

STATE OF NORTH CAROLINA

COUNTY OF STOKES

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OFFICE OF THE COMMISSIONERS
STOKES COUNTY GOVERNMENT
DANBURY, NORTH CAROLINA
AUGUST 9, 2004

The Board of Commissioners of the County of Stokes, State of North Carolina, met in regular session at the Walnut Cove Colored School, Inc. (Walnut Cove Senior Center) located in Walnut Cove, North Carolina, on Monday, August 9, 2004, at 7:00 pm with the following members present:

Chairman Sandy McHugh
Vice-Chairman John Turpin
Commissioner Howard Mabe
Commissioner Leon Inman
Commissioner Joe Turpin

County Manager Richard Morris
County Attorney Jonathan Jordan
Darlene Bullins, Clerk to the Board

Mr. Jack Veit – Stokes Intern

Chairman McHugh called the meeting to order.

Ms. Shannon Fenner, Walnut Cove, NC delivered the invocation.

GENERAL GOVERNMENT-GOVERNING BODY-PLEDGE OF ALLEGIANCE

Chairman McHugh opened the meeting by inviting the citizens in attendance to join the Board with the Pledge of Allegiance.

PUBLIC HEARING – PROPOSED FRANCHISE AGREEMENT RENEWAL-TIME WARNER CABLE

Chairman McHugh called the Public Hearing for the Proposed Franchise Agreement Renewal – Time Warner Cable to order.

Mr. Ed Gambill
1654 Mountainview Road
King, NC 27021

Mr. Gambill spoke to the Board concerning the Proposed Franchise Agreement Renewal-Time Warner Cable. Mr. Gambill presented the Board with a handout concerning "Cable Insertion Advertising". Mr. Gambill spoke on the disparity between advertising for merchants in Walnut Cove and merchants in King. All merchants in the County should have the same opportunity. Mr. Gambill urged the Board of Commissioners to include language in this Franchise Agreement that will cause Time Warner or any other company to have to provide cable insertion available to local merchants at fair and reasonable prices. (A copy of Mr. Gambill's handout will be included with the original minutes of August 9th.)

There were no further public comments.

Chairman McHugh called the Public Hearing for the Proposed Franchise Agreement Renewal – Time Warner Cable to close.

GENERAL GOVERNMENT –GOVERNING BODY-APPROVAL OF MINUTES

Chairman McHugh entertained a motion to approve or amend the minutes of the July 26th meeting.

Commissioner Inman moved to approve the minutes of the July 26th meeting.

Commissioner Joe Turpin seconded and the motion carried unanimously.

PUBLIC COMMENTS

There were no public comments.

GENERAL GOVERNMENT – LEGAL-PROPOSED CABLE RENEWAL – INFORMATIONAL

County Attorney Jonathan Jordan presented Mr. David Harris, Piedmont Triad Council of Governments who presented information concerning the renewal process of the Franchise Agreement with Time Warner Cable.

Mr. Harris spoke on the following issues:

- Start of renewal process
- Public Hearing to receive citizen input
- Review of County's present Ordinance
- Next Step –negotiations renewal with Time Warner

Chairman McHugh presented Mr. Harris a copy of the Cable Insertion Advertising handout presented by Mr. Gambill to address those concerns in the negotiations.

Commissioner Mabe requested information concerning right-a-way and easements with landowners before any digging is performed.

Mr. Buck Yarborough, Time Warner Cable, spoke right-a-way issues.

Mr. Yarborough stated that every available means was used to contact landowners if possible before any digging is performed.

GENERAL GOVERNMENT – LEGAL-PROPOSED CABLE ORDINANCE

Mr. David Harris, Piedmont Triad Council of Governments, requested the Board's consideration of adoption of the Proposed Ordinance Amending the Stokes County Code Governing Cable Television Services. Mr. Harris reiterated that the Cable Insertion Advertising would be investigated further for negotiations for the franchise renewal with Time Warner Cable.

Mr. Harris stated this proposed ordinance included the following:

- Sets down all definitions by Federal Statutes
- Sets down customer service standards
- Penalties for noncompliance with a franchise
- Charge standards
- Installation standards
- Instructions standards
- Franchise fees paid to County
- Gross Income – 5% to County
- Longer the franchise agreement –less cost to customers
- Nothing in ordinance to cost subscribers more each month

Mr. Harris concluded that the franchise renewal with Time Warner Cable will be presented to the Board at two separate meetings (per General Statutes) before the final passage.

Chairman McHugh entertained a motion to approve the Proposed Cable Franchise Ordinance.

Vice Chairman John Turpin moved to approve the Proposed Cable Franchise Ordinance.

Commissioner Inman seconded and the motion carried unanimously.

(The original signed copy of the approved Ordinance Amending the Stokes County Code Governing Cable Television Services will be placed in the Ordinance Book with a copy available from the Clerk to the Board or County Attorney).

GENERAL GOVERNMENT – SOCIAL SERVICES – WORK FIRST BIENNIAL COUNTY PLANNING

DSS Director Jan Spencer presented the following information concerning the Work First Biennial County Planning for DSS:

- All counties mandated to submit County Work First Block Grant Plan
- First step – Selection whether Stokes Co. will be a “Standard” or “Electing” County
- “Electing” Counties –granted additional latitude to determine their own eligibility criteria and payment amounts
- Possible changes from the State after the Election
- Must be chosen by September 30, 2004
- New plan will be effective October 1, 2005
- Nine other counties are “electing counties” with Wilkes County being the closest

The Board discussed the options of selecting a “Standard” or “Electing” County.

The Board requested DSS Director Spencer to obtain any additional information available concerning being an “Electing County” for the Board’s consideration with consideration to be at a later meeting.

GENERAL GOVERNMENT-SENIOR SERVICES-BUDGET ORDINANCE AMENDMENT #4

Finance Director Julia Edwards requested the approval of Budget Ordinance Amendment #4 which is necessary to amend the General Fund to appropriation funds insurance claims. The appropriations are to be changed as followed:

Account Number	EXPENDITURES	Decrease	Increase
100.4310.351	Senior Services Maint. & Repairs Auto		\$1,833.00
			<hr/> \$1,833.00

This will result in a net increase of \$1,833.00 in the appropriations of the General Fund. To provide the additional revenue for the above, the following revenues will be increased.

Account Number	REVENUES	Decrease	Increase
100.3839.850	Insurance Claims		\$1,833.00
			<hr/> \$1,833.00

Chairman McHugh entertained a motion to approve Budget Ordinance Amendment #4.

Commissioner Joe Turpin moved to approve Budget Ordinance Amendment #4.

Commissioner Inman seconded and the motion carried unanimously.

GENERAL GOVERNMENT-CO-OP-BUDGET ORDINANCE AMENDMENT #5

Finance Director Julia Edwards requested the approval of Budget Ordinance Amendment #5 which is necessary to amend the General Fund to appropriate funds remaining in the account from Tobacco Trust Grant. The appropriations are to be changed as followed:

Account Number	EXPENDITURES	Decrease	Increase
	Farmers’ Market		

203.4760.440	Misc. Contractual Services	\$24,279.00
		<u>\$24,279.00</u>

This will result in a net increase of \$24,279.00 in the appropriations of the General Fund. To provide the additional revenue for the above, the following revenues will be increased.

Account Number	REVENUES	Decrease	Increase
203.3991.000	Fund Balance		\$24,279.00
			<u>\$24,279.00</u>

Chairman McHugh entertained a motion to approve Budget Ordinance Amendment #5.

Commissioner Mabe moved to approve Budget Ordinance Amendment #5.

Vice Chairman John Turpin seconded and the motion carried unanimously.

GENERAL GOVERNMENT –ELECTIONS DEPARTMENT-BUDGET ORDINANCE AMENDMENT #6

Finance Director Julia Edwards requested the approval of Budget Ordinance Amendment #6, which is necessary to amend the General Fund for transfer from Capital Reserve and Election Budget for additional hours for part time employee. The appropriations are to be changed as followed: (Additional hours needed due to run off election, full time employee transferred to Home Health, unable to interview due to a death in the family of a Board Member)

Account Number	EXPENDITURES	Decrease	Increase
	General Fund		
	Elections		
100.4170.000	Salaries and Wages	\$753.00	
100.4170.020	Salaries & Wages-Part Time		\$3,639.00
100.4170.090	Social Security		\$179.00
100.4170.091	Medicare Tax		\$42.00
100.4170.100	Retirement	\$37.00	
100.4170.110	Group Insurance	\$277.00	
		<u>\$1,067.00</u>	<u>\$3,860.00</u>
	Capital Reserve Fund		
201.4170.022	Elections	\$2,793.00	
201.9810.000	Transfer to General Fund		\$2,793.00
		<u>\$2,793.00</u>	<u>\$2,793.00</u>

This will result in a net increase of \$2,793.00 in the appropriations of the General Fund. To provide the additional revenue for the above, the following revenues will be increased.

Account Number	REVENUES	Decrease	Increase
100.3982.960	Transfer from Capital Reserve		\$2,793.00
			<u>\$2,793.00</u>

Chairman McHugh entertained a motion to approve Budget Ordinance Amendment #6.

Vice Chairman John Turpin moved to approve Budget Ordinance Amendment #6.

Commissioner Inman seconded and the motion carried unanimously.

GENERAL GOVERNMENT-GOVERNING BODY-JUVENILE CRIME PREVENTION COUNCIL -RE-APPOINTMENTS AND APPOINTMENTS

Chairman McHugh submitted information from Jack Moore, Chief Court Counselor, which stated that all candidates recommended by the Stokes County Juvenile Crime Prevention Council to the Board at the July 26th meeting were either residents of Stokes County or employed in Stokes County.

Chairman McHugh entertained a nomination for re-appointments and new appointments to the Stokes County Juvenile Crime Prevention Council.

Commissioner Mabe submitted the following re-appointees and new appointees:

Re- Appointees

Michael Wells	School Superintendent Designee	6/30/2005
Danny Bottoms	Sheriff's Department Designee	6/30/2005
Tom Langan	DA's Designee	6/30/2005
Jack Moore	Chief Court Counselor	6/30/2005
Jan Spencer	Social Services Director	6/30/2005
Darlene Bullins	County Manager Designee	6/30/2005
Jane Williams	Substance Abuse Professional	6/30/2005
Kathy Ford	Judge's Designee	6/30/2006
Leon Inman	County Commissioner	6/30/2006
Tiffany Cone	County Commissioner Appointee	6/30/2006
Renna Giles	County Commissioner Appointee	6/30/2006
Rebecca Warren	Local Health Director/Designee	6/30/2006

New Appointees

Kathy Murray	Director, AMH/DD/SA	6/30/2006
Brandon West	Defense Attorney	6/30/2006
Robert Jackson	King PD Designee	6/30/2006
Sharon Conrad	Ex-Officio	
Clyde Stewart	Ex-Officio	
Ann Doherty	Ex-Officio	

Commissioner Mabe amended his nominations to include Rebecca Warren replacing Wanda Hicks. The Board can consider the nominations at the August 23rd meeting.

GENERAL GOVERNMENT –ADMINISTRATION – PROPOSED FISCAL YEAR 2004/05 TRANSPORTATION PROGRAM UPDATE

County Manager Rick Morris presented proposed contracts with fiscal year 2004/05 Acquisition Strategy for Stokes County Transportation Services for Yadkin Valley Economic Development District Inc (YVEDDI) and JD Cruises Transportation for Senior Services.

Manager Morris stated that only one item had been added to the Acquisition Strategy since the last meeting: Option to add additional private carriers should one become available and be to the best interest of the County. Any addition would be brought back to the Board for approval.

Manager Morris noted the following:

- New rate of \$1.10 per mile for each contract
- Contractor shall not invoice for any driver waiting time
- Contractor shall invoice for mileage both ways for no shows if returned to their office
- Both carriers approved the proposed contract
- These contracts serve Senior Services
- DSS has separate contracts that must be approved by DSS Board
- Quarterly review for each carrier will be conducted

Manager Morris requested the Board approve the submitted contracts for YVEDDI and JD Cruises Transportation retroactive to July 1, 2004 along with the final version of the Acquisition Strategy.

Chairman McHugh entertained a motion to approve the Transportation Strategy, Transportation Contract with JD Cruises and Transportation Contract with Yadkin Valley Economic Development District, Inc.

Commissioner Inman moved to approve the Transportation Strategy, Transportation Contract with JD Cruises and Transportation Contract with Yadkin Valley Economic Development District, Inc. Vice Chairman John Turpin seconded and the motion carried unanimously.

**GENERAL GOVERNMENT – GOVERNING BODY – REQUEST FOR ADDITIONS
NC SECONDARY ROAD SYSTEM –STERLING POINTE DRIVE AND HAYES
DRIVE IN CLARMONT ACRES**

Chairman McHugh presented the requested information from the July 26th meeting concerning the non-system paved roads being requested for addition to the State Maintenance System does not effect the Secondary Road Program for unpaved roads that are already on the system as stated by Mr. Robert McMath, NCDOT - Assistant District Engineer. Mr. McMath also stated that the money allocated to each county for the Secondary Road Program for paving unpaved roads is determined by using the miles of unpaved roads in each County and that the Developer had the authority to petition for all property owners on the requested road.

The Board continued the discussion of adding the requested Roads –Sterling Pointe Drive and Hayes Drive to the State Maintained Secondary Road System.

Chairman McHugh entertained a motion to approve the requests for addition to the NC Secondary Road System for Sterling Pointe Drive and Hayes Drive in Clarmount Acres.

Commissioner Mabe moved to approve the requests for addition to the NC Secondary Road System for Sterling Pointe Drive and Hayes Drive in Clarmount Acres.

Commissioner Inman seconded the motion.

Commissioner Joe Turpin noted that taxpayers are having to fund roads that Contactors and Developers are making money off of.

Vice Chairman John Turpin noted the increasing number of subdivision roads being requested which adds to the existing Secondary Road Program.

The motion for addition to the NC Secondary Road System for Sterling Pointe Drive and Hayes Drive in Clarmount Acres carried (3-2) with Vice Chairman John Turpin and Commissioner Joe Turpin voting against the motion.

**GENERAL GOVERNMENT – LEGAL – PROPOSED RESOLUTION –CALLING FOR RETENTION OF
MEDICARE/MEDICAID BENEFITS FOR ELIGIBLE JUVENILE AND ADULT INMATES IN COUNTY FACILITIES**

County Attorney Jonathan Jordan presented the previous request of the Board for a Proposed Resolution Calling for Retention of Medicare/Medicaid Benefits for Eligible Juvenile and Adult Inmates in County Facilities.

Chairman McHugh entertained a motion to approve the Proposed Resolution Calling for Retention of Medicare/Medicaid Benefits for Eligible Juvenile and Adult Inmates in County Facilities. County Attorney Jordan noted the Resolution if adopted would be sent to Congress, 5th District Congressional Candidates, NCACC, and NACO, and other counties.

Commissioner Mabe moved to approve Proposed Resolution Calling for Retention of Medicare/Medicaid Benefits for Eligible Juvenile and Adult Inmates in County Facilities.

Vice Chairman John Turpin seconded and the motion carried unanimously.

GENERAL GOVERNMENT – LEGAL – REPORT FROM FIFTH DISTRICT CONGRESSIONAL CANDIDATES

County Attorney Jonathan Jordan presented the following responses from the 5th District Congressional Candidates which received the Draft Resolution Calling for Retention of Medicare/Medicaid Benefits for Eligible Juvenile and Adult Inmates in County Facilities:

5th District Congressional Candidate Vernon Robinson

I will work in Congress to remove the burden of prisoner health care costs from the taxpayers at the County level. Most local prisoners are awaiting trial, as such they are presumed innocent and should not be "punished" by losing Medicare/Medicaid eligibility. This action doesn't punish the prisoner but does punish the local taxpayer by increasing the tax burden on them. Citizens should not have to choose between higher taxes to pay for prisoner health care and not incarcerating lawbreakers who should be in jail.

5th District Congressional Candidate Virginia Foxx

Thank you for your letter and resolution regarding the issue of Medicare and Medicaid for un-convicted incarcerated people held in local facilities. I would support efforts to make sure that eligibility would not be denied such people just because they became incarcerated. When elected to Congress, I will make this one of my priorities and look forward to your assistance with some of the details. If I can respond to any other concerns, please let me know.

5th District Congressional Candidate Dr. Jim Harrell, Jr.

As a County Commissioner, I sympathize with the problem and agree it needs to be corrected. As a Congressman, I would work to get the law rectified.

GENERAL GOVERNMENT – ADMINISTRATION – PROPOSED THIRD FLOOR RENOVATIONS

County Manager Rick Morris requested guidance from the Board concerning Fire Marshal, EMS, and Elections. Manager Morris stated there was no current funding in the Fiscal year 2004/05 for renovations of the Third Floor of the Ronald Wilson Reagan Memorial Building.

Commissioner Joe Turpin commented on the existing staff that had been added for the collection of delinquent bills, the lack of funding being collected, possible additional courtroom, and third floor possibly impracticable for EMS.

Commissioner Joe Turpin moved to approve the motion to leave the current offices the way they are.

Commissioner Mabe seconded the motion.

The Board continued the discussion concerning appropriation for renovations of space on the third floor, space needed for EMS/Fire, and space needed for Elections..

Commissioner Joe Turpin withdrew his motion to leave the current offices the way they are.

Commissioner Mabe withdrew his second to the motion.

Commissioner Inman suggested the County Manager evaluate each office site, Commissioners take a tour of the current office space, and possibly reporting to the Board concerning the EMS current and delinquent collections.

County Manager Morris noted that current and delinquent revenue for EMS Collections would be brought to the Board on a regular basis.

GENERAL GOVERNMENT – ADMINISTRATION – KING CLINIC UPDATE

County Manager Rick Morris presented a report from ProClean Inc., which suggested the following concerning the mold at the King Clinic:

Scope of Additional Work

1. Document moisture readings note areas of remediation if needed
2. Turn off air conditioning system and install critical barriers of six-mil Polyethylene sheeting placed over all openings.
3. Establish containment critical barriers, airlocks, a negative preservation with HEPA filter exhaust
4. If needed – remove mold infested materials paneling, insulation, wood, etc.
5. Cleaning/Disinfect, HEPA vac/wipe entire residence with microband. Upper/lower areas. Structure/contents
6. Install HEPA filtered air scrubber
7. Inspect work performed
8. Estimated cost \$4,291.73 – high end of estimate

Other items needed would be drains around the building and some type of covering for the Floor – tile, paint, etc. (before ProClean came in). Another air sample test after the completion of these services would be necessary (not to exceed to \$700).

The Board continued the discussion of investing further funding to evaluate the mold problem, value of the property, and options for the building.

The Board requested County Manager Morris to obtain the acreage and tax value and cost for installing drains for further consideration.

GENERAL GOVERNMENT – SOLID WASTE – GREENBOX SITE –ADVERTISING –PINNACLE SITE

County Manager Rick Morris presented a pilot program to the Board for consideration to allow advertising at the Pinnacle Greenbox Site for exchange of lawn services at the Site. A 3'x5' sign advertising lawn services would be placed on the fence.

Chairman McHugh entertained a motion to approve the Pilot Project of allowing a gentleman to mow at the Pinnacle Dumpster Site in exchange for a sign on the fence and at any other site.

Vice Chairman John Turpin moved to approve the Pilot Project of allowing a gentleman to mow at the Pinnacle Dumpster Site in exchange for a sign on the fence and at any other site.

Commissioner Joe Turpin seconded the motion.

Vice Chairman John Turin amended his motion to include the sign to be no larger than 4'x8'.

Commissioner Joe Turpin amended his second to the motion.

The amended motion to approve the Pilot Project of allowing a gentleman to mow at the Pinnacle Dumpster Site in exchange for a sign no larger than 4'x8' on the fence and at any other site carried unanimously.

GENERAL GOVERNMENT – ADMINISTRATION – PROPOSED ADDITION TO THE WALNUT COVE LIBRARY

County Manager Rick Morris noted to the Board that the Walnut Cove Library Board had presented information concerning a proposed \$500,000 building addition to the current library. Manager Morris suggested that the Walnut Cove Library Board present the proposal to the Board of Commissioners at a later date.

GENERAL GOVERNMENT-ADMINISTRATION - INTERNSHIP

County Manager Rick Morris recognized the end of the internship program of Jack Veit. Manager Morris commended the work performed by Mr. Veit during the summer.

Mr. Jack Veit expressed his appreciation to the Board of Commissioners for allowing him to complete this requirement of his Master's Program with Stokes County.

GENERAL GOVERNMENT – GOVERNING BODY – VOTING DELEGATE TO THE NCACC ANNUAL CONFERENCE

Clerk to the Board Darlene Bullins requested the Board delegate Chairman Sandy McHugh as the Voting Delegate for Stokes County at the 97th Annual Conference of the North Carolina Association of County Commissioners to be held in Buncombe County on August 19-22, 2004.

Commissioner Inman moved to approve Chairman Sandy McHugh as the Voting Delegate for Stokes County at the 97th Annual Conference of the North Carolina Association of County Commissioners to be held in Buncombe County on August 19-22, 2004.

Commissioner Joe Turpin seconded and the motion carried unanimously.

CLOSED SESSION

Chairman McHugh moved to enter into closed session to consult with the County Attorney retained by the County in order to preserve the attorney-client privilege to consider and give instructions to the Attorney concerning the handling of a mediation or administrative procedure pursuant to G.S. 143-318-11(a)(3).

Commissioner Inman seconded and the motion carried unanimously.

The Board returned to the regular session of the August 9th meeting.

GENERAL GOVERNMENT – GOVERNING BODY – STOKES REYNOLDS MEMORIAL HOSPITAL –SECOND AMENDMENT TO AGREEMENT OF LEASE

County Attorney Jonathan Jordan stated due to the denial of the certificate of need for the new hospital in King to be approved and built, Attorney Jordan requested the Board's approval of the extension of the current lease of the hospital facility by adopting the Second Amendment to Agreement of Lease.

Chairman McHugh entertained a motion to approve the Second Amendment to Agreement of Lease between County of Stokes and Stokes Reynolds Memorial Hospital, Inc. and North Carolina Baptist Hospital.

Commissioner Inman moved to approve the Second Amendment to Agreement of Lease between County of Stokes and Stokes Reynolds Memorial Hospital, Inc. and North Carolina Baptist Hospital. Vice Chairman John Turpin seconded and the motion carried unanimously.

County Attorney Jonathan Jordan also requested the approval of the Letter of Agreement between Stokes County, Stokes Reynolds Memorial Hospital, Inc. and North Carolina Baptist Hospital.

Chairman McHugh entertained a motion to approve the Letter of Agreement between Stokes County, Stokes Reynolds Memorial Hospital, Inc. and North Carolina Baptist Hospital.

Commissioner Joe Turpin moved to approve the Letter of Agreement between Stokes County, Stokes Reynolds Memorial Hospital, Inc. and North Carolina Baptist Hospital.

Vice Chairman John Turpin seconded and the motion carried unanimously.

(A copy of the Second Amendment to Agreement to Lease and Letter of Agreement will be obtained in the County Attorney and Clerk to the Board's offices.)

There being no further business to come before the Board, Vice Chairman John Turpin moved to adjourn the meeting. Commissioner Joe Turpin seconded and the motion carried unanimously.

Darlene Bullins
Clerk to the Board

Sandy McHugh
Chairman