

STATE OF NORTH CAROLINA)
)
COUNTY OF STOKES)
)

OFFICE OF THE COMMISSIONERS
STOKES COUNTY GOVERNMENT
DANBURY, NORTH CAROLINA
SEPTEMBER 28, 2009

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 (Administration Building) located in Danbury, North Carolina on Monday, September 28, 2009 at 6:00 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
Finance Director Julia Edwards
Economic Development Director Alan Wood
Fire Marshal Frankie Burcham

Chairman J. Leon Inman called the meeting to order.

Commissioner Stanley 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.

PUBLIC HEARING – SCATTERED SITE HOUSING - CLOSEOUT

Chairman Inman called to order the Public Hearing for the Final Closeout for the Scattered Site Housing Program. There were no public comments.

Chairman Inman closed the Public Hearing.

**PUBLIC HEARING – PROPOSED SOLID WASTE MANAGEMENT 10-YEAR PLAN
AND UPDATE TO THE SOLID WASTE ORDINANCE**

Chairman Inman called to order the Public Hearing for the Proposed Solid Waste Management 10-Year Plan and Update to the Solid Waste Ordinance.

The following spoke during the Public Hearing:

Linda Hicks
1130 Rock Road
Madison, NC 27025
Re: **Recycling, Composting, Education**

Ms. Hicks stressed the following regarding the Solid Waste Management 10-Year Plan:

- Time for Stokes County to “Go Green”
- Be proactive, not be the last County in the State to “Go Green”
- Recycling of paper – shred paper for citizens to use in gardens, stables, etc.
- Save money by not putting paper in the trash, County must pay for disposal of waste being hauled to Winston Salem landfill
- Use both sides of the paper
- Promote conservation in our county, such as articles in the paper
- Educate county agencies, schools, civic organizations, etc.
- Bring about awareness in Stokes County
- Have Greenbox Site Attendants talk to the citizens about recycling
- Time for everyone to get together to send out the message of recycling around the county

Chairman Inman closed the Public Hearing.

GENERAL GOVERNMENT – GOVERNING BODY – APPROVAL OF AGENDA

Chairman Inman entertained a motion to approve or amend the September 28, 2009 Agenda.

County Manager Bryan Steen requested to add the following to the Discussion Agenda:

- Appointments- Jury Commissioner (Requested today by Clerk to the Superior Court Jason Tuttle)

The Board had no issues with adding the item requested by Clerk Tuttle.

Commissioner Lankford moved to approve the September 28, 2009 Agenda as amended.

Commissioner Smith seconded and the motion carried unanimously.

PUBLIC COMMENTS

The following spoke during public comments:

Christy Nickelston

1888 Pitzer Road
Danbury, NC 27016
Re: **Happy Hills Day Care**

Ms. Nickelston spoke passionately to the Board regarding the closing of the Happy Hills Day Care, which has been in operation since 1986. Ms. Nickelston, who is a Day Care teacher at Happy Hills, noted the need for a Day Care in the Danbury area and questioned if anything could be done to re-open the center.

Kathy Young

1114 Nina Woods Road
Danbury, NC 27016
Re: **Happy Hills Day Care**

Ms. Young spoke regarding the closing of Happy Hills Day Care.

Ms. Young noted the following:

- Reiterated Ms. Nickelston's comments regarding the need for a Day Care in the Danbury area
- Center has been in operation since 1986 and is the only licensed center in Danbury and there is no other licensed center north of Danbury
- Very upset about the closing
- Parents and employees were told by Baptist that if the center closed, they would be given at least a thirty-day notice
- Parents have only been given a 15-day notice to find a new center for their children and employees have only 15 days to find a new job in a struggling economy
- Restated the motion that was unanimously approved at the Special Called Meeting on September 3rd which included covering the losses of the center until December 31st, reviewing monthly cost, implementing cost savings, and the County making a good faith effort to find a long term solution to the issue
- A person currently employed at the center could be a director to keep the center open until December 31st if someone just asked her
- Suggested the center is not only a Day Care Center, but an educational facility for young children in the County
- Need to see if there are Economic Development Rehabilitation Grants to help bring the building up to code
- Very concerned that if the center closes, it will never be reopened
- Believe if the center was brought up to code and had the right management, it would be profitable as it has been in the past

Ms. Young concluded that she believed the County had pursued all options to try to keep the center opened, but requested the County continue to explore all available options to bring the building up to code so that the center can be reopened.

CONSENT AGENDA

Chairman Inman entertained a motion to approve or amend the following items on the Consent Agenda:

Minutes

- Minutes of September 14, 2009

Jail - Budget Amendment #16

Finance Director Julia Edwards submitted Budget Amendment #16.

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

Account Number	Account Description	Current Budgeted Amount	Increase (Decrease)	As Amended
Jail				
100.4320.260	Department Supplies	<u>\$14,976.00</u>	<u>\$972.00</u>	<u>\$15,948.00</u>
	Totals	\$14,976.00	\$972.00	\$15,948.00

This budget amendment is justified as follows:

To appropriate funding to purchase software to allow tracking of security rounds for increased security of the Jail along with a one-year service contract for the current timekeeping system.

This will result in a net increase of \$972.00 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 this fiscal year.

Account Number	Account Description	Current Budgeted Amount	Increase (Decrease)	As Amended
100.3301.418	SCAAP Funds	<u>\$00.00</u>	<u>\$972.00</u>	<u>\$972.00</u>
	Totals	\$00.00	\$972.00	\$972.00

Grant Fund – Budget Amendment #17

Finance Director Julia Edwards submitted Budget Amendment #17.

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

Account Number	Account Description	Current Budgeted Amount	Increase (Decrease)	As Amended
Grant Fund				
203.4330.511	Equipment – Non Capitalized	<u>\$00.00</u>	<u>\$25,100.00</u>	<u>\$25,100.00</u>
	Totals	\$00.00	\$25,100.00	\$25,100.00

This budget amendment is justified as follows:

To appropriate funds from State Homeland Security Grant to purchase equipment.

This will result in a net increase of \$25,100.00 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 this fiscal year.

Account Number	Account Description	Current Budgeted Amount	Increase (Decrease)	As Amended
203.3301.257	State Homeland Security	<u>\$00.00</u>	<u>\$25,100.00</u>	<u>\$25,100.00</u>
	Totals	\$00.00	\$25,100.00	\$25,100.00

Health Department – Budget Amendment #19

Finance Director Julia Edwards submitted Budget Amendment #19.

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				
100.5100.000	Salaries and Wages	\$980,712.00	\$33,000.00	\$1,013,712.00
100.5100.090	Social Security Wages	\$65,179.00	\$2,046.00	\$67,225.00
100.5100.091	Medicare Tax	\$15,244.00	\$479.00	\$15,723.00
100.5100.100	Retirement	\$48,448.00	\$1,627.00	\$50,075.00
100.5100.101	401(k) County Match	\$4,890.00	\$278.00	\$5,168.00
100.5100.110	Group Insurance	\$118,708.00	\$3,750.00	\$122,458.00
100.5100.111	Dental Insurance	\$7,353.00	\$320.00	\$7,673.00
100.5100.261	Office Supplies	\$30,610.00	\$1,500.00	\$32,110.00

100.5100.230	Medical Supplies	\$110,000.00	\$6,000.00	\$116,000.00
100.5100.370	Advertising	\$950.00	\$1,000.00	\$1,950.00
100.5100.321	Postage	\$6,500.00	\$3,000.00	\$9,500.00
100.5100.180	Professional Services	\$115,000.00	\$1,000.00	\$116,000.00
100.5100.430	Rental of Equipment	\$700.00	\$1,000.00	\$1,700.00
100.5100.511	Non- Capital Equipment	<u>\$00.00</u>	<u>\$5,000.00</u>	<u>\$5,000.00</u>
	Totals	\$1,504,294.00	\$60,000.00	\$1,564,294.00

This budget amendment is justified as follows:

The Health Department has received funds to help with costs associated with H1N1 Planning and Surveillance.

This will result in a net increase of \$60,000.00 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 this fiscal year.

Account Number	Account Description	Current Budgeted Amount	Increase (Decrease)	As Amended
	H1N1 Planning & Surveillance	<u>\$00.00</u>	<u>\$60,000.00</u>	<u>\$60,000.00</u>
	Totals	\$00.00	\$60,000.00	\$60,000.00

Tax Administration Report – August 2009

Tax Administrator Oakley presented the following Real and Personal Property Refunds (August 2009) which are more than \$100 at the September 14th meeting with a request for approval at the September 28th meeting: (Tax Administrator Jake Oakley recommended approval of the Refunds)

Real and Personal Property Refunds More than \$100–August 09-Per NCGS 105-381 (b)

Name	Bill Number	Amount	Reason
Randy Galyean	04A2004009239	\$100.71	Double Listed
Clifford James	05A2005013343	\$110.29	Double Listed
	04A2004013316	\$119.87	Double Listed
JC Mabe	08A21258.01	\$101.75	Value Incorrect
	07A698500622562	\$101.75	Value Incorrect
Jorge Martinez	07A698900621597	\$102.33	Double Listed
	06A698900621597	\$109.94	Double Listed
	05A2005017950	\$131.85	Double Listed

Gyula Szabo	09A155916019.09	\$115.75	Double Listed
	08A155916019.09	\$124.43	Double Listed
	07A690404810878	\$129.26	Double Listed
	06A690404810878	\$134.77	Double Listed
	05A2005027079	\$149.43	Double Listed
First American	09A690214445020	\$1,012.54	Keystone Error -Parcel Inactive
	Total Amount	\$2,544.67	

Tax Administrator Oakley presented the following Real and Personal Property Releases (August 2009) which are more than \$100 at the September 14th meeting with a request for approval at the September 28th meeting: (Tax Administrator Jake Oakley recommended approval of the Releases)

Real and Personal Property Releases More than \$100--August 09-Per NCGS 105-381 (b)

Name	Bill Number	Amount	Reason
Christie Wilhelm	09A690402853962	\$104.41	Keystone Error - Parcel Inactive
Mark Durrett	09A698300726605	\$1,581.37	Corrected Bldg Data & % Complete
John Hairston	09A699305081842	\$1,007.48	Keystone Error - Parcel Inactive
Ronnie/Wendy Scicli	09A697101264431	\$942.50	Keystone Error - Parcel Inactive
Matthew Holder	09A599216949309	\$159.60	NBH. Change-Equitable Transition BTW NHBS
William G Oakley	09A699700098724	\$524.02	Keystone Error - Parcel Inactive
James A Perryman	09A695900438435	\$692.93	Keystone Error - Parcel Inactive
Douglas Stanley	09A697901185903	\$907.73	Keystone Error - Parcel Inactive
Dalton Developers	09A690202668916	\$831.60	Keystone Error - Parcel Inactive
Katie Lopez	09A597603433024	\$223.44	Corrected Bldg Data
David F Marion	09A599700169339	\$811.97	Keystone Error - Parcel Inactive
Anthony/Leisa Davis	09A603000345740	\$1,475.64	Keystone Error - Parcel Inactive
Randy/Rhonda Bullins	09A606000651441	\$250.04	Keystone Error - Parcel Inactive
JC Mabe	09A21258.01	\$101.75	SWMH Valued Incorrectly
Mary Frances Watts	09A690105280332	\$422.40	Late AP Approval for Elderly by Board
James/Cynthia Scott	09A599111669727	\$657.60	DOT ROW Correction
Collins Enterprises	9155900756	\$106.87	Bus Per listed In Error
Rebecca Tuttle	09A694203133047	\$196.92	Remodeling Incomplete
Ronald Young	09A604000577803	\$300.58	Approval of Late Use App.
Richard Rutledge & Others	09A692300649659	\$285.29	Approval of Late Use App.
Richard Rutledge & Others	09A692300831126	\$515.38	Approval of Late Use App.
Richard Rutledge & Others	09A693303019632	\$338.49	Approval of Late Use App.
Robert Stewart	09A694304632420	\$1,116.54	Approval of Late Use App.
Jerry Rutledge	09A692300625022	\$284.62	Approval of Late Use App.
Jerry Rutledge	09A692200575657	\$517.37	Approval of Late Use App.
	Total Amount	\$14,356.54	

Tax Administrator Oakley presented the following Late Applications for Elderly Exemption, Disabled Exemption, and Disabled Veterans for 2009 at the September 14th meeting with a request for approval at the September 28th meeting: (Tax Administrator Jake Oakley recommended approval of Late Applications for Elderly Exemption, Disabled Exemption, and Disabled Veterans):

Name	Parcel Number	Acreage	Assigned Value
Paul W. Warren	6951-02-86-4237	7.69	\$153,000.00
Floyd V. Vaden & Margie A Vaden	6999-00-68-6240	1	\$69,000.00
Linda W. Treece	5993-01-28-3520	9.87	\$96,240.00
Kathleen M. Tedder	6925-03-32-8169	56.48	\$317,800.00
Lee J. Sweeney	5986-01-27-4249	5.47	\$104,100.00
Avoline Marshall Smith	5982-16-84-8339	8.95	\$147,400.00
Allard C. Smith & Kathleen J. Smith	5982-15-54-2318	2.96	\$156,100.00
Frank Y. Shuff	6908-00-79-9220	5.57	\$65,800.00
James E. Shelton & Velma M. Shelton	6040-00-67-3697	9.2	\$69,000.00
Billy J. Priddy & Eva B. Priddy	6999-00-14-0688	52.37	\$227,400.00
Maeola A . Lawson	5983-01-49-6034	50	\$277,500.00
Norma L. Hill	5976-03-33-9708	1.03	\$132,300.00
Louis Frohlich	6984-00-17-0798	0.5	\$62,300.00
Arne K. Eriksen & Charlotte M. Eriksen	6902-13-03-7973	1 Lot	\$112,300.00
Mary A. Cockerham	6955-04-80-7412	0.93	\$23,470.00
Bertha H. Cann	5981-01-48-7383	1 Lot	\$89,300.00
Mark A. Brim	6984-02-95-8238	0.33	\$17,815.00
Betty J. Boles & Roger D. Boles	5998-00-02-4890	0.95	\$22,466.00

Tax Administrator Oakley presented the following Present-Use Value Applications at the September 14th meeting with a request for approval at the September 28th meeting: (Tax Administrator Jake Oakley recommended approval of the Present-Use Value Applications)

Name	Parcel #	Acres		Reason
Otelia Vaden	691800022616	22.4	Forestry	Has never applied for Forestry Use Value
Gaither Shuff Heirs	690800675943	23	Forestry	Has never applied for Forestry Use Value
Margaret Joyce	698600826981	24.52	Forestry	Has never applied for Forestry Use Value

Ola Lawson	598301496034	53	Agricultural	Has never applied for Agricultural Use Value
Bobby Taylor	599800126428	45.69	Forestry	Has never applied for Forestry Use Value
Shirley Greenwood	691900744215	41.15	Agricultural	Already had 162 acres under the Program, but failed to apply this parcel
Billy/Eva Priddy	699900140688	39.37	Forestry	Has never applied for Forestry Use Value
Don Wall	694402995314	22.51	Forestry	Family land-has never applied for Forestry Use Value
Kay W. Hoots				
Clarice Morefield & Coy Morefield	693800109306	92.88	Agricultural	Family land-has never applied for Agricultural Use Value
William Sands & Kate Sands	695600426636	51.55	Forestry	Has never applied for Forestry Use Value
William Sands & Kate Sands	695600523504	8.1	Forestry	Has never applied for Forestry Use Value

Proposed Resolution – Application for Certificate of Need for a Hospice Home In Stokes County

County Manager Bryan Steen submitted the following proposed Resolution – “Support for a Hospice Home in Stokes County” for the Board’s consideration and approval:

RESOLUTION SUPPORTING FOR A HOSPICE HOME IN STOKES COUNTY

WHEREAS, Stokes County is in need of a Hospice Home in Stokes County and according to Hospice and Palliative Care there is a sufficient number of patients to fully support a Hospice Home; and

WHEREAS, The development of a Hospice Home with inpatient and residential beds will improve the Hospice and Palliative Care Services available to the citizens of Stokes County; and

WHEREAS, Having the additional access to Hospice and Palliative Care not only improves the quality of care at the end of life for our residents, but also benefits those family members and loved ones that care for these patients; and

WHEREAS, Not only will a Hospice Home provide the needed care, it will also create permanent jobs to support the facility along with indirect jobs created during construction in this stressed economy; and

WHEREAS, Hospice and Palliative CareCenter has applied to the State of North Carolina for a Certificate of Need for a Hospice Home in Stokes County; and

WHEREAS, Hospice and Palliative CareCenter has demonstrated its commitment to the area by providing healthcare services and building a practice for over 30 years; and

WHEREAS, Hospice and Palliative CareCenter currently offers Stokes County residents quality Hospice Care and they are the only licensed and active Hospice with an office in Stokes County.

NOW, THEREFORE, BE IT RESOLVED, that **Stokes County Board of Commissioners** support the Certificate of Need Application submitted by Hospice and Palliative CareCenter for a Hospice Home in Stokes County.

Adopted this the **28th** day of **September 2009**.

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

Proposed Resolution – Support for Community Care of North Carolina Network

County Manager Bryan Steen submitted the following proposed Resolution – “Supporting Community Care of North Carolina Network” for the Board’s consideration and approval:

**RESOLUTION SUPPORTING COMMUNITY CARE
OF NORTH CAROLINA NETWORK**

WHEREAS, The Stokes County Board of Commissioners is supportive of the request stated by the Stokes County Board of Health in their letter to Secretary Lanier M. Cansler, North Carolina Department of Health and Human Services dated September 22, 2009 which is attached; and

WHEREAS, The Stokes County Board of Commissioners is aware of the difficult times being faced by the State related to funding decisions, but we are also aware of the difficulties faced by our local Health Department in their efforts to provide much needed services; and

NOW, THEREFORE, BE IT RESOLVED, that **Stokes County Board of Commissioners** express their support for the following:

- Keep the Public Health Case Management Service System in place, but allow negotiations pertaining to the 19.4% budget reduction
- Allow the involvement of local Health Directors in development of a plan to better integrate case management services for our citizens that would be advantageous to all parties.

Adopted this the 28th day of September 2009.

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

Proposed Resolution – Rank of Eagle Scout – Parker Ryan Tuttle

Clerk to the Board Darlene Bullins submitted the following proposed Resolution “In Recognition of Parker Ryan Tuttle for Achieving the Rank of Eagle Scout” for the Board’s consideration and approval:

**RESOLUTION IN RECOGNITION OF PARKER RYAN TUTTLE
FOR ACHIEVING THE RANK OF EAGLE SCOUT**

WHEREAS, the Boy Scouts of America was founded on February 8, 1910, and has been at the forefront of instilling timeless values in our youth; and

WHEREAS, the Boy Scouts of America is committed to helping millions of youth succeed by providing the support, friendship, and mentoring necessary for character building, citizenship training, and personal fitness; and

WHEREAS, one of the major objectives in the Scouting Program is to develop citizenship through community involvement, and in addition to working for citizenship merit badges, Scouts are encouraged to participate in community service projects; and

WHEREAS, the highest advancement rank in Scouting is the coveted rank of Eagle Scout, in which a Boy Scout must fulfill requirements in the areas of leadership, service and outdoor skills; and

WHEREAS, only approximately five percent of all Boy Scouts earn the Eagle Scout rank; and

WHEREAS, Parker Ryan Tuttle has distinguished himself by achieving the rank of Eagle Scout by forming a team which addressed erosion issues, designed and built three picnic tables, and constructed a manicured horseshoe course at the Walnut Cove Masonic Lodge 629; and

NOW, THEREFORE BE IT RESOLVED, the Stokes County Board of Commissioners does hereby honor and congratulate Parker Ryan Tuttle on his successful completion of Eagle Scout Rank.

BE IT FURTHER RESOLVED, that the Stokes County Board of Commissioners commends Parker Ryan Tuttle for obtaining this level of achievement and encourages him to continue his dedicated service to the community.

Adopted this 28th day of September, 2009.

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

Commissioner Lankford moved to approve the Consent Agenda as presented.

Commissioner Carroll seconded and the motion carried unanimously.

GENERAL GOVERNMENT – GOVERNING BODY – INFORMATION AGENDA

Update – Manager and Board of Commissioners

County Manager Bryan Steen noted the following:

- Bids for renovations to Courtroom “C” and District Attorney’s offices will be presented at the first meeting in October
- Progress is continuing on the new Pinnacle EMS station

Vice Chairman Walker requested Public Works Director Delehant to see if there is anything else the County can do to promote county awareness regarding recycling.

CenterPoint Human Services Update

The following were present for the CenterPoint Human Services Update:

- CEO/Area Director Betty Taylor
- Assistant Area Director of Finance Kevin Beauchamp
- Assistant Area Director of Operations Ronda Outlaw

Assistant Area Director of Finance Kevin Beauchamp noted the following:

- CenterPoint received a 13% (\$2,282,582) reduction in State funding for the 09/10 Fiscal Year

- CenterPoint anticipated some type of reduction and started looking in February 2009 at ways to reduce expenditures while not affecting services to the consumer
- Strategies implemented prior to the Fiscal Year 2009/2010 include:
 - No state-supplementation of care for CAP MR/DD recipients that can be delivered under Medicaid unless clear medical necessity is shown implemented in Davie, Forsyth, and Stokes Counties
 - Guaranteed inpatient beds reduced from 10 to 8 beds
 - Child-specific contracts for state-funded Day Treatment (a Medicaid Service) in the schools with clear eligibility criteria and length of service limits implemented
 - Post-discharge services restructured
- CenterPoint will contribute \$350,000 from Fund Balance to augment service funding
- Adopted a budget with less state funding than allocated from the Division
- Even with a 13% State reduction in funding, CenterPoint only has to apply approximately \$450,000 reduction to provider contracts, this is due to the prior reductions implemented by CenterPoint
- Both the Provider Council and CenterPoint management support establishing a reserve from service funding to address further potential reductions in State funding
- CenterPoint anticipates future state funding cuts
- Finance Committee recommended a 5% reserve be established
- Reserve can be established without reducing provider contracts
- CenterPoint is continuing to look at all possible reductions
- Patient Assistance Program, which allows patients free or reduced medication, saved Stokes County residents \$224,910 during the fiscal year ending June 09
- Three party contract between the Division, Forsyth Medical Center, and CenterPoint to date has been a \$31,000 value to Stokes consumers
- Breakdown of Discretionary Funding:
 - Mental Health = 22%
 - Developmental Disabilities = 42%
 - Crisis = 25%
 - Transportation = 3%
 - Reserve = 8% (plan to utilize for services before the end of the year)
- Due to being proactive, there should be no impact on the services to the citizens of Stokes County

Assistant Area Director of Operations Ronda Outlaw noted the following:

- Initiatives that CenterPoint is currently working on:
 - Working with law enforcement agencies and local hospitals to try to improve the process for how involuntary commitments are handled - trying to decrease wait time for law enforcement officers
 - CenterPoint employee, Victor Armstrong, is attending the Stokes County First Responders Meeting on a regular basis to help identify problems with the Involuntary Commitment Process
 - Working with the magistrates –linking them with Mobile Crisis Teams

- Triumph very interested in providing day treatment services in the school system, currently working with Stokes County School System
- Working to increase services for substance abuse
- Increasing mobile services to provide Intensive In-Home Services which is a clinical intensive service provided to children and families in their own home
- Stokes County has two mobile crisis teams – one is operated by Forsyth Medical Center and one is operated by DayMark Recovery Services, both units combined served 26 Stokes County residents during the months of July and August
- Crisis services are brought to the citizens, the unit can actually go to the client’s home, most of the clients seen in July and August were seen in the Emergency Room, with 30% being seen in their homes
- High rate of substance abuse in Stokes County – meeting in Stokes County next week to look at substance abuse services currently in Stokes County
- Doris Hill, Stokes County Mental Health, is going to be chairing CenterPoint’s Human Rights Committee

Director Betty Taylor noted that 4 Stokes County entities were recently at a meeting for primary physicians to seek funding to integrate behavior health services and knowledge into their primary care practice. Director Taylor stated she was very pleased with the attendance from Stokes County and this is a step in the right direction to providing more services in Stokes County.

The Board commended CenterPoint on being prepared for the State cuts and still maintaining the same level of services to the citizens of Stokes County.

Chairman Inman, on behalf of the Board, expressed the Board’s appreciation to Director Taylor and her staff for the CenterPoint update.

GENERAL GOVERNMENT – GOVERNING BODY – DISCUSSION AGENDA

Proposed Feasibility Study for Expansion of Broad Band Services in Stokes County

Economic Development Director Alan Wood discussed the following regarding a feasibility study for expansion of Broad Band Services in Stokes County:

- Economic Development Commission started looking at Broad Band Services in Stokes County during the development of their strategic plan
- Percentages vary when it comes to the availability of Broad Band in Stokes County, one map funded by the telephone companies reflects that 90% of Stokes residents have Broad Band available, one map funded by ENorth Carolina reflects 60-65% of Stokes County residents have Broad Band available
- The 60-65% coverage is probably realistic

- Satellite coverage is not to be included in the definition of Broad Band coverage
- Have met with representatives from Embarq to try to find out what are Embarq's plans for the future as far as Broad Band for Stokes County
- Meeting with Embarq representatives again next week for further discussion
- Working with representatives from Caswell and Rockingham counties for possible regional grant – regional grant applications are usually looked at more favorable
- Representatives from Rockingham and Caswell counties also feel that a joint application will be viewed more favorably
- Caswell County is currently having a feasibility study done with Rockingham having already completed phase I of the feasibility study by their own staff
- Must have a feasibility study in order to move forward with any grant applications
- Must know where the needs are, must know where Broad Band is currently available, must know what are the plans for implementing the needs in the future, and is it cost effective along with what it will cost to complete the plan
- Two proposals available – basically both will do the following:
 - A needs assessment will be performed
 - Finding out where Broad Band is currently available
 - What % of the population has Broad Band coverage
 - Develop a plan for a wire/wireless Broad Band across the entire county
 - Cost analysis be performed
 - Provide the best plan to implement the project
 - Do the engineer study up to the point where fiber goes into the ground with additional engineer work having to be done if there is a need for a lot of fiber – this would possibly generate additional costs
 - Once the engineer study is done- a report will be presented to the county for a decision to be made whether to move forward with the project
 - Provide the County with who the partners could be
 - Provide possible outside providers
 - Provide assistance with the grant applications for an additional cost
- One proposal has a cost of \$55,000 which will provide Phase I and Phase II – up to the grant implementation which will cost approximately \$10,000 – this cost would be shared by the three counties if a regional grant was submitted
- The other proposal is broken down into three parts – Part I: Needs assessment-then decide whether to move forward- cost approximately \$21,000; Part II – Building network, providing partners/providers and plans to implement the project –cost approximately \$23,000; Part III – Grant application process (Part I and Part II -cost not to exceed \$44,000) costing approximately \$8,000
- Both vendors who submitted proposals come highly recommended (Probably the best time to get funding from stimulus dollars for Broad Band expansion)
- \$7.2 billion dollars of stimulus funding set aside for rural Broad Band along with other possible funding sources such as Golden Leaf, Rural Center, etc.
- Time line is critical for implementing the feasibility study
- Next grant application deadline is tentatively set for late February or early March
- Before moving forward with any Broad Band expansion, a feasibility study must be done
- Grant application is highly competitive and the County needs someone who has experience in preparing and submitting this type of grant application

- Both vendors have submitted this type of grant applications
- Broad Band needed for entrepreneurship, college and high school students, current and new businesses in the county
- Economic Development Commission recommends to use capital reserve economic development funding to move forward with the feasibility study

The Board discussed the proposals submitted by Director Wood, possibly using funds in capital reserve set aside for economic development projects, need for a feasibility study, need for Broad Band across the county, percentage of Broad Band availability, and regional grant applications.

The Board unanimously agreed the need for Broad Band across the county and the need to move forward with the feasibility study.

Director Wood noted that he could provide the Board with more information from the two proposals at the next meeting for further discussion.

Chairman Inman directed Director Wood to provide the Board with additional information available regarding the proposals and directed the Clerk to place the item on the October 12th Action Agenda.

Fire Marshal's Vehicle Fleet
Budget Amendment #18 and Proposed Resolution

Fire Marshal Frankie Burcham presented the following information:

- During the past year, have been working on downsizing the vehicles in the Fire Marshal's office
- Recently found three Ford Explorers at the State Surplus
- Two are 2004 models
- One is a 2003 model
- Both are 4x4 with V-6 engines and will average 18 to 21 miles per gallon
- Current vehicles use an average of 9 and 12 miles per gallon
- Purchasing the three vehicles from State Surplus would save fuel mileage, repair cost and eliminate searching for replacement parts for the older vehicles that are very hard to come by
- Opportunity to also downsize in 911 Communications by transferring the 1997 Chevrolet Blazer to Communications and possibly surplus the 1986 Suburban currently being used by Communications
- Request has been made by E911 Director Del Hall for the Blazer

- In 2001, Fire & Rescue Association voted to pay for one of the Dodge trucks that was purchased by the county for the Fire Marshal's office
- Changes to take place with the approval of the Board of Commissioners:
 - Surplus the two 2001 model Dodge trucks
 - Sell one truck to Westfield Fire and First Response at a cost of \$7,000
 - Sell one truck to the Stokes County Fire and Rescue Association at a cost of \$2,000 (Requests from Stokes County Fire & Rescue Association and Westfield Fire and First Response was provided to the Board)
- By selling the one Dodge to the Stokes County Fire and Rescue Association, the \$2,000 would reimburse the County the cost of the equipment placed on the Dodge truck in 2001 and would also assist in the request made by the Fire and Rescue Association this past year for the purchase of a vehicle to assist in their operations
- By selling the other Dodge to Westfield Fire and First Response, it would allow their department to better serve their district and mutual aid districts with emergency response
- Funds from the sale of the trucks would be used toward the purchase of the three Explorers which total cost is \$10,900.00
- Funds within my budget, which I have requested, will fund the remaining cost of the trucks along with emergency equipment to fit the Explorers and for reflective striping for the response vehicles
- Budget Amendment #18 covers the needed funding
- A request to reserve the vehicles was granted until September 29, 2009
- Request the item be moved to today's Action Agenda due to the September 29th deadline

Budget Amendment #18

Finance Director Julia Edwards submitted Budget Amendment #18.

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

Account Number	Account Description	Current Budgeted Amount	Increase (Decrease)	As Amended
	Fire Marshal			
100.4340.000	Salaries & Wages	\$138,110.00	\$(2,792.00)	\$135,318.00
100.4340.260	Departmental Supplies	\$3,740.00	\$(1,800.00)	\$1,940.00
100.4340.291	Uniforms	\$2,800.00	\$(2,000.00)	\$800.00
100.4340.320	Telephone	\$4,480.00	\$(1,000.00)	\$3,480.00
100.4340.350	Main. & Repair to Equip.	\$2,700.00	\$(1,700.00)	\$1,000.00
100.4340.511	Equipment- Non- Capitalized	<u>\$1,500.00</u>	<u>\$18,292.00</u>	<u>\$19,792.00</u>
	Totals	\$153,330.00	\$9,000.00	\$162,330.00

This budget amendment is justified as follows:

To transfer funds for the purchase of three (3) vehicles and the sale of two (2) vehicles.

This will result in a net increase of \$9,000.00 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 this fiscal year.

Account Number	Account Description	Current Budgeted Amount	Increase (Decrease)	As Amended
100.3836.820	Sale of Equipment/Buildings	<u>\$5,000.00</u>	<u>\$9,000.00</u>	<u>\$14,000.00</u>
	Totals	\$5,000.00	\$9,000.00	\$14,000.00

Proposed Resolution

Fire Marshal Burcham presented the following proposed Resolution Authorizing the Sale of Personal Property Worth Less than \$30,000.00 according to G. S. 153A-176; G.S. 160A-267; G.S. 160A-279:

Resolution authorizing sale of personal property worth less than \$30,000.00 (G.S. 153A-176; 160A-267, 160A-279)

WHEREAS, The County of Stokes owns two (2) 2001 Dodge trucks that have become surplus; and

WHEREAS, North Carolina General Statute 160A-279 authorizes the County to appropriate funds to any public or private entity which carries out a public purpose, the County may, in lieu of or in addition to the appropriation of funds, convey by private sale to such entity any real or personal property which it owns.

WHEREAS, Procedural provisions of North Carolina 160A-267 Private Sale shall apply;

WHEREAS, the Board of Commissioners are convened in a regular meeting;

THEREFORE, THE BOARD OF COMMISSIONERS OF STOKES COUNTY RESOLVES THAT:

1. The Board of Commissioners authorizes the Support Services Supervisor to sell by private sale at a negotiated price the following vehicles to:
 - Westfield Fire & First Response
2001 Dodge Truck Serial Number 3B7KF26Z01M245324
 - Stokes County Fire & Rescue Association
2001 Dodge Truck Serial Number 3B7KF26Z91M245323
2. The Support Services Supervisor shall publish a notice summarizing this resolution and no sale may be executed pursuant to this resolution until at least ten (10) days after the date notice was published.

Adopted this the ____ day of _____ 2009.

J. Leon Inman- Chairman

Jimmy Walker – Vice Chairman

Ron Carroll - Commissioner

Ernest Lankford - Commissioner

Stanley Smith – Commissioner

Attest _____
Darlene Bullins
Clerk to the Board

Fire Marshal Burcham requested the following be moved to today's Action Agenda for consideration of approval:

- Request to surplus two 2001 model Dodge Trucks
- Request to sell one truck to Westfield Fire and First Response at a cost of \$7,000
- Request to sell the second truck to the Stokes County Fire and Rescue Association at a cost of \$2,000
- Request to purchase three (3) Ford Explorers from State Surplus
- Request approval of Budget Amendment #18
- Request approval of proposed Resolution Authorizing Sale of Personal Property

The Board discussed the proposal submitted by Fire Marshal Burcham and commended Fire Marshal Burcham for submitting a cost effective solution for his request.

Chairman Inman, with full consent of the Board, directed the Clerk to transfer the item to today's Action Agenda.

Exempt Employees- Compensatory Time – Further Discussion

County Manager Bryan Steen presented a brief overview of the previous and current policy for exempt employees accruing compensatory time.

Manager Steen noted the following:

- Previous county policy allowed exempt employees to accrue compensatory time (hour for hour) but did not address the use of comp. time
- Previous policy did state that an exempt employee would not be paid for any unused compensatory time at the time of termination from the county
- Current county policy no longer allows exempt employees to accrue compensatory time

- Current county policy eliminates the need for exempt employees to maintain a timesheet
- Understanding was that the Board did not intend for exempt employees to be able to use prior balances of compensatory time
- Could be some extraordinary circumstances such as Emergency Management searching for a lost individual, Fire Marshal having to investigate a fire, DSS workers called out for a Child Protection Case, etc. which could be dealt with on an individual basis
- Unsure of how a judicial body would recognize the County allowing exempt employees to use the prior compensatory balances with the current policy

The Board discussed the current policy with Manager Steen.

Commissioner Smith would like to get a clear understanding of the current policy.

Commissioner Carroll would like a legal opinion regarding the obligation that the County has to employees who accrued comp. time under an old policy until the implementation of the new policy.

County Attorney Edward Powell noted that without research, it would be unfair to advise the Board at this time, but first thought would be that the County has a legal obligation to honor the comp. time accumulated by the employees under the old policy. Attorney Powell noted that he could have the Board a legal opinion by the next meeting.

Vice Chairman Walker stated that he was looking for what was fair and legal, but is concerned about being subjective regarding an employee who has extraordinary circumstances and that maybe the policy should not be subjective, be clear and detailed.

Chairman Inman echoed Commissioner Carroll's comments about the legal obligation regarding the unused balances.

Chairman Inman directed the Clerk to place the item on October 12th Discussion Agenda if information is available from the County Attorney.

Appointments - Danbury Vol. Fire Department – Firemen's Relief Fund Board of Directors

Chairman Inman noted that Norman Scott had been nominated at the September 14th and

there have been no further applications for appointment.

Chairman Inman entertained a motion.

Commissioner Carroll moved to appoint Norman Scott to serve on the Danbury Volunteer Fire Department – Firemen’s Relief Fund Board of Directors. Commissioner Smith seconded and the motion carried unanimously.

Appointments - Stokes Aging Planning Committee Membership

Chairman Inman noted the following were nominated at the September 14th meeting and there have been no further applications for appointment:

1. James Carlin
2. Lou Charland
3. Vicky East, Walnut Cove Senior Center
4. Louise Flynt
5. Suzan Garner, King Senior Center
6. Susie Grabs
7. Ted Griesenbrock
8. Sheriff Mike Joyce
9. Janelle Kent, NC Cooperative Extension
10. Dottie Lyvers, Area Agency on Aging (technical assistance)
11. Angie McHone, Stokes County Family Health Center
12. Lynn Martens, Stokes County Senior Services
13. Susan Maxey, Stokes Voluteer Center/Retired Senior Volunteer Program
14. Clinard Merritt
15. Jacque Nuckols
16. Jean Sands
17. Jan Spencer, Stokes County Social Services
18. Madeline Watkins
19. Lori Webb, Hospice & Palliative Care Center

Chairman Inman entertained a motion.

Vice Chairman Walker moved to appoint the following to serve on the Stokes County Aging Planning Committee:

1. James Carlin
2. Lou Charland
3. Vicky East, Walnut Cove Senior Center
4. Louise Flynt
5. Suzan Garner, King Senior Center

6. Susie Grabs
7. Ted Griesenbrock
8. Sheriff Mike Joyce
9. Janelle Kent, NC Cooperative Extension
10. Dottie Lyvers, Area Agency on Aging (technical assistance)
11. Angie McHone, Stokes County Family Health Center
12. Lynn Martens, Stokes County Senior Services
13. Susan Maxey, Stokes Voluteer Center/Retired Senior Volunteer Program
14. Clinard Merritt
15. Jacque Nuckols
16. Jean Sands
17. Jan Spencer, Stokes County Social Services
18. Madeline Watkins
19. Lori Webb, Hospice & Palliative Care Center

Commissioner Lankford seconded and the motion carried unanimously.

Appointments - City of King – King Planning Board – ETJ Appointment

Chairman Inman noted that Norma Cox had been nominated at the September 14th meeting and there had been no further applications for appointment.

Chairman Inman entertained a motion.

Vice Chairman Walker moved to appoint Norma Cox to serve on the King Planning Board – ETJ appointment. Commissioner Smith seconded and the motion carried unanimously.

Appointments – Stokes County Animal Control Advisory Council

Chairman Inman noted the Board had received a resignation letter from Captain Mike Marshall. Captain Marshall noted that due to the uncertainties involving his duties with the Sheriff's Department and other committee obligations involving Stokes County, it would be in the committee's best interest to step down from his appointment to the Stokes County Animal Control Advisory Council. Captain Marshal recommended Jail Corporal Deborah Tuttle as a replacement for his appointment. Stokes County Animal Control Advisory Council has no issues with Ms. Tuttle being appointed to serve as the representative from the Sheriff's Department.

Commissioner Lankford moved to appoint Jail Corporal Deborah Tuttle to serve on the Stokes County Animal Control Advisory Council. Vice Chairman Walker seconded and the motion carried unanimously.

Appointments- NWPCOG – Region I Aging Advisory Council

Chairman Inman noted the following vacancies on the Region I Aging Advisory Council:

- Lou Charland who wishes to be reappointed
- Jacqueline Nuckols who wishes to be reappointed
- Gracie Mabe who resigned due to medical conditions with her family

Vice Chairman Walker nominated Lou Charland and Jacqueline Nuckols to serve on the Region I Aging Advisory Council.

Commissioner Lankford nominated Jewel Mabe to serve on the Region I Aging Advisory Council. Nominations can be considered at the October 12th meeting.

Jury Commission

Chairman Inman noted that Clerk to Superior Court Jason Tuttle requested today to add the appointment of a Jury Commissioner to tonight’s agenda. This appointment needs to be filled as soon as possible due to their work must be done by the end of November 2009.

Chairman Inman noted that Lynwood Shelton who has served as a Jury Commissioner for several appointments wishes to be considered for re-appointment.

Commissioner Lankford nominated Lynwood Shelton to serve as a Jury Commissioner. Nominations can be considered at the October 12th meeting.

GENERAL GOVERNMENT – GOVERNING BODY – ACTION AGENDA

**Lawsonville Vol. Fire Department – Equipment Request
Proposed Resolution**

County Manager Bryan Steen noted that information received from the Institute of Government (Attorney David Lawrence) as requested by the Board regarding Commissioner

Lankford being recused from voting on the Lawsonville Vol. Fire Department's equipment request indicates that a Commissioner cannot legally recuse himself from voting if there was no financial gain. County Attorney Powell agreed that Commissioner Lankford cannot legally recuse himself from voting on the particular issue, but could announce his reasoning for requesting to be recused from the vote.

Commissioner Lankford restated that his reasoning for requesting to be recused from discussion and voting on the item was due to a perception issue of being a Board member for the department and that there was definitely no personal financial gain.

Chairman Inman entertained a motion to approve the Equipment Request and the following proposed Resolution presented at the September 14th meeting by Lawsonville Fire Chief

Keith Lawson:

**Resolution Approving the Financing By Lawsonville Volunteer Fire and Rescue
For up to \$233,986.00 for the Pumper Tanker Truck Project**

Whereas, Lawsonville Volunteer Fire and Rescue has determined to finance an amount of up to \$233,986.00 for a pumper tanker truck. The United State Internal Revenue Code requires that for such financing to be carried out on a tax-exempt basis, the Stokes County Board of Commissioners must first approve the financing, and;

Whereas, The Volunteer Fire Department has held a public hearing on the financing after published notice, as required by the Code, and;

Whereas, The Volunteer Fire Department has reported the proceedings of the hearing to the Stokes County Board of Commissioners.

Be It Therefore Resolved by the Board of Commissioners of Stokes County, North Carolina, as follows:

1. The County approves Lawsonville Volunteer Fire Department entering into the financing, as required under the Code for the financing to be carried out on a tax-exempt basis
2. The Lawsonville Volunteer Fire Department's conduct of the required public hearing is approved.

I hereby certify that the foregoing Resolution was duly adopted at a meeting of the Stokes County

Board of Commissioners duly called and held on _____ 2009, and that a quorum was present and acting throughout such meeting. Such Resolution remains in full effect as of today.

Dated this _____ day of _____, 2009.

Darlene M. Bullins
Clerk to the Board of Commissioners
Stokes County, North Carolina

Commissioner Carroll moved to approve the Equipment Request and proposed Resolution from Lawsonville Vol. Fire Department. Vice Chairman Walker seconded and the motion carried unanimously.

Proposed Solid Waste Management 10-Year Plan
Proposed Update to the Solid Waste Ordinance

Chairman Inman entertained a motion to approve the proposed Solid Waste Management 10-Year Plan and the following proposed updated Solid Waste Ordinance presented by Public Works Mark Delehant at the September 14th meeting with a request for approval at the September 28th meeting:

Appendix - I

SOLID WASTE MANAGEMENT ORDINANCE
STOKES COUNTY, NORTH CAROLINA

PURPOSE: The purpose of this ordinance is to promote the public safety, health, and welfare of the citizens of Stokes County by regulating the management of solid waste and recycling in Stokes County.

ARTICLE I – TITLE

This ordinance shall be known and may be cited as the Solid Waste Management Ordinance of Stokes County, North Carolina.

ARTICLE II – PREAMBLE

Whereas, the Stokes County Board of Commissioners (Board of Commissioners) is authorized by North Carolina General Statute 153A-136 to regulate the storage, collection, transportation, use, disposal and other disposition of solid waste within Stokes County. The Board of Commissioners hereby adopts the following ordinance to regulate the storage, collection, transportation, use, disposal and other disposition of solid waste.

Now, therefore, be it ordained that the following regulations shall apply to Stokes County, North Carolina.

ARTICLE III – JURISDICTION

On and after the effective date of this ordinance, the provisions of this ordinance shall govern the storage, collection, transportation, use, disposal and other disposition of solid wastes within Stokes County, North Carolina.

ARTICLE IV – DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of these regulations:

A. Banned Material – Those materials listed in Article V, Letter B.

B. Bulky Wastes – Large items of solid waste such as household appliances, furniture, automobiles, large auto parts, trees, branches, stumps, and other oversized waste whose size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods.

C. Commercial Waste – Non-hazardous putrescible and non-putrescible waste generated by entities other than an individual residence.

D. Compost – Biodegradable material that is managed in such a way to promote its decomposition.

E. Construction & Demolition Waste (C&D) – Waste building materials, packaging, roofing shingles, and rubble resulting from construction, remodeling, repair and demolition. This includes concrete, bricks, uncontaminated earth, untreated wood waste clean of nails or other hardware, and demolition operations on pavements, houses, commercial buildings, and other structures as approved by Stokes County or other debris defined as C & D by NCDENR.

F. Contractor – Any builder or developer that generates a waste stream.

G. County- Stokes County, North Carolina

H. Public Works Director – Administrator of the County Solid Waste Department.

I. Excess Waste – Solid wastes from individual residences exceeding 200 pounds per visit.

J. Garbage – All putrescible wastes, including animal and vegetable matter, small animal offal and carcasses, and recognizable industrial by-products, but excluding sewage, human waste, and any liquid waste.

K. Hazardous Waste – As defined in North Carolina General Statute 130A-290(8).

L. Illegal Dumping – Any action that contributes to the illegal disposal or accumulation of litter, solid waste, or recyclables.

M. Industrial Waste – Non-hazardous waste generated by an industrial or manufacturing process.

N. Land Clearing Debris- Solid wastes generated solely from land-clearing activities.

O. Litter – Any amount of solid waste or recyclables, which has been disposed of, discarded, or abandoned improperly or illegally including solid waste and recyclables on roadsides, in water, or on public or private lands. Litter does not include biodegradable material collected in a safe manner for composting purposes, or solid waste or recyclables collected on a person's own property for some legal, safe purpose.

P. Recyclables – Those materials, which are capable of being recycled, which would otherwise be processed or disposed of as solid waste.

Q. Recycling Center – A drop-off site that is owned or operated by the County to which people residing in Stokes County can bring their recyclables.

R. Residential Waste – Solid waste generated in the day-to-day activities of households.

S. Solid Waste – As specifically defined in North Carolina General Statute 130 A-290 (a) 35. In general, solid waste is garbage, refuse, rubbish, trash, and other discarded solid materials not recycled including solid waste materials resulting from industrial, commercial, and agricultural operations and from community activities, but not including solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollution.

T. Solid Waste Enforcement Officer(s) – The county employee(s) responsible for executing the enforcement provisions of the Solid Waste Ordinance.

U. Convenience Site Transfer Facility – Facility used for staging and bulking of County solid waste prior to transport to an approved sanitary landfill.

V. Waste Hauler – Any person or company that hauls solid waste or recyclables for a fee.

W. Yard Waste – All biodegradable clearing debris and vegetative matter including lawn clippings, leaves, brush, and garden refuse.

ARTICLE V – USE OF CONVENIENCE SITE TRANSFER FACILITY

A. Authority of County Agents to Regulate Use.

1. The Convenience Site Transfer Facility in Stokes County is operated and maintained by the County and financed in part by revenues generated through Tipping Fees. “Tipping Fees” will be charged and collected at the Transfer Station. The County Commissioners shall adopt a schedule of rates, fees and charges.

2. The purpose of these allocated monies is to provide solid waste management and recycling services to citizens in the incorporated and unincorporated areas of the county. Therefore, it shall be unlawful for any person to use the County Solid Waste Sites unless such person is disposing of solid waste generated on property located within Stokes County.

3. The North Carolina Department of Environment and Natural Resources (DENR) regulates the operation of the Stokes County Convenience Site Transfer Facility’s. The County shall have the authority to determine what types of waste can be transferred through the Convenience Site Transfer Facility in accordance with the most current State and Federal rules and regulations governing such disposal.

B. Materials-Materials may be excluded if they violate the conditions of the DENR Solid Waste Operating Permit or any permit conditions/restrictions imposed on the County by any landfill receiving the County's waste.

C. Recyclables- it shall be illegal to deposit any material in a recycling container that is not specifically marked to accept the said material.

D. Fire Prevention- It shall be unlawful for any person to set or cause to be set any fire in a solid waste container. No person shall place embers, ashes, or other material in a container that would create a fire hazard.

E. Scavenging - It shall be unlawful for any person to enter or to remove any item from a solid waste or recycling container unless they have express written permission from the Environmental Manager or a duly authorized representative. No person shall climb on, around or inside a solid waste or recycling container. No person shall cause any damage to be inflicted upon a solid waste or recycling container. No person or persons shall loiter and/or congregate at the Transfer Station site or recycling drop-off site and no vehicle shall be left unattended on said property. Any vehicle left unattended may be towed away and placed in storage at the owner's expense.

F. Littering and Illegal Dumping

1. It shall be unlawful for any person to sweep, throw, deposit, dump, permit, allow, maintain or contribute to the sweeping, throwing, depositing, or dumping any litter, solid waste, or recyclables into, upon or along a drain, gutter, street, sidewalk, alley, vacant or occupied lot, walk, parking lot, embankment, within or near any public or private lake, pond, creek, river, stream, ditch, swamp, marsh, whether or not navigable, or upon any public or private premises within Stokes County.
2. It shall be unlawful for any owner, occupant, tenant or lessee of any building, structure or land jointly or severable to permit the deposit or accumulation of litter or other illegally dumped materials. Garbage or residential waste allowed to accumulate in excess of two weeks will be unlawful.
3. Property owners and prime contractors in charge of a construction site shall both be required to take appropriate measures to ensure the control of litter generated by construction and related activities.
4. It shall be unlawful to leave solid waste, litter, or improperly sorted recyclables at any County solid waste facility after regular hours of operation.
5. It shall be unlawful for any person to leave, throw, or deposit any solid waste, recyclables, or litter at any former waste disposal site from which all solid waste containers have been removed.
6. It shall be unlawful for anyone to improperly dispose of hazardous material.

ARTICLE VI – SOLID WASTE TRANSPORTATION

Vehicles or containers used for the collection and transportation of garbage or refuse within Stokes County shall be covered, leak proof, durable and of sturdy construction. These shall be cleaned as often as necessary to prevent a nuisance and shall be maintained in good repair. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill. The vehicles or containers shall be covered or securely tied to prevent blowing of material. If spillage should occur, the material shall be considered litter unless picked up immediately by the hauler and returned to the vehicle or container and the area properly cleaned.

ARTICLE VII – SOLID WASTE DISPOSAL

Waste shall be disposed of in one of the following methods:

- A. By placing allowed household or commercial solid waste in plastic garbage bags and / or containers in preparation for delivery to the Stokes County Convenience Site Transfer Facility.
- B. By delivering allowed waste to the Stokes County Convenience Site Transfer Facility, or any other permitted sanitary landfill that meets all local, State, and Federal regulations.
- C. A resident may dispose of certain types of residential waste generated at his premises upon his residence premises, limited to reclaiming, composting, mulching, or recycling processes been approved, but only in a safe and sanitary manner approved by the Solid Waste Department or a duly authorized representative and agree with the North Carolina Division of Waste Management NC solid waste regulations pertaining at the time of application. A person's premise is the land on which his dwelling is situated and land contiguous therewith which is owned by said person.
- D. By any method other than dumping, burying, or burning and must agree with the North Carolina Division of Waste Management NC solid waste regulations pertaining at the time of application.
- E. The burial of animals is acceptable pursuant to the guidelines set forth by North Carolina General Statute 106-403 (NCGS) during a declared emergency.
- F. Tipping fees will be charged for all C&D waste.

ARTICLE VIII – ENFORCEMENT

Enforcement of this Ordinance shall be the County Manager or his designee.

- A. When litter is placed, thrown, or deposited into, upon or along any public or private property, the person responsible for the litter (or property owner if person responsible is undeterminable) shall be responsible to remove said material and dispose of such in accordance with this ordinance.
- B. When litter is released from a vehicle, the operator thereof shall be presumed to have committed such offense.
- C. If any solid waste disposed of in violation of this Ordinance can be identified as having belonged to, been in the possession of, sent to or received by or to have been the property of any person prior to being disposed of, such identification shall be prima facie evidence that such person disposed of or caused the disposal of such solid waste in violation of this Ordinance.
- D. Photographs or videotapes of an illegal dump, litter, or of a person in the process of committing such offense may be used as evidence to identify the person responsible.

ARTICLE IX – PENALTIES FOR VIOLATION

- A. The violation of any provision of this ordinance shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in G.S. 14-4 by imprisonment not to exceed thirty (30) days or a fine not more than \$500. Each day's violation of this ordinance may be a separate offense.

B. In addition to criminal penalties and other sanctions which may be levied under this Ordinance, any person violating any of the provisions of this ordinance may be subject to a Civil Penalty for each violation. Each day a violation continues may be considered a separate offense. During the pendency of any enforcement proceedings hereunder, the County reserves the right to limit or prohibit the disposition of any solid waste or recycling material by the Waste Hauler against whom enforcement proceedings are pending at the Transfer Station.

1. Such civil penalties may be recovered by Stokes County in a civil action in the nature of debt or may be collected in such other manner as prescribed herein within the prescribed time following the issuance of notice for such violation.
2. Such notice shall, among other things:
 - a. State upon its face the violation committed, location, approximate date, and the amount of the penalty.
 - b. Notify such offender that a failure to pay the penalties within the prescribed time shall subject such offender to a civil action in the nature of debt for the stated penalty together with the cost of the action to be taxed by the Court.
 - c. Further provide that such offender may answer the notice by mailing said notice, and stated penalty to the Stokes County Government at a location designated upon such notice, and that upon payment, such case or claim and right of action by Stokes County will be deemed compromised and settled.
 - d. The notice of violation referred to herein may be delivered to the person violating the provisions of this ordinance in person, or may be mailed to said person at his last known address.
 - e. The County Manager or duly designated employee is authorized to accept such payments in full and final settlement of the claim or claims, right or rights or action which Stokes County may have to enforce such penalty by civil action in the nature of debt. Acceptance of such penalty shall be deemed a full and final release of any and all such claims, or rights of action arising out of such alleged violation or violations.

C. The County may enforce this Ordinance by appropriate equitable remedy issuing from a court of competent jurisdiction.

1. Civil penalties for violation of this ordinance shall be as follows:
 - a. Littering - \$50 per offense for unintentional, \$500 per offense for intentional.
 - b. Residential Violation (backyard dumping or burning) - \$50 per offense.
 - c. Any Waste Hauler of Commercial, Residential, or Industrial Waste that Disposes Waste Containing a Banned Material - Two times the tipping fee for the first offense; three times the tipping fee for each successive offense.
2. All penalties paid to the County as well as those recovered in a civil action in the nature of debt as herein provided shall be paid into the schools fund of Stokes County.

D. The person or persons littering or dumping in violation of this ordinance and the person or persons generating said litter or unauthorized material so dumped shall be liable, jointly and severally, for all costs incurred by the County in the collection, removal, and disposal of said litter or unauthorized material.

ARTICLE X – SEVERABILITY

Should any section or provision of this ordinance be for any reason held void or invalid by a court of competent jurisdiction, it shall not affect the validity of any other section or provisions herein.

ARTICLE XI – REPEAL OF CONFLICTING ORDINANCES

To the extent this ordinance conflicts with any existing County Ordinances, the provisions of this Ordinance shall prevail.

ARTICLE XII – EFFECTIVE DATE

All ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be effective, October 1, 2009.

Adopted the ____ day of _____, 2009

J. Leon Inman
Chairman, Board of Commissioners

Attest:

Darlene M. Bullins
Clerk to the Board

Vice Chairman Walker expressed concerns with the wording on page 7- section C regarding fines and requested that the fines “be not more than” instead of “a set fee”.

The Board discussed Vice Chairman Walker’s concerns regarding set fees.

Commissioner Carroll requested information regarding whether the policy needed to be approved tonight. Commissioner Lankford noted that he thought there was a timeline regarding adoption of the 10-Year Management Plan.

Chairman Inman directed the County Manager to try to contact Public Works Director Delehant for clarification of when the policy has to be approved.

Commissioner Carroll suggested the following be changed as indicated below:
(wording underlined and in bold reflect proposed changes)

A. Banned Material – Those materials listed in Article V, Letter B, **including, but not limited to – (requested Public Works Director Delehant provide examples)**

K. Hazardous Waste – As defined in North Carolina General Statute 130A-290(8), **including, but not limited to (requested Public Works Director Delehant provide examples)**

B. Materials-Materials may be excluded if they violate the conditions of the DENR Solid Waste Operating Permit or any permit conditions/restrictions imposed on the County by any landfill receiving the County's waste, including, **but not limited to (requested Public Works Director Delehant provide examples)**

2. It shall be unlawful for any owner, occupant, tenant or lessee of any building, structure or land jointly or **severally** to permit the deposit or accumulation of litter or other illegally dumped materials. Garbage or residential waste allowed to accumulate in excess of two weeks will be unlawful.

- Enforcement of this Ordinance shall **be the responsibility** of the County Manager or his designee

B. In addition to criminal penalties and other sanctions which may be levied under this Ordinance, any person violating any of the provisions of this ordinance may be subject to a Civil Penalty for each violation. Each day a violation continues may be considered a separate offense. During the pendency of any enforcement proceedings hereunder, the County reserves the right to limit or prohibit the disposition **at any Stokes County Solid Waste Facilities** of any solid waste or recycling material by the Waste Hauler against whom enforcement proceedings at the Transfer Station are pending

a. Littering – **A fine not more than** \$50 per offense for unintentional, **A fine not more than** \$500 per offense for intentional.

The Board discussed the proposed changes suggested by Commissioner Carroll.

The Board had no issues with the changes submitted by Commissioner Carroll and

Vice Chairman Walker.

Chairman Inman noted the item would be discussed later in tonight's meeting if

Manager Steen was able to contact Public Works Director Delehant.

Proposed Resolution – Reimbursement of Funds for Community College Project

Chairman Inman entertained a motion to approve the following proposed Resolution which

declares the intent of the County to reimburse itself for capital expenditures if incurred in connection with the purchase of land, mobile classroom, and other related expenditures not to exceed \$700,000 for a community college facility before financing is secured and the Capital Project Ordinance presented by Finance Director Julia Edwards at the September 14th meeting with a request for approval at the September 28th meeting:

Extract of Minutes of a regular meeting of the Board of Commissioner of the County of Stokes, North Carolina held in the Commissioners' Chambers, New Government Center, Danbury, North Carolina 27016, on September 28, 2009.

* * *

The following members were present:

The following members were absent:

Also present:

* * *

Commissioner _____ moved that the following resolution (the "*Resolution*"), a copy of which was available with the Board and which was read by title:

RESOLUTION OF THE COUNTY OF STOKES, NORTH CAROLINA DECLARING THE INTENT OF THE COUNTY OF STOKES, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE PURCHASE OF LAND, MOBILE CLASSROOM AND OTHER RELATED EXPENDITURES OF A COMMUNITY COLLEGE FACILITY FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN CALENDAR YEAR 2009 OR 2010.

WHEREAS, the Board of Commissioners of the County of Stokes, North Carolina ("*County*") has determined that it is in the best interests of County to acquire, construct and equip a Community College Facility (the "*Project*");

WHEREAS, the County presently intends, at one time or from time to time, to finance all or a portion of the costs of the Project with proceeds of tax-exempt obligations and reasonably expects to execute and deliver its tax-exempt obligations (the "*Obligations*") to finance, or to reimburse itself for, all or a portion of the costs of the Project; and

WHEREAS, the County desires to proceed with the Project and will incur and pay certain expenditures in connection with the Project prior to the date of execution and delivery of the Obligations (the "*Original Expenditures*"), such Original Expenditures to be paid for originally from a source other than the proceeds of the Obligations, and the County intends, and reasonably expects, to be reimbursed for such Original Expenditures from a portion of the proceeds of the Obligations to be executed and delivered at a date occurring after the dates of such Original Expenditures;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Stokes, North Carolina as follows:

Section 1. **Official Declaration of Intent.** The County presently intends, and reasonably expects, to reimburse itself for the Original Expenditures incurred and paid by the County on or after the date occurring 60 days prior to the date of adoption of this Resolution from a portion of the proceeds of the Obligations. The County reasonably expects to execute and deliver the Obligations to finance all or a portion of the costs of the Project and the maximum principal

amount of Obligations expected to be executed and delivered by County to pay for all or a portion of the costs of the Project to be reimbursed is \$700,000.00.

Section 2. *Compliance with Regulations.* The County adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the County’s intent to reimburse itself for the Original Expenditures from proceeds of the Obligations.

Section 3. *Itemization of Capital Expenditures.* The Finance Officer of the County, with advice from special counsel, is hereby authorized, directed and designated to act on behalf of the County in determining and itemizing all of the Original Expenditures incurred and paid by the County in connection with the Project during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

Section 4. *Effective Date.* This Resolution is effective immediately on the date of its adoption.

On motion of Commissioner _____, seconded by Commissioner _____, the foregoing resolution entitled “**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF STOKES, NORTH CAROLINA, DECLARING THE INTENT OF THE COUNTY OF STOKES, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE PURCHASE OF LAND, MOBILE CLASSROOM AND OTHER RELATED EXPENDITURES OF A COMMUNITY COLLEGE FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN CALENDAR YEAR 2009 OR 2010**” was duly adopted by the following vote:

AYES:

NAYS:

STATE OF NORTH CAROLINA)
)
COUNTY OF STOKES) ss:

I, *Darlene M. Bullins*, Clerk to the Board of Commissioners of the County of Stokes, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a resolution entitled “**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF STOKES, NORTH CAROLINA, DECLARING THE INTENT OF THE COUNTY OF STOKES, NORTH CAROLINA TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE PURCHASE OF LAND, MOBILE CLASSROOM AND OTHER RELATED EXPENDITURES OF A COMMUNITY COLLEGE FROM THE PROCEEDS OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN CALENDAR YEAR 2009 OR 2010**” adopted by the Board of Commissioners of the County of Stokes, North Carolina, at a meeting held on the 28th day of September 2009.

WITNESS my hand and the corporate seal of the County of Stokes, North Carolina, this the 28th day of September, 2009.

Darlene M. Bullins
Clerk to the Board
County of Stokes, North Carolina

Proposed Capital Project Ordinance for the Community College Project

Capital Project Ordinance

BE IT ORDAINED by the Governing Body of the County of Stokes, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the purchase of land, mobile classroom and other related expenditures financed by a private placement.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the budget contained herein.

Section 3. The following amounts are appropriated for the project:

	Community College	
Construction		\$ 700,000.00

Section 4. The following revenues are anticipated to be available to complete this project:

Proceeds from financing	400.3831.002	\$ 700,000.00
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Section 5. The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due.

Section 7. The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 9. Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Director for direction in carrying out this project

Adopted this 28th day of September, 2009

J. Leon Inman-Chairman

Jimmy Walker-Vice Chairman

Ron Carroll-Commissioner

Ernest Lankford-Commissioner

Stanley Smith- Commissioner

Darlene M. Bullins-Clerk to the Board

Commissioner Carroll moved to approve the proposed Resolution and Capital Project Ordinance submitted by Finance Director Edwards. Commissioner Lankford seconded and the motion carried unanimously.

Health Department Job Reclassification

Chairman Inman entertained a motion to approve the request from Health Director Josh Swift to reclassify a Social Work position to a Public Health Nurse II position, which was presented at the September 14th meeting.

Commissioner Smith moved to approve Health Director Swift's request to reclassify a Social Work position to a Public Health Nurse II position and to approve the position be allowed to be filled. Vice Chairman Walker seconded and the motion carried unanimously.

Job Vacancies

Chairman Inman entertained a motion to fill the following vacancies recommended at the September 14th by Manager Bryan Steen:

- E911 - Telecommunicators (two positions)
- District Resource Center – Office Assistant III
- DSS – Income Maintenance Caseworker II
- Solid Waste – Sanitation Truck Driver
- Health Department- Processing Assistant IV
- Health Department- Public Health Nurse II (Child Health Coordinator)

Commissioner Lankford moved to fill the vacancies recommended by Manager Steen.

Commissioner Carroll seconded and the motion carried unanimously.

Travel Allowance for Economic Development Director

Chairman Inman entertained a motion.

Vice Chairman Walker moved to approve the travel allowance request based on the unanimous vote by the EDC requesting this action. Commissioner Carroll seconded the motion.

The Board discussed the Agenda item.

Commissioner Lankford reiterated his concerns: Fairness to all employees, county already has a policy that addresses the issues, all departments should follow the same guidelines, and current policy has been working for years.

Commissioner Smith stated that he agreed with Commissioner Lankford. Commissioner Smith also stated that he had no issue with the ED Director driving his own personal vehicle if the meeting was confidential. Commissioner Smith further stated that he supported the EDC and ED Director, but felt the policy did not need to be changed for one particular department.

Commissioner Carroll reiterated his position that he had no issues with the request and did not mind making an exception if the circumstances dictated an exception be made. Commissioner Carroll noted the current policy would need to be amended either way.

Chairman Inman noted that there are numerous meetings that the Director does not need to travel in a county car and if the Board was going to question every mile, he definitely needs an allowance. Chairman Inman also expressed concerns with sending the wrong message to the Economic Development Director and setting a precedent.

Chairman Inman called the vote.

The motion failed (2-3) with Commissioner Lankford, Commissioner Smith, and Chairman Inman voting against the motion.

**Fire Marshal's Vehicle Fleet
Budget Amendment #18 and Proposed Resolution**

Chairman Inman entertained a motion regarding the request submitted by Fire Marshal Frankie Burcham at tonight's meeting.

Commissioner Lankford moved to approve the request from Fire Marshal Burcham, Budget Amendment #18 and proposed Resolution authorizing the sale of personal property worth less than \$30,000.00. Commissioner Carroll seconded and the motion carried unanimously.

Travel Allowance for Economic Development Director

Commissioner Carroll moved to make an exception to the County's existing travel policy -the current policy would be waived in situations where the Economic Development Director needs

to travel in confidence, but a county car is still available, the Economic Development Director would be allowed to receive mileage reimbursement for using his personal vehicle. Vice Chairman Walker seconded the motion. The Board discussed the motion. The motion carried unanimously.

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).
- To discuss matters relating to the location or expansion of industries or other businesses in the County pursuant to G.S. 143-318.11(a)(4).
- To consider and take action with respect to the position to be taken by the county in negotiating the price or other materials, terms of an agreement for the acquisition or lease of real property pursuant to G.S. 143-318-11(a)(5).
- 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(a)(6).

Vice Chairman Walker 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).
- To discuss matters relating to the location or expansion of industries or other businesses in the County pursuant to G.S. 143-318.11(a)(4).
- To consider and take action with respect to the position to be taken by the county in negotiating the price or other materials, terms of an agreement for the acquisition or lease of real property pursuant to G.S. 143-318-11(a)(5).

- 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(a)(6).

Commissioner Smith seconded and the motion carried unanimously.

The Board returned to the open session of the September 28th meeting.

Proposed Solid Waste Management 10-Year Plan
Proposed Update to the Solid Waste Ordinance

After referring with Public Works Director, Manager Steen noted that the 10-Year Management Plan needed to be approved at tonight's meeting and the proposed Ordinance could wait. Public Works Director Delehant stated that the fines could be reduced or the wording changed.

Vice Chairman Walker noted that the wording should be "not more than" in regards to the \$50 and \$500 fees in Civil Penalties –item a.

The Board had no issues with Commissioner Carroll's suggestions as presented and Vice Chairman Walker's suggestions regarding the fees.

Chairman Inman entertained a motion to approve the 10-Year Solid Waste Management Plan and the proposed Ordinance as amended.

Commissioner Lankford moved to approve the 10-Year Solid Waste Management Plan and the proposed Ordinance as amended. Vice Chairman Walker seconded and the motion carried unanimously.

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