

**PITT COUNTY BOARD OF COMMISSIONERS
GREENVILLE, NORTH CAROLINA
AUGUST 2, 1999**

The Pitt County Board of Commissioners met in a regular session meeting on Monday, August 2, 1999, at 9:00 a.m. in the Commissioners' Auditorium, Pitt County Office Building, Greenville, North Carolina with the following commissioners present:

Eugene James, Chairman
Jeffrey E. Savage, Vice Chairman
Glenn Bowen, Commissioner
Charles P. Gaskins, Commissioner
David Hammond, Commissioner
Thomas H. Johnson, Commissioner
Mark W. Owens, Jr., Commissioner
M. Theresa Shank, Commissioner
Beth B. Ward, Commissioner

Also present were:

Thomas B. Robinson, County Manager
JoAnne Burgdorff, County Attorney
Susan J. Banks, Clerk to the Board
Arlen Holt, PIO and Cable Coordinator
John K. Bulow, Assistant Manager
Dee Bowling, Assistant Finance Director

Call to Order and welcome by Chairman James.

Prayer by Commissioner Johnson.
Pledge led by Commissioner Bowen.

APPROVAL OF AGENDA

UPON MOTION by Commissioner Shank, seconded by Commissioner Hammond, the Board voted unanimously to approve the agenda as presented.

PUBLIC ADDRESSES TO THE BOARD

Chairman James opened the meeting for public addresses.

Bruce Steinbach - proposed hunting regulations - said he thought there were some positive changes and if those changes were made, he would be supportive. The changes were specifically concerning alcohol, penalties, and the running of dogs.

T.C. Soli - lives in Stokes area - hunting ordinance - said they have been attacked for their opinion on this issue and are still concerned with safety being addressed in the ordinance.

Nancy Colville - addressed inclement weather policy - stated she had done some research on this matter. There are 937 employees presently. One-third of the employees equals 307, who would have to come in to work and stay during inclement weather. The average pay is \$154 per day, with a total payroll of \$96,869 per day. She stated that this year the Board appropriated more than this to outside private not-for-profit agencies. If there is a state of emergency, FEMA funds will be available. She stated that the offices were closed maybe five days in five years when employees were actually sent home or stayed home. She said she did not consider this an extreme amount. She said that the private sector is leaning more towards sending employees

home during inclement weather because it shows the employees are appreciated. She stated that she did not support being like the state because the situation is not uniform when it comes to the employees. Ms. Colville said she supported sending employees home and paying them, and pay the ones who have to work time and a half to two times. She stated finally that if the Management team decides to close the offices for safety purposes, the employees should not be penalized.

Vernon Morrison - from across the creek in poor section of county - He discussed the write up in the newspaper concerning the commissioners travel expenses for the trip to St. Louis, Missouri for the NACO Annual conference and that some members refused to answer questions. He said some of the meal costs were excessive. He said the new commissioners should not tell people that they didn't know the policy. He spoke about the Constitution being written in 118 days. He also commented about commissioners using the television for their advantage. He spoke on how county officials are supposed to operate, and that they are responsible to their voters.

Warren Cade - hunting ordinance - He stated that the Board should support what the ordinance says in its current state and that it should not be changed. He said people who own private property should be able to grant the privilege of people hunting on their land. He said that the statement "to run" should not be in the ordinance because there is no possible way to control dogs running whether on private or public property. He stated that the height issue (hunting from stands) is not needed in this county. He stated that more people had been shot with shot guns than with rifles and he would be willing to present evidence from the NC Wildlife Resources to substantiate his comments.

Renea Tishler - Eastern Pines, Simpson area and hunter - She stated that with the help of Debbie McLawhorn from the Sheriff's Department, they researched the number of trespassing complaints received. There were ten complaints against hunters in 1997. In 1998, there were thirteen complaints against hunters. She stated that she did not understand why the Board was trying to fix something that's not broken. She stated that hunters should not be held any more responsible than people driving cars on the alcohol issue. She suggested that a distance should be added to the 4.5 section, which does regulate releasing dogs 300 ft. would make the dog less likely to run on someone's property. She did not support "private property" being added to the ordinance. She spoke to liability issues, if an individual gets injured on someone's property who has given them written permission to hunt on their property.

Ken Manning - hunter and served on the Hunting Ordinance committee - said he supports the committee's recommendation. He stated that they met seven to eight times on this ordinance. They listened to the comments from the public hearing. He stated that they felt these were the best set of rules and regulations that they could come up with. He said they are good rules and regulations but the laws are not good if you do not enforce them.

Mike Rawls - Belvoir Community - hunting issue - He stated concern that one of the commissioners represented a lady in court which had a case which involved hunting and he was concerned that his vote might be prejudiced.

Henry Smith - Fountain area - He stated that he came before the Board several years ago requesting a requirement for hunting from tree stands. He said that he did not believe the citizens should have to live in fear on their own land. He said maybe he had been lax by not calling the Sheriff's Department every time someone trespasses on his land. He stated that he hunts and felt that people could put shock collars on their dogs to control them. He said the owners should be responsible for their own dogs. He stated that the 300 feet distance regulation is very short, especially when high powered rifles are zoomed in to kill at 100 yards. He spoke to the safety of citizens being increased if the hunters have to shoot from hunting stand. He said there are reports that animals have been killed by these high powered rifles. He stated that hunters do not have rights on his property or anyone else's property. If a loaded gun is in a car

or truck on public roads, then they are considered to be hunting on the right-of-way. He asked that the Board empower the Sheriff's Department to enforce the laws also.

Edward Shelton - Stokes area - have had no problem and stated his support of the committee's proposals.

James Tripp, Pitt County Sheriff's Department, speaking on behalf of Sheriff Manning, spoke to the definition of impaired, and stated that an officer has to prove the substance law has been violated. He stated that it would be better to establish rules like those for "driving while intoxicated". He said that the 4.5 section really does not protect landowners.

Bill Young - Chairman of Hunting Committee - stated that the impairment law wording came straight out of the state law. He spoke against changing this section because hunters should not be held to a stricter standard than an individual driving a car or boat while impaired. He said he thinks this regulation should be consistent with the State's regulation.

ITEMS FOR REPORT

Manager's Report

Mr. Robinson reported on the NACO Annual Conference. He reviewed the numerous items which they received information on such as the census 2000 coming up, performance measures, millenium, drug courts, changes in the way we live. He said there were major discussion about the future of sales tax and the effects sales over the internet could have on states and counties. He said they heard speakers that talked about the upcoming presidential election and how to evaluate candidates. He said he spoke with the Sequia Pacific representative about the voting machines used in Pitt County. The representative informed him that the newer models were \$1500 cheaper, and that the older machines can be modified so you won't need the individual poll worker for each machine. Mr. Robinson said this one item alone could save the county substantial amounts of money in the future. He stated that there has been a lot of discussions about the Board's travel expenses. He said there is a county travel policy but it does not specify how the individuals will travel. He said that he did not inform them to take the cheaper form of travel from Greenville to St. Louis. He asked if any commissioners wished to speak about the St. Louis trip.

Commissioner Bowen said he talked with other people from North Carolina and other States and that Pitt County should consider holding drug court where they check the individual twice a week for drugs. He said that he had already talked with some of the judges and the District Attorney. In addition, Commissioner Bowen asked the Chairman to appoint a committee of commissioners to work on the travel policy for commissioners. He suggested Commissioners Ward, Savage, and Shank to serve on this committee.

Chairman James said he thought in light of all the questions about travel that this was a good idea and appointed Commissioners Ward, Shank and Savage to work as a committee and bring suggestions back to the Board on the Board's travel. Commissioner Ward said that she thought there was a policy in place already. Mr. Robinson stated that there is a policy for Pitt County Government in place which addressed the Commissioners travel also but they may wish to review it. Commissioner Gaskins said the existing policy is a good policy and there does not need to be any amendments to this policy.

Commissioner Hammond said he enjoyed the NACO conference. He stated that it was very educational and that they had sessions on water and sewer, Y2K, private contractors hauling school children and many others. He said that he saw how the newspaper talked about their expenses and wanted to clarify that they were there representing Pitt County. He noted that many counties had their whole boards, as well as their Clerk, Manager and other administrative

staff. He informed the public that the Manager encourages the board members to go to these conferences and they represented the County well.

Mr. Robinson reported that Finance Office recently won, once again, the Certificate of Achievement for Excellence in Financial Reporting for fiscal year ended June 30, 1998. He stated how fortunate that Pitt County has been to have the quality staff in Finance and that they provide quality work for this County. He thanked them for a job well done. The Board reiterated Mr. Robinson's comments.

Mr. Robinson reported he had received a letter from Jimmie Hardee, Tax Administrator, announcing his retirement effective September 1, 1999. He stated that as the Manager, it has been very comforting to have Mr. Hardee in the Tax office and that the last revaluation was the last one in his governmental experiences that went that smoothly. He stated that Mr. Hardee was largely responsible for that smooth process.

Mr. Hardee said after forty-two years of service, that it was time for him to spend some quality time with his family. He thanked the Board for the opportunity he has had in working with Pitt County over the last thirty years. He thanked the people of Pitt County for allowing him to serve them. Mr. Hardee said that the Pitt County Tax Office is in very good shape and many of the jobs require certification. He stated that there are six other people with certification in the tax office and the staff will carry on with little interruption. He stated that he hoped this notice would give the Board the necessary thirty days to fill the position.

Chairman James thanked Mr. Hardee for his service and stated that he understood the need to spend time with family.

UPON MOTION by Commissioner Gaskins, seconded by Vice Chairman Savage, resolution and retirement reception recognizing Jimmie Hardee for his service.

Vice Chairman Savage stated from attending the NACO conference he learned that Pitt County MIS Department is ahead of the game in addressing the Y2K concerns.

ITEMS FOR CONSENT

UPON MOTION by Commissioner Gaskins, seconded by Commissioner Ward, the Board unanimously voted to approve items for consent.

1. Approval of Tax Releases and Refunds Greater than \$100. Total County releases for June, 1999 greater than \$100 was 21 for a total of \$4,174.12. Total Greenville releases greater than \$100 as 17 for a total of \$2,430.39. Total amount of refunds greater than \$100 was 2 for a total amount of \$332.15.
2. Health Department Budget Amendment for Environmental Health. The NC Division of Environmental Health has awarded the Health Department \$733.85 as reimbursement for inspecting the Summer Food Service Program for children at 13 area schools. These funds will be used to support the operating cost of the department.

<u>Account No.:</u>	<u>Title of Account</u>	<u>Increase</u>	<u>Decrease</u>
153112 436512	DENR Funds	733.85	
155112 560002	Summer Food Service	733.85	

3. Cooperative Extension Budget Amendment. This existing grant runs from 10-01-98 - 09-30-99 and it is necessary to carry over remaining available funds into the new fiscal year.

<u>Account No.:</u>	<u>Title of Account</u>	<u>Increase</u>	<u>Decrease</u>
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245645 526000	Supplies	875.55
243645 436019	Cooperative Extension-Forestry	875.55

- Department of Social Services Budget Amendment. The Department has received \$13,812 from the Federal Emergency Management Act through United Way in fiscal year 1998/1999. The County has received the funds in March and April of 1999 and was unable to spend all of the funds received. The remaining balance of unspent fund money is \$1,338.64 which must be carried forward to fiscal year 1999/2000. This amendment is to bring carry over unspent funds and to reduce the line item expenditure budget to reflect the funds brought forward from fiscal year 1998/1999. The Department of Social Services also received \$25,0000 in NC State funds in fiscal year 1997/1998 to be used for salaries, fringe benefits and equipment. This amendment is to carry forward \$15,520.43 in unspent funds to fiscal year 1999/2000 and to increase the equipment budget for program integrity.

<u>Account No.:</u>	<u>Title of Account</u>	<u>Increase</u>	<u>Decrease</u>
1624000-433065	United Way Emergency Food and Shelter		17,661.36
165488-560502	United Way		17,661.36
162900-499108	Fund Balance Program Integrity	15,520.43	
165480-551000	Office Furniture & Equipment	15,520.43	

- Approval of Write-Off Policy for Mental Health. Recommendation that the computer do the identifying for us for write offs instead those that were manually generated. This will reduce intensiveness of the process. If a set of criteria was established to govern the write-off for each quarter, the computer system can identify the accounts and electronically apply the write-off. The proposed write-off would be generated, reviewed by the Financial Services staff and applied with the amount being reported to the Board each quarter. Recommendation for approval has also been submitted to the Mental Health Facilities and Finance Committee and the Area Program Board. The filter criteria would be as follows: (1) eliminate accounts with balances > 0 which also have had not activity in 15 months. (No activity is defined as last date of service, last service record, last payment date and payment record being > 15 months ago. And (2) all balances have aged into the > 90 category.
- Adoption of Resolution for Escrow Deposit Agreement dated September 1, 1998 between the county and Pitt County Memorial Hospital. At the July 12, 1999 Board meeting it was discussed that the securities currently held in escrow for the County's refunded bonds had increased in value and would, in effect, be sold and replaced with new security instruments. The difference in value of the current securities and the new instruments would be the amount returned to the County. Bond counsel has determined that in order to complete the transaction, both the County and the Hospital need to adopt resolutions authorized that the Escrow Deposit Agreement dated September 1, 1999 be amended to cover this transaction. Pitt County Memorial Hospital has approved the resolution on July 20, 1999.

6. Resolution for Escrow Deposit Agreement

The Board of Commissioners for the County of Pitt, North Carolina, met in regular session in the Commissioners' Meeting Room at the Pitt County Office Building, 1717 West 5th Street, Greenville, North Carolina at 9:00 A.M. on August 2, 1999.

Present: Chairman Eugene James, presiding, and Commissioners Glenn Bowen, Charles Gaskins, David Hammond, Tom Johnson, Sr., Mark W. Owens, Jr., Jeffrey E. Savage, Theresa Shank, and Beth B. Ward.

Absent: None.

* * * *

County Manager Thomas B. Robinson introduced the following resolution, a copy of which had been provided to each Commissioner and which was read by its title:

RESOLUTION AUTHORIZING THE EXECUTION OF A
FIRST AMENDMENT TO THE ESCROW DEPOSIT
AGREEMENT, DATED AS OF SEPTEMBER 1, 1998,
BY AND AMONG THE COUNTY OF PITT, NORTH
CAROLINA, PITT COUNTY MEMORIAL HOSPITAL,
INCORPORATED AND FIRST-CITIZENS BANK &
TRUST COMPANY

WHEREAS, under date of September 1, 1998, the County of Pitt, North Carolina (the "County"), Pitt County Memorial Hospital, Incorporated (the "Corporation") and First-Citizens Bank & Trust Company (the "Escrow Agent") entered into an Escrow Deposit Agreement (the "Original Escrow Deposit Agreement") in order to insure that the procedures required to provide for the payment of the Prior Bonds (as defined in the Original Escrow Deposit Agreement) will be followed; and

WHEREAS, pursuant to the directions of the County and in conformity with the provisions of the Original Escrow Deposit Agreement, the Escrow Agent has purchased, on behalf of the County, from funds received from the Corporation, the Government Obligations (as defined in the Original Escrow Deposit Agreement), the principal of and interest on which, when due, together with other moneys deposited with the Escrow Agent, will provide sufficient moneys to enable the Escrow Agent:

(i) to deposit with itself as Prior Trustee (as defined in the Original Escrow Deposit Agreement), sufficient moneys to pay, on the dates when such principal becomes due and payable, the principal of the Prior Bonds, and

(ii) to deposit with itself as Prior Trustee sufficient money to pay, as the same shall become due and payable, the interest on all Prior Bonds to their respective dates of maturity or mandatory sinking fund redemption; and

WHEREAS, the Escrow Agent, solely in reliance on the mathematical verification by Ernst & Young LLP, of certain financial data, which data show that the Government Obligations and the Cash Deposit (as defined in the Original Escrow Deposit Agreement) in the Escrow Fund (as defined in the Original Escrow Deposit Agreement) are sufficient to provide for the timely payment of the Prior Bonds as described above, has determined that the Escrow Fund is sufficient for such purpose; and

WHEREAS, Section 9 of the Original Escrow Deposit Agreement permits, under the terms and conditions set forth therein, the Escrow Agent to sell all or any part of the Government Obligations and to purchase Substitute Obligations (as defined in the Original Escrow Deposit Agreement); and

WHEREAS, at this time, a financial benefit can be realized by restructuring the investments in the Escrow Fund pursuant to said Section 9; and

WHEREAS, the Board of Commissioners has determined that, in order to clarify the identity of the party to receive the financial benefit of any escrow restructuring, it is necessary to amend Section 9 of the Original Escrow Deposit Agreement; and

WHEREAS, there has been submitted to the Board of Commissioners a draft of a proposed First Amendment to Escrow Deposit Agreement, to be dated as of August 1, 1999 (the "First Amendment"), by and among the County, the Corporation and the Escrow Agent; now, therefore,

BE IT RESOLVED by the Board of Commissioners for the County of Pitt, North Carolina, as follows:

Section 1. The First Amendment, in substantially the form heretofore submitted to the Board of Commissioners, is hereby approved, and the Chairman or the Vice Chairman of the Board of Commissioners is hereby authorized to execute and deliver the First Amendment on behalf of the County.

Section 2. This resolution shall take effect immediately upon its adoption.

After consideration of the foregoing resolution, Commissioner Gaskins moved the passage thereof, which motion was duly seconded by Commissioner Ward, and the foregoing resolution was passed by the following vote:

Ayes: Glenn Bowen, Charles Gaskins, David Hammond, Eugene James, Tom Johnson, Sr., Mark W. Owens, Jr., Jeffrey E. Savage, Theresa Shank and Beth B. Ward.

Noes: None.

* * * *

I, Susan J. Banks, Clerk to the Board of Commissioners for the County of Pitt, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of the Board of Commissioners for said County at a meeting held on August 2, 1999, said record having been made in Minute Book No. ____ of the minutes of said Board, beginning at page __ and ending at page __, and is a true copy of so much of said proceedings of said Board as it relates in any way to the passage of the resolution described in said proceedings.

I DO HEREBY FURTHER CERTIFY that a schedule of regular meetings of said Board, stating that regular meetings of said Board are held in the Commissioners' Meeting Room at the Pitt County Office Building, 1717 West 5th Street, Greenville, North Carolina on the first and third Mondays of each month at 9:00 A.M., has been on file in my office as of a date not less than seven days before the date of said meeting in accordance with G.S. §143-318.12.

WITNESS my hand and the official seal of said County, this 2nd day of August, 1999.

Clerk to the Board of Commissioners

[SEAL]

7. Adoption of Resolution for addition to State maintained secondary road system in Northwoods Subdivision entitled Northwoods Drive (extension of SR 1601) and Garden Grove Subdivision, Section 2 entitled Garden Grove Way.

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION REQUEST FOR ADDITION TO STATE MAINTAINED SECONDARY ROAD SYSTEM

North Carolina
County of Pitt
Road Description Northwoods Drive (Extension of SR 1601) in Northwoods Subdivision.

WHEREAS, the attached petition has been filed with the Board of County Commissioners of the County of Pitt requesting that the above described road, the location of which has been indicated in red on the attached map, be added to the Secondary Road System; and

WHEREAS, the Board of County Commissioners is of the opinion that the above described road should be added to the Secondary Road System, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the system.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of the County of Pitt that the Division of Highways is hereby requested to review the above described road, and to take over the road for maintenance if it meets established standards and criteria.

CERTIFICATE

The foregoing resolution was duly adopted by the Board of Commissioners of the County of Pitt at a meeting on the 2nd day of August, 1999.

WITNESS my hand and official seal this the _____ day of _____,
_____.

Clerk, Board of Commissioners
County of Pitt

(Signature)

(Seal)

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
REQUEST FOR ADDITION TO STATE MAINTAINED SECONDARY ROAD SYSTEM

North Carolina
County of Pitt

Road Description Garden Grove Way and Vineyard Circle in Garden Grove Subdivision, Section 2.

WHEREAS, the attached petition has been filed with the Board of County Commissioners of the County of Pitt requesting that the above described road, the location of which has been indicated in red on the attached map, be added to the Secondary Road System; and

WHEREAS, the Board of County Commissioners is of the opinion that the above described road should be added to the Secondary Road System, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the system.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of the County of Pitt, that the Division of Highways is hereby requested to review the above described road, and to take over the road for maintenance if it meets established standards and criteria.

CERTIFICATE

The foregoing resolution was duly adopted by the Board of Commissioners of the County of Pitt at a meeting on the 2nd day of August, 1999.

WITNESS my hand and official seal this the _____ day of _____, _____.

Clerk, Board of Commissioners
County of Pitt

(Seal)

(Signature)

8. Educational Leave for Chris Thompson to attend Substance Abuse Counseling Course at East Carolina University. Mr. Thompson is taking this course in order to pursue a Master of Science degree. The course is job related and will help Mr. Thompson with specialized counseling relating to family issues, multiple diagnosis, and stress management. This request is consistent with our Educational Leave Policy (3 hrs) and is proper.

ITEMS FOR DECISION

Inclement Weather Policy - Tom Robinson

Mr. Robinson reported that this is the second presentation on the Inclement Weather Policy. He stated that the Board voted four to four at the last meeting on the policy that was proposed and instructed him to bring this matter back to the Board with an alternative policy.

He reviewed the two draft policies stating that the first policy requires employees to use their vacation time when the offices are closed for the day during inclement weather or other emergency closings. The second draft policy states that employees that have to work will receive time and a half and others that do not work do not have to use their time but will be paid overtime for their hours worked. Chairman James asked if the first policy was the same as the

State's policy. Mr. Robinson said that it is similar to the State's policy and the Hospital's policy. Chairman James noted that the Hospital goes out and picks up employees if necessary.

Commissioner Owens asked if the weather prevents employees from coming in doesn't the work still build up and the employees still have to make up the time and do the same amount of work. Commissioner Bowen asked if they work overtime to get the work done?

Commissioner Bowen motioned to accept the first draft policy and add that the employee may take personal leave or sick leave. Commissioner Ward seconded the motion for discussion purposes. Commissioner Ward asked about the State guidelines for using sick leave. She stated that the employees should have the opportunity to make up time.

Commissioner Gaskins said he feels the policy should be the same as the State and Hospital. Commissioner Shank said she believed the employee should not be punished because the office doors are closed due to inclement weather. She stated if the County wants to retain employees, they should do what is fair for the employees. Commissioner Gaskins said he did not feel that this policy was being unfair or was punishment for the employees. Chairman James said he did not agree with giving something for nothing to the employees. Mr. Robinson said he would not recommend modifying the policy with inclusion of using sick leave because there are employment laws which govern the use of sick leave and this may be a conflict. Commissioner Bowen and Commissioner Ward accepted Mr. Robinson's comments and removed the modification from the motion.

Commissioner Bowen restated his motion which was to adopt the first draft Inclement Weather Policy. Commissioners in favor of the motion were: Ward, Gaskins, James, Bowen, and Savage. Commissioners opposed to the motion were: Shank, Johnson, Owens and Hammond.

The motion passed with a five to four vote.

Commissioner Bowen said he would like to see additional amendments to policy. Commissioner Savage said this was a tough vote but he had to side with fiscal responsibility.

INCLEMENT WEATHER/EMERGENCY POLICY ADOPTED AUGUST 2, 1999

Section 10-82 Inclement Weather/Emergency Closing Policy

In the event of imminent hazardous weather conditions or other emergencies, the County Manager or his designee (normally the Assistant County Manager), in consultation with appropriate emergency management and other government officials, will decide whether and when to invoke the county's Inclement Weather/Emergency Closing Policy. When such action occurs, the County Manager or his designee will immediately notify the Public Information Officer and the Central Management Team who will then notify all other Department Heads. Department Heads will notify all employees in their respective departments if the declaration is during standard work hours.

Announcements of closings and/or delayed openings that affect county government offices will be broadcast on all local radio and television stations and can also be accessed by calling the Human Resources message line at 413-3404. Announcements will include the time the closing is to be effective, the time it is expected that offices will re-open and which employees are affected. It is the employee's responsibility to access this information. (During emergency conditions that impact specific departments, the department heads of the affected agencies, after consultation with the County Manager or his designee, will provide information to the affected employees regarding closings and re-openings.)

Department Heads are responsible for ensuring that essential services (i.e., 24-hour operations, law enforcement, group homes, facilities, technical) are continued and for identifying the essential staff to do so. Department Heads and other employees who have assignments outlined in the County's Emergency Disaster Plan are responsible for fulfilling their emergency duties as assigned.

When the inclement weather/emergency closing policy is in effect, pay practices will be adjusted as follows:

- A. When an emergency or adverse weather condition declared by the County Manager causes closure of County offices for an entire day or more:
 1. Total pay for all employees who are required to work shall be straight time for the regular work schedule
 2. All non-exempt employees required to work beyond their regular scheduled work shall be eligible for over-time compensation in accordance with the County's standard practice.
 3. All employees on pre-approved leave or on disciplinary unpaid leave will remain unaffected by the declared emergency.
 4. All other employees should choose either personal leave or leave without pay during the declared closure. When operational needs allow, employees will be given the opportunity to make up time not worked. Since hours worked in excess of 40 during a workweek would constitute overtime under Federal regulation, it will be necessary for make-up time for employees subject to overtime to be limited to the workweek in which the time is lost or within 12 months in a week when the employee has not worked full work schedules due to such absences as holidays, vacation, sick leave, etc.
- B. After two business days or upon extenuating circumstances, the County reserves the right to vary the emergency or adverse weather conditions policy.
- C. If the County closes due to an emergency or adverse weather for less than eight hours, the employee will be paid for an entire eight hour shift. Non-exempt employees who by function must be at their place of work regardless of closure, shall earn compensatory time for hours worked during official closure to be used at the discretion of their supervisor.

Approved 2nd day of August, 1999.

Eugene James, Chairman

ATTEST:

Susan J. Banks, CMC
Clerk to the Board

Hunting Ordinance - Bill Young/JoAnne Burgdorff

Chairman James asked Mr. Bill Young, Chairman of the Hunting Ordinance Committee to read changes as recommended.

Mr. Young addressed each item.

4.1 - impairing substance defined as the same as the motor vehicle law under 3.1 (0.08 or more).

5.2 - notification of rights

- a. refusal of any person to be tested for impairment shall be subject to immediate revocation of hunting license for at least a 30 day period, and a fine of \$250.00

Commissioner Bowen motioned to do away with this section 5.2(a) and said that the most they can do is take your license away for 30 days. He said refusal of testing should be the same as being found guilty. The motion was seconded by Commissioner Savage. Chairman James called for a vote which was eight to one with Commissioner Owens opposing the motion.

Commissioner Bowen discussed adding lessee to the section 4.2.

Commissioner Shank motioned to add the rights of the lessee to the definition so that the lessee does not have the right to lease the same land for hunting purposes. Commissioner Bowen seconded the motion.

Commissioner Shank restated her proposed motion. Chairman James called for the vote on the motion. The motion passed unanimously.

Commissioner Shank motioned to add to 4.3 where it says with a firearm, "and/or with dogs". Commissioner Owens seconded the motion. Chairman James stated that the deer hunters then would not be able to catch their dogs. Commissioner Shank withdrew her motion.

Chairman James presented 4.3 for a vote to approve as is. The Board voted unanimously to leave 4.3 as stated.

Commissioner Hammond motioned, seconded by Commissioner Shank, to leave 4.4 as stated. The Board voted unanimously to support this motion.

Commissioner Bowen motioned, seconded by Commissioner Ward, to add a statement about releasing dogs on posted land. Commissioner Ward stated that it would read "unlawful to release hunting dogs on or within 300 feet of posted land without a lease. Mr. Young said this would make it easier to enforce.

Several members of the public were requesting an opportunity to speak. Commissioner Owens said that the public wants to comment on the changes and motioned to allow them. Commissioner Hammond seconded the motion. Vice Chairman Savage stated that this would open discussion to become even more lengthy.

Chairman James called for a vote on the motion. Commissioners in favor were: Owens, Hammond, James, Savage, Bowen and Johnson. Commissioners opposed to the motion were: Gaskins, Ward, and Shank. Members of the public were allowed to make comments.

Mr. Michael Rawls, spoke concerns about the 300 feet clause and that this may eliminate them hunting on timber company land. He also stated that this could create a problem for where they put the dogs out.

Mr. Henry Smith said that the group worked for hours and what they put in the ordinance was to release or run. When they release dogs into a field, they are intending them to run on this property.

Mr. Bruce Steinbach stated he was a farmer and teacher and he was concerned with section 4.5, which stated that when dogs are released. He said that at times there are trucks on four sides of his farm releasing dogs which means they intend to run on his farm. He said they are encouraging or deliberately trying to run on his farm. He said he has been directed not to call the Sheriff's Department and when looking at figures they need to consider the calls made to the Wildlife Commission also.

Mr. Albert Lanier said he was at the first meeting and he is in two hunting clubs and has dogs. He said he leases land from Weyerhauser which is 1400 acres of private land. He said that most hunters use tracking collars to keep their dogs off of other people's land. He said that he cannot stop the dogs from crossing the road and that it is his intent to hunt and run the dogs on the leased property. He said he does not understand why people are having such a problem with hunting and running of dogs.

Ms. Renea Tishler said she keeps hearing "their intentions, they are trying" and said "why try to fix something that is not broken." She said that you can not govern dogs. She stated that you can put tracking collars on them to keep up with them. She said since there had been so few complaints documented by the Sheriff's Department, she did not understand why the Board was considering an ordinance. She noted that every dog's collar has the owner's names, addresses and phone numbers on it.

UPON MOTION by Commissioner Owens, seconded by Vice Chairman Savage, the Board voted unanimously to close the comment section.

Mr. Vernon Morrison attempted to address the Board and the Chairman called him out of order.

Commissioner Bowen stated he wanted to add back to his motion the statement about encouraging dogs to run on posted land to section 4.5. Vice Chairman Savage stated he should withdraw the encourage statement but Commissioner Bowen wanted it left in the motion.

Commissioner Hammond called for the question.

Chairman James called for a vote on the motion on changes to section 4.5.

The vote was six to three. Commissioners in favor were: Ward, Hammond, Gaskins, Johnson and Shank. Commissioner opposed were Owens, James, and Savage.

Chairman James asked for approval or changes to Section 5.1.

Commissioner Shank motioned to raise the fine from \$250.00 to \$500.00 on 5.1 (a) and (b). Commissioner Owens seconded the motion. Mr. Young asked why raise the fine and how did they come up with that figure. He said he had research and that there is not a county in North Carolina that has a \$500 fine. Most fines are \$150 to \$350.

Chairman James stated his opposition to this motion.

Chairman James called for the vote on the motion to raise the fine. Commissioners in favor were: Owens and Shank. Commissioner opposed were: Bowen, James, Hammond, Ward, Johnson, Savage and Gaskins.

Chairman James then called for approval of section 5.1 (a) and (b).

Commissioner Hammond motioned, seconded by Commissioner Gaskins, the Board voted unanimously to approve section 5.1 (a) and (b) as presented.

UPON MOTION by Commissioner Bowen, seconded by Commissioner Shank, the Board voted unanimously to approve the entire Hunting Ordinance with amendments as approved as follows:

ORDINANCE GOVERNING HUNTING IN PITT COUNTY

Section 1. TITLE

This Ordinance may be cited as the "Pitt County Hunting Ordinance".

Section 2. SCOPE AND PURPOSE

2.1 Scope. This Ordinance applies to all hunting activities within Pitt County, North Carolina. This Ordinance is enacted by the Board of Commissioners of Pitt County, ("Board") pursuant to North Carolina General Statute 153A-121, which authorizes the Board to define and regulate conditions "detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the County". All provisions of this Ordinance are in addition to those regulations contained in the North Carolina Administrative Code Title 15A, Department of Environmental, Health, and Natural Resources Chapter 10, Wildlife Resources and Water Safety subchapter 10D. Game Land Regulations.

2.2 Purpose. The Board of Commissioners enacted this Ordinance to protect the safety of its citizens and to encourage the respect of the rights of landowners and the privileges of hunters.

Section 3. DEFINITIONS

3.1 "**impairing substance**" defined as alcohol, a substance with an alcohol concentration of 0.08 or more, and/or any other drug or psychoactive substance capable of impairing a person's physical or mental faculties, or any combination of these substances.

3.2 "**hunt**" defined as the act of pursuing and taking wild animals.

3.3 "**Rights of Lessee**" Unless land lease from landowner provides for unrestricted use of lands, or specifies hunting rights, Lessee does not have the right to lease same land to another for hunting purposes.

Section 4. REGULATIONS

4.1 It is unlawful to hunt, while under the influence of an "impairing substance".

4.2 It is unlawful to hunt with a firearm within 300 feet of any residence or occupied building without the written, signed and dated permission of the landowner or lessee. Landowners are exempt from this provision for buildings which they occupy. Permission must be renewed annually to be effective.

4.3 It is unlawful to hunt with a firearm from, onto, across, or on a public road, or the right-of-way of any public road or highway.

4.4 It is unlawful to hunt or discharge a firearm on or across posted land without the written, signed and dated permission of the owner or lessee of such land. This permission must be renewed annually to be effective.

4.5 It is unlawful to release hunting dogs or to encourage them to run on posted land without a lease, or the written, signed and dated permission of the owner or lessee of such land. This permission must be renewed annually to be effective.

Section 5. VIOLATIONS: PENALTIES

5.1 Anyone in violation of hunting while under the influence of an impairing substance shall be subject to the following penalties:

(a) First Offense: a fine of \$250.00,

(b) Second Offense: a fine of \$250.00 and the loss of hunting privileges for a period of 12 months from the date of the violation.

5.2 NOTIFICATION OF RIGHTS – Any person who hunts in Pitt County, North Carolina gives consent to a chemical analysis if charged with - hunting while under the influence of an “impairing substance”.

(a) Refusal of a chemical analysis by a person to be tested if charged with - hunting while under the influence of an “impairing substance” - shall subject that individual to immediate revocation of hunting license for at least a 30 day period, and a fine of \$250.00.

5.3 Anyone in violation of any of the provisions of this Ordinance is subject to a fine of \$250.00, in addition to any other penalties listed herein.

Section 6. ENFORCEMENT

This Ordinance is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs, deputy sheriffs, and by peace officers with general subject matter jurisdiction.

Section 7. EFFECTIVE DATE

These rules shall be in effect on and after the 2nd day of August, 1999.

Adopted this the 2nd day of August, 1999.

BOARD OF COMMISSIONERS

By: _____
Chairman

ATTEST:

Clerk to the Board

Mr. Young asked that the Ordinance be put into effect and enforced by Sheriff's Department and then sent to State to become part of Wildlife Resources book. He said it cannot be enforced by the game warden until it appears in the Wildlife Regulations Book.

UPON MOTION by Commissioner Ward, seconded by Commissioner Shank, the Board voted eight to one to make the ordinance effective as of today, August 2, 1999 so it will be enforceable by all law enforcement officers. Commissioner Savage opposed the motion stating that he felt there should be a thirty day time period for the notice to get out to hunters.

Chairman James thanked Mr. Young and the committee for the hard work which went into this ordinance. Commissioner Bowen said that he felt this was the hardest thing he's had to vote on but he talked to everybody and voted his convictions.

Transfer of Surplus Assets - Dee Bowling

Ms. Bowling stated that there is need for an upgrade of the vehicle at the Airport and there is a surplus vehicle which could be swapped out. They are also some surplus printers that are outdated but could be used by the Board of Education. Commissioner Bowen asked that a dollar amount be placed on the printers being donated to the schools so there could be an accurate count of what the County has supplied the schools.

UPON MOTION by Commissioner Gaskins, seconded by Commissioner Ward, the Board voted unanimously to approve the transfer/donation of equipment to the Pitt-Greenville Airport and the Board of Education. The vehicle being transferred is Vehicle Serial number 1G1BL52P7RR159851.

Resolution committing County matching funds for Rural Center Water Capacity Building Grant - Phil Dickerson

Mr. Dickerson informed the Board that the Pitt County Water and Sewer Planning committee has identified a need to develop a Water Source Management Plan for Pitt County. The study would identify sources of water and best management practices for sharing and maximizing the available water supply in Pitt County among all water suppliers and users. The Rural Center is willing to provide a \$25,000 grant towards the cost of this \$50,000 study. The Global Transpark Development Commission will provide an additional \$10,000 grant. There may be additional funding through the Clean Water Management Trust Fund. But, Pitt County needs to commit \$15,000 to ensure securement of the Rural Center and GTP grant funds.

Commissioner Shank asked if the information from Greenville Utilities Commission is usable. Mr. Dickerson stated that they have included Greenville Utilities on the committee.

UPON MOTION by Commissioner Owens, seconded by Commissioner Hammond, the Board voted unanimously to appropriate \$15,000 of county funds for the Rural Center Water Capacity Building Grant.

Mr. Robinson stated that there is a good prospect for securing grant money for the \$15,000.

Technical Assistance Collaborative Agreement for Mental Health - Tom Robinson

Mr. Robinson stated that he had looked at options for assistance with the Mental Health Program. Ms. Martha Knisley presented a contract, not to exceed a cost of \$21,000 with sixty days to complete the work on Mental Health. He stated that Ms. Knisley also recommended that an Ad Hoc committee be put into place. The contract has been reviewed by county staff and the staff at the Mental Health Center and they support approval of the contract.

Vice Chairman Savage asked about the compensation for travel included in the contract. He suggested they take out the non performance clause and leave the contract so it can be stopped at any time. Mr. Robinson stated that the funds would come from contingency funds. He also stated that the travel is part of the overall contracted fee not to exceed \$21,000.

UPON MOTION by Commissioner Ward, seconded by Commissioner Hammond, the Board voted to approve the contract with Technical Assistance Collaborative Agreement with a not to exceed cost of \$21,000 and the formation of the Ad Hoc committee. Commissioner Gaskins recognized the Acting Area Director, Dr. Charles Mitchell for comments. Dr. Mitchell stated that they support the contract and hope for more information.

The recommended Ad Hoc committee members, as recommended by John Bulow were as follows:

**RECOMMENDATION FOR AD HOC COMMITTEE
ON MENTAL HEALTH AGREEMENT**

Per John Bulow, Assistant Manager

Ed Garrison	Social Services Director
Arlene Ferren	Pitt County Schools
Representative	Sheriff's Department
Representative	Magistrate's Office (Awaiting Judge's Recommendation)
Mental Health Staff	Randy Horton
Mental Health Area Board	David White
Mental Health Association	Gayle Horn
Representative	Past Board Member (to be announced)
Contract Provider	Mary Grace Bright

New position for Mental Health - Alene Warden

Ms. Alene Warden, Case Manager for CAP-MR/DD, stated that they were in dire need of an additional Case Manager position to help serve the severely mentally disabled population.

She stated that they are currently operating with twenty people per caseload and the State mandate is eight cases per Case Manager. She reviewed the income from the cases and how much could be generated with an additional Case Manager. She stated that they should still clear \$1,500 in revenue each month over expenses with the current caseloads.

UPON MOTION by Commissioner Hammond, seconded by Commissioner Shank, the Board voted unanimously to approve the creation of an additional Case Manager and authorize finance staff to prepare the required budget amendment.

Vice Chairman Savage asked about space for the staff member. Ms. Warden stated that the space issue is not a problem.

Mental Health Financial Agreement - JoAnne Burgdorff

Ms. JoAnne Burgdorff provided the Board with a copy of the Memorandum of Understanding for the County to handle the financial operations at Mental Health. She stated that the agreement has been presented to and approved by the Mental Health Area Board. She stated that the agreement is a clarification and understanding between two boards on the role and authority of the County Director of Financial Services. She said Ms. Bryan will have authority to direct and manage the Mental Health financial employees. The Mental Health Director had to give authority to the County for the County Finance Officer to have that authority. Dr. Charles Mitchell said the situation is working out beautifully and strongly recommend approval of this agreement.

UPON MOTION by Commissioner Shank, seconded by Commissioner Hammond, the Board voted unanimously to approve the Memorandum of Understanding between the Pitt County Board of Commissioners and the Pitt County Mental Health Board for Assumption of Financial Operations.

Ms. Burgdorff asked the Board to allow her a moment to introduce the newest staff attorney, Christina Freeman. Ms. Freeman has worked as a social worker with the Pitt County Department of Social Services and Ms. Burgdorff stated how glad she was to have her come back to Pitt County in the Legal Department. Ms. Freeman thanked the Board for the opportunity and stated that she would represent child support cases, juvenile court matters and other duties as assigned.

Local Firemen's Relief Fund Board - Susan Banks

Ms. Banks presented an updated list of the Local Firemen's Relief Fund Board with the recommendations as submitted by the local fire departments.

UPON MOTION by Commissioner Owens, seconded by Commissioner Ward, the Board voted to accept and endorse the list of firemen for appointment to the Local Firemen's Relief Fund Board as follows:

DEPARTMENT	MEMBER	TERM EXPIRES
Ayden (Nedya)	Harold Blake	12/31/1999
	Steve Tripp	12/31/2000
Bell Arthur	Virgil O'Neal	12/31/1999
	Leslie T. Elks	12/31/2000
Belvoir	Walter E. Allen	12/31/1999
	Sidney Scott	12/31/2000
Bethel (Pem)	H.L. Briley	12/31/1999

	William M. Whitehurst	12/31/2000
Black Jack	Robert Hudson Jimmy C. Smith	12/31/1999 12/31/2000
Clarks Neck	John F. Singleton Charles D. Squires	12/31/1999 12/31/2000
Eastern Pines	Kirby Boyd Charles B. Stokes, Jr.	12/31/1999 12/31/2000
Falkland	David Carraway Steven Nichols	12/31/1999 12/31/2000
Farmville (Far)	H. P. Norman	12/31/1999 12/31/2000
Fountain (Pintain)	George Bell J. W. Gay	12/31/1999 12/31/2000
Gardnerville	Glenn Loftin Jason Loftin	12/31/1999 12/31/1999
Grifton (Grid)	Donald Johnson Alton Clements	12/31/1999 12/31/2000
Grimesland (General Grimes)	Paul Majette C. S. Elks	12/31/1999 12/31/2000
Pactolus	Roger Simmons Dallas Rogers	12/31/1999 12/31/2000
Red Oak	Eddie Rabil William M. Smith	12/31/1999 12/31/2000
Sharp Point	William Corbett J. W. Wooten	12/31/1999 12/31/2000
Simpson	Johnnie Mayo Lee Mayo	12/31/1999 12/31/1999
Staton House	Rex Fleming James Whichard	12/31/1999 12/31/2000
Stokes (Carolina Township)	James C. Kirkman Barry L. Bullock	12/31/1999 12/31/2000
Winterville	Ray Peaden Morris D. Luton	12/31/1999 12/31/2000

Mental Health Board Appointments- Susan Banks/Dr. Charles Mitchell

Ms. Banks presented the four existing vacancies to the Board as follows: Dr. Ed Roberts, Rev. Sam Harvy, Dr. Yolanda Burwell and Janie Manning. Ms. Banks informed the Board that this is a twenty-one member board and there were six names submitted by the Mental Health Area Board for appointment. She stated that each of the vacancies would be considered

at-large positions. Commissioner Owens nominated Lester Brown. Commissioner Ward nominated Dr. John Swope. Mr. Bulow spoke on behalf of Ray Webster. Commissioner Owens offered a nomination of Ray Webster. Dr. Charles Mitchell approached the Board and stated that he has been acting as Interim Area Director as well as serving on the Area Board. He stated that he had not received any compensation as Area Director but felt that he may need to resign from the Area Board while he is serving in the capacity as Area Director. Consequently, he asked the Board of Commissioners to appoint all six names which were submitted by the Mental Health Area Board. He stated there are 15 current members, with one on leave of absence and one physician is needed. Otherwise, he stated that they could appoint all six people recommended. Commissioner Owens nominated the remaining members: Melba Tripp, Theresa Williams, and Stephanie Harrell and accept the list of six by acclamation. Commissioner Ward seconded the motion and the Board voted unanimously to approve the motion.

Commissioners' Comments

Vice Chairman Savage voiced concern over the situation involving the school lunch schedules in the Pitt County schools. He said he was glad to read that this is a priority of the school system and School Board. He stated that he is not ready to ask for a formal position from the Board of Commissioners at this time on this matter.

CLOSED SESSION

UPON MOTION by Commissioner Shank, seconded by Commissioner Owens, the Board voted unanimously to go into closed session on basis of the General Statute 318-143.11(a) (1) and (5).

Mr. Robinson noted that the Board meeting will be off the air and there will not be any decisions that will be made that will be brought back out for action in regular session during this closed session.

UPON MOTION by Commissioner Shank, seconded by Commissioner Ward, the Board voted to return to open session.

UPON MOTION by Commissioner Hammond, seconded by Commissioner Shank, the Board voted to adjourn the meeting at 11:45 a.m.

Respectfully submitted,

Susan J. Banks, CMC
Clerk to the Board