

November 7, 2011

The Washington County Board of Commissioners met in a regular session on Monday, November 7, 2011 at 6:00 PM in the Conference Room of the Strader Building, 128 East Water Street, Plymouth, NC. Commissioners Alexander, Johnson, Manning and McCray were present. Also present were Assistant County Manager/County Attorney Cheryl Young and Clerk to the Board Julie J. Bennett. County Manager David Peoples, Commissioner Collins and Finance Officer Frank Milazi were absent.

At 4:30 pm, the Board attended a “Report to the People” presentation by Cooperative Extension in the Strader Building followed by dinner.

Chair Johnson called the meeting to order. Commissioner Manning gave the invocation; Commissioner Alexander led the pledge of allegiance.

ADDITIONS / DELETIONS: Chair Johnson added item 7a: Personnel Policy Issue

CONSENT AGENDA: Commissioner Manning made a motion to approve the Consent Agenda as listed below:

- a) Approval of Minutes
- b) Tax Refunds & Releases and Insolvent Accounts
- c) NC Education Lottery Public School Building Capital Fund—Communication Project—Plymouth High School—\$36,058.19
- d) Proclamation—Farm City Week, November 18 - 24, 2011
- e) Proclamation—Veterans Day, November 11, 2011
- f) Resolution Supporting Feasibility Study for Deeper Water Access Port in North Carolina

Commissioner McCray seconded, motion carried unanimously.

PUBLIC FORUM: Melvin Norman, Hwy 45 (across from the Health Dept.) spoke to the Board concerning drainage in his area. Mr. Norman stated that the ditch behind his house floods badly and that it does not drain. Mr. Norman said he has been working with the State and they have done all they can do. At one time there was a beaver problem which contributed to the drainage problem; however, the beavers are now gone but he still has a drainage problem. Mr. Norman told the Board that the ditch also serves Old Roper Road and Hwy 32. Commissioner Manning asked if Mr. Rufus Croom has looked into the situation. Mr. Norman stated that the last person who looked into this was Mr. Lyman Mayo. Mr. Norman mentioned that some group did come in but just to move limbs. Mr. Croom was in attendance at tonight’s meeting and stated that he will work with Mr. Norman on this drainage issue.

Mr. Andrew Womble and Mr. Joey Womble spoke to the Board. Their family operates The Garden Spot Cafe at 124 West Water Street and it is a two-story building. Mr. Andy Womble stated that back in 2001, the 6,000 sq ft building was renovated as preparations were

being made for a restaurant. A Certificate of Occupancy was given by the Building Inspector at that time. The Wombles are trying to expand the business, specifically they want to add an oyster bar. Mr. A. Womble stated that they have run into significant problems with the current Building Inspector. Mr. A. Womble noted that Mr. J. Womble received a registered letter from the Building Inspector saying they were not in compliance with the building code and it included a list of items needed such as a building code summary, a set of plans, structural approval from an engineer and the total cost of the project. Mr. A. Womble stated that they are renovating an existing building and there are codes for that under the Rehab Code. Mr. A. Womble stated that they can't get the Building Inspector to look at the rough-in work that has already been done so that work can continue. Mr. A. Womble has talked to Ms. Young and she has been very helpful. Ms. Young asked the Wombles for a couple of things: make sure they are in compliance with the zone and submit an Appendix B (building plan summary). Mr. A. Womble said he sat down with the Building Inspector of Pasquotank County and went through the Appendix B which then Mr. J. Womble brought the Appendix B to the Washington County Building Inspector who was extremely rude about the process. Commissioner Alexander asked if their work was on hold waiting for the Building Inspector. The Wombles replied that, yes, they are on hold. Commissioner Alexander asked the Wombles was there anything they had to do. Mr. A. Womble replied that they needed to do a Building Code Summary (Appendix B) and when they turned it in to the Building Inspector they were told it was incomplete. The Wombles also were asked for set of plans and structural approval from an engineer. Mr. A. Womble said that there are exceptions for renovating (work is less than \$90K and it is a family owned business which are some of the exceptions) and they meet some of the exceptions for not having to get a civil engineer. Mr. A. Womble said he noted the exceptions on the Appendix B and cited the statute. Ms. Young stated this is under review and there was a meeting today with another Building Inspector, someone who has additional experience in putting the two codes together. Commissioner Alexander asked if there is something as Commissioners that the Wombles are asking them to do other than ask the Building Inspector to come out and inspect the work. Mr. A. Womble noted that is what he would like (for them to ask the Building Inspector to come out and inspect the work). Ms. Keyes spoke and said Mr. Wayne Lilley (the Building Inspector) met with Martin County's Building Inspector today to get additional information regarding this type of situation and is trying to get a 2nd opinion. Ms. Keyes stated that Mr. Lilley has also talked with the Department of Insurance to obtain information on this issue. Chair Johnson asked the Wombles to keep in touch with Ms. Young to try and keep things moving.

Mr. Gerald Allen, Highway 32 stated that the Building Inspector held him up several days in August.

VOLUNTARY AGRICULTURE DISTRICT ORDINANCE: Chair Johnson thanked Ms. Rebecca Liverman and her staff for hosting the dinner and for their earlier presentation "Report to the People". Lance Grimes, Agriculture Tech, started his presentation on the Voluntary Agriculture District by listing the agriculture statistics for Washington County.

Statistics

- Total Acres in County: 222,843
- Number of Farms: 187
- Total Land in Farms: 96,911 acres

Agriculture Statistics

Year	Total Cash Receipts	Rank in the State
2008	\$70,000,000	44
2009	\$86,800,000	39
2010	\$82,436,997	36

3 year average: \$79,745,665

Agriculture Building and Machinery

- Average Value of Farm and Buildings
– \$1,159,000
- Average Market Value of Machinery and Equipment
– \$160,000

2009 Crop Stats

Crop	Acres	Yield	Production	Rank in the State
Corn	27,100	161	4,350,70 bu.	5
Cotton	7,900	1,252 lbs.	¹ 20,600	51
Soybeans	37,000	39.5 bu.	1,465,500	15
Wheat	20,400	59 bu.	1,205,000	5

¹ Production in 480 lb. Bales

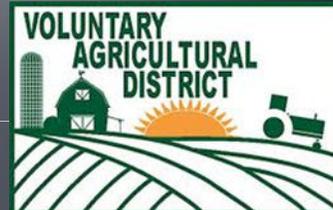
2010 Crop Stats

Crop	Acres	Yield	Production	Rank in the State
Corn	32,700	115	3,770,000	6
Cotton	13,000	945	¹ 25,600	14
Soybeans	34,800	38.4	1,335,000	8
Wheat	² 6,400	34.4	220,000	19

¹Production in 480 lb. bales.

²Prevented planted acres 12,000 acres.

Ms. Rebecca Liverman, Cooperative Extension Director stated that they came to the Board last November and spoke about Washington County becoming a Voluntary Agriculture District and that she would work on an Ordinance to bring to the Board for their approval. Ms. Liverman proceeded to give the following presentation.



What is a
Voluntary Agricultural
District?

It is not...

- A permit to farm irresponsibly
- To pollute or damage the environment
- To employ poor stewardship of resources
- To be inconsiderate of neighbors
- To ignore basic conservation practices
- Not follow pesticide label recommendations
- A costly program to administer (signs)

What IS a Voluntary Ag District?

A group of agricultural land owners with common characteristics:

- Desire to preserve the landscape.
 - Desire to farm
 - Minimum contiguous acreage
 - 20 acres forestland, 10 acres farmland
 - 5 acres horticultural
 - Enrollment in a Comprehensive Conservation plan
-



Benefits of a VAD

- Recorded notice of proximity to farmlands
- Reduction of nuisance actions
- Official role in county government
- Increase public awareness of Agriculture
- Public hearing on condemnation
- Voice for farmers
- G.I.S. map of VAD farms
- Recognizes agriculture for value
- Once most, or all NC Counties have a VAD, the state legislature will be ready to add extra incentives to enrolled farms

The Fine Print

1. VAD is for 10 years – automatically renewable
2. With 30 days notice, you can ask to leave.

Who is working on this?



Gerald Allen
Dwight Davenport
Tim Griffin
Eddie McNair



Steve Barnes
Chris Furlough
Doug Maxwell
MTW Health Dept.

Bill Sexton from the Farm Bureau Board of Directors spoke to the Board regarding the Voluntary Agriculture District (VAD) Ordinance. Mr. Sexton reported that there were 125 people at the Farm Bureau meeting last week where Ms. Liverman spoke and gave this same presentation. Mr. Sexton went on to say that some folks moving into the area don't understand about farming: the noise of the machinery, the dust, and the smells. If new residents see the VAD signs it may pique their interest into asking questions so they can be made aware of what farm life is. Farm Bureau is behind having Washington County designated as a VAD. Since Mr. Peoples was absent from the Commissioners meeting, Mr. Sexton asked if Ms. Young could

explain why Mr. Peoples asked that the waiver of water & sewer assessments page of the Ordinance be pulled before the Ordinance was submitted to the Board for review. Ms. Young stated that she understood Mr. Peoples to say that he felt it would be an impediment to economic development and flexibility and that the water and sewer assessments could be done on a project by project basis. Commissioner Manning stated that he didn't like it that Mr. Peoples spoke for the Board and that language was removed before the Board had a chance to make their own decision. Ms. Young suggested that this item be tabled until Mr. Peoples returns and he can explain his reasoning. Commissioners Alexander and Manning agreed, however after further discussion it was noted that the VAD can be modified by the Board at any time, so if the Board chooses to approve the VAD Ordinance tonight so that Ms. Liverman can meet her December deadline for submittal of this Ordinance, changes can be made at a later date.

Commissioner Manning made a motion to approve the Voluntary Agriculture District Ordinance as it is presented and look at the waiver of water and sewer assessments (which was removed from the Ordinance) at the December meeting. Commissioner McCray seconded, motion carried unanimously.

HOSPITAL UPDATE: Mr. Gordon Docking, COO of HMC/CAH (owners of the Washington County Hospital (WCH)) gave an update to the Board on the future of the hospital. Mr. Docking stated that in early October HMC/CAH filed for Chapter 11 Reorganization under the US Bankruptcy Code. Mr. Docking said the WCH is not going out of business and that WCH is continuing to pay employees and treat patients and that the process should be transparent to them. Mr. Docking told the Board that financial restructuring of the company is due to their relationship with another financial institution. That institutions cash flow got smaller and smaller (allocations were not enough) despite the fact that HMC/CAH collections were healthy.

Mr. Docking went on to say that WCH must pay employees (1st tier) and vendors (2nd tier) as of the October 10 filing. Mr. Docking noted that equipment leases will be frozen for 60 days (3rd tier) and previous debt payments are frozen.

Ms. Young asked Mr. Docking what is the lowest unsecured dollar amount in the top 20 listed in the bankruptcy filing. Mr. Docking said the lowest unsecured dollar amount is under \$100,000. Ms. Young asked Mr. Docking why Washington County wasn't included in the Creditors Committee. Mr. Docking didn't have the answer to that question and Ms. Young asked him to please find out. Mr. Docking stated that all 12 HMC/CAH hospitals are involved in the bankruptcy filing. Ms. Syble Spruill asked if the water/sewer bills for the clinic will be paid. Mr. Docking responded yes. Mr. Docking called Dennis Davis (HMC/CAH) on the phone. He didn't have the answer to Ms. Young's question regarding why Washington County wasn't included in the Creditors Committee. Mr. Davis stated that the court controls that process. Mr. Davis stated that HMC/CAH doesn't carry the \$700,000 owed to Washington County on their accounts payable list, it is a contingent amount. Ms. Young noted that Washington County is still owed approx \$110,000 (EMS billing) even without the \$700,000. Mr. Davis will find out why Washington County isn't on the list and get back with Ms. Young tomorrow. Ms. Young asked Mr. Docking when the Creditors Committee was appointed. Mr. Docking replied that it was appointed in the last 10 days to 2 weeks. The County received notice of a meeting at the courthouse which will be in St. Louis, MO on November 15 on this subject. Ms. Young will look for a way to petition the court as to why Washington County wasn't invited to be on the Creditors Committee. Mr. Harley Smith, CEO of WCH spoke to the Board. Mr. Smith said the

Emergency Room is staffed by doctors 24/7 and there will soon be a nurse practitioner working with them. Mr. Smith said they are seeing 15 – 20 patients a day. Mr. Smith also said there are still a lot of kinks to work out and they are taking one day at a time. Renea Price, Creswell, spoke to Mr. Smith regarding getting paid by RAMP (which is a vendor of the hospital) saying the RAMP employees have received partial payment.

NORTH CAROLINA SENIOR TAR HEEL LEGISLATIVE REPORT: Ms. Gail Spiewak is the Washington County North Carolina Senior Tar Heel Delegate and she attended meetings in June and October to hammer out legislative priorities for the Senior Citizens of North Carolina. She stated that she was honored to be representing Washington County. *(A handout is attached to and will become a part of these minutes.)*

RIVERLIGHT TRANSIT DRUG AND ALCOHOL TESTING POLICY CHANGES: Mr. Jerry Rhodes, DSS Director, addressed the Board regarding changes made to the Riverlight Transit Drug and Alcohol Testing Policy. Mr. Rhodes stated that a change was made on Page 4 to add “state-licensed marriage and family therapist” to the last paragraph. Also on page 12, item h, additions to the policy were made so that the paragraph reads as follows:

“h. Applicants are required (even if not ultimately hired) to provide their consent to Riverlight Transit to request FTA drug and alcohol records from all previous DOT covered employers that the applicants have worked within the last two years. Failure to do so will result in the employment offer being rescinded. Riverlight Transit is required to ask all applicants (even if not ultimately hired) if they have tested positive or refused to test on a pre-employment test for a DOT covered employer within the past two years. If the applicant has tested positive or refused to test on a pre-employment test for DOT covered employer, the applicant must provide Riverlight Transit proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.”

Mr. Rhodes noted that the Board approved the full policy back in October and he is just asking for approval of the changes.

Commissioner Manning made a motion to approve the Riverlight Transit Drug and Alcohol Testing policy changes as presented. Commissioner Alexander seconded, motion carried unanimously.

RIVERLIGHT TRANSIT SAFETY SYSTEM PROGRAM PLAN: Mr. Jerry Rhodes, DSS Director, addressed the Board regarding the Riverlight Transit Safety System Program Plan. This was previously reviewed by the Federal Transportation Administration (FTA) in draft form before submitting to the Board to make sure everything was addressed. Mr. Rhodes stated that no money is involved in implementing this plan. This document ensures that Riverlight Transit operates safely.

Commissioner Manning made a motion to approve the Riverlight Transit Safety System Program Plan for submittal to the FTA. Commissioner McCray seconded, motion carried unanimously.

PERSONNEL POLICY ISSUE: Chair Johnson stated that Ms. Young will periodically be bringing various portions of the Personnel Policy to the Board for updates since updating it as a whole policy is not recommended. Ms. Young explained that there is a discrepancy in the

policy as it stands now which deals with leave sharing when someone has a catastrophic health condition. The maximum number of hours that the State allows for leave sharing is 1,040 hours. Washington County's Personnel Policy states the number of hours allowed for leave sharing is 720. Some County employees are governed by State Office of Personnel (DSS and Emergency Management) so they would be allowed the 1,040 hours. Others are only allowed the 720 hours. Ms. Young said that Washington County's policy needs to be in sync with the State's policy.

Commissioner Alexander made a motion to approve the change to the Personnel Policy to allow all employees 1,040 hours for sick leave sharing. Commissioner McCray seconded, motion carried unanimously.

BOARDS & COMMITTEES: Chair Johnson spoke to the Board regarding the following Board and Committee appointments.

ABC Board

The terms of Mr. Ronnie Barnes and Mr. Jack Faulk are scheduled to expire on November 30, 2011 and December 30, 2011, respectively, from the ABC Board. The ABC Board would like for the Board of Commissioners to re-appoint Mr. Barnes and Mr. Faulk.

Commissioner Alexander made a motion to approve these appointments as presented. Commissioner Manning seconded, motion carried unanimously.

FINANCE OFFICER'S REPORT:

Since Mr. Milazi was out of town attending a training course, Ms. Young discussed the following Budget Appropriation Amendments/Adjustments:

- 12060—
 - a) NC Education Lottery—New Sign/Storage Shed (+\$16,857.97)
 - b) Weyerhaeuser Donation—(+\$4,000.00)
 - c) Weyerhaeuser Grant—(+\$5,480.00)
 - d) Weyerhaeuser Grant—(+\$4,000.00)

- 12070— DSS— Administrative Reimbursement—LIEAP (+26,960.00)
DSS— Administrative Reimbursement—CIP (+110,423.00)

- 12080— Construction Contractors Disposal Fees (+\$12,000.00)

Commissioner Manning made a motion to approve Budget Amendment 12060, as presented. Commissioner McCray seconded, motion carried unanimously.

Commissioner Alexander made a motion to approve Budget Amendments 12070 and 12080 as presented. Commissioner McCray seconded, motion carried unanimously.

OTHER ITEMS BY CHAIR, COMMISSIONERS, COUNTY MANAGER, CLERK,
OR ATTORNEY: Ms. Bennett reminded the Board that the County offices will be closed
Friday, November 11, 2011 in observance of Veterans Day.

Commissioner McCray made a motion to go into Closed Session. Commissioner
Manning seconded, motion carried unanimously.

Commissioner Manning made a motion to recess the meeting. Commissioner McCray
seconded, motion carried unanimously.

Chair

Julie J. Bennett
Clerk to the Board