

STATE OF NORTH CAROLINA            )           OFFICE OF THE COMMISSIONERS  
  )                       STOKES COUNTY GOVERNMENT  
COUNTY OF STOKES                 )           DANBURY, NORTH CAROLINA  
  )                       AUGUST 8, 2005

The Board of Commissioners of the County of Stokes, State of North Carolina, met for regular session in the Commissioners' Chambers of the Ronald Wilson Reagan Memorial Building (Administrative Building) located in Danbury, North Carolina on Monday, August 8, 2005 at 7:00 pm with the following members present:

Chairman John Turpin  
Vice-Chairman Leon Inman  
Commissioner Sandy McHugh  
Commissioner Joe Turpin  
Commissioner Jimmy Walker

County Personnel in Attendance:  
County Manager Richard Morris  
County Attorney Jonathan Jordan  
Clerk to the Board Darlene Bullins  
Finance Director Julia Edwards  
Fire Marshal Brad Cheek  
Public Works Director Jay Kinney  
Walnut Cove Senior Center Director Vicky East

Chairman John Turpin called the meeting to order.

County Manager Rick Morris delivered the invocation.

#### **GENERAL GOVERNMENT-GOVERNING BODY-PLEDGE OF ALLEGIANCE**

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

#### **GENERAL GOVERNMENT -GOVERNING BODY-APPROVAL OF MINUTES**

Chairman John Turpin entertained a motion to approve or amend the minutes of July 25, 2005.

Commissioner Joe Turpin moved to approve the minutes of July 25, 2005.

Vice Chairman Inman seconded and the motion carried unanimously.

#### **GENERAL GOVERNMENT - GOVERNING BODY - HANGING ROCK DISTRICT BOY SCOUTS**

Chairman John Turpin informed those in attendance that Ms. Joyce Gibson would be videotaping the meeting for the Hanging Rock District Boy Scouts for viewing by scouts ages 11 ½ to 18 to help teach communication and citizenship for the Community Merit Badge.

#### **PUBLIC COMMENTS**

##### **Sam Simmons**

129 Beechtree Lane  
King, NC 27021

RE: **News Article - BOH Clarification**

Mr. Simmons expressed deep concerns over the Friday -Winston Salem Journal's article which indicated decisions at the Wednesday's Board of Health were based on political motivation. Mr. Simmons noted questions have been raised concerning the method of voting at the Wednesday's meeting. Mr. Simmons requested the Board of Commissioners consider allowing Board of Health members to meet again to revote or sign the ballots.

Mr. Simmons also commented on the freedom of speech, which allows an individual to speak in an open forum.

## **GENERAL GOVERNMENT - GOVERNING BODY - DUKE POWER PRESENTATION**

District Manager Jimmy Flythe, Duke Power-Government/Business Relations presented an commemorative engraved shovel on behalf of Duke Power and Belews Creek Steam Station to Chairman John Turpin.

Mr. Flythe noted the great working relationship between Stokes County and the Belews Creek Steam Station for over thirty years. The commemorative shovel recognized the participation by the County (Chairman John Turpin) with the groundbreaking ceremony on May 20, 2005 at the Belews Creek Steam Station that announced the scrubber project to reduce sulfur dioxide.

## **GENERAL GOVERNMENT - PUBLIC WORKS - SCOTT BRANCH DRAINAGE IMPROVEMENT PROJECT**

Chairman John Turpin briefed the Board concerning the Scott Branch Drainage Improvement Project which was completed in 1998 with financial assistance from the North Carolina Department of Environment, Health, and Natural Resources. Public Works Director Jay Kinney presented a brief history of the project and its association with the installation of the Regional Sewer System. The project made improvements to the channel and culvert in order to improve drainage and reduce peak flooding downstream caused by the runoff from the Stokes County Government Center Complex.

Chairman John Turpin and Public Works Director Jay Kinney had received concerns from a landowner that, over the years, debris had jammed up the flow of water through the culverts causing damage both upstream and downstream around the creek crossings.

The landowner also stated the impassable conditions, which will not allow fire trucks if needed.

Chairman John Turpin requested Board members to review the copy of the minutes of October 21, 1997, which verified that, the Board of Commissioners in 1997 approved a Resolution with the NC Department of Environment, Health, and Natural Resources to receive financial assistance, which was 66 2/3 percent of the project construction cost.

Chairman John Turpin noted item #9 of the Resolution, which states the following:

- The Board accepts responsibility for the operation and maintenance of the completed project.

Director Kinney presented the following bids to restore the bank and culvert drive to the landowner's home if directed by the Board:

- BRV Grading = \$3,735.00
  - Plant It Earth = \$8,150.00\*
  - Montgomery Bros = \$9,000.00\*\*
- \*Bid states it could be more or less dependent upon materials needed  
\*\*Bid includes concrete to stabilize rip rap

Director Kinney stated that he had consulted Moorefield Engineering to review the project for structural opinions. Mr. Moorefield's first comment was to also include concrete for stabilization.

The Board discussed use of public funds for improving private property, legal opinion of Resolution adopted in October 1997, current sewer system, and bids secured by Director Kinney.

Chairman John Turpin entertained a motion that the County accepts responsibility for the operation and maintenance of the completed Scott Branch Drainage Project.

Commissioner McHugh moved to approve the motion that the County accepts responsibility for the operation and maintenance of the completed Scott Branch Drainage Project.

Chairman John Turpin seconded the motion.

County Attorney Jonathan Jordan noted the legal obligation imposed on the County by approving the Resolution, which included Item #9 "The Board accepts responsibility for the operation and maintenance of the completed project".

The Board continued discussion concerning the liability associated with Item #9 of the Resolution adopted on October 21, 1997. The motion carried unanimously.

The Board discussed the submitted bids and the option to re-bid the project in order to obtain a formal consultation from Moorefield Engineering and advertise the bid with the concrete specifications. County Manager Rick Morris suggested the Board allow Support Services Supervisor Danny Stovall procure a formal bid for the project.

Chairman John Turpin entertained a motion to reject all bids submitted for the Scott Branch Drainage Project.

Commissioner Joe Turpin moved to reject all bids submitted for the Scott Branch Drainage Project.

Vice Chairman Inman seconded and the motion carried unanimously.

Chairman John Turpin directed Director Kinney to consult Mr. Stovall to proceed with a formal bid which includes specifications from Moorefield Engineering and to inform the landowner of the proposed plans.

## **GENERAL GOVERNMENT - EMERGENCY MANAGEMENT - PROPOSED NATIONAL INCIDENT MANAGEMENT SYSTEM - PROCLAMATION**

Chairman John Turpin informed the Board that Emergency Services Director Monty Stevens was unable to attend the meeting due to sickness and the Fire Marshal Brad Cheek would be presenting the agenda item.

Fire Marshal Brad Cheek presented the proposed Proclamation for National Incident Management System for approval.

Fire Marshal Cheek explained the Homeland Security Presidential Directive 5 (HSPD 5) which outlines the establishment of a National Incident Management System (NIMS) that affects governments at all levels during the times of emergencies.

A few of the items that are addressed in the system are:

- Standardized Terminology
- Standardized Organizational Structures
- Unified Command Structures
- Resource Management
- Standardized Training

Fire Marshal Cheek noted that the proposed Proclamation -National Incident Management System must be approved before September 30, 2005 and the County be in compliance by 2007 in order for the County to be eligible to receive future federal funding.

Fire Marshal Cheek noted the following items concerning the National Incident Management System-Proclamation:

- Provides a consistent nationwide approach for all governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity
- To facilitate the most efficient and effective incident management, all governments will utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designed incident facilities during emergencies or disasters
- Recommended by the National Commission on Terrorist Attacks (9-11 Commission)

Chairman John Turpin entertained a motion to approve the following Proclamation -National Incident Management System:

**STOKES COUNTY  
NORTH CAROLINA**

**NATIONAL INCIDENT MANAGEMENT SYSTEM**

### **PROCLAMATION**

**WHEREAS**, the President in Homeland Security Directive (HSPD) - 5 directed the Secretary of the Department of Homeland Security to develop and administer a National Incident management System (NIMS), which would provide a

consistent nationwide approach for Federal, State, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity;

**WHEREAS**, the collective input and guidance from all Federal, State, local and tribal homeland security partners have been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS;

**WHEREAS**, it is necessary and desirable that all Federal, State, local, and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management;

**WHEREAS**, to facilitate the most efficient and effective incident management it is critical that Federal, State, local, and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters;

**WHEREAS**, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the State's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes.

**WHEREAS**, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the State, including current emergency management training programs; and

**WHEREAS**, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System;

**NOW, THEREFORE, WE, THE STOKES COUNTY BOARD OF COMMISSIONERS** , do hereby establish the National Incident Management System (NIMS) as the County Standard for incident management.

This Proclamation shall take effect on the **8th** day of **August 2005**.

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**Chairman**  
**Stokes County Board of Commissioners**

ATTEST:

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**Clerk to the Board**

Commissioner Joe Turpin moved to approve the Proclamation - National Incident Management System. Commissioner McHugh seconded and the motion carried unanimously.

#### **GENERAL GOVERNMENT - WALNUT COVE SENIOR CENTER ADVISORY COUNCIL - BY LAWS**

Walnut Cove Senior Center Director Vicky East presented the proposed Walnut Cove Senior Center Advisory By Laws, which had been approved by County Attorney Jonathan Jordan and County Manager Rick Morris for the Board's review and consideration.

Director East noted the need for the By-Laws, which have also been approved by the Walnut Cove Senior Center Advisory Committee which is a NC requirement for multipurpose Senior Centers.

The Board discussed the submitted By-Laws.

Chairman John Turpin entertained a motion to approve the submitted Walnut Cove Senior Center Advisory Council - By Laws.

Commissioner Joe Turpin moved to approve the submitted Walnut Cove Senior Center Advisory Council - By Laws.

Commissioner McHugh seconded and the motion carried unanimously.

(A copy of the By-Laws will be retained by the Clerk to the Board of Commissioners, Walnut Cove Senior Center, and County Attorney)

**GENERAL GOVERNMENT - GOVERNING BODY - PROPOSED RESOLUTION -  
SUPPORTING PUBLIC USE OF FIRE DEPARTMENT FACILITIES**

County Manager Rick Morris presented the following proposed Resolution -  
Supporting Public Use of Fire Department Facilities as requested by the Board:

**RESOLUTION**

**SUPPORTING PUBLIC USE OF  
FIRE DEPARTMENT FACILITIES**

**WHEREAS**, The Stokes County Board of Commissioners would like to commend those volunteer fire departments in the County that allow public use of their facilities; and

**WHEREAS**, the volunteer fire departments are funded using tax payer funds through the County's fire tax; and

**WHEREAS**, The Stokes County Board of Commissioners would encourage all volunteer fire departments in the County to allow public use of their facilities in a way that would not interfere with their normal operations (training or otherwise); and

**NOW, THEREFORE, WE, THE STOKES COUNTY BOARD OF COMMISSIONERS** do hereby request that each fire department located in the County, with the exception of King and Walnut Cove, provide answers to the following questions through the County Manager to the Board in writing:

- Does your fire department allow public use of your facilities?
- If the public is allowed use of the facilities, how is it managed and for what type of purposes are the facilities used?
- If the public is not allowed use of fire department facilities, what is the reason?
- If the public is not currently allowed use of fire department facilities, is the department willing to reconsider this policy and open the facilities to public use?

Adopted this 8<sup>th</sup> day of August 2005.

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**John M. Turpin**  
Chairman

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**Darlene M. Bullins**  
Clerk to the Board

Manager Morris also presented the Board with a letter from Lawsonville Vol. Fire Chief Keith Lawson who already responded to the public use of Fire Department Facilities.

(A copy will be retained by the Clerk to the Board of Commissioners)

The Board further discussed the use of fire departments facilities.

Chairman John Turpin entertained a motion to approve the submitted Resolution Supporting Public Use of Fire Department Facilities.

Commissioner Walker moved to approve the submitted Resolution Supporting Public Use of Fire Department Facilities.

Commissioner Joe Turpin seconded and the motion carried unanimously.

Chairman John Turpin directed the County Manager to request that the Fire Departments return their responses to the Resolution to the County Manager within the next four weeks.

**GENERAL GOVERNMENT - ADMINISTRATION/JAIL - AMENDMENT- JAIL MEDICAL CONTRACT**

County Manager Rick Morris postponed the agenda item (Amendment - Jail Medical Contract) due to the legal review from Stokes Reynolds Memorial Hospital had not been completed. Manager Morris will present the amendment at the August 22<sup>nd</sup> meeting.

**GENERAL GOVERNMENT - ADMINISTRATION - PROPOSED 2005/06 CENTERPOINT PERFORMANCE AGREEMENT**

County Manager Rick Morris presented the proposed 2005/06 CenterPoint Performance Agreement which had been slightly modified (termination clause) by the County Attorney from the proposed agreement given to the Board during budget work sessions. County Attorney Jonathan Jordan had approved the proposed agreement.

CEO Betty Taylor had informed the manager that the CenterPoint Board would review the proposed agreement on August 18<sup>th</sup>.

The Board discussed the new provider "Triumph" which replaces "Hope Ridge", to serve the needs of County, and the first opinion program.

County Manager Morris requested the Board review the proposed agreement and inform him of any concerns in order to consult with CEO Betty Taylor before the 18<sup>th</sup>. The proposed performance agreement will be presented at the August 22<sup>nd</sup> meeting.

**GENERAL GOVERNMENT - EMERGENCY MEDICAL SERVICES- BUDGET ORDINANCE AMENDMENT #6**

Finance Director Julia Edwards requested the approval of Budget Ordinance Amendment #6 which is necessary to amend the General Fund to appropriate grants for training from the Department of Insurance. The appropriations are to be changed as followed:

| Account Number | EXPENDITURES                      | Decrease | Increase          |
|----------------|-----------------------------------|----------|-------------------|
|                | <b>Emergency Medical Services</b> |          |                   |
| 100.4370.311   | Training                          |          | \$2,000.00        |
|                |                                   |          | <u>\$2,000.00</u> |

This will result in a net decrease of \$2,000.00 in the appropriations of the General Fund. To provide the additional revenue for the above, the following revenues will be decreased:

| Account Number | REVENUES           | Decrease | Increase          |
|----------------|--------------------|----------|-------------------|
| 100.3301.366   | Dept. of Insurance |          | \$2,000.00        |
|                |                    |          | <u>\$2,000.00</u> |

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

Commissioner Joe Turpin moved to approve Budget Ordinance Amendment #6.

Vice Chairman Inman seconded and the motion carried unanimously.

**GENERAL GOVERNMENT - EMERGENCY MEDICAL SERVICES- BUDGET ORDINANCE AMENDMENT #7**

Finance Director Julia Edwards requested the approval of Budget Ordinance Amendment #7 which is necessary to amend the Grant Fund to appropriate funds for HRSA Grant from the NC Office of EMS to purchase a Mass Casualty Incident Trailer Equipment. The appropriations are to be changed as followed:

| Account Number | EXPENDITURES                      | Decrease | Increase           |
|----------------|-----------------------------------|----------|--------------------|
|                | <b>Emergency Medical Services</b> |          |                    |
| 203.4330.260   | Departmental Supplies             |          | \$5,780.00         |
| 203.4330.510   | Equipment                         |          | \$7,900.00         |
| 203.4330.511   | Equipment - Non Capitalized       |          | \$1,829.00         |
|                |                                   |          | <u>\$15,509.00</u> |

This will result in a net increase of \$15,509.00 in the appropriations of the Grant Fund. To provide the additional revenue for the above, the following revenues will be increased:

| <b>Account Number</b> | <b>REVENUES</b>  | <b>Decrease</b> | <b>Increase</b>    |
|-----------------------|------------------|-----------------|--------------------|
| 203.3301.013          | NC Office of EMS |                 | \$15,509.00        |
|                       |                  |                 | <u>\$15,509.00</u> |

Chairman John Turpin entertained a motion to approve Budget Ordinance Amendment #7.

Commissioner Joe Turpin moved to approve Budget Ordinance Amendment #7.

Vice Chairman Inman seconded the motion.

Assistant EMS Director Greg Collins explained the need and use of the Mass Casualty Incident trailer and equipment.

The motion carried unanimously.

**GENERAL GOVERNMENT - SHERIFF'S DEPARTMENT- BUDGET ORDINANCE AMENDMENT #8**

Finance Director Julia Edwards requested the approval of Budget Ordinance Amendment #8 which is necessary to amend the General Fund to appropriate State Fines and Forfeitures to purchase to purchase cars for the Sheriff's Department. The appropriations are to be changed as followed:

| <b>Account Number</b> | <b>EXPENDITURES</b>         | <b>Decrease</b> | <b>Increase</b>   |
|-----------------------|-----------------------------|-----------------|-------------------|
|                       | <b>Sheriffs' Department</b> |                 |                   |
| 100.4310.511          | Equipment - Non Capitalized |                 | \$5,500.00        |
|                       |                             |                 | <u>\$5,500.00</u> |

This will result in a net increase of \$5,500.00 in the appropriations of the General Fund. To provide additional revenue for the above, the following revenues will be increased.

| <b>Account Number</b> | <b>REVENUES</b>           | <b>Decrease</b> | <b>Increase</b>   |
|-----------------------|---------------------------|-----------------|-------------------|
| 100.3301.413          | State Fines & Forfeitures |                 | \$5,500.00        |
|                       |                           |                 | <u>\$5,500.00</u> |

Chairman John Turpin entertained a motion to approve Budget Ordinance Amendment #8

Commissioner Joe Turpin moved to approve Budget Ordinance Amendment #8.

Commissioner McHugh seconded and the motion carried unanimously.

**GENERAL GOVERNMENT - FINANCE - BUDGET ORDINANCE AMENDMENT #9**

Finance Director Julia Edwards requested the approval of Budget Ordinance Amendment #9, which is necessary to amend the General Fund to transfer funds for the Sauratown Waterline Project matching fun for Rural Center Grant. The appropriations are to be changed as follows:

| <b>Account Number</b> | <b>EXPENDITURES</b>         | <b>Decrease</b>   | <b>Increase</b>   |
|-----------------------|-----------------------------|-------------------|-------------------|
| 100.4931.002          | Sauratown Waterline Project |                   | \$8,217.00        |
| 100.9910.000          | Contingency                 | \$8,217.00        |                   |
|                       |                             | <u>\$8,217.00</u> | <u>\$8,217.00</u> |

This will result in a net decrease of \$0.00 in the appropriations of the General Fund.

Chairman John Turpin entertained a motion to approve Budget Ordinance Amendment #9.

Vice Chairman Inman moved to approve Budget Ordinance Amendment #9.

Commissioner Joe Turpin seconded the motion.

County Manager Rick Morris noted that the additional funding would be reimbursed back to the County from connection fees.

Chairman John Turpin informed the Board that County Manager Rick Morris, King City Manager Scott Buffkin, Water & Sewer Authority Chairman Wayne Smart and himself attended a meeting on Friday at the Rural Center to ensure that all aspects of the proposed project were completed.

Representative Bryan Holloway met county officials for the meeting at the Rural Center. The Rural Center confirmed that the project was ready to start the bid process.

The motion carried unanimously.

#### **GENERAL GOVERNMENT - FINANCE - FINISTAR -INVESTMENT OPTIONS**

Finance Director Julia Edwards presented the proposed Resolution, which was presented at the July 25<sup>th</sup> meeting for further consideration. Director Edwards noted that positive comments were being received from the finance director's list serve.

Chairman John Turpin entertained a motion to approve the following submitted Resolution with Finistar for investment options:

#### **RESOLUTION OF GOVERNING BOARD OF THE COUNTY OF STOKES ("COUNTY")**

The Governing Board of the County of Stokes adopted the following resolutions as of the date set forth below:

**WHEREAS**, the Governing Board has approved a Custodial Agreement among the Finance Officer of the County, Finistar, Inc. ("Finistar"), and Gateway Bank & Trust Company, 1145 North Road Street, Elizabeth City, North Carolina 27909-3334 ("Fiscal Agent"); and,

**WHEREAS**, the Finance Officer has been authorized and directed by the Governing Board to deposit funds of the County in a custodial account at Fiscal Agent for disbursement and deposit in North Carolina financial institutions, the deposits of which are insured by funds of the Federal Deposit Insurance Corporation ("FDIC") and which are Participating Banks (as defined in the Custodial Agreement), as provided in the Custodial Agreement.

**NOW, THEREFORE, BE IT RESOLVED** that the Fiscal Agent, a North Carolina chartered, commercial bank the deposits of which are insured by funds of the FDIC, be and hereby is designated as an official depository of County; and,

**BE IT FURTHER RESOLVED**, that each Participating Bank, approved by the Local Government Commission, be and hereby is designated as an official depository of County, such list being deemed incorporated by reference into this Resolution for the purpose of making deposits in accordance with this agreement with Finistar, Inc.; and

**BE IT FURTHER RESOLVED**, that the Finance Officer shall report the Fiscal Agent and each Participating Bank on the List as required by GS 159-33 and 20 NCAC 7.

The foregoing Resolutions were adopted and approved by the Governing Board as of the **8th** day of **August 2005**.

**John M. Turpin**

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## Chairman of the County of Stokes

Attested:

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**Darlene M. Bullins**  
**Clerk to the Board**

Commissioner Joe Turpin moved to approve the submitted Resolution with Finistar for investment options.

Vice Chairman Inman seconded and the motion carried unanimously.

### **GENERAL GOVERNMENT - PLANNING BOARD- APPOINTMENT**

Chairman John Turpin opened the floor for nominations for the Quaker Gap Township appointment for the Planning Board.

There were no nominations.

### **GENERAL GOVERNMENT - YVEDDI - APPOINTMENT**

Chairman John Turpin entertained a motion to appoint Ms. Sherelene Beatty to serve as an alternate appointment to the YVEDDI Board of Directors. (Ms. Beatty was nominated at the July 25<sup>th</sup> meeting.)

Vice Chairman Inman moved to appoint Ms. Sherelene Beatty to serve as an alternate appointment to the YVEDDI -Board of Directors.

Commissioner Joe Turpin seconded and the motion carried unanimously.

### **GENERAL GOVERNMENT - JURY COMMISSION- APPOINTMENT - COMPENSATION**

Chairman John Turpin presented a request from Clerk of Superior Court Dean Hartgrove to re-appoint Mr. Lynwood Shelton who has served on the Jury Commission for the last 10 years for another two-year term. Mr. Hartgrove also requested the approval of a \$65 per day compensation, which has been the same rate since 2003.

Commissioner McHugh nominated Lynwood Shelton for re-appointment to the Jury Commission.

Chairman John Turpin entertained a motion to approve the requested \$65 per day compensation for the jury commission.

Vice Chairman Inman moved to approve the requested \$65 per day compensation for the jury commission.

Commissioner Joe Turpin seconded and the motion carried unanimously.

### **GENERAL GOVERNMENT -GOVERNING BODY-STOKES COUNTY/FORSYTH TECH ADVISORY COUNCIL-APPOINTMENTS**

County Manager Rick Morris presented the following individuals who had either been nominated or volunteered to serve on the Stokes County/Forsyth Tech Advisory Council:

- At-large Appointees for consideration:
  - Sam Hill, King, NC
  - Worth Hampton, King, NC
  - Michael O. Hartley, King, NC
  - Waynona T. Sands- Lawsonville, NC
- City of King - Scott Buffkin
- Town of Danbury - Rebecca Chalfa
- Town of Walnut Cove - Dana Dalton
- Forsyth Tech Stokes County Campus- Interim Director Deana Ray
- Economic Development Director Ron Morgan
- Stokes Schools - Dr. Larry Cartner

County Manager Rick Morris noted the Board's desire for the (4) at-large members to represent the northeast, northwest, southeast, and southwest; Dr. Greene would be nominating the Forsyth Tech Trustees within the next week; and the need for two nominations from the Board of Commissioners. Manager Morris requested that the Board consider nominating all those submitted except for the at-large appointments and advertise in the local paper for at-large members from the designated areas.

Commissioner Walker, Vice Chairman Inman, and Commissioner McHugh all volunteered to serve on the Council.

Commissioner McHugh nominated the following for appointment to the Stokes County/Forsyth Tech Advisory Council:

- City of King - Scott Buffkin
- Town of Danbury - Rebecca Chalfa
- Town of Walnut Cove - Dana Dalton
- Forsyth Tech Stokes County Campus- Interim Director Deana Ray
- Economic Director Ron Morgan
- Stokes Schools - Dr. Larry Cartner
- Commissioner Jimmy Walker
- Vice Chairman Leon Inman

Chairman John Turpin requested the Clerk advertise for the (4) at-large appointments in the local paper and specify the desired geographic areas. Nominations can be considered at the August 22<sup>nd</sup> meeting.

#### **GENERAL GOVERNMENT - GOVERNING BODY - APPROVED FISCAL YEAR 2005/06 COUNTY BUDGET**

County Manager Rick Morris presented a packet, which addressed Commissioners' questions on the Fiscal Year 2005/06 Stokes County approved budget. Manager Morris requested the Board review the responses and contact him if there were any questions.

#### **GENERAL GOVERNMENT - CLOSED SESSION**

Chairman John Turpin reported that the closed session had been cancelled and would be scheduled for a future meeting.

#### **GENERAL GOVERNMENT - JAIL - CRIMINAL JUSTICE COUNCIL**

County Manager Rick Morris informed the Board that the Criminal Justice Council requested that information concerning the increased jail population be brought to the Board.

Manager Morris presented a chart that detailed the 5-year daily population average and the 2005 daily population average. Manager Morris noted individuals who are sentenced to weekend time were turned away last weekend due to a surge of population and that the State has an overload, which could cause overcrowding in county facilities.

#### **GENERAL GOVERNMENT - GOVERNING BODY - HEALTH BOARD APPOINTMENTS**

##### **Dr. Nick Chalfa**

Commissioner McHugh requested that the Board discuss the letters that were delivered to Dr. Nick Chalfa and Dr. Kevin Walker which informed each health board member that the Board would be considering their removal from the Stokes County Health Board.

Chairman John Turpin reiterated the Chair's standing policy, which allows any Commissioner to bring up any item for consideration of the Board.

Dr. Kevin Walker could not attend the meeting and requested that his response be read in open or closed session. Dr. Walker also sent a letter in support of Dr. Nick Chalfa to be read in open or closed session. Chairman John Turpin requested that County Attorney Jonathan Jordan review the letter as to whether the letters could be submitted in open session.

County Attorney Jordan approved the letters for submission in open session.

Chairman John Turpin presented each Board member and the Clerk to the Board with a copy of the letters.

(A copy of the letters will be retained by the Clerk to the Board)

County Manager Rick Morris informed the Board that Dr. Nick Chalfa had met with him and informed the County that the State had appointed him as the "Interim Health Director" and that another interim health director would be appointed later in the week.

Commissioner McHugh informed the Board that Attorney Chris Hoke of the NC Department of Health and Human Services in Raleigh stated that the State does not appoint "Interim Health Directors".

Commissioner McHugh stated that according to G. S. 130A-35 (g)(5) a health board member may be removed from office by the county board of commissioners for conduct that tends to bring the office into disrepute.

Commissioner McHugh noted the following violations of the open meetings law that occurred at the Board of Health Special Meeting on August 3, 2005:

- Attempts to schedule special meetings without the proper notice, which would have violated the North Carolina Open Meetings Law
- Did not allow the public and press back into the August 3, 2005 meeting of the Board of Health when the board came out of closed session, in violation of the North Carolina Open Meetings Law
- Required board members to vote by secret ballot without signing the ballot in violation of the Open Meetings Law, in particular G.S. §143-318.13(b)
- Instructed the secretary to the board to not record or take minutes of the meeting in violation of the Open Meetings Law, in particular G.S. §143-318.10(e)

Commissioner McHugh stated that she had informed Chairman Chalfa that by voting by secret ballot without signing the ballot, which members were informed to do by Chairman Chalfa, was a violation of the open meetings law.

Chairman John Turpin requested legal guidance from County Attorney Jordan pertaining to any type of recourse due to violations of the open meetings law.

County Attorney Jordan responded that state law allows any citizen to file suit in Superior Court orders to request the following:

- Injunctive relief to ensure violations no longer occur
- Additional relief requesting that any action taken, deliberated, considered or discussed be null and void
- Assessments and awards of attorney's fees

Commissioner Walker noted that mistakes were made; it is way too premature to enforce actions concerning these accusations; and to possibly allow the Board of Health to rectify these mistakes.

Commissioner McHugh reiterated G. S. 130A-35 (g)(5) which states a health board member may be removed from office by the county board of commissioners for conduct that tends to bring the office into disrepute. Commissioner McHugh noted that any Chairman of any Board is responsible to inform themselves of items such as the "open meetings law".

Commissioner McHugh reiterated that she informed Chairman Chalfa that it was a violation of the open meetings law to vote by secret ballot.

Commissioner Walker requested legal opinion of any rule that does not allow voting by secret ballot.

County Attorney Jordan responded:

- G.S. 143-318.13 states that written ballots except as provided in this subsection or by joint resolution of the General Assembly, a public body may not vote by secret or written ballot
- If the public body decides to vote by written ballot, each member of the public body so voting shall sign his or her ballot
- The minutes of the public body shall show the vote of each member voting, ballots should be available for public inspection in the office of clerk or secretary of the public body immediately following the meeting in which the vote took place until the minutes of that meeting are approved, at which time the ballots may be destroyed.

Commissioner McHugh noted that Chairman Chalfa instructed the secretary not to record the meeting.

Commissioner McHugh moved to remove Dr. Nick Chalfa from the Health Board as a health board member due to conduct that tends to bring the office into disrepute.

Commissioner Joe Turpin seconded the motion.

The Board continued further discussion concerning the instructions given by Chairman Chalfa to not record minutes of the meeting.

Health Board member Keith Lawson stated that Dr. Chalfa instructed members that there would be no electronic recording devices and no minutes. Mr. Lawson also stated that Health Board member McHugh stated to Chairman Chalfa that she felt that was a violation of the open meetings law and that Chairman Chalfa firmly responded that she was wrong.

Mr. Lawson also stated that Board members were strictly informed to not sign the ballots.

Board Member Greg Collins confirmed that there was no mention after the voting as to who voted and how.

Vice Chairman Inman stated that volunteers to these Boards do not have legal counsel at their side and are not provided with a copy of the code of ethics policy or the open meetings law.

Vice Chairman Inman stated that these issues should be returned to the Board of Health to resolve.

Commissioner Walker agreed with Vice Chairman Inman that these issues should be returned to the Board of Health to resolve.

Commissioner Joe Turpin requested information from Finance Director Julia Edwards if any member of the Health Board was being compensated for providing services for the county.

(For example - contractual services such as dental, pharmaceutical, etc.)

The motion carried (3-2) with Commissioner Walker and Vice Chairman Inman voting against the motion.

#### **Dr. Kevin Walker**

Commissioner McHugh requested that the Board discuss the letter that was delivered to Health Board member Dr. Kevin Walker which stated that according to G.S. 130A-35(g)(5), a board of health member may be removed from office by the county board of commissioners for conduct that tends to bring the office into disrepute.

The letter also alleges that a letter from Dr. Walker that made derogatory statements against a Health Department employee was read in open session at a Board of Health meeting.

Commissioner McHugh referred to State Personnel Statutes 126-24; 130A-42; and 153A-98 which protect employee personnel records and states that an employee's personnel file consists of any information in any form gathered by the county with respect to that employee by way of illustration but not limitation relating to his application, selection or non-selection, performance, promotion, demotion, transfers, suspension, other disciplinary actions, evaluation forms, leave, salary, and termination of employment.

The letter, which alleges to contain performance information about the health director, was read in open session at the Board of Health meeting on July 13<sup>th</sup>.

Commissioner McHugh had requested County Manager Rick Morris to try to obtain the tape of the July 13<sup>th</sup> Board of Health meeting. Manager Morris stated that he had obtained the copy of the tape.

Commissioner Walker requested a legal opinion referring to whether an elected official under the open meetings law can or cannot question a county employee's performance or concerns about a department's performance in open session.

County Attorney Jordan stated that a citizen can certainly make comments about an employee, but the Board would have to enter into closed session to discuss that particular county employee's job performance based on personnel privacy.

Attorney Jordan noted that in this case, the appointed board of health member is technically the employer of the health director. Commissioner Walker requested a second legal opinion, perhaps from David Lawrence with the Institute of Government.

Commissioner Joe Turpin requested to hear the tape. Chairman John Turpin questioned the County Attorney if the tape should be heard in closed session.

County attorney stated that the tape should be heard in closed session.

Chairman John Turpin also requested to hear the tape.

Commissioner Joe Turpin inquired why the tape must be heard in closed session if it had already been heard in open session at the Board of Health meeting.

County Attorney Jordan responded that there is an allegation pertaining to the tape.

Commissioner Walker questioned County Attorney Jordan pertaining to statutes 130A-42; and 153A-98 that specifically related to an employee's personnel records and requested what personnel records were involved in the allegation.

County Attorney Jordan stated allegations have been made that the letter involved the collection of information relating to job performance.

Chairman John Turpin requested that the Board enter closed session.

Commissioner McHugh asked to present the additional information before going into closed session.

Commissioner McHugh stated that Board members have been given, on several occasions, the opportunity to take training on appropriate procedures for the Board of Health.

## **CLOSED SESSION**

Chairman John Turpin entertained a motion to enter into closed session to consider the initial employment or appointment of an individual to any office or position, other than a vacancy in the Board of County Commissioners or any other public body, or to consider the qualifications, competence, performance, character, and fitness of any public officer or employee, other than a member of the Board of Commissioners or of some other public body pursuant to G.S. 143-318.11(6).

Commissioner McHugh moved to enter into closed session to consider the initial employment or appointment of an individual to any office or position, other than a vacancy in the Board of County Commissioners or any other public body, or to consider the qualifications, competence, performance, character, and fitness of any public officer or employee, other than a member of the Board of Commissioners or of some other public body pursuant to G.S. 143-318.11(6).

Commissioner Joe Turpin seconded and the motion carried unanimously.

The Board re-entered into the regular session of the August 8<sup>th</sup> meeting.

Finance Director Julia Edwards presented Board members the requested information pertaining to board of health members' compensation.

Commissioner Walker inquired if there was any further business to be brought before the Board.

Chairman John Turpin entertained a motion for any further business.

Commissioner Walker moved to adjourn the meeting.

Vice Chairman Inman seconded the motion.

Vice Chairman Inman requested to make one observation: that in June 2003 the chambers were filled to capacity, hallways were filled to capacity, and the building filled. If memory served him correctly, it was a meeting concerning the current expense education budget-budget matters.

A request was made to move the meeting to a facility to accommodate those people in the hallway that wanted to be involved in that meeting.

Commissioner McHugh was the Chairperson at that time.

That request was denied.

Vice Chairman Inman's opinion, it was a clear violation of the open meetings law.

He requested that minutes reflect that position.

Commissioner McHugh responded that if she did so that, then she was guilty.

On August 22<sup>nd</sup>, Commissioner McHugh moved to amend the minutes of the August 8<sup>th</sup> meeting with the following addition:

Commissioner McHugh stated the following:

In the minutes of the August 8, 2005 meeting on page 25 in the 3<sup>rd</sup> to last paragraph Vice Chairman Inman made an accusation against me for the record. He said that I denied a request to move an overcrowded meeting in June of 2003 in violation of the open meetings law.

After the checking the minutes from the meetings in June of 2003 I discovered that we had 10 meetings that month.

The first meeting was a regular (Planning) meeting which was not overcrowded.

The next 2 were recessed budget meetings that were not overcrowded.

The next regular meeting was the budget hearing that was held in the large courtroom and arrangements were made ahead of time to facilitate all members of the public who wished to speak.

After the hearing the meeting was recessed to convene in the commissioners meeting room to conduct the regular meeting that was not overcrowded.

The next 3 meetings were recessed budget meetings that were not overcrowded.

The next regular meeting of June 23<sup>rd</sup> there was a record crowd.

A motion was made to move the meeting to a larger facility. There was a second. As I recall there was discussion in which David M. Lawrence who wrote the book on the Open Meetings Law was quoted as saying "The law says nothing about the size of meeting rooms. As long as a public body does not consistently meet in a room too small to hold all who wish to attend, there should be no violation of the law if occasionally an unexpectedly large crowd causes the room to be too small.

There was also discussion on the difficulty involved in moving the meeting given that no arrangements had been made to have the courthouse or courtroom open or set up. The motion was voted on and failed.

Hence, the Board of Commissioners made the decision to not move the meeting.

The next 2 meetings were recessed budget meetings that were not overcrowded.

Commissioner Joe Turpin seconded the motion.

Vice Chairman Inman stated to Chairman John Turpin that he stands by the statement he made whatever is added.

After discussion of the statements by Commissioner McHugh and Vice Chairman Inman being their opinions and which set of minutes the additions should be added to, the vote carried 4-1 with Vice Chairman Inman voting against the motion.

Commissioner McHugh requested to make another motion before adjournment.

Commissioner Walker stated that there was a motion to adjourn on the floor.

The motion on the floor to adjourn carried (3-2) with Chairman John Turpin and Commissioner McHugh voting against the motion.

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**Darlene M. Bullins**  
Clerk to the Board

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**John M. Turpin**  
Chairman