenda. Mr. Eason stated that the turning lane would help with traffic flow and increase safety. Upon a motion made by Commissioner Parker and seconded by Commissioner Godwin, the Board voted unanimously to adopt the NCDOT resolution approving the construction of the center turn lane on NC 24 (NCDOT Project #47777) (Copy filed in Inc. Minute Book ____ Page ____).

Item 2: Reports and Presentations

Recognition of Retiree Retiree Rebecca Hairr was not present to receive the plaque recognizing her years of service.

Presentation - Courthouse Needs The chairman recognized Resident Superior Court Judge Albert D. Kirby, Jr. who presented the Board with concerns regarding

Courthouse security and needed accommodations for jurors and jury pools. Judge Kirby noted that the primary area of concern was the common hall space which is shared by citizens and court officials. He also noted the concern for the Courthouse guests who were often required to wait outside for court sessions due to lack of indoor space. He stated that Sheriff Jimmy Thornton, the Clerk of Court, certain Courthouse security staff, and he had conversed about possibly building on to the building, or even acquiring the building next to the Courthouse Extension to serve as a waiting area.

Item 3: Action Items

Public Hearing – Consideration of Appropriations and Expenditures for Economic Development Activities Related to Farm Fresh Produce Distribution, Inc. The Chairman opened the hearing and acknowledged Economic Developer John Swope who provided the Board with an information packet and gave a brief overview of Farm Fresh Produce Distribution, Inc., and the appropriations and expenditures to be considered. Mr. Swope informed the Board that any appropriations and expenditures would be made pursuant to an incentive agreement, and that under the agreement, the County would provide performance-based business incentive payments to Farm Fresh Produce Distribution, Inc. over a five-year period in the amount of \$74,036. The company would commit to make certain capital investments in the County and maintain certain levels of employment, and that if the company failed to meet those levels it would be held accountable to the clawback provisions stated in the contract. The potential public benefits anticipated to be derived from the agreement included a taxable investment of \$4,100,000, tax revenues of \$260,931 (prior to GBI) and \$186,896 (after GBI), and employment of 36 full-time jobs at an average annual salary of \$21,000 - \$22,000. He also noted that the company proposed to expand their existing 82,400 square foot building with a new addition of 62,500 square feet. The Chairman opened the floor for public comment, and none were received. The hearing was closed. Upon a motion made by Vice Chairperson Lee and seconded by Commissioner Godwin, the Board voted unanimously to adopt a resolution approving the incentives agreement (Copy filed in Inc. Minute Book ____ Page ____).

Public Hearing – Consideration of Amendments to Animal Control Ordinance The Chairman opened the hearing and recognized County Attorney Joel Starling, who informed the Board that updates to Article I, Section 1-3 and Article III, Sections 1-33 and 1-38 of the Sampson County Animal Control Ordinance were necessary due to the changes in terminology for the Board of Health following consolidation. Mr. Starling briefly revisited the Board's new responsibilities, as stated in the recently adopted resolutions. The Chairman opened the floor for public comment, and none were received. The hearing was closed. Upon a motion made by Vice Chairperson Lee and seconded by Chairman Wooten, the Board voted unanimously to adopt a resolution approving the amendments to Animal Control Ordinance as provided (Copy filed in Inc. Minute Book ____ Page ____).

Adoption of Resolutions Related to Consolidation of Human Service Agencies
County Attorney Joel Starling presented the Board with the proposed resolutions which set forth the authorities and duties of the Board of Commissioners and Social Services and Health Advisory Committees upon consolidation. Mr. Starling noted that according to the resolutions, the Board could delegate certain authorities and reserve certain authorities pursuant to and consistent with related statutes. Chairman Wooten asked for clarification on the authorities regarding the appointment, disciplining, and termination of the Social Services Director, and Mr. Starling noted the portions of the resolutions which note that “the Board expressly reserves to itself the power to make, in consultation with and after conferring with the County Manager, personnel decisions with respect to the Director of the Sampson County Department of Social Services, including, but not limited to, the authority to appoint, discipline, and terminate the employment of the Director of the Sampson County Department of Social Services; provided, however, that the County Manager shall assist and advise the Board in its review of the work performance of the Director of the Sampson County Department of Social Services.” Upon a motion made by Commissioner Kivett and seconded by Commissioner Parker, the Board voted unanimously to adopt the resolution delegating certain authorities to the Social Services Advisory Committee and reserving certain authorities to the Board of Commissioners.

With regard to the resolution related to the Health Department, Attorney Starling clarified that the agencies were not consolidated, but that the responsibilities were subsumed under the Board pursuant to related statutes. He noted that, acknowledging the constraints imposed by the General Statutes, the Board of Commissioners essentially maintained the same responsibilities for personnel as noted with the Social Services Advisory Committee. Upon a motion made by Vice Chairperson Lee and seconded by Commissioner Godwin, the Board voted unanimously to adopt the resolution delegating certain authorities to the Health Department Advisory Committee and reserving certain authorities to the Board of Commissioners.

Appointment - Sampson Community College Board of Trustees Upon a motion made by Vice Chairperson Lee and seconded by Chairman Wooten, the Board voted unanimously to appoint Joyce Herring to the Sampson Community College Board of Trustees.

Appointment - Town of Faison Planning Board, ETJ Member Upon a motion made by Vice Chairperson Lee and seconded by Commissioner Kivett, the Board voted unanimously to appoint Kendrick Faison to the Town of Faison Planning Board as an ETJ member.

Item 4: Consent Agenda

Upon a motion made by Commissioner Kivett and seconded by Vice Chairperson Lee, the Board voted unanimously to approve the Consent Agenda items (a) through (h) as follows:

(Considered in capacity as Board of Commissioners)

- a. Approved the minutes of the March 5, 2018 meetings
- b. Adopted a resolution proclaiming April as Public Health Month (Copy filed in Inc. Minute Book ____ Page ____.)
- c. Adopted a resolution proclaiming April as Child Abuse Prevention Month (Copy filed in Inc. Minute Book ____ Page ____.)
- d. Approved the request from the Sampson County Library to declare certain withdrawn materials as surplus and authorized disposal pursuant to Records Retention Policy and Materials Selection Policy
- e. Approved a request from the Sampson County Sheriff's Office to surplus a Micro-Uzi submachine gun and authorize transfer to Class III dealer in exchange for semi-auto rifles and accessories
- f. Approved the revised Sampson Area Transportation No-Show Policy (Copy filed in Inc. Minute Book _____, Page ____.)
- g. Approved tax refunds and releases as submitted:

#8492	Francisco Javier Rodriguez	\$574.75
#8461	Gary Michael Hudson	\$104.71
#8508	Bradford Ray Williamson	\$127.21
#8497	Yong Hako	\$274.76
#8515	Elizabeth Ann Hales	\$107.40
#8521	Mark Ashley Tatum	\$324.92
#8454	James Robert Williams	\$142.29
#8525	About Time Transport, LLC	\$217.62
#8526	Iris Dell & Haywood Johnson	\$115.83
#8500	Donald Hugh Lamm	\$291.66
Tax Release	James Christopher Mooney	\$555.87

- h. Approved budget amendments as submitted:

<u>EXPENDITURE</u>		<u>Cooperative Extension</u>	
<u>Code Number</u>		<u>Description (Object of Expenditure)</u>	
04449500	529930	Miscellaneous United Way	\$3,500.00
			<u>Increase</u> <u>Decrease</u>

<u>REVENUE</u>				
<u>Code Number</u>		<u>Source of Revenue</u>	<u>Increase</u>	<u>Decrease</u>
04034950	403602	4-H United Way	\$3,500.00	

<u>EXPENDITURE</u>				
<u>Code Number</u>		<u>Description (Object of Expenditure)</u>	<u>Increase</u>	<u>Decrease</u>
28349610	523100	Sampson Soil & Water Educational Supplies	\$800.00	

<u>REVENUE</u>				
<u>Code Number</u>		<u>Source of Revenue</u>	<u>Increase</u>	<u>Decrease</u>
28334961	409909	Fund Bal Appropriated State	\$800.00	

<u>EXPENDITURE</u>				
<u>Code Number</u>		<u>Description (Object of Expenditure)</u>	<u>Increase</u>	<u>Decrease</u>
04449500	531130	Cooperative Extension Travel	\$250.00	

<u>REVENUE</u>				
<u>Code Number</u>		<u>Source of Revenue</u>	<u>Increase</u>	<u>Decrease</u>
04034950	403602	Miscellaneous Revenue	\$250.00	

<u>EXPENDITURE</u>				
<u>Code Number</u>		<u>Description (Object of Expenditure)</u>	<u>Increase</u>	<u>Decrease</u>
13554810	568414	Social Services LIEAP	\$45,000.00	

<u>REVENUE</u>				
<u>Code Number</u>		<u>Source of Revenue</u>	<u>Increase</u>	<u>Decrease</u>
13535480	403314	LIEAP	\$45,000.00	

<u>EXPENDITURE</u>				
<u>Code Number</u>		<u>Description (Object of Expenditure)</u>	<u>Increase</u>	<u>Decrease</u>
02558810	544005	Aging Family Caregiver Program – Cont Svs	\$875.00	

<u>REVENUE</u>				
<u>Code Number</u>		<u>Source of Revenue</u>	<u>Increase</u>	<u>Decrease</u>
02035881	408401	Family Caregiver Prog - Donations	\$875.00	

- Approved Clinton City Schools Budget Amendments No. 2 (State); Approved Clinton City Schools Amendment No. 3 (State); Approved Clinton City Schools Amendment No. 1 (Local); Approved Clinton City Schools Amendment No. 1 (Federal) as submitted.

(Considered in capacity as Board of Health)

Upon a motion made by Commissioner Kivett and seconded by Vice Chairperson Lee, the Board voted unanimously to approve the Consent Agenda items (i) through (j) as follows:

- i. Received and accepted Annual Communicable Disease Report for 2017 (Copy filed in Inc. Minute Book ____ Page ____.)
- j. Approved Local Health Services Analysis Policy and Procedure, as recommended by Sampson County Health Department Advisory Committee

County Manager Reports

Prior to the County Manager Report, Chairman Wooten addressed the public regarding the recent Animal Shelter's Notice of Civil Penalty and Notice of Warning. The Chairman publicly accepted responsibility for the notices and informed the public that the Administration and Shelter staff had been working diligently to resolve the issues and improve shelter operations for the future. He also assured the public that the issues which led to the penalty and warning were not done intentionally and that the shelter employees, Board, and staff were passionate individuals who cared for all Shelter animals. He continued by noting that the issues which led to the notices were being addressed and actions had been and would continue to be taken to ensure the same does not reoccur. He concluded by guaranteeing that there would be efforts made to provide the animal shelter staff, and county employees alike, the training needed to provide better services.

County Manager Ed Causey presented the Board with a County Manager Report on the status of the Animal Shelter Notice of Civil Penalty and Notice of Warning (Copy filed in Inc. Minute Book ____ Page ____.).

Mr. Causey noted that Administration had been working closely with the Animal Shelter Director and staff to provide solutions, and though a lot had been accomplished, the work would be continued. Regarding the Civil Penalty, Mr. Causey informed the Board that penalties in the amount of \$3,300.00 were related to actions concerning the care and treatment of two dogs, and though there were minor details and explanatory specifics to be added to the findings of fact related to the assessed penalty, the County accepted the findings and penalty. He also noted that Dr. Patricia Norris, Director of the Animal Welfare Section of the North Carolina Department of Agriculture, indicated that she would consider mitigating the penalties with facility improvements that represent a similar amount of money. He noted that the shelter had already made lighting improvements and purchased a new scale that would be offered in lieu of the \$3,300.00 penalty. Mr. Causey stated that the process of planning and implementing corrective actions to address all noted issues had begun, and that the long-term benefit of the shelter would be considered when implementing improvements. He then noted that corrective action plan had been implemented to improve record keeping and documentation, veterinarian-guided assessment training and review, proper feeding, employee training, and facility evaluation. Mr. Causey informed the Board that the Civil Notice and Warning also assessed a \$1,500.00 fine for 15 violations of NC General Statute 19A-32 for failure to hold an animal for the 72-hour

minimum holding period prior to euthanasia and that measures had been taken to improve documentation regarding owner surrenders.

Regarding the operations and the general status of shelter operations prior the recent penalty, Mr. Causey referenced the included inspections reports for the past two years, which did not reveal that there were concerns in the past and showed that the shelter had completed a number of improvements as requested by the State. The report also highlighted other measures that had been taken in the past to improve the operations of the Shelter, including the Board's action to increase the budget of the shelter since 2010 from \$201,378 to \$298,630. He also noted the report presented to the Board during the 2018 planning session which highlighted an improved euthanasia rate, efforts to increase local adoption and rescues and critical placement of animals, and that the gas chamber had been eliminated in 2013, which evidenced the commitment to the humane treatment of animals. Mr. Causey concluded by noting that Dr. Norris had visited the shelter herself (unannounced) since delivering the Civil Notice, and had stated that she found the facility to be impressive as a rural shelter, clean, with quiet and calm animals that appeared to be well cared for, and a staff that was gracious and receptive to guidance.

Each of the Board members expressed their disappointment in receiving the penalty and warning, noting that staff is being and would be held accountable, and lauded the staff on the actions taken since the penalties and warning were issued.

The Chairman opened the floor for comments and the following were received:

Tommy Tucker: Noted that the issue had been on various television stations and in local media. He stated that the County needed to re-evaluate shelter operations entirely and make the changes necessary to provide quality care for shelter animals. He also stated that all personnel needed to be qualified and sympathetic, while having the primary focus of providing proper care for as many cats and dogs as possible. He went on to state that proper care should include ensuring that all animals be fed properly, treated humanely, and presented in the best ways possible on Facebook, radio, StarVision, and other media outlets to increase the likelihood of being adopted. Mr. Tucker then mentioned that the shelter should partner with as many reputable rescue groups as possible to increase the total number of adoptions. He suggested that an Animal Shelter Advisory Board be developed with the role of reporting directly to the Board of Commissioners, and that the Advisory Board should be authorized to check on the shelter at any time. He also expressed the needs for implementing spay and neuter program. He stated that it was important that a shelter remain open (referring to a newspaper editorial that stated that the animals could be sent to other shelters and the facility closed). In response to the County Manager's report, Mr. Tucker stated that if the County was going to keep the same personnel and have more training, then more transparency was a must. He concluded by stating that the Advisory Board must be

appointed and must check on the shelter consistently and must report to an appointed commissioner, who should be working with this Advisory Board to make sure the Shelter is operating as it should.

Nancy Gump: Noted that she had been involved in rescue work and fostering for the last eight years she had lived in Sampson County. Ms. Gump informed the Board that there are free auditing services available with non-profit companies, whose primary focus is to assist shelters in documentation and record keeping. She advised the County to solicit these agencies' services in efforts to improve shelter operations. She also expressed concerns regarding the current hold time policies and the proposed delay in time before animals were available to rescue (versus local adopters) and advised the Board to revisit the policies, providing more time for the animals to remain alive and in shelter care. She also mentioned that the County needed to evaluate its adoption and rescue programs, focusing on the transport schedule and the entire adoption process. She noted that rescues will take a blend of dogs - those easy to find homes for and those that are ill, old and hard to place. She stated that the Shelter had been very supportive in fostering and facilitating rescue efforts in the past. Lastly, Ms. Gump referenced a standard operation procedure model that she presented years ago for Sampson County to follow.

Angela Marco: Referenced a poem titled "To A Louse: On Seeing One on a Lady's Bonnet, at Church", Ms. Marco expressed her discontent with the animal shelter operations. Ms. Marco she noted the importance of the County seeing itself as others see it, stating that the image of Sampson County is damaged due to the penalty and warning. She continued by stating that it appeared that the County placed more focus on economic development, and that animal welfare is not a priority, whereas, it should be because of its direct impact on economic development as a quality of life issue. Overall, the negative perception adversely impacted economic development and the County's ability to attract businesses. She then advised the County to develop a task force that consisted of concerned citizens and representatives from each municipality, who would monitor shelter operations and develop a county-wide comprehensive plan that would guarantee the animals were properly monitored and cared for. She concluded by advising the County to consider the issue and the overall effects it had and make improvements accordingly.

Patricia Oglesby: Suggested that the Board of Commissioners develop an Advocacy Board to provide expertise and education to assist with the operations of the shelter. She proposed that the Advocacy Board consist of qualified and experienced persons who are knowledgeable of documentation and veterinary practices.

Chairman Wooten offered thanks to each speaker and once again accepted responsibility for the penalty and warning, while also noting that the Board was

committed to providing shelter staff and county employees the training needed to provide quality services.

Ed Causey concluded the County Manager Report by informing the Board of the Board of Equalization and Review meetings scheduled for April 17 and 25, from 1-6 pm in the Administration Board Room. He also provided the Board with an update on the consolidation of the human services agencies, noting that both agencies and directors were transitioning well. He then proposed that the budget presentation be made in the County Auditorium on May 21, 2018, at 5 pm, and that the meeting would be recessed to reconvene at 6 pm at the Cooperative Extension Building for the Annual Report to the People.

Item 5: Public Comment Period

The floor was opened for comments, and the following were received:

Sarah White: Ms. White expressed concerns with dangers of the Hwy 24 project. She stated that she has not been successful in contacting the NCDOT, nor has she received any return calls. She expressed that the citizens should be informed of the progress of the project.

Larry Sutton: Mr. Sutton expressed disappointment in that the County failed to acknowledge the 50th Anniversary of the assassination of Dr. Martin Luther King, Jr.

Sharon Whitley: Ms. Whitley spoke in highly of the shelter, its operations and staff, and informed the Board of the programs offered by the Sampson County Animal Advocates, to include the spay and neuter and adoption programs.

Closed Session

Upon a motion made by Vice Chairperson Lee and seconded by Vice Chairperson Lee and seconded by Commissioner Godwin, the Board voted unanimously to go into Closed Session pursuant to G.S. 143-318.11(a)(6). Upon a motion made by Commissioner Parker and seconded by Vice Chairperson Lee, the Board voted unanimously to come out of Closed Session. Upon a motion made by Commissioner Kivett and seconded by Commissioner Parker, the Board voted unanimously to create the position of County Attorney and employ Joel Starling at a salary of \$125,004.00, effective July 1, 2018, and to approve the budget amendment as follows from the Commissioners Contingency to fund the necessary facility improvements to produce office space.

<u>EXPENDITURE</u>		<u>Legal</u>		
<u>Code Number</u>		<u>Description (Object of Expenditure)</u>	<u>Increase</u>	<u>Decrease</u>
11141500	526200	Department Supplies	\$8,500.00	
11141500	535100	Building Renovations	\$5,000.00	
11141500	526201	Dept Supplies Equipment	\$3,500.00	
11999000	509700	Contingency		\$17,000.00

Adjournment

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