

The Sampson County Board of Commissioners convened for their regular meeting at 6:00 p.m. on Monday, February 5, 2024, in the County Auditorium, 435 Rowan Road in Clinton, North Carolina. Members present: Chairman Jerol Kivett, Vice Chairperson Sue Lee, and Commissioners Thaddeus Godwin, Lethia Lee, and Allen McLamb.

Chairman Jerol Kivett called the meeting to order and turned the meeting over to Vice Chairperson Sue Lee. Commissioner Lethia Lee provided the invocation and Commissioner Godwin led the Pledge of Allegiance.

### **Approval of Agenda**

Upon a motion by Commissioner Godwin and seconded by Commissioner McLamb, the Board voted unanimously to approve the agenda as published.

### **Item 1: Reports & Presentations**

DOT/Litter Update Chairman Kivett called upon Keith Jackson who introduced the NCDOT Division 3 Maintenance Engineer, Trevor Carroll. Mr. Jackson then called upon Resident Engineer Daniel Jones who provided the Board with an update on ongoing construction projects throughout the county. Mr. Jackson reviewed information from a meeting in early December with Commissioner Lethia Lee and members of the Harrells Community regarding roadways in that area. Mr. Jackson called upon Division 3 Roadside Environmental Engineer Keith Groves who promoted NCDOT's Litter Sweep program and discussed steps that his department is taking to combat litter within the county. Mr. Groves shared that the best way to reduce littering is to increase the enforcement of litter fines. Commissioner Lethia Lee expressed her thanks regarding litter reduction and shared that litter is one of her top priorities as well. Finally, Mr. Jackson reviewed planned maintenance activities within the county. He also shared with the Board that he has had the opportunity to advance his career with NCDOT, and that the move will take him outside of the Sampson County Maintenance Office. Mr. Jackson stated that he hopes to be able to introduce his successor to the Board and expressed that he has thoroughly enjoyed working with them in this capacity.

### **Item 2: Planning & Zoning**

R23-04 - Phinite Inc. Rezoning Chairman Kivett opened a public hearing and called upon Senior Planner Michelle Lance who reviewed a rezoning request by Jordan Phasey, CEO of Phinite Inc., to rezone 14.30 acres of tax parcel 18053760005 from Residential Agricultural (RA) to Industrial (I). Mrs. Lance shared that this proposed rezoning was reviewed by the Sampson County Planning Board at its January 22, 2024 meeting. The Planning Board voted 3-0 to recommend the approval of the rezoning request and found it to be consistent with the Industrial Growth Corridor Lane Use designation and to positively align with the main purpose and intent of such designation. Chairman Kivett opened the floor for public comments and hearing none closed the public hearing. Upon a motion by Vice Chairperson Sue Lee and

seconded by Commissioner Godwin, the Board voted unanimously to rezone the property as recommended by the Planning Board and adopt the following Zoning Consistency Statement: *The Sampson County Planning Board finds the proposed rezoning to be consistent with the Industrial Growth Corridor Land Use designation and to positively align with the main purpose and intent of such designation. The Sampson County Planning Board finds that the rezoning request is reasonable and in best public interest and all other permitted uses included in the Industrial (I) Zoning District are reasonable and in best public interest and recommends approval to the Sampson County Board of Commissioners. The Sampson County Planning Board finds the proposed rezoning to be consistent with the land use plan.*

R23-03 Rhetson Companies, Inc. Rezoning Chairman Kivett opened a public hearing and called upon Senior Planner Michelle Lance who reviewed information regarding the rezoning of tax parcels 07017284101 and 0706922901. This rezoning request was reviewed by the Sampson County Planning Board at its December 11, 2023 meeting and was presented to the Board of Commissioners at its January 8, 2024 meeting. The Board tabled the request in order to obtain additional information regarding the request and to address the concerns of neighboring citizens. Rhetson Companies, Inc. has requested that the 2.01 acres be rezoned from Residential Agricultural (RA) to Conditional Commercial (C)(CZ) for the purpose of a retail variety store. The proposed site is on the corner of Wright Bridge Road and Garland Highway. The Planning Board voted 4-1 to recommend approval of the rezoning request. The recommendation for approval is based on the fact that the conditional rezoning to establish a retail variety store is consistent with the Sampson County Land Use Plan due to the parcel fronting a major thoroughfare and the proposed use will serve and benefit the surrounding community. Chairman Kivett opened the floor for public comments. The following were received:

Greg Stewart, Rhetson Companies, Inc., 2075 Juniper Lake Road, West End, NC – Mr. Stewart shared a presentation that addressed concerns expressed by citizens of the Garland community.

Priscilla Powell, 12680 Garland Hwy., Garland, NC – Mrs. Powell stated that she still has concerns about the proposed rezoning site, particularly the possibility of increased crime. She also stated that she is afraid that a new store will reduce sales in businesses that are currently serving the Garland community. Mrs. Powell went on to share that she has collected the signatures of 99 individuals in the community who oppose this rezoning.

Belinda Faison, 219 Lisbon Bridge Rd., Garland, NC – Mrs. Faison reiterated the concerns that she expressed at the January meeting regarding flooding and erosion. She stated that she does not believe that the proposed store would benefit the community and suggested that it be built in another area.

Michael Vann, 12535 Garland Hwy., Garland, NC – Mr. Vann stated his concerns regarding low visibility in the area and the safety of motorists as well as the potential impact this rezoning would have on his property taxes.

Greg Stewart, Rhetson Companies, Inc., 2075 Juniper Lake Road, West End, NC – Mr. Stewart followed up on some concerns raised by Mrs. Faison and Mrs. Powell regarding soil testing and water redirection. He stated that there are seven different agencies that Rhetson Companies

must go through to obtain permitting for construction. Mrs. Powell asked what the pink stakes on the property are for. Mr. Stewart clarified that those are property line markers.

Helen Bronson, 10143 Garland Hwy., Garland, NC – Mrs. Bronson expressed concerns regarding Dollar General’s business and pricing practices. She shared that she believes the company takes advantage of communities and that communities should be offered high quality foods rather than low quality items at higher prices.

Rev. Bobby Faison, 219 Lisbon Bridge Rd., Garland, NC – Rev. Faison stated that he believes this issue is larger than Dollar General. He shared that he felt that the proposed retail variety store was an invasion on the neighborhood and would ultimately force residents to move.

Jessica Bowers, Smith Bowers, PLLC, 127 W. Hargett St. Suite 504, Raleigh, NC – Ms. Bowers stated that she is an attorney representing Rhetson Companies, Inc. Ms. Bowers reminded the Board that this rezoning meets all five criteria for rezoning and that a variety store would be in the best interest of the general community, as required.

Chairman Kivett closed the public hearing and Vice Chair Sue Lee moved to approve the rezoning and adopt the associated resolution and zoning consistency statement. Upon a second by Commissioner McLamb, Chairman Kivett and Commissioner Godwin also voted to approve the rezoning. Commissioner Lethia Lee voted opposing the rezoning. The Board approved the rezoning of the parcels from Residential Agricultural (RA) Conditional Commercial (C) (CZ) to establish a retail variety store 4-1.

### **Item 3: Annual Statutory Activities Related to Tax Collection**

Chairman Kivett called upon Tax Administrator Jim Johnson who reported to the Board the amount of unpaid taxes for last year which are liens on real property pursuant to GS 105-369. According to the general statutes, the Board must set a date to advertise these delinquent taxes at least once between March 1 and June 30 upon receipt of this information. Mr. Johnson recommended an advertisement date of April 10, 2024 with a deadline for payment being April 3, 2024. Upon a motion by Commissioner McLamb and seconded by Commissioner Godwin, the Board voted unanimously to authorize the advertisement of unpaid taxes which are liens on real property as recommended by the Tax Administrator. Mr. Johnson went on to explain that in accordance with GS 105-322, the first meeting of the Board of Equalization and Review shall not be held earlier than the first Monday in April and not later than the first Monday in May. In a year that the County conducts a real property revaluation, the Board shall complete its duties on or before December 1. The meeting dates are required to be published at least three times, with the first publication to be at least ten days prior to the first meeting. Also, the notice shall state the date the Board expects to adjourn. Mr. Johnson proposed Friday May 3, 2024, Tuesday May 14, 2024, Wednesday May 15, 2024, Thursday May 16, 2024, Tuesday May 21, 2024, Wednesday May 22, 2024, and Thursday May 23, 2024 as the dates for the 2024 Board of Equalization and Review Hearings with appointment times from 10:00 AM to 6:00 PM. Upon a motion by Chairman Kivett and seconded by Vice Chairperson Lee, the Board voted unanimously to set the dates for the Board of Equalization and Review as proposed.

**Item 4: Board Appointments**

Upon a motion by Vice Chairperson Sue Lee and seconded by Commissioner Godwin, the Board voted unanimously to appoint Katrina Boykin to the Sampson County Health Department Advisory Committee.

**Item 5: Consent Agenda**

Chairman Kivett called upon Commissioner Lethia Lee who read a proclamation honoring the 100<sup>th</sup> Birthday of Mrs. Macie Rene Bennerman (Item D). Upon a motion made by Vice Chairperson Sue Lee and seconded by Commissioner Godwin, the Board voted unanimously to approve the Consent Agenda as follows:

(as Board of Commissioners)

- a. Approved the minutes of the January 8, 2024 meeting (Copy filed in Inc. Minute Book \_\_\_\_\_, Page \_\_\_\_\_.)
- b. Approved the revisions to the 2023-2024 Home and Community Care Block Grant funding plan
- c. Authorized an easement for Duke Power to place a new transformer at Clement Ball Park
- d. Adopted a proclamation honoring the 100th Birthday of Macie Rene Bennerman (Copy filed in Inc. Minute Book \_\_\_\_\_, Page \_\_\_\_\_.)
- e. Approved the revisions to the Sampson Area Transportation Drug and Alcohol Testing Policy
- f. Authorized the execution of an agreement for legal services between Sampson County and the law firms of Baron & Budd, P.C., Cossich, Sumich, Parisola & Taylor, LLC, Seagle Law, and Ward & Smith, P.A.
- g. Approved budget amendments as submitted
- h. Approved tax refunds and releases as submitted

(as Board of Health)

- i. Approved the Fee/CPT Code Update for Sampson County Health Department
- j. Approved an Uncollectible Account Balance Write-Off in the amount of \$140

**Item 5: County Manager's Report**

Chairman Kivett called upon County Manager Ed Causey who informed the Board that preparations for the FY 24-25 budget are under way. He stated that department heads are expected to have preliminary budget requests submitted to himself and Finance Officer David Clack by March 15.

**Item 6: Public Comment Period**

Chairman Kivett opened the floor for public comments. The following were received:

Anthony Monds, 6248 Autry Mill Road, Godwin, NC - "Good evening. Y'all know I've got to have my sign. So, this evening I'd like to discuss at last month's meeting I got a pacifier mailed to my home three days after the last meeting. I haven't sucked on a pacifier since I was a little boy so I don't have no idea why it was sent from the Human Resources Department but I have copies of the letter if you would like to see them, for each one of you, just see me after today's meeting and I'll gladly give them to you. And I also haven't played on the merry-go-round since I was in grade school so I'm not about playing on merry-go-rounds but very quickly I'm going to give you a biblical story. There's the prophet Elijah and there's a man called, he me with, 450 of Bael's prophets on Mt. Carmel and you all know he had to go up against them and God was with Elijah and it's going to make sense when I finish so bear with me. And so what I've been going through, my family and I have been dealing with, a spirit of lying and deceit with your DSS department and at the end of this month I have a meeting on Mt. Carmel and so you all know Mt. Carmel the prophet Elijah God answered by fire. So, my God is going to answer by fire at the end of this month but the thing about it is that so much, so many resources has been spent on this particular case that has been based upon lies and deceit and because people have not been held accountable and this is why I've been coming to you all to hold those accountable who has perpetuated the lie that has cost this county money. And it has been told to us it has spent an astronomical amount of money. You all can't even use your hired attorney for DSS because of unethical practices and none of the judges in District 11 can be used because of unethical practices. And so there has been a tremendous amount of resources used on this case so the taxpayers want transparency. I'm letting them know that because of negligence on individuals' parts and once again bringing it to you all's attention. Accountability needs to be served so I have become y'all enemy because Galations 4:16. I have told you all the truth and when you stand on truth, truth always prevails. And so in this case, truth shall prevail and when it prevails I'll be back to let you know that it has prevailed and what the repercussions will be because of the lies that people was not held accountable and you all allow it to happen. So I thank you all for my time and I'm still waiting for my appointment to a position as well, Vice Chair. I had to get that in so once again thank you all for allowing me to speak. Y'all have a blessed night."

Lin Reynolds, 1435 Hollerin Road, Dunn, NC - "We've got an upcoming election. I'd like to encourage everyone to get involved and vote. In the upcoming election in March, it's my hope that each candidate will run a clean campaign. We are all neighbors and should treat each other as we would like to be treated. In my district, the election turned ugly two years ago. It turned into a smear campaign. I was disappointed to see my neighbors trashing one another and at the end of the day innocent people and family members got hurt. Even one person in this room had their salary become a topic and he too was an innocent victim that was hurt from the smear campaign. My wife and I were bitterly disappointed when I opened my mailbox to see our neighbors making baseless allegations against one another. I threw it in the trash. I was disgusted. Come on people, we're better than that. Let's make sure we keep this campaign clean and let the best candidate win. That's all I've got. I would like to direct Mr. Kivett directly. I understand the Board is meeting in closed session tonight. I would like to request to

meet with the Board during that meeting. I have a personnel concern that needs to be addressed tonight and tonight only. I will be here waiting."

Elaine F. Hunt, 7171 Old Warsaw Road, Turkey, NC – "I've been coming before you all since 2022. Almost two years now and I'm just like Noah. I'm singing the same old song. We still desire county water in my area. True that you have county water at Timberlake's area. You have it as far as Moltonville Road. I'm about four miles from that. I've heard. I've had calls. Environmental people have called me, so some are showing concern. I'm a little let down that you all are not. The ones that we have elected and put in these positions. But nevertheless, I have been told that there are grants and you all know about grants. You know how to seek them, you know how to write them, you know. We deserve county water and county water is not just a pleasure. It's a necessity. We need clean, safe water so I can drink. I have to buy my water. Other neighbors have to buy their water and believe it or not water is getting expensive like everything else. It's going up. It's not at a stand still. So tonight I come and I want all those who came in support of this request to please stand. We come seeking your help for county water. As I always say we are not looking a handout because we know you will not give us a handout but we're looking a helping hand which can only come from you and I just ask how long and if we even get some call back or something to let us know. I know you see me. I don't know if you hear me. I never get a response. But I do want you to know we are still seeking county water and only you can help us get it. Thank you."

Sarah White – "I'm addressing you tonight about the \$80 from the Sampson County Tax Collector that was sent to us that needed to be paid by the end of December 2023. I went up on the 13<sup>th</sup> of December and paid mine like a good citizen normally would do. Then a little while later on I heard that the newspaper as well as the letter that was sent out to us from the Chairman had signed stated that the Board's decision to charge every household person Solid Waste Fee of \$80 resulted in unusual amounts of confusion, concern, and many other things that had happened. What I'm asking is are you aware that the money that we paid in that doesn't belong to the county has not been returned to us? I have called and talked to someone in the financial department. I didn't get the lady's name. This was shortly after the beginning of the year and she told me that a few checks were being sent out gradually. She said that they first had to decide, a meeting had to be held or something to decide how to send out the money or whatever. And I do not know if they met, maybe this January meeting, I didn't attend it so I don't know what y'all decided even if that came up. But what I'm requesting is, today is February 5. I paid mine in December. Why isn't the money being returned to us? Can you give me a reason why? Are you aware that the people's not got the money back? Well I'd appreciate it if y'all would make a decision tonight to have the county type those checks and get them back to us. It is our money. It doesn't belong to the county. Can you do that tonight please?"

Dolly Lane – "Thank you for giving me the opportunity to share my concern with you. I live less than two miles from the landfill. I am having a very hard time with the buzzards. They are sitting on my house. They're pooping on my house. They've torn shingles off of my house. I have had peppermints crushed and put on my house. I've bought about ten windchimes. I've put cayenne pepper in my yard. I go out every day and I shoot my gun. Not to kill them. I'm not that good. But to get them off of my roof. The guys from the landfill came and put a decoy up on my light pole. That has helped some but it's disturbing when you go outside and there's

at least fifty buzzards sitting on top of your house. And then I had to get somebody to wash the top of my house. They are taking over and if you go down 24 coming or going to Fayetteville you will see flocks of them going across to the dump. I can go down to the end of my road and it looks like a black cloud on top of the landfill with the buzzards and if something is not done, they're coming this way. I mean I have seen flocks out on the Bonnettsville Highway and then there's another house down the street from me, they have already ruined their roof. The population has gotten out of control, and I would like to see if we could do something about it. I tried to get me a permit and I understand that would take me several months and I'd have to get it from federal government in Atlanta. It's a whole drawn out process and I'm very disturbed by it. I've got a radio sitting out on my porch playing music all the time. I take my car out of the garage, I blow my horn to scare them off. And as I said I shoot my pistol and she told me she said you could go to federal prison and I said I'm not shooting to kill them I'm not that good. I mean, I'll admit that. It's just a scare tactic, but it is way out of control and I had not noticed how bad it was until they landed on my house and I thought something was crashing into my house. It's terrible and I don't think any of y'all would want at least fifty buzzards sitting on your house regurgitating and pooping and making a tremendous mess plus tearing up your shingles. And I know some of my neighbors have the same problem but they were not willing to come and share, but I would like some help in this matter. I live alone and I'm not able to handle the buzzards so if we could do something about that I would certainly appreciate it. Thank you. I appreciate your time. Thank you."

**Closed Session - G.S. § 143-318.11(a)(3)**

Upon a motion by Vice Chairperson Sue Lee and seconded by Commissioner Godwin, the Board voted unanimously to enter into Closed Session. Upon a motion by Vice Chairperson Sue Lee and seconded by Commissioner Godwin the Board voted unanimously to come out of Closed Session. Upon a motion by Commissioner Godwin and seconded by Commissioner McLamb the Board voted unanimously to accept the terms of the settlement between Akers et al. and County of Sampson and to authorize the Chairman to execute the settlement agreement.

**Adjournment**

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

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/signed copy on file in Clerk's Office

R. Jerol Kivett, Chairman

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/signed copy on file in Clerk's Office

Stephanie P. Shannon, Clerk to the Board