

STATE OF NORTH CAROLINA)
)
COUNTY OF STOKES)
)

OFFICE OF THE COMMISSIONERS
STOKES COUNTY GOVERNMENT
DANBURY, NORTH CAROLINA
DECEMBER 10, 2007

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, December 10, 2007 at 1:30 pm with the following members present:

Chairman J. Leon Inman
Vice-Chairman Jimmy Walker
Commissioner Ron Carroll
Commissioner Ernest Lankford
Commissioner Stanley Smith

County Personnel in Attendance:
County Manager K. Bryan Steen
Clerk to the Board Darlene Bullins
County Attorney Edward Powell
Finance Director Julia Edwards
Senior Services Program Director Lynn Martens
Tax Administrator Jake Oakley
Support Services Supervisor Danny Stovall

Chairman Leon Inman called the meeting to order.

Commissioner Smith delivered the invocation.

GENERAL GOVERNMENT-GOVERNING BODY-PLEDGE OF ALLEGIANCE

Chairman Inman 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 Inman entertained a motion to approve or amend the minutes of the November 26, 2007 meeting.

Commissioner Carroll noted the following correction:

Page #7 – Change Surveys were **disturbed...** to Surveys were **distributed...**

Vice Chairman Walker moved to approve the minutes of November 26, 2007 as amended. Commissioner Lankford seconded and the motion carried unanimously.

ORGANIZATION OF THE BOARD

Chairman Inman turned the meeting over to the Clerk of the Board for the election of Chairman.

Clerk Darlene Bullins opened the floor for nominations for Chairman of the Stokes County Board of Commissioners.

Commissioner Lankford nominated Commissioner Leon Inman to serve as Chairman of the Board of Commissioners. Vice Chairman Walker seconded the nomination.

Clerk Bullins entertained a motion to close the nominations.

Commissioner Smith moved to close the nominations for Chairman. Commissioner Carroll seconded and the motion carried unanimously.

The motion for Commissioner Inman to serve as Chairman of the Stokes County Board of Commissioners was unanimous.

Clerk Bullins turned the meeting over to Chairman Inman.

Chairman Inman opened the floor for nominations for Vice Chairman of the Stokes County Board of Commissioners.

Commissioner Carroll nominated Commissioner Walker to serve as Vice Chairman

of the Board of Commissioners. Commissioner Lankford seconded the nomination.

Chairman Inman entertained a motion to close the nominations.

Commissioner Smith moved to close the nominations for Vice Chairman.

Commissioner Lankford seconded and the motion carried unanimously.

The motion for Commissioner Walker to serve as Vice Chairman of the Stokes County Board of Commissioners was unanimous.

PUBLIC HEARING – Proposed Danbury Water System Rate Increase

Chairman Inman opened the Public Hearing regarding the proposed Danbury Water System Rate Increase.

There were no public comments.

Chairman Inman closed the Public Hearing.

GENERAL GOVERNMENT – GOVERNING BODY – APPROVAL OF AGENDA

Chairman Inman entertained a motion to approve or amend the December 10, 2007 agenda.

Commissioner Carroll requested to add “Reinstatement of the Economic Development Director’s Position” to the Economic Development Consultant Services-Information Agenda.

The Board discussed adding the “Reinstatement of the Economic Development Director’s Position” to either the Discussion or Action Agenda. It was consensus of the Board to add the item to the Discussion Agenda.

Vice Chairman Walker requested adding the Forsyth Tech – Satellite Campus (Environmental Study) to the Discussion Agenda. It was the consensus of the Board to add the item to the Discussion Agenda.

Commissioner Lankford moved to approve the agenda as amended.

Vice Chairman Walker seconded and the motion carried unanimously.

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

Governing Body- Budget Amendment #38

Finance Director Julia Edwards submitted Budget Ordinance Amendment #38.

To amend the General Fund, the expenditures are to be changed as follows:

Account Number	Account Description	Current Budgeted Amount	Increase (Decrease)	As Amended
	Governing Body			
100.4110.290	Miscellaneous	\$10,000.00	\$1,475.00	\$11,475.00
	Totals	\$10,000.00	\$1,475.00	\$11,475.00

This budget amendment is justified as follows: To appropriate funding for Christmas Lunch approved at the November 26, 2007 Board Meeting.

This will result in a net decrease \$1,475.00 in the expenditures and other financial use to the County's annual budget. To provide the additional revenue for the above, the following revenues will increase. These revenues have already been received or are verified they will be received in this fiscal year.

Account Number	Account Description	Current Budgeted Amount	Increase (Decrease)	As Amended
100.3839.011	Vending Machines	\$0.00	\$1,475.00	\$1,475.00
	Totals	\$0.00	\$1,475.00	\$1,475.00

Commissioner Carroll noted the following correction to Budget Amendment #38:

This will result in a net **decrease** \$1,475.00 in the expenditures and other financial use to the County's annual budget. (Should be a net **increase** of \$1,475.00)

Health Department – Budget Amendment #39

Finance Director Julia Edwards submitted Budget Ordinance Amendment #39.

To amend the General Fund, the expenditures are to be changed as follows:

Account Number	Account Description	Current Budgeted Amount	Increase (Decrease)	As Amended
Health Department				
100.5100.261	Office Supplies	\$.00	\$12,048.00	\$12,048.00
	Totals	\$.00	\$12,048.00	\$12,048.00

This budget amendment is justified as follows:

The Health Department has been awarded additional funds from the State to promote the Healthy Carolinians' program, which will work to improve the health and well being of various communities in Stokes County.

This will result in a net increase of \$12,048.00 in the expenditures and other financial use to the County's annual budget. To provide the additional revenue for the above, the following revenues will increase. These revenues have already been received or are verified they will be received in this fiscal year.

Account Number	Account Description	Current Budgeted Amount	Increase (Decrease)	As Amended
100.3301.250	Healthy Carolinians	\$.00	\$12,048.00	\$12,048.00
	Totals	\$.00	\$12,048.00	\$12,048.00

Proposed 2008 Commissioners' Meeting Schedule

Clerk to the Board Darlene Bullins submitted the following proposed 2008

Commissioners' Meeting Schedule:

PUBLIC NOTICE

2008 COMMISSIONERS' MEETINGS SCHEDULE

The Stokes County Board of Commissioners will meet each month on the 2nd (Second) Monday at 1:30 pm and 4th (Fourth) Monday at 6:00pm

2nd MONDAY

January 14, 2008
 February 11, 2008
 March 10, 2008
 April 14, 2008
 May 12, 2008
 June 9, 2008
 July 14, 2008
 August 11, 2008
 September 8, 2008

4th MONDAY

January 28, 2008
 February 25, 2008
 March 25, 2008*
 April 28, 2008
 May 27, 2008**
 June 23, 2008
 July 28, 2008
 August 25, 2008
 September 22, 2008

October 13, 2008
November 10, 2008
December 8, 2008

October 27, 2008
November 24, 2008
December 22, 2008

*March 24th Meeting changed to Tuesday, March 25th (Due to Holiday)
**May 26th Meeting changed to Tuesday, May 27th (Due to Holiday)

***The Board of Commissioners will conduct its regular meetings in the Commissioners Chambers at the Administrative Building in Danbury. The Board will consider invitations to meet at different locations throughout the County at the invitation of community groups that wish to host a meeting.**

Commissioners' Meeting (Planning)– First Tuesday of every other month 7:00 pm
Planning meetings are held as needed- the meeting will be advertised prior to the dates listed below:
(Held in Commissioners Chambers)

February 5, 2008 (as needed)
April 1, 2008 (as needed)
June 3, 2008 (as needed)
August 5, 2008 (as needed)
October 7, 2008 (as needed)
December 2, 2008 (as needed)

Stokes County League of Governments – 6:30 pm

Meeting with Town of Danbury, Town of Walnut Cove, City of King and Stokes County

January 17, 2008 – Town of Walnut Cove
April 17, 2008 – Town of Danbury
July 17, 2008 - City of King
October 16, 2008 – Stokes County

Any other change in Date, Time, or Place will be advertised and placed on the County Web Page –
www.co.stokes.nc.us

Darlene Bullins
Clerk to the Board

Chairman Inman entertained a motion to approve the Consent Agenda as amended.

Commissioner Lankford moved to approve the Consent Agenda as amended. Vice Chairman

Walker seconded and the motion carried unanimously.

GENERAL GOVERNMENT – GOVERNING BODY – INFORMATION AGENDA

Presentation – Economic Development Consultant Services

President/CEO Bryan McClure – ROI Consultants LLC (Blair Group) discussed

the following information with the Board: (Stokes County citizen Carlton Lawson was also in attendance for Mr. McClure's presentation)

- ROI Consultants – performs industrial/economic development recruitment
- Recruitment of economic development
- Retention of economic development
- Validation of the community as a good environment for expansion
- Create the environment for recruitment
- Community/Citizens Involvement
- Search for an Economic Development Director
- Attributes for the right Economic Development Director for Stokes County
- New Economic Development needs to be able to take the County where it needs and wants to go
- Evaluation needed of where the County wants and needs to go
- Attracting new economic development that suits the county
- Improving areas that can be offered for economic development
- The need to be able to sell the county for economic development
- Responsibilities of the Board of Commissioners for recruitment of Economic Development
- Spending money to make money
- Economic Development incentives that will work for Stokes County
- Need to keep the existing economic development in the County as well as recruitment for new economic development
- Consultant Services-evaluation of the County –where the County needs and wants to go

The Board discussed recruitment of Economic Development, search for an Economic Development Director, where the County wants and needs to go, and what is the first step.

The Board expressed their appreciation to Mr. McClure for his presentation.

Comments – Manager and Board of Commissioners

County Manager Bryan Steen presented the following update:

- Budget Memorandum -Transfer of \$2300 within the Public Works' budget from group insurance to training and travel for the new Public Works Director
- Budget Memorandum - Transfer of \$1200 within the Finance's budget from Department supplies to Equipment – Non Capital for the purchase of a new computer for the Finance Director
- Working with NCDOT officials concerning the YVEDDI Grant (feasibility study) for proposed YVEDDI/county garage facility – a meeting of the Advisory Board to be scheduled very soon

- 2007 State of the County Health Report
- Working with RPO for bicycles routes within Stokes County
- Economic Development Commission Meeting – Organizational meeting and presentation of Sanford Holhouser Consultant Services
- Contact is currently being maintained with all current economic development projects
- Staff Meeting – Requested information from Department Heads regarding their department for the “Report to the People” that will be published in 2008

Vice Chairman Walker noted the need for additional primary care physicians and dentists for Stokes County as noted on page #2 of the 2007 State of the County Health Report. Chairman Inman noted possible discussion of the 2007 State of the County Health Report at a later meeting.

Vice Chairman Walker requested discussion at a future meeting regarding engineering services for Stokes County (in-house versus contractual).

Vice Chairman Walker also noted the need for the County to pursue all grants that are available to the County.

Commissioner Lankford noted upcoming meetings (Piedmont Triad Partnership) that County officials and staff could attend regarding available grants.

Commissioner Carroll expressed appreciation to County Manager Steen for taking on the job as Interim Health Director.

Chairman Inman presented the following information regarding the recent meeting with Local Government Commission (LGC):

- Attendees: Chairman Inman, County Manager Steen, Chairman Sonya Cox-BOE, School Superintendent, Finance Director Julia Edwards, Bond Attorney Don Ubell
- Discussion regarding possible future Bond Referendum & Certificates of Participation (COPS)
- Joint Meeting for January 23, 2008 with Board of Education
- Schedule a Board of Commissioners’ financial work session prior to meeting with Board of Education

GENERAL GOVERNMENT – GOVERNING BODY – DISCUSSION AGENDA

Employer Support of National Guard and Reserve

County Manager Bryan Steen presented the following information that was recently submitted to the Board by Steven Page regarding a proposed Resolution-Statement of Support for the Guard/Reserve and pay differential for reserves during their annual two week required training.

Clerk to the Board Darlene Bullins noted there are 3 full time employees who were active members of the Guard/Reserve.

The Board discussed the Statement of Support for the Guard and Reserve and pay differential for current employees while serving their annual training and deployment.

Chairman Inman, with full consent of the Board, directed the Clerk to obtain pay differential information for current employees while serving their annual training and deployment along with information from other counties/municipalities regarding their policies pertaining to reserves.

Chairman Inman directed the Clerk to place the item on the Action Agenda for the December 27th meeting.

Volunteer Mileage Reimbursement- Home Delivered Meal Program

Senior Services Program Director Lynn Martens requested an increase from 40-cents per mile to 45-cents per mile for volunteer drivers for the Home Delivered Meals Program. Director Martens noted the following:

- Last mileage reimbursement increase for volunteer drivers = July 1, 1999 (\$.40 per mile)
- From July through October 2007 – 26 volunteers drove approximately 360 miles to deliver 145 meals per day to nutritionally at-risk older adults – if compensated at minimum wage, the 1488 hours of in-kind contributions would equate to \$9,151.20 in wages

- Effective January 1, 2007 – IRS standard mileage rate is 48.5 cents per mile for business use of a car
- Current County reimbursement rate = 34.5 cents per mile
- Due to escalating gasoline costs, county approved travel vendors (YVEDDI & JD Cruises) have found it necessary to build surcharges into costs based on gasoline prices
- Based on the calculations for the first four months of the fiscal year and the current route schedule, it will be possible to offer a 45 cent mileage reimbursement rate without need of additional funding
- The ultimate goal is to retain experienced and dependable volunteers, recruit additional volunteers to reduce the occasion of staff back up and strive for continued client satisfaction

Director Martens also noted that annual client surveys were being conducted pertaining to the Home Delivered Meal Program. Surveys that have been returned reveal very positive feedback regarding the new food vendor that the Board approved for this fiscal year.

The Board discussed the current Home Delivered Meal Program and the request to increase the mileage reimbursement from 40 cents per mile to 45 cents per mile.

Commissioner Lankford noted the need to discuss this type of request during the budget process along with discussion of increasing the county reimbursement rate at the same time.

Commissioner Carroll also requested to review the need to increase the county reimbursement rate during the upcoming budget process.

Chairman Inman directed the Clerk to place the item on the Action Agenda for the December 27th meeting.

Tax Administration Report – November 2007

Tax Administrator Jake Oakley presented the following informational data:

Fiscal Year 2007-08	Budget Amt	Collected Amt	Over Budget	Under Budget
County Regular & Motor Vehicles	\$(18,619,330.00)	\$10,136,258.92		\$(8,483,071.08)
Prior Taxes 1991-2006 Tax Years				
County Regular & Motor Vehicles	\$ 700,000.00	\$ 447,249.78		\$ 252,750.22

EMS Collections

Total Collection =\$645,070.06

F/Y 2007-08 = \$36,918.79.02

**Personal Property Discovery Report
Audit Dates**

	# of Accts	Total Value	Taxes Due
11-01-07/11-30-07	40	\$ 810,235.00	\$6,410.71

**Business Personal Property Discovery
Report
Audit Dates**

	# of Accts	Total Value	Taxes Due
11-01-07/11-30-07	1	\$ 52,669.00	\$385.26

Motor Vehicle Release Report

	Accounts	Total Accounts
11-01-07/11-30-07	74	\$ 2,865.73

Motor Vehicle Refund Report

	Accounts	Total Accounts
11-01-07/11-30-07	8	\$ 130.43

Number billed for November 2007 5110

Refunds Less than \$100 Real/Personal Property Per NCGS 105-381(b)

Harold W Boles – Account #593= \$55.80
Harold W Boles – Account #593 =\$55.80
Harold W Boles – Account #592 =\$1.12
Harold W Boles – Account #593 =\$55.80
Harold W Boles – Account #598 =\$69.00
Harold W Boles – Account #593 =67.62
Robert Hairston – Account #9008 =\$26.40
Robert Hairston – Account #9008 =\$2.20
Robert Hairston – Account #9008 =\$26.40
Robert Hairston – Account #9008 =\$2.20
Robert Hairston – Account #9008 =\$26.40
Robert Hairston – Account #9008 =\$2.20
King Moravian Church – Account #19052 =\$32.40
King Moravian Church – Account #19052 =\$32.40
Total = \$455.74

**Real and Personal Property Releases
Less than \$100 - November 2007
Per NCGS 105-381(b)**

Randall and Robin Hill	\$	41.90
W. Harold Boles	\$	69.00
Rosie Etta Bowman	\$	30.07
Rosie Etta Bowman	\$	29.19
Harold Eugene Wingler	\$	30.21
Dawn Suzette Miller	\$	35.09
Jimmie Lee Willard	\$	8.92

Dennie Lynn Armstrong	\$	4.88
James Arnold Cox	\$	42.33
James Arnold Cox	\$	55.41
James Arnold Cox	\$	67.54
James Arnold Cox	\$	74.26
James Arnold Cox	\$	92.18
James Arnold Cox	\$	39.99
Janice Hulse Lunsford	\$	7.04
Janet Morgan	\$	83.86
Jerry Wayne Heath	\$	64.92
Robert Guy Ritchie III	\$	5.40
Robert Guy Ritchie III	\$	4.91
Robert Guy Ritchie III	\$	4.34
Robert Guy Ritchie III	\$	3.76
Robert Guy Ritchie III	\$	3.07
Robert Guy Ritchie III	\$	17.35
Total Amount	\$	815.62

**Real and Personal Property Releases
Over than \$100 - November 2007
Per NCGS 105-381(b)**

Tax Administrator Oakley noted the following releases that are more than \$100 (real/personal property) must be approved by the Board of Commissioners:

Property Tax Release Request	Account	Total	Reasons
Andrew Mitchell	9509	\$ 233.63	Per NCGS105-378(a) (Bill is 16 years old)
Wheels & Deals Inc.	155914273	\$ 120.51	Per NCGS105-375(a) (SWMH Inventory)
Dennie Lynn Armstrong	35861	\$ 127.83	Per NCGS 105-366(4)-Estate Closed
Dennie Lynn Armstrong	35861	\$ 115.50	Per NCGS 105-366(4)-Estate Closed
Dennie Lynn Armstrong	35861	\$ 128.76	Per NCGS 105-366(4)-Estate Closed
Dennie Lynn Armstrong	35861	\$ 124.28	Per NCGS 105-366(4)-Estate Closed
Joyce Elliott	59189	\$ 124.61	Per NCGS 105-366(4)
Joyce Elliott	59189	\$ 115.69	Per NCGS 105-366(4)
Joyce Elliott	59189	\$ 108.11	Per NCGS 105-366(4)
Joyce Elliott	59189	\$ 104.55	Per NCGS 105-366(4)
Janice Hulse Lunsford	34319	\$ 215.90	Per NCGS 105-366(4)
Larry James Bledsoe	26285	\$ 334.11	Per NCGS 105-366(4)
Jerry Wayne Heath	32663	\$ 110.25	Per NCGS 105-366(4)
Henry Webster Johnson	61918	\$ 155.10	Per NCGS 105-366(4)
Henry Webster Johnson	61918	\$ 155.67	Per NCGS 105-366(4)
Total		\$ 2,274.50	

The Board discussed the current collection procedures being performed by Tax

Administration for the collection of past due EMS invoices.

Tax Administrator Oakley noted that approval was given by the Board of Commissioners in April 2004 to allow collection of past due EMS bills by Tax Administration. The department is following the law, which allows the County to treat the past due EMS bill as a tax for collection purposes only – not an actual property tax. Tax Administrator Oakley also noted that due to time restraints, the department is not placing liens on the taxpayer's property relating to the delinquent EMS bill and that the department is also working with individuals to set up payment plans and performing garnishments only as a last resort.

County Attorney Edward Powell noted that the County would need to contact State officials if the Board wanted to suggest amending the 90 day statutory requirement which would give the County more time to place a lien on the property regarding a past due EMS bill.

Tax Administrator Oakley also noted the following:

- 2008 Revaluation will be done in house
- Revaluation will be effective 1-01-2009
- Abstracts will be mailed on December 28th
- Approximately 9000 abstracts for personal property
- Approximately 1000 business forms to be mailed on 1-15-08
- Approximately 500 farm forms to be mailed on December 28th
- Listing of Real property is the responsibility of the Tax Collector
- Collection Rate is improving, at this time, currently \$1M over last year
- Expressed appreciation to the Board regarding the recent bonus for employees which was very well received by the Department and appreciation for doing the computation salary plan in house which saved the County money

Chairman Inman directed the Clerk to place the Releases more than \$100 for Real and Personal Property on the Consent Agenda for the December 27th meeting.

Proposed GIS Aerial Photo Project

Support Services Supervisor Danny Stovall and Tax Administrator Jake Oakley presented the following information regarding the proposed Digital Orthophoto project:

(last fly over done February-March 2001 done by Sanborn – approximately \$160,000)

Following proposals received on Monday, December 3, 2007:

- **The Sanborn Map Company – Charlotte, North Carolina**
 - Subcontractor- all phases of this project will be completed in-house
 - Current NC Projects: Lee, Henderson, & Beaufort Counties
 - Past NC Projects: New Hanover, Iredell, Vance, Orange, Davie, Lee, Onslow, Henderson, Rowan, Mecklenburg, Washington, Halifax, Duplin, and Haywood Counties
 - Bonding/Insurance Agency – Travelers Casualty
- **Geofiny Technologies, Inc. Wilmington, North Carolina**
 - Subcontractor – RC&A –Spartanburg, South Carolina- flight service
 - Current NC Projects: Franklin and Chatham Counties
 - Past NC Projects: Greenville, Hertford, Jackson, Johnson, Graham, Cumberland, and Hyde Counties
 - Bonding/Insurance Agency – The McCart Group
- **Surdex Corporation – Chesterfield, Missouri**
 - Subcontractor – all phases of this project will be completed in-house
 - Current NC Projects: Person and Caswell Counties
 - Past NC Projects: Wake and Person Counties along with the City of Raleigh
 - Bonding/Insurance Agency- Allied Insurance
- **Furgro Earthdate- Richmond, Virginia**
 - Subcontractors – ESP Associates – Raleigh, NC – ground control
Dan Wade – Jamestown, NC – NC PLS
 - Current NC Projects: No information listed in the proposal
 - Past NC Projects: Carteret, Gaston, and Mecklenburg Counties along with NC Statewide Floodplain Mapping Program
 - Bonding/Insurance Agency - CBIZ

Tax Administrator Jake Oakley noted the following:

- Full digital set of aerial photographs for \$80,000 to \$90,000
- This will be the last time that the county will need to be flown in its entirety, selective flying can be done at anytime if needed
- Funding paid by E911 funds
- Complete fly over is needed to enhance our E911 system
- Wide arrangement of uses for the data obtained by the fly over
- Funding has been budgeted to get the fly over started this fiscal year
- Need to consider that there is no guarantee that the lowest bidder will be the best-qualified bidder.
- Currently collaborating with Surry and Wilkes for cost savings
- Working with State to update Flood Maps
- Applied for \$10,000 Grant from the State to help with cost. The County has

been awarded the \$10,000 and the amount could increase if designated counties decide not to participate

The Board discussed new technology, possibly collaborating with FSA for cost sharing, the need to continue working with other counties for cost sharing/group rates.

Support Services Supervisor Danny Stovall referenced G.S. 143-64.32 (written exemption of particular contracts).

Tax Administrator Oakley and Mr. Stovall requested the approval of the Board to move forward with contacting references and ranking firms by qualifications in order for the Board to continue discussion at the December 27th meeting. Mr. Stovall questioned if the Board desired to have a presentation from the top two firms.

There was a consensus of the Board to have presentations from the top two firms.

Chairman Inman directed the Clerk to place the item on the Action Agenda for the December 27th meeting.

Inventory of County Property and Space Needs

County Manager Bryan Steen presented a brief overview of the information presented to the Board in a separate binder.

Manager Steen noted that information from the Clerk of Superior Court Jason Tuttle indicated that there was a meeting scheduled for January 9, 2008 to discuss space issues.

The Board discussed the following possible options:

- Swap Elections with EMS and move the Fire Marshal to the Community Services Building
- Complete the third floor – moving Planning/Zoning, Environmental Health to make a one-stop permit process – freeing up space for Forsyth Tech.

Commissioner Carroll suggested the following:

- Complete the third floor –move Forsyth Tech to third floor, give Elections two of the three rooms currently occupied by Forsyth Tech; move all of Probation from the top floor to the bottom using the remainder space occupied by FTCC and the old Elections’ storage space if necessary - freeing space for the judicial system- moving Law Library freeing up space for the District Attorney and the remainder space for Clerk of Court and District Attorney

Clerk of Court Tuttle noted that the current Probation Offices were open areas and would need to have some space for confidential interviewing, but with some renovations this could possibly work. Clerk Tuttle reiterated the meeting scheduled for January 9th to discuss possible options.

Commissioner Lankford noted that he was currently working on a plan that would be presented at the work session.

Commissioner Smith noted the need for a one stop permit process by moving Environmental Health and Planning to the third floor and also expressed concerns with moving Forsyth Tech to the third floor.

Vice Chairman Walker noted that the Board needed options in order to start somewhere.

The Board discussed the stand alone facility for Forsyth Technical Community College.

Manager Steen noted the possibility of the District Attorney’s offices being separated and the entire Stokes County staff being placed in Stokes County instead of Surry County.

Chairman Inman directed the County Manager to prepare cost proposals regarding the proposed moves for the December 27th Discussion Agenda.

Chairman Inman noted further discussion of a stand-alone facility for FTCC will be discussed at the financial meeting.

Separation Allowance – Retired Law Enforcement Officers

County Attorney Edward Powell submitted the following legal opinion regarding

Separation Allowance for former law enforcement officers:

I have reviewed the case law and statutes of North Carolina regarding separation allowances for former officers. The governing statutes are G. S. 143-166.41 and 143-166.42.

G. S. 143-166.41 provides as follows:

“§ 143-166.41 Special separation allowance.

(a) Notwithstanding any other provision of law, every sworn law-enforcement officer as defined by G.S. 135-1(11b) or G.S. 143-166.30(a)(4) employed by a State department, agency, or institution who qualifies under this section shall receive, beginning on the last day of the month in which he retires on a basic service retirement under the provisions of G.S. 135-5(a) or G.S. 143-166(y), an annual separation allowance equal to eighty-five hundredths percent (0.85%) of the annual equivalent of the base rate of compensation most recently applicable to him for each year of creditable service. The allowance shall be paid in 12 equal installments on the last day of each month. To qualify for the allowance the officer shall:

(1) Have (i) completed 30 or more years of creditable service or, (ii) have attained 55 years of age and completed five or more years of creditable service; and

(2) Not have attained 62 years of age; and

(3) Have completed at least five years of continuous service as a law enforcement officer as herein defined immediately preceding a service retirement. Any break in the continuous service required by this subsection because of disability retirement or disability salary continuation benefits shall not adversely affect an officer's qualification to receive the allowance, provided the officer returns to service within 45 days after the disability benefits cease and is otherwise qualified to receive the allowance.

(b) As used in this section, "creditable service" means the service for which credit is allowed under the retirement system of which the officer is a member, provided that at least fifty percent (50%) of the service is as a law enforcement officer as herein defined.

(c) Payment to a retired officer under the provisions of this section shall cease at the first of:

(1) The death of the officer;

(2) The last day of the month in which the officer attains 62 years of age; or

(3) The first day of reemployment by any State department, agency, or institution, except that this subdivision does not apply to an officer returning to State employment in a position

exempt from the State Personnel Act in an agency other than the agency from which that officer retired.

(d) This section does not affect the benefits to which an individual may be entitled from State, federal, or private retirement systems. The benefits payable under this section shall not be subject to any increases in salary or retirement allowances that may be authorized by the General Assembly for employees of the State or retired employees of the State.

(e) The head of each State department, agency, or institution shall determine the eligibility of employees for the benefits provided herein.

(f) The Director of the Budget may authorize from time to time the transfer of funds within the budgets of each State department, agency, or institution necessary to carry out the purposes of this Article. These funds shall be taken from those appropriated to the department, agency, or institution for salaries and related fringe benefits.

(g) The head of each State department, agency, or institution shall make the payments set forth in subsection (a) to those persons certified under subsection (e) from funds available under subsection (f). (1983 (Reg. Sess., 1984), c. 1034, s. 104; 1985, c. 479, s. 143; 1985 (Reg. Sess., 1986), c. 1014, ss. 51, 52; 2002-126, s. 28.14.)”

G. S. 143-166.42 provides as follows:

“§ 143-166.42 Special separation allowances for local officers.

On and after January 1, 1987, the provisions of G.S. **143- 166.41** shall apply to all eligible law-enforcement officers as defined by G.S. 128-21(11b) or G.S. 143-166.50(a)(3) who are employed by local government employers, except as may be provided by this section. As to the applicability of the provisions of G.S. **143-166.41** to locally employed officers, the governing body for each unit of local government shall be responsible for making determinations of eligibility for their local officers retired under the provisions of G.S. 128-27(a) and for making payments to their eligible officers under the same terms and conditions, other than the source of payment, as apply to each State department, agency, or institution in payments to State officers according to the provisions of G.S. **143-166.41**. (1985 (Reg. Sess., 1986), c. 1019, s. 2.)”

G. S. 143-166.42 makes all of the provisions of G. S. 143-166.41 applicable to all eligible law enforcement officers of local governments. As such, this means that any officer employed by a local government who has completed 30 or more years of creditable service OR who has attained 55 years of age and completed five or more years of creditable service is eligible to receive an annual separation allowance equal to eighty-five hundredths percent (.85%) of the annual equivalent of the base rate of his most recent compensation for each year of creditable service payable in 12 equal installments subject to the provisions of G. S. 143-166.41(c), any of which causes the payments to cease.

The case of Campbell v. City of Laurinburg, a 2005 N. C. Court of Appeals case says that the local government may act under its authority under G. S. 143-166.42 to determine that its law enforcement officers who have qualified for the separation allowance, but become employed by another local governmental agency would have their payments of the separation allowance terminated. The case of Wiggs v. Edgecombe County, a 2007 N. C. Supreme Court case says that this resolution by Edgecombe County to mandate that the officer cannot be employed by another local governmental agency cannot be retroactively applied, but in order to be legally valid, the County must pass any such resolution to apply prospectively to those whose rights to the separation allowance have not yet vested.

Therefore, if Stokes County wants to apply the prohibition of an officer continuing to draw the separation allowance if they take a job with another local governmental agency, the County must pass the resolution adopting this local rule to the provisions of G. S. 143-166.41 and G. S. 143-166.42 prior to the officer having a vested interest in the allowance and then taking another job with a local governmental agency, as the prohibition cannot be applied retroactively

County Attorney Powell noted that Forsyth County and Surry County have adopted a resolution which allows retired local law enforcement officers to return to employment as a law enforcement officer and still receive their separation allowance.

County Attorney Powell concluded that the Board could adopt a resolution approving or denying law enforcement officers to return to work and still receive separation allowance.

Chairman Inman noted that the County's current interpretation does not allow retired law enforcement officers to return to work and still receive their separation allowance.

The Board discussed allowing officers to return to employment with the County and still receive their separation allowance and being able to utilize retired experienced officers.

Chairman Inman directed the Clerk to request Sheriff Mike Joyce to be at the December 27th meeting and place a proposed resolution to allow law enforcement officers to return to employment and still receive their separation allowance on the Action Agenda.

Proposed Resolution – PART – Seamless Mobility Study

Chairman Inman presented the following proposed Resolution submitted by Mr. Brent McKinney – PART:

Resolution Approving a Seamless Mobility Study of the Urban Transit Systems,
Complimentary ADA, PART Express and the Human Service Transportation
Systems in the Triad Region

WHEREAS public transportation services are provided to the general public by the Cities of Greensboro, High Point and Winston-Salem and the Piedmont Authority for Regional Transportation, and

WHEREAS human services transportation systems are provided by the Cities of Greensboro, High Point and Winston-Salem; the Piedmont Authority for Regional Transportation and all ten counties in the PART territorial jurisdiction, and

WHEREAS the system providers operate on independently planned routes, schedules, fares and policies with limited federal, state and local funding resources, and

WHEREAS the PART Board of Trustees and the North Carolina Department of Transportation do propose to jointly and cooperatively undertake a Seamless Mobility Study of the urban fixed route, complimentary ADA, and human services transportation systems in the Triad Region to assess the effectiveness of services and to assess the efficient utilization of limited funds to maximize the services for the residents, visitors and guests of these counties, and

WHEREAS, the North Carolina Department of Transportation – Public Transportation Division has agreed to provide technical, administrative and financial support.

NOW, THEREFORE BE IT RESOLVED, that Stokes County Board of Commissioners does hereby approve of a Seamless Mobility Study of all routes, schedules, administrative and operating policies within its service territory, and

BE IT FURTHER RESOLVED that a Steering Committee and a Technical Advisory Committee with appropriate representation be created to oversee and guide the study and the members and staff of Stokes County will cooperate fully and completely by providing all needed information in a timely manner for a successful completion of the study.

Motion made by _____ and seconded by _____
and approved on this being the ____ day of _____, 2007.

Approved: _____
Chair of the Board of Commissioners
Stokes County

Mr. McKinney sent the following information by email: (unable to attend)

- Seamless Mobility Study in the Piedmont Triad Region is already underway
- Contract has been awarded to URS Engineering –offices in Charlotte & Raleigh
- Contractual amount is \$350,000 and is funded 100% by NCDOT
- If approved by the Board, the county would appoint a representative (possible land use planner) on the technical committee and perhaps Chairman Inman on the Steering Committee

Chairman Inman noted the adoption of the proposed Resolution would allow the County to have representation on the Steering Committee and the Technical Advisory Committee.

Chairman Inman directed the Clerk to place the proposed Resolution on the December 27th Action Agenda.

Proposed Environmental Study – FTCC- Meadows Location

Vice Chairman Walker noted that the Forsyth Technical Community College (FTCC) Advisory Committee requested the Board continue to pursue the possibility of the Meadows property being used for a stand-alone campus. Vice Chairman Walker stated to his knowledge, FTCC would perform a feasibility study to determine the type of curriculum is needed in Stokes County and the Board of Commissioners would perform the Phase I and Phase II Environmental Study of the Meadows property.

Vice Chairman Walker requested the item be placed on the December 27th Action Agenda with possible price quotes.

Commissioner Lankford requested the item be placed on the December 27th Discussion Agenda.

Vice Chairman Walker moved to place the item on the December 27th Action Agenda. Commissioner Smith seconded and the motion carried (4-1) with Commissioner Lankford voting against the motion.

EDC Director’s Position- Reinstatement

Commissioner Carroll noted that after Mr. McClure’s presentation, it would be in the best interest of the County to follow Mr. McClure’s suggestion of performing an assessment of what the County needs and where the County wants to go before hiring an EDC Director. Commissioner Carroll suggested a possible joint meeting with the Economic Development Commission after the first of the year.

Chairman Inman stated that he would inform the EDC at their December 9th meeting of the Board’s desire to hold a joint meeting sometime after the first of year.

GENERAL GOVERNMENT – GOVERNING BODY – ACTION AGENDA

Proposed Regional Sewer Rate Increase – Request

Chairman Inman noted the following proposed rate increase for the Regional Sewer System:

Regional Sewer System Rate Increase	Proposed	
	Old	New
Residential	Rate	Rate
Minimum Rate		
Up to 3,000 gallons	\$13.00	\$14.00
Institutional		
Minimum Rate		
Up to 3,000 gallons	\$13.00	\$14.00

Chairman Inman noted that there were no public comments at the Public Hearing which was held on November 26th.

Chairman Inman entertained a motion regarding rate increase for the Regional Sewer System.

Commissioner Lankford moved to approve the new rate for the Regional Sewer System. Commissioner Smith seconded the motion.

Commissioner Lankford amended his motion to include the effective date of January 1, 2008. Commissioner Smith amended his second. The amendment to the motion carried unanimously.

The amended motion to approve the rate increase for the Regional Sewer System to be effective January 1, 2008 carried unanimously.

Proposed Danbury Water System Rate Increase – Request

Chairman Inman noted the following proposed rate increase for the Danbury Water System:

**Danbury Water
Rate Increase**

	Old Rate	New Rate
Residential Minimum Rate		
Up to 3,000 gallons	\$20.00	\$23.00
Institutional Minimum Rate		
Up to 3,000 gallons	\$20.00	\$23.00

Chairman Inman entertained a motion regarding the rate increase for the Danbury Water System.

Commissioner Lankford moved to approve the proposed rate increase for the Danbury Water System. Commissioner Carroll seconded the motion.

The Board discussed the effective date for the rate increase for the Danbury Water System.

County Manager Bryan Steen noted that the rate increase (if the grant is awarded) must be in effect by the time construction is completed.

The Board discussed possible options for the effective date.

Vice Chairman Walker noted that his understanding is that the Town of Danbury needs

the rate increase now.

Commissioner Lankford amended his motion to include the effective date of July 1, 2008. Commissioner Carroll amended his second to the motion.

Chairman Inman directed the Clerk to telephone Mayor Jane Priddy-Charleville for clarification of the effective date.

Chairman Inman recessed the meeting until the Clerk returned with possible information regarding the effective date.

The Board returned to open session.

Clerk to the Board Darlene Bullins informed the Board that Mayor Jane Priddy-Charleville stated the Board could adopt the effective date to be either 1-01-08 or 3-01-08. Mayor Jane Priddy Charleville noted to the Clerk that the System could use the increase even if the Grant wasn't approved. Mayor Priddy-Charleville suggested the date of 03-01-08 as a possible effective date which would coincide with the billing date and there were no issues with 01-01-08 for the Regional Sewer System rate increase.

Commissioner Lankford withdrew his motion and amendment. Commissioner Carroll withdrew his second to the motion and his second to the amendment.

Commissioner Lankford moved to approve the proposed rate increase for the Danbury Water System to be effective March 1, 2008. Vice Chairman Walker seconded and the motion carried unanimously.

Proposed Resolution – Support of Grant Application for Danbury Water System

Chairman Inman entertained a motion to approve the following proposed Resolution – Support of Grant Application for Danbury Water System:

Support of Grant Applications for the Danbury Water System

WHEREAS, In the summer of 2007, the North Carolina General Assembly included a \$100 million appropriation to the North Carolina Rural Economic Development Center in the FY2007-2009 state budget, for the purpose of making grants to rural communities in need of water and wastewater infrastructure improvements; and

WHEREAS, The County of Stokes and the Town of Danbury has need for and intends to construct or rehabilitate a publicly-owned treatment works or an alternate wastewater system, for wastewater collection systems or for water supply and distribution systems, project described as Danbury Water System Improvements; and

WHEREAS, The County of Stokes and The Town of Danbury intends to request grant assistance from the Supplemental Grants Program for the project;

NOW THEREFORE BE IT RESOLVED, BY THE STOKES COUNTY BOARD OF COMMISSIONERS:

That Stokes County and the Town of Danbury will arrange financing for all remaining costs of the project, if approved for a grant.

That Stokes County and the Town of Danbury will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Chairman J. Leon Inman, Stokes County and Mayor Jane Priddy Charleville, Town of Danbury, is hereby authorized to execute and file an application on behalf of the County of Stokes and the Town of Danbury with the NCREDC (Rural Center) for a grant to assist in the construction of the project described above.

That Chairman J. Leon Inman, Stokes County and Mayor Jane Priddy Charleville, Town of Danbury, is hereby authorized and directed to furnish such information as the Rural Center may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the County of Stokes and the Town of Danbury has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

Adopted this the 10th day of December 2007 at Danbury, North Carolina.

J. Leon Inman- Chairman

Jimmy Walker – Vice Chairman

Ron Carroll - Commissioner

Ernest Lankford - Commissioner

Stanley Smith - Commissioner

Attest:

Darlene M. Bullins – Clerk to the Board

The item was discussed at the November 14th meeting.

Commissioner Smith moved to approve the proposed Resolution. Vice Chairman Walker seconded the motion.

Commissioner Carroll noted the following corrections: (items underlined)

Support of Grant Applications for the Danbury Water System

WHEREAS, In the summer of 2007, the North Carolina General Assembly included a \$100 million appropriation to the North Carolina Rural Economic Development Center in the FY2007-2009 state budget, for the purpose of making grants to rural communities in need of water and wastewater infrastructure improvements; and

WHEREAS, The County of Stokes and the Town of Danbury have need for and intend to construct or rehabilitate a publicly-owned treatment works or an alternate wastewater system, for wastewater collection systems or for water supply and distribution systems, project described as Danbury Water System Improvements; and

WHEREAS, The County of Stokes and The Town of Danbury intend to request grant assistance from the Supplemental Grants Program for the project;

NOW THEREFORE BE IT RESOLVED, BY THE STOKES COUNTY BOARD OF COMMISSIONERS:

That Stokes County and the Town of Danbury will arrange financing for all remaining costs of the project, if approved for a grant.

That Stokes County and the Town of Danbury will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Chairman J. Leon Inman, Stokes County and Mayor Jane Priddy Charleville, Town of Danbury, are hereby authorized to execute and file an application on behalf of the County of Stokes and the Town of Danbury with the NCREDC (Rural Center) for a grant to assist in the construction of the project described above.

That Chairman J. Leon Inman, Stokes County and Mayor Jane Priddy Charleville, Town of Danbury, are hereby authorized and directed to furnish such information as the Rural Center may request in connection with such application or the project; to make the assurances as contained

above; and to execute such other documents as may be required in connection with the application.

That the County of Stokes and the Town of Danbury have substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

Adopted this the 10th day of December 2007 at Danbury, North Carolina.

J. Leon Inman- Chairman

Jimmy Walker – Vice Chairman

Ron Carroll - Commissioner

Ernest Lankford - Commissioner

Stanley Smith - Commissioner

Attest:

Darlene M. Bullins – Clerk to the Board

The motion carried unanimously.

Appointments

Stokes County Water and Sewer Authority

Chairman Inman noted the vacancy on the Stokes County Water and Sewer Authority.

Chairman Inman noted the following had been nominated:

- Kevin Webb - Walnut Cove
- John Turpin - King
- Leroy Cain – Walnut Cove
- Richard Parks Bennett – Walnut Cove
- W. Scott Snow King

County Manager Bryan Steen noted that he had spoken to the current Water & Sewer Authority members who requested if possible someone with an engineering degree be appointed.

Chairman Inman entertained a motion.

Vice Chairman Walker moved to appoint Mr. W. Scott Snow to serve on the Stokes County Water and Sewer Authority. Commissioner Smith seconded and the motion carried (3-2) with Commissioner Carroll and Commissioner Lankford voting against the motion.

King Planning Board/Board of Adjustments- ETJ Positions

Chairman Inman noted the vacancies on the City of King – Planning Board/Board of Adjustments –ETJ positions. (Norma Cox regular member and Dean Hartgrove-alternate member)

Chairman Inman noted the following were nominated at the November 14th meeting:

- Norma Cox – would like for the Board to appoint someone else if possible
- Dean Hartgrove – would prefer to serve as the alternate

Commissioner Lankford nominated Mr. Dee Mabe. There was question if Mr. Mabe who lives in the city limits could serve as the ETJ representative by owning property in the ETJ. The Clerk would verify this information before the next meeting.

Clerk Bullins requested if the Board would consider appointing Mr. Dean Hartgrove to serve as the Alternate. Mr. Hartgrove could attend the meetings until a regular member is appointed.

Chairman Inman entertained a motion to appoint Mr. Dean Hartgrove to serve as an alternate member of the King Planning Board/ETJ position.

Vice Chairman Walker move to appoint Mr. Dean Hartgrove to serve as an alternate member of the King Planning Board/ETJ position. Commissioner Lankford seconded and the motion carried unanimously.

Region I Aging Advisory Council

Chairman Inman noted the vacancy position on the Region I Aging Advisory Council.

Commissioner Lankford nominated Gracie Mabe. Ms. Mabe can be considered at the December 27th meeting.

CLOSED SESSION

Chairman Inman entertained a motion to enter into closed session for the following:

- To consult with the Attorney employed or retained by the Public Body in Order to preserve the attorney-client privilege between the Attorney and the Public Body, which privilege is hereby acknowledged, and to consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure pursuant to G.S. 143-318.11(a)(3).

Commissioner Carroll moved to enter into closed session for the following:

- To consult with the Attorney employed or retained by the Public Body in Order to preserve the attorney-client privilege between the Attorney and the Public Body, which privilege is hereby acknowledged, and to consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure pursuant to G.S. 143-318.11(a)(3).

Vice Chairman Walker seconded and the motion carried unanimously.

The Board returned to open session of the December 10th meeting.

Sauratown Volunteer Fire Department

Chairman Inman noted the recent request from Sauratown Volunteer Fire Department which has requested a one-year agreement.

Commissioner Lankford moved to continue the two-year agreement process and that a letter stating the Board denied their request for a one year agreement be sent to Sauratown Vol. Fire Department. Commissioner Smith seconded and the motion carried (4-1) with Commissioner Carroll voting against the motion.

Other Business

The Board discussed the possible date of January 3, 2008 for a meeting to discuss the financial status of the County regarding the construction of schools.

It was the consensus of the Board to meet with the Board of Education on January 23, 2008 for a joint meeting to discuss school construction.

Adjournment

There being no further business to come before the Board, Chairman Inman entertained a motion to adjourn the meeting.

Commissioner Smith moved to adjourn the meeting. Commissioner Lankford seconded and the motion carried unanimously.

Darlene M. Bullins
Clerk to the Board

J. Leon Inman
Chairman