

MINUTES
REGULAR SCHEDULED MEETING OF THE BOARD OF COMMISSIONERS
OF EDGECOMBE COUNTY
DECEMBER 2, 2019 AT 7:00 P.M.
IN THE COMMISSIONERS' ROOM, COUNTY ADMINISTRATIVE BUILDING
TARBORO, NORTH CAROLINA

1. MEETING CALLED TO ORDER BY CHAIRMAN LEONARD WIGGINS AT 7:00 P.M.

MEMBERS PRESENT: Mr. Leonard Wiggins, Chairman, Rev. E. Wayne Hines, Vice-Chairman, Mrs. Viola Harris, Mrs. Evelyn Powell, Mr. Donald Boswell, Mr. Ralph Webb and Mr. William Wooten.

MEMBERS ABSENT: None.

OTHERS PRESENT: Mr. Eric Evans, County Manager, Mr. Michael Peters, County Attorney and Ms. Frangie Mungo, Clerk to the Board.

2. SAFETY INSTRUCTIONS.

Mr. William Johnson, Assistant County Manager, provided safety instructions for all present.

3. PRAYER.

Rev. Hines provided the prayer.

4. MINUTES OF PREVIOUS MEETING PRESENTED FOR APPROVAL.

Rev. Hines moved to approve the November 4, 2019 minutes. Mr. Wooten seconded the motion, which carried by unanimous vote.

5. ELECTION OF OFFICERS – 2020

Mr. Wiggins turned the Chair over to Mr. Peters for the purpose of electing officers for 2020.

Mr. Peters called for nominations for:

Board of Commissioners Chairman

Rev. Hines nominated Mr. Wiggins. There being no other nominations Rev. Hines moved to approve the nomination of Mr. Wiggins as Chairman of the Board. Mrs. Powell seconded the motion, which carried by unanimous vote.

Mr. Wiggins thanked the Board of Commissioners for their continued support.

Mr. Peters called for nominations for:

Board of Commissioners Vice-Chairman

Mrs. Powell nominated Rev. Hines. There being no other nominations Mrs. Powell moved to approve the nomination of Rev. Hines as Vice-Chairman of the Board. Mrs. Harris seconded the motion, which carried by unanimous vote.

Rev. Hines thanked the Board for their support.

With the consensus of the Board, agenda item 9. Other Business (F) was moved up.

F. Approval of the re-appointment of Tarasa Lewis as Tax Administrator.

Mr. Evans stated that North Carolina General Statutes require that the Board of Commissioners appoint both a Tax Collector and a Tax Assessor for a term of at least two years and no more than four years. He stated that we have a Tax

Administrator, Mrs. Tarasa Lewis, who serves both roles. Mrs. Lewis does meet the statutory requirements for serving that role. Mr. Eric recommended that the Board consider the reappointment of Mrs. Lewis, in her capacity as the Tax Administrator, to serve as Tax collector and Tax Assessor for a four-year term.

Mr. Boswell moved to re-appoint Tarasa Lewis as Tax Administrator for a four-year term. Rev. Hines seconded the motion, which carried by unanimous vote.

Honorable Carol Allen White, Clerk of Court, administered the Oath of Office.

6. **PUBLIC HEARINGS.**

1. **Mr. Wiggins called a public hearing to order to receive citizen comments and questions relative to a proposed amendment to County ordinance regarding smoking.**

Mr. Peters read the public notice as published.

Mr. Evans stated that at the October meeting the Board voted to move forward with changes to the smoking policy that would ban smoking in all County buildings and on County grounds. There is a section in the County's Code of Ordinances that speaks to this that would need to be amended. Mr. Evans presented a draft of the proposed ordinance changes. He stated that a change to the County's ordinance requires a public hearing. Therefore, he recommended that the Board call for public comments and consider citizens' input before taking action. Mr. Evans stated that the proposed ordinance includes smoking of cigarettes, cigars, little cigars, snuff, chewing tobacco and e-cigarettes.

Mr. Wiggins called for public comments.

Mr. Shane Varnell, 4186 Pleasant Hill Road, Rocky Mount, NC, stated that he was present on behalf of Edgecombe County Farm Bureau with a written letter stating:

Edgecombe County Commissioners, we are writing to you on behalf of Edgecombe County Farm Bureau. This is an agricultural based board, made up of local Edgecombe County farmers. It has recently been made public that a vote was passed to ban all tobacco use on County owned property. There is already a smoking ban in all County buildings, which we feel is more than adequate. We are a County that has been built on tobacco production. This income generated from tobacco in the past, present and future is extremely vital to Edgecombe County. We feel that this vote, from this board, shows just how out of touch you all are with agriculture and tobacco farmers in this County. There was no outside pressure to ban tobacco products from Edgecombe County properties, so therefore we are absolutely against this decision and feel that it should be reversed. The farmers have been a main staple in this community for decades, which have provided funds for Edgecombe County in numerous ways. Agriculture is a vital economic engine here and with your vote it only weakens the persona of tobacco farming in our County and shows how out of touch you all are with our industry and how it impacts here. Our board is calling for a reversal of this vote before it goes into effect.

He stated that the letter is signed by the President, Tom Porter.

Mr. Varnell, as a tobacco farmer in Edgecombe County, stated that he has concerns about this, number 1 – the extra policing needed. He stated that being banned in all County buildings is very sufficient. He stated that personally, he is very disappointed in the votes. He stated that there are a lot of the

Commissioners who have an agriculture background and not to get any more resistance than what it did, he is disappointed, and it comes from Edgecombe County being a tobacco-based County. He stated that it concerns him the thought gone into this that there wasn't more resistance and asked for more respect and thoughtfulness from this Board for agriculture.

Mr. Matthew Drake, 100 Joy Lane, Pinetops, came forth representing tobacco farmers. He stated that as a young tobacco farmer in Edgecombe County, as of two years ago. He was born and raised in Pinetops and came back home to farm. He provided facts and figures of what tobacco has done for Edgecombe County over the last few years:

2010 -\$26,000 was awarded to Edgecombe County for a grant from the North Carolina Tobacco Trust Fund to help develop and update the farmer's market. 2017-\$10 million was donated from the Golden LEAF Foundation to equip and construct an advance manufacturing training center at ECC.

2014 -\$1.5 million was given from the Golden LEAF Foundation for a bio tech medical facility. In 2017 there was approximately 6700 acres of tobacco raised in Edgecombe County with a gross income of \$29 million; 2016, 6500 acres with a gross income of \$27.5 million; 2015, 6900 acres at \$30 million. In the last ten years tobacco has contributed \$315 million in gross revenue to this County. Mr. Drake asked the Board what is the purpose of the ban. Has there been severe problems with smoking inside buildings or severe problems with smoking outside of buildings and if so can they not take a more practical approach, extend some smoking boundaries instead of outlawing smoking or tobacco use products on all County properties. He stated as Mr. Varnell mentioned, who is going to police this policy. What is the need for the update and why are they voting on it tonight.

There being no further comments the public hearing was adjourned.

Mr. Wooten moved to approve the amendment to the ordinance as presented.

Mr. Wiggins called for a second. There being none the motion failed.

Mr. Evans stated that some years ago the Board took action to change the policy to no smoking in the buildings. He stated that at that time the additional step of amending the ordinance was not done. If you read the ordinance it does not actually ban it inside the buildings. It says in designated smoking areas. He recommended that the Board call for a public hearing at the January meeting to amend the ordinance banning smoking in all County buildings.

Mr. Wooten moved to call for a public hearing at the January meeting to consider the proposed amendment to the Smoking ordinance. Mrs. Harris seconded the motion, which carried by unanimous vote.

2. Mr. Wiggins called a public hearing to order to receive citizen comments and questions relative to proposed change to Leak Adjustment Policy and consideration of offering a leak protection program.

Mr. Peters read the public notice as published.

Mr. Evans stated that the County currently has a policy to offer leak adjustment for water customers if it can be shown that a plumbing lead has contributed to an extraordinary high bill. Though this certainly is beneficial for our customers, it is costly for Water/Sewer operations. Mr. Evans proposed a change to that policy that would eliminate the leak adjustment, but also propose that we offer a leak Protection Program. The details of which were presented at

the last meeting. Considering this would be a substantial change for customers, and the Board wisely elected to hold a public hearing to solicit citizen input. Mr. Evans stated that following the public hearing he recommended that the Board approve the policy change and authorize him to execute a contract with Servline to offer the Leak Protection Program to our customers.

Mr. Wiggins called for public comments. There being none, the public hearing was adjourned.

Mr. Wooten moved to approve the contract with Servline as presented. Mrs. Powell seconded the motion.

Mrs. Harris and Mr. Boswell expressed their concerns regarding the policy.

Motion failed to carry by a vote of 4 against (Mr. Wiggins, Mrs. Harris, Mr. Boswell and Rev. Hines); 3 for the motion (Mr. Wooten, Mrs. Powell and Mr. Webb)

7. **SCHEDULED APPOINTMENTS.**

A. **Mike Walston, Chief Court Counselor, will provide an update on the implementation of the "Raise the Age" legislation.**

Mr. Walston stated that he serves at the State working with juvenile justice for 25 years, Chief Court Counselor for 10 years, overseeing Juvenile Justice for Edgecombe, Nash and Wilson counties. He stated that lawmakers raised the age of juvenile jurisdiction for non-violent offenses to the age of 18. Study shows that the success of rehabilitation of offenders in the juvenile justice system is higher than the adult system, so this is hoping to lower crime rates and lower law enforcement costs as well. He stated that it took effect on December 1, 2019.

Mr. Walston provided the following points:

- Delinquent juveniles will now be any youth at least 6 years of age and less than 18 years of age that commits a crime; infraction of state law or indirect contempt of court. This does not include violation of motor vehicle laws.
- A 16 or 17 year old juvenile shall be prosecuted as an adult if they have a prior District or Superior Court conviction. Once an adult always and adult. Convictions will determine if the youth will be processed in the juvenile system.
- Violations of the motor vehicle law punishable by a misdemeanor or infraction shall not be considered as a conviction unless the conviction is impaired driving. Currently a prayer for judgement will also not be considered a conviction.
- 16 years of age or over at the time of the offense, if an offense is a Class A through G felony the court shall transfer jurisdiction of the juvenile to Superior Court. This is after (1) notice to juvenile that a bill has been returned and (2) notice, hearing and a find of probable cause.
- If a youth is charged with an H or I felony after notice, hearing and finding of probable cause the youth could be transferred to Superior Court.
- An individual over age 21 committed an offense as a juvenile or is not 18 years or over as a bound, over, if secure custody is ordered he/she will be detained at the county jail.
- Maximum age of jurisdiction: (age 15-age 18) (age 16-age 19) (age 17-age 20).
- Making a decision on a complaint the Court Counselor shall conduct a gang assessment for youth 12 years of age or older. If the juvenile is adjudicated of an offense beyond a reasonable doubt that the offense was part of

criminal gang activity, the juvenile shall receive a disposition one level higher.

- Juvenile Justice personnel shall (1) transport from detention to Court (2) from a hold over facility to court and (3) from detention to county jail. District 7 staff will be requesting for assistance with after hour transports when secure custody is requested by law enforcement.

8. **PUBLIC PETITIONS.**

No petitioners came forward.

9. **OTHER BUSINESS:**

A. **Approval of budget amendments.**

Mr. Evans provided additional information on some of the budget amendments.

Mrs. Powell moved to approve the budget amendments as presented. Rev. Hines seconded the motion, which carried by unanimous vote.

B. **Approval of calling for a public hearing on additional changes to the Animal Services Ordinance.**

Mr. Evans stated that in June the Board adopted changes to the County's ordinance pertaining to animal services. Since then, the Animal Welfare Advisory Council has continued to review the ordinance and have further recommendations regarding Article III – Wild or Exotic Animals. In summary, the changes they recommend to this section would remove the responsibility of permitting and enforcement of wild and exotic animals from Animal Services and leave that to the Wildlife Commission and US Department of Agriculture. The recommended change would also ban the keeping of wild animals and venomous and dangerous exotic animals. Mr. Evans stated that in addition to the changes in Article III, the Council also recommends a change to the recently amended Article II, Section 4-34. They recommend to add "metal" to barrels on the list of conditions that shall not constitute adequate shelter. These changes require a public hearing.

Rev. Hines moved to call for a public hearing at the January 6th meeting. Mr. Boswell seconded the motion, which carried by unanimous vote.

C. **Approval of a petition to abandon Ralston Road.**

Mr. Evans stated that staff with NC DOT received a petition to close a portion of Ralston Road (SR-1549). This section is a gravel road east of Mayo Crossroads and runs in a southeasterly direction for .7 miles to a dead end. They recommend the abandonment of this portion of the road, which requires the Board's approval.

Mr. Boswell moved to approve the request as presented. Mrs. Powell seconded the motion, which carried by unanimous vote.

D. **Approval of Edgecombe County Recreation Mini-Grant awards.**

Mr. Boswell moved to approve the awards as presented. Mr. Webb seconded the motion, which carried by unanimous vote.

E. **Approval of 2020 Holiday Schedule.**

Rev. Hines moved to approve the 2020 Holiday Schedule as presented. Mrs. Powell seconded the motion, which carried by unanimous vote.

G. **Approval of additional funding for JCPC programs.**

Mrs. Powell moved to approve the funding as presented. Mr. Boswell seconded the motion, which carried by unanimous vote.

10. **APPOINTMENTS.**
- A. **Nursing Home and Adult Care Home Advisory Committee**
No recommendations.
- B. **NC Eastern Region.**
No recommendations.
- C. **Planning Board.**
Mr. Boswell moved to re-appoint Mr. William Gaines and Mrs. Edna Parker. Mrs. Harris seconded the motion, which carried by unanimous vote.
11. **PLANNING BOARD REPORT.**
Mrs. Cynthia Jenkins, Planning Director, presented the Planning Board report.
- A. Action items:
1. Rezoning request from Reba Allen.
Rev. Hines moved to call for a public hearing at the Board of Commissioners January 6, 2020 meeting. Mrs. Harris seconded the motion, which carried by unanimous vote.
 2. UDO text amendment request from Raeford Allen Walston.
Rev. Hines moved to call for a public hearing at the Board of Commissioners January 6, 2020 meeting. Mr. Boswell seconded the motion, which carried by unanimous vote.
 3. UDO text amendment request from the Planning Team.
Mrs. Powell moved to call for a public hearing at the Board of Commissioners January 6, 2020 meeting. Mr. Webb seconded the motion, which carried by unanimous vote.
- B. Minutes of November 18, 2019 meeting.
12. **AFTERLISTS AND RELEASES FOR REVIEW AND APPROVAL.**
Mr. Boswell moved to approve the afterlists and releases as presented. Mrs. Powell seconded the motion, which carried by unanimous vote.
13. **CONTRACTS FOR REVIEW/APPROVAL.**
Mrs. Harris moved to approve the contracts as presented. Mrs. Powell seconded the motion, which carried by unanimous vote.
14. **DEPARTMENTAL REPORTS FOR REVIEW.****Received******
- A. Water Services.
 - B. Financial Summary report.
 - C. Hurricane recovery update.
 - D. TDA finance report.
 - E. Flu Report.
15. **MANAGER'S REPORT.****Received*****
- A. Workforce Development Indicators.
 - B. Special Olympics Committee update.
Mr. William Johnson, Assistant County Manager, stated that the Town of Tarboro has decided to add the duties of the Special Olympics Coordinator for Edgecombe County to the job description to one of their recreation employees, Who will receive compensation for the increased duties. He stated that the Town has requested of the County help in funding for that and the actual funding for putting on the events.

Mr. Boswell moved to give an additional \$2500. Mrs. Harris seconded, which carried by unanimous vote.
 - C. Solid Waste permits update. (Provided by Mr. Johnson)
Mr. William Johnson, Assistant County Manager provided the update.

- D. Recognition of William Johnson for completing the UNC-School of Government's Leadership Program.
- E. Funding formula revision for Braswell Library.
- F. Democratic Party's Notice of Vacancy for Register of Deeds.
- G. Letter to Suddenlink regarding customer complaints.
- H. Notification from NC DHHS regarding January site visit to Vidant Medical Center.
- I. Response to Complaint filed with NC Department of Labor re. Courthouse Mold
- J. Farm City Breakfast December 11th at 7:30 a.m.

16. **COMMISSIONERS' REPORT.**

Mr. Boswell stated that recently he read that Princeville is trying to secure more coverage from the Sheriff's Department.

Mr. Evans stated that they have had ongoing discussions with the Sheriff's Department about that.

17. **ATTORNEY'S REPORT.**

None.

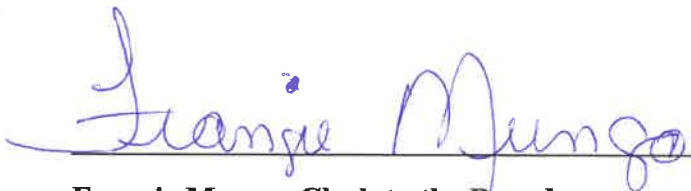
18. **CLOSED SESSION.**

Rev. Hines moved to go into closed session to discuss economic development, a legal matter and a personnel matter. Mr. Wooten seconded the motion, which carried by unanimous vote.

Mrs. Powell moved to go out of closed session and resume the regular meeting. Mr. Wooten seconded the motion, which carried by unanimous vote.

19. **MRS. POWELL MOVED TO ADJOURN THE MEETING UNTIL JANUARY 6, 2020 AT 7:00 P.M. REV. HINES SECONDED THE MOTION, WHICH CARRIED BY UNANIMOUS VOTE.**

Approved January 6, 2020.



Frankie Mungo, Clerk to the Board