



**SAMPSON COUNTY
BOARD OF COMMISSIONERS
MEETING AGENDA**

February 5, 2024

- 6:00 pm Convene Regular Meeting (County Auditorium)**
Invocation and Pledge of Allegiance
Approve Agenda as Published
- Item 1 Reports & Presentations**
- a. DOT/Litter Update **1**
- Item 2 Planning & Zoning**
- a. R23-04 -Phinite Inc. Rezoning **2-23**
- b. R23-03 - Rhetson Companies, Inc. Rezoning **24-34**
- Item 3 Action Items**
- a. Tax Administration - Annual Statutory Activities Related to Tax Collection **35-37**
- Report of Unpaid Taxes Which Are Liens on Real Property
 - Scheduling of 2024 Board of Equalization and Review Hearings
- Item 4 Board Appointments**
- Health Department Advisory Committee **38-39**
- Item 5 Consent Agenda** **40**
(as Board of Commissioners)
- a. Approve the minutes from the January 8, 2024 meeting **41-49**
- b. Approve the revisions to the 2023-2024 Home and Community Care Block Grant funding plan **50-51**
- c. Authorize an easement for Duke Power to place a new transformer at Clement Ball Park

d. Adopt a proclamation honoring the 100 th Birthday of Macie Rene Bennerman	52
e. Approve the revisions to the Sampson Area Transportation Drug and Alcohol Testing Policy	53-81
f. Authorize the execution of an agreement for legal services between Sampson County and the law firms of Baron & Budd, P.C., Cossich, Sumich, Parisola & Taylor, LLC, Seagle Law, and Ward & Smith, P.A.	82-90
g. Approve budget amendments as submitted	91-96
h. Approve tax refunds and releases as submitted	96-112
(as Board of Health)	
i. Approve the Fee/CPT Code Update for Sampson County Health Department	114
j. Approve an Uncollectible Account Balance Write-Off in the amount of \$140	115
Item 6 Board Information	
a. November 20, 2023 SCHD Health Advisory Committee Minutes	118-120
b. 2023 CFPT Report	121-122
c. 2023 Communicable Disease Report	123-124
Item 7 County Manager's Report	
Item 8 Public Comment Period	
Item 9 Closed Session - G.S. § 143-318.11(a)(3)	
Adjournment	

**SAMPSON COUNTY
BOARD OF COMMISSIONERS**

ITEM ABSTRACT

ITEM NO. 1(a)

Meeting Date: February 5, 2024	<input type="checkbox"/>	Information Only	<input type="checkbox"/>	Public Comment
	<input checked="" type="checkbox"/>	Report/Presentation	<input type="checkbox"/>	Closed Session
	<input type="checkbox"/>	Action Item	<input type="checkbox"/>	Planning/ Zoning
	<input type="checkbox"/>	Consent Agenda	<input type="checkbox"/>	Water District Issue

SUBJECT: NCDOT Update

DEPARTMENT: NCDOT

PUBLIC HEARING: No

CONTACT PERSON(S): Keith Jackson, Highway Maintenance Engineer

PURPOSE: To provide a quarterly update on NCDOT projects

ATTACHMENTS: None

BACKGROUND:

Highway Maintenance Engineer Keith Jackson will provide an update on current and ongoing NCDOT projects and will address concerns of litter on roadways throughout the county.

RECOMMENDED ACTION OR MOTION:

No action required

**SAMPSON COUNTY
BOARD OF COMMISSIONERS**

ITEM ABSTRACT

ITEM NO. 2(a)

Meeting Date: February 5, 2024	<input type="checkbox"/> Information Only <input type="checkbox"/> Report/Presentation <input checked="" type="checkbox"/> Action Item <input type="checkbox"/> Consent Agenda	<input checked="" type="checkbox"/> Public Comment <input type="checkbox"/> Closed Session <input type="checkbox"/> Planning/ Zoning <input type="checkbox"/> Water District Issue
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SUBJECT: R23-04 Phinite Inc. Rezoning

DEPARTMENT: Planning and Zoning

PUBLIC HEARING: Yes

CONTACT PERSON(S): Michelle Lance, Planner

PURPOSE: To consider approval of proposed rezoning of tax parcel 18053760005

ATTACHMENTS: Memo, Application, Planning Board Minutes, Staff Report

BACKGROUND:

The proposed rezoning request by Jordan Phasey, CEO of Phinite Inc., to rezone 14.30 acres of tax parcel 18053760005 from Residential Agricultural (RA) to Industrial (I) was reviewed by the Sampson County Planning Board at their January 22, 2024 (rescheduled due to inclement weather on January 9, 2024), meeting. Michelle Lance, Senior Planner, will provide an overview of the proposed rezoning. The Planning Board voted 3-0 to recommend approval of this rezoning request and finds the proposed rezoning to be consistent with the Industrial Growth Corridor Land Use designation and to positively align with the main purpose and intent of such designation. The Planning Board finds that the rezoning is reasonable, in best public interest, and consistent with the land use plan.

RECOMMENDED ACTION OR MOTION:

Conduct a public hearing, rezone the property as recommended by the Planning Board, and adopt the following Zoning Consistency Statement: *The Sampson County Planning Board finds the proposed rezoning to be consistent with the Industrial Growth Corridor Land Use designation and to positively align with the main purpose and intent of such designation. The Sampson County Planning Board finds that the rezoning request is reasonable and in best public interest and all other permitted uses included in the Industrial (I) Zoning District are reasonable and in best public interest and recommends approval to the Sampson County Board of Commissioners. The Sampson County Planning Board finds the proposed rezoning to be consistent with the land use plan.*

405 County Complex Rd.
Clinton NC 28328
Inspection: 910-592-0146
Planning: 910-631-1039
Fax: 910-596-0773



Hours of Operation:
Mon-Thurs. 7AM-5:30PM

Sampson County Planning Department

To: Ed Causey, County Manager
From: Michelle Lance, Senior Planner, CZO
Subject: February 5th, 2024, Board of Commissioners Meeting
Date: January 23, 2024

Due to inclement weather the Planning Board meeting scheduled for January 9th, 2024, was cancelled, and rescheduled for January 22, 2024; the following item was addressed at that meeting:

R23-04- A rezoning request by **Jordan Phasey, CEO of Phinite Inc**, to rezone 14.30 acres of tax parcel 18053760005 from Residential Agricultural (RA) to Industrial (I). The Planning Board voted 3-0 to recommend approval of the rezoning request with the following findings of fact and zoning consistency statement:

Findings of Fact:

1. John Scharwz on behalf of property owner KAMCP, LLC has submitted an affidavit authorizing Jordan Phasey to apply for the rezoning request.
2. Jordan Phasey, CEO of Phinite Inc., has signed the rezoning application as the applicant.
3. The proposed 14.30 -acre site is currently zoned Residential Agricultural (RA).
4. The proposed site has 220' of direct frontage on Rowan Rd and is located less than 600' from Turkey Hwy.
5. The Sampson County Land Use Plan classifies the site as being within the Industrial Growth Corridor land use designation.
6. There are residential homes located 300' East of the proposed site.
7. The Northern portion of the parent parcel is zoned Industrial(I) as well as properties Northwest of the proposed site.
8. Properties South and East of the proposed site are all zoned Residential Agricultural.
9. All adjacent property owners within 100' have been notified by mail and the property has been posted.

Zoning Consistency Statement

The Sampson County Planning Board finds the proposed rezoning to be consistent with the Industrial Growth Corridor Land Use designation and to positively align with the main purpose and intent of such designation. The Sampson County Planning Board finds that the rezoning request is reasonable and in best public interest and all other permitted uses included in the Industrial (I) Zoning District are reasonable and in best public interest and recommends approval to the Sampson County Board of Commissioners. The Sampson County Planning Board finds the proposed rezoning to be consistent with the land use plan.

Please contact my office with any questions or comments.

cc: Stephanie Shannon, Clerk to the Board

attachments

405 County Complex Rd.
Clinton NC 28328
Inspection: 910-592-0146
Planning: 910-631-1039
Fax: 910-596-0773



Hours of Operation:
Mon-Thurs. 7AM-5:30PM

Sampson County Inspection and Planning Department
Myron L. Cashwell
Inspection and Planning Director

REZONING APPLICATION

Sampson County requires that when parcels are to be rezoned, they must be reviewed by the Planning Board and receive a recommendation of approval or denial before they are heard by the Board of Commissioners, where the final rezoning decision will be made. In instances where only a portion of a property is proposed to be rezoned, a surveyed site plan that established the new proposed zoning line is required. Complete application submittals are due by 5:30 PM on submittal day **(PLEASE SEE THE ATTACHED SUBMITTAL SCHEDULE)**. The application fee is **\$300**. This application may only be withdrawn by written request from the applicant or property owner. If such a request is received prior to submission of the public hearing notice to the newspaper, the filing fees may be returned. Filing fees will not be refunded after submission of public hearing notice to the newspaper. After submission of public hearing notice to the newspaper, an application may only be withdrawn by action of the Planning Board or Board of Commissioners at the public hearing.

Sampson County is required by law to provide notice of the proposed rezoning to adjacent property owners as well as the newspaper and post a sign on the parcel that is proposed to be rezoned.

DATE SUBMITTED: _____

PLEASE BE AWARE THAT YOU ARE NOT GUARANTEED TO HAVE YOUR APPLICATION HEARD ON THE BOARD OF COMMISSIONERS DATE LISTED IN THE CORRESPONDING COLUMN WITH YOUR SUBMITAL DATE. CERTAIN CIRCUMSTANCES MAY REQUIRE THE APPLICATION TO BE HEARD AT A LATER DATE THAN LISTED.

SUBJECT PROPERTY INFORMATION

TOTAL PARCEL SIZE: _____

ADDRESS: _____

TOWN: _____

PARCEL #: _____

DEED BOOK & PAGE # _____

CURRENT ZONING DISTRICT: _____

PROPOSED ZONING DISTRICT: _____

LAND USE CLASSIFICATION: _____

APPLICANT INFORMATION

NAME: _____

ADDRESS: _____

PHONE: _____

EMAIL: _____

If the applicant is not the property owner, a written signed statement from the property owner must be included giving consent for the proposed Rezoning.

PROPERTY OWNER INFORMATION

NAME: _____

ADDRESS: _____

PHONE: _____

EMAIL: _____

SURVEYOR/ENGINEER INFORMATION (IF APPLICABLE)

NAME: _____

ADDRESS: _____

PHONE: _____

EMAIL: _____

QUESTIONS

The applicant must answer all questions with **complete sentence responses**. “Yes” or “No” answers **WILL NOT BE ACCEPTED**. If the questions do not have **adequate explanation in complete sentences** the application will be considered incomplete and returned to the applicant. The Planning Board will consider the applicants response to each question as a basis in establishing their formal recommendation to the Board of Commissioners.

- 1.) Will the proposal place all property similarly situated in the area in the same category, or in appropriate complementary categories?

- 2.) Will all uses permitted under the proposed zoning district be in the general public interest and not solely in the interest of an individual or a small group?

3.) Will all uses permitted under the new proposed zoning district be appropriate for the area included in the proposed rezoning?

4.) Will the character of the neighborhood be materially or adversely affected by any uses included in the proposed new zoning district?

5.) Will the proposed rezoning be consistent with the Sampson County Land Use Plan?

SIGNATURE

I, _____ the undersigned applicant, do hereby certify that to the best of my knowledge and belief all information supplied in and with the application is true and accurate.

APPLICANT SIGNATURE: _____

DATE: _____

2023 SUBMITTAL SCHEDULE

SUBMITTAL DATE	PLANNING BOARD	BOARD OF COMMISSIONERS
December 12 th	January 10 th (Tuesday night)	February 6 th
January 4 th	February 13 th	March 6 th
February 1 st	March 13 th	April 3 rd
March 1 st	April 10 th	May 1 st
April 5 th	May 8 th	June 5 th
May 3 rd	June 12 th	July 10 th
June 7 th	July 11 th	August 7 th
July 5 th	August 14 th	September 11 th
August 2 nd	September 12 th (Tuesday night)	October 2 nd
September 6 th	October 9 th	November 6 th
October 4 th	November 13 th	December 4 th
November 1 st	December 11 th	TBA Pending Release of the 2024 BOC Calendar



**SAMPSON COUNTY
PLANNING BOARD**

January 22, 2024

D*R*A*F*T

The Sampson County Planning Board convened for their regular meeting at 6:00 p.m. on Monday, January 22, 2024, in the Inspections and Planning Board Room, 405 County Complex Road in Clinton, North Carolina. Members present: Chairman Houston Crumpler III, Vice Chairman Jay Darden, and Board Member Jason Tyndall. Staff present: Planner Deborah Jacobs and Senior Planner Michelle Lance. Also, in attendance Interim Inspections and Planning Director Lin Reynold.

Chairman Houston Crumpler III called the meeting to order and gave the invocation.

Chair and Vice Chair Selected

Chairman Crumpler asked to Board to elect from among its members a Chair and Vice-Chair to serve for 2024. Jason Tyndall nominated Houston Crumpler III to serve as Chair and Jay Darden to serve as Vice-Chair. The Planning Board voted unanimously to elect Mr. Crumpler and Mr. Darden to continue to serve in their role as Chair and Vice-Chair. Ayes: Unanimous

Approval of Minutes

The minutes for the December 11, 2023, meeting were presented for approval. Upon a motion by Board Member Jay Darden and seconded by Board Member Jason Tyndall, the Board voted unanimously to approve the minutes of the December 11, 2023, meeting as presented. Ayes: Unanimous

Rezoning Request

R23-04

Senior Planner Michelle Lance presented a rezoning request submitted by Jordan Phasey to rezone a portion of tax parcel 18053760005, 14.30 acres, from the (RA) Residential Agricultural Zoning District to the (I) Individual Zoning District. Mrs. Lance offered the following proposed findings of fact for consideration by the Planning Board:

1. John Scharwz on behalf of property owner KAMCP, LLC has submitted an affidavit authorizing Jordan Phasey to apply for the rezoning request.
2. Jordan Phasey, CEO of Phinite Inc., has signed the rezoning application as the applicant.
3. The proposed 14.30 -acre site is currently zoned Residential Agricultural (RA).
4. The proposed site has 220’ of direct frontage on Rowan Rd and is located less than 600’ from Turkey Hwy.
5. The Sampson County Land Use Plan classifies the site as being within the Industrial Growth Corridor land use designation.
6. There are residential homes located 300’ East of the proposed site.
7. The Northern portion of the parent parcel is zoned Industrial(I) as well as properties Northwest of the proposed site.

8. Properties South and East of the proposed site are all zoned Residential Agricultural.
9. All adjacent property owners within 100' have been notified by mail and the property has been posted.

Member Jason Tyndall noted that he was familiar with the site and inquired of Mrs. Lance if there was a residential home located close to the proposed site.

Mrs. Lance confirmed that there is a residence adjacent to the site and property owners were notified but staff had not received any feedback regarding the rezoning request.

Applicant Jordan Phasey, CEO of Phinite, Inc. appeared before the Board to answer questions about the rezoning application and to introduce his company, Phinite Incorporated. Mr. Phasey expressed that Sampson County is an ideal location for Phinite Inc. due to the hog farming community and more specifically the proposed site having railroad access. Mr. Phasey revealed that the proposed use for the site is fertilizer manufacturing. Mr. Phasey elaborated on the company's process and presented a finished product for the Board to view.

Chairman Houston Crumpler III asked, "have you considered using the former Allen Canning building already located on the other portion of this parcel of land?"

Mr. Phasey replied, "that was our initial thought, but that building is already leased." Mr. Phasey proceeded to say that the plans now were to build a new facility on the 14.30 acres which will be subdivided from the parent parcel.

Member Jason Tyndall stated, "I think this will be good for the County and for our Farmers."

Chairman Houston Crumpler III called for a motion from the Board.

Decision

Board Member Jay Darden moved to recommend approval of R23-04 to the Sampson County Board of Commissioners based on the finding that the rezoning met the criteria set forth in the Sampson County Zoning Ordinance and the following zoning consistency statement:

The Sampson County Planning Board finds the proposed rezoning to be consistent with the Industrial Growth Corridor Land Use designation and to positively align with the main purpose and intent of such designation. The Sampson County Planning Board finds that the rezoning request is reasonable and in best public interest and all other permitted uses included in the Industrial (I) Zoning District are reasonable and in best public interest and recommends approval to the Sampson County Board of Commissioners. The Sampson County Planning Board finds the proposed rezoning to be consistent with the land use plan.

The motion was seconded by Jason Tyndall and was unanimously recommended for approval to the Sampson County Board of Commissioners. Ayes: Unanimous

Proposed Text Amendment

Sampson County Subdivision Regulations Section 108 (B)

Senior Planner Michelle Lance informed the Board that due to additional sections of the Subdivision Regulations that may need to be addressed along with the proposed text amendment, staff were requesting to withdraw the proposed text amendment for now.

Member Jason Tyndall made a motion that the proposed text amendment be withdrawn and revisited at another time. The motion was seconded by Jay Darden and was unanimously approved. Ayes: Unanimous

Comments

Michelle Lance introduced the newly assigned Interim Director of Inspections and Planning, Lin Reynolds. Mr. Reynolds was welcomed by all.

Adjournment

Upon a motion made by Jason Tyndall and seconded by Jay Darden, the Board voted unanimously to adjourn. Ayes: Unanimous

The Planning Board adjourned at 6:20 p.m.

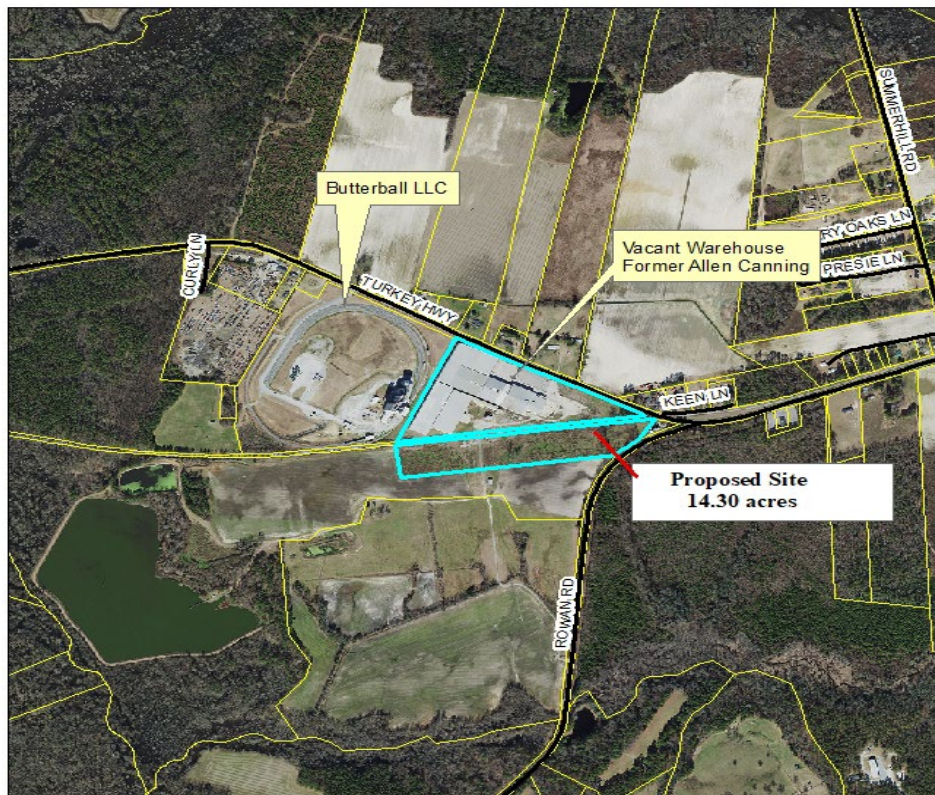
Houston Crumpler III, Chairman

Michelle Lance, Secretary

REQUEST SUMMARY

Application Number: R23-04	Property Location: Rowan Rd
Request: Rezone 14.30 acres from the Residential Agricultural (RA) Zoning District to Industrial (I) Zoning District	Acreage: 14.30 acres to be rezoned Industrial
Applicant: Jordan Phasey	Existing Land Use: Agricultural Land
Property Owner: KAMCP, LLC	Current Zoning: Residential Agricultural (RA)
Portion of Tax Parcel Number: 18053760005	Proposed Zoning: Industrial (I)

Aerial Photograph



STAFF RECOMMENDATION

Staff Recommends approval of the Industrial rezoning request based on the fact that the parcel is adjacent to parcels zoned Industrial, as well as the parcel being in close proximity to Turkey Hwy, which is a major thoroughfare within the County. The Sampson County Land Use plan encourages clustered industrial development.

COMPATIBILITY WITH ADOPTED PLANS

The Sampson County Land Use Plan classifies this site as being within the Industrial Growth land use designation.

The Industrial Growth Corridor areas have been designated along some of the major thoroughfares and transportation routes in the County. The corridor is prime for industrial growth due to the availability of public water and natural gas.

Appropriate land uses would include large scale industrial uses which are not detrimental to Sampson County safety, health or welfare, light-industrial uses, office areas, commercial uses, and institutional uses. Residential development is an inappropriate use for the Industrial Growth area. Land uses are preferred to develop with public water, in Industrial Parks, or other types of clustered industrial development in an effort to prevent strip development.

SYNOPSIS OF SITE AND SURROUNDING INFRASTRUCTURE

The subject property currently consists of vacant agricultural land situated next to agricultural, industrial, and commercial properties. There is existing residential development in the general vicinity. The 14.30-acre portion proposed to be rezoned and subdivided has direct frontage on Rowan Road. A railroad currently separates the proposed site from the parent parcel. The development pattern shows properties north of the railroad being zoned Industrial (I) and Commercial (C) while everything South of the railroad is Residential Agricultural (RA).

Environmental Site Conditions

- **Flood** – The portion of this parcel proposed to be rezoned is not located within the regulated floodplain.
- **Wetlands** – Wetlands are not present.

Fire Service Protection

Fire service at the site is provided by the Turkey Volunteer Fire Department.

Surrounding Zoning and Land Use

- Surrounding properties are zoned Residential Agricultural (RA) and Industrial (I)

Water & Sewer Utilities

- The property is served by County water and individual septic

Traffic Impacts & AADT

Traffic Count Year	Road Name	Average Trips per day (ATD) – Actual
2022	Rowan Rd	1400
2022	Turkey Hwy	6500

The annual average daily traffic is 1,400 daily trips for Rowan Rd and 6,500 for Turkey Hwy. The road frontage for the subject property is in a curve on Rowan Road and approximately 500’ from the intersection of Hwy 24/ Turkey Hwy and Rowan Rd.

District Schools

- Union Elementary School
- Union Intermediate School
- Union Middle School
- Union High School

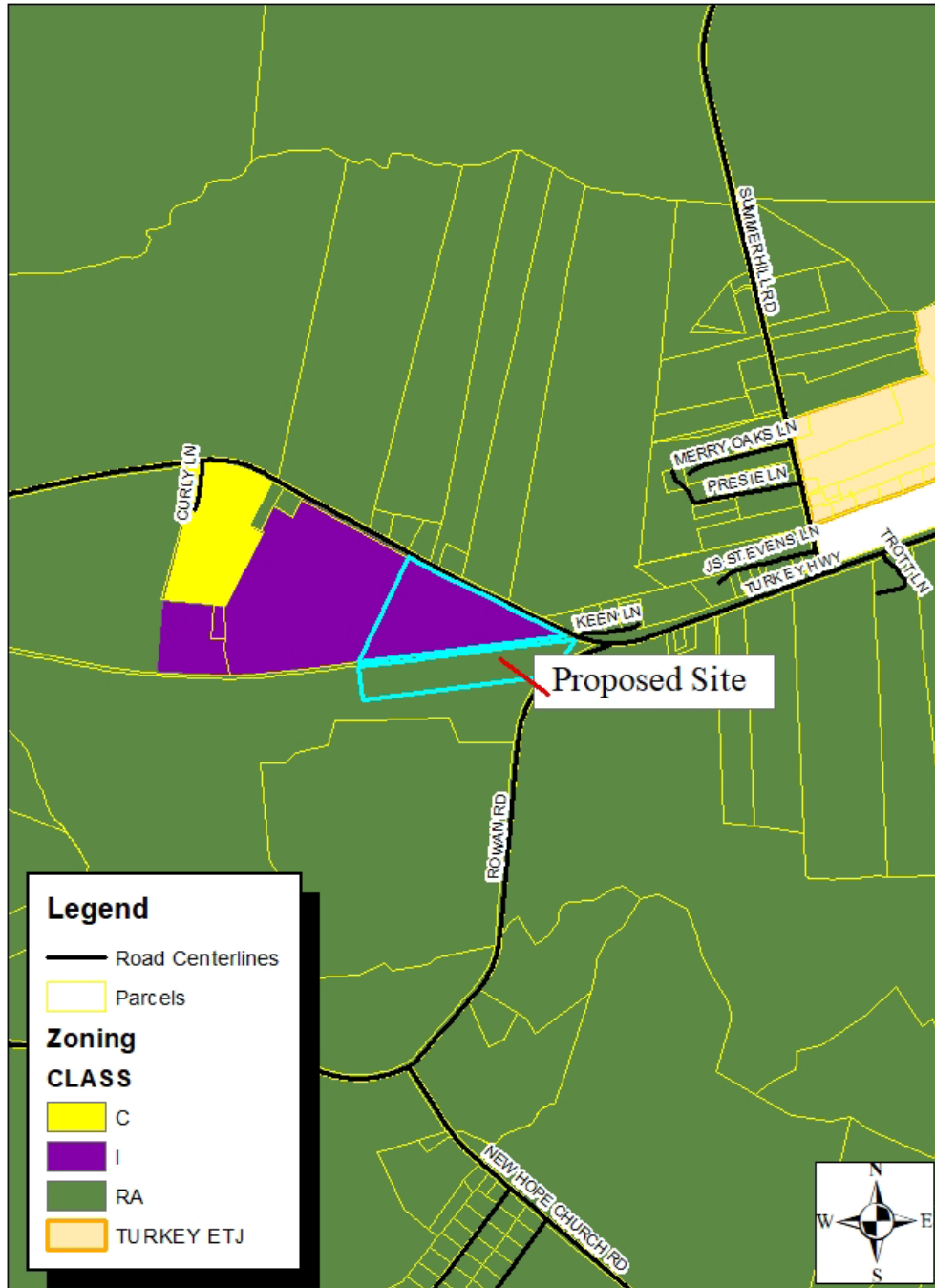
ZONING DISTRICT COMPARISON – Residential Agricultural (RA) to Industrial (I)

The subject property is currently located in the Residential Agricultural (RA) Zoning District.

The purpose of the Residential Agricultural (RA) Zoning District is to provide an environment for residential use at densities that correspond with the available services and general farming operations as defined herein. It is intended to protect the agricultural sections of the community from an increase of urban density development that would make the land less suitable for farms and to protect residential development that is primarily dependent on private wells and septic tanks to insure a safe and healthy living environment. In addition, some uses that are necessary in a rural environment, which are nonresidential in nature may be permitted as a special requirement or by special use.

The subject property is proposed to be zoned Industrial (I). The purpose of the Industrial (I) District is to accommodate large scale industrial uses, light-industrial uses, office areas, commercial uses, and institutional uses. It is important that each industrial district be located with appropriate traffic access and proper infrastructure to conduct business. Industrial uses should not be detrimental to public health, safety, or general welfare.

Turkey Hwy/ Rowan Rd R23-04 Zoning Map



ZONING COMPARISON TABLE

Residential Agricultural (RA)	Industrial (I)
<p>10,000 sq ft minimum lot size (public water & sewer available) 25,000 sq ft minimum lot size (public water w/ no sewer available) 30,000 sq ft minimum lot size (no public water & no public sewer)</p> <p>For multi-family development there shall be no more than 6 units per acre</p>	<p>108,750 sq ft minimum lot size (± 2.5 acres)</p>
<p align="center">PERMITTED USES</p> <ul style="list-style-type: none"> *Restaurant **Brewery/Distillery/Winery *Farm Equipment Sales Barber & Beauty Shop **Convenience Store/Gas Station Volunteer Fire Station *Public Fishing Lake/Pond *Church <p align="center">Residential Uses</p> <ul style="list-style-type: none"> Single-Family Dwelling Manufactured Home Modular Home *Dwelling Multi-Family <p align="center">(THIS IS NOT A COMPLETE LIST OF USES, JUST AN OVERVIEW OF CERTAIN TYPES)</p> <ul style="list-style-type: none"> *Special Requirements **Special Use 	<p align="center">PERMITTED USES</p> <ul style="list-style-type: none"> Government Buildings Ambulance/EMS **Renewable Energy Facility Dry Cleaner & Dry-Cleaning Plant Farm Supply Store Lumber Sales Industrial Supplies & Industrial Equipment Sales Mining & Quarrying** Bottling Plants *Toxic Chemicals Processing or Disposal **Fertilizer Manufacturing & Storage Metal Fabrication **Landfills Paving & Grading Operation <p align="center">(THIS IS NOT A COMPLETE LIST OF USES, JUST AN OVERVIEW OF CERTAIN TYPES)</p> <ul style="list-style-type: none"> *Special Requirements **Special Use

Site Photos

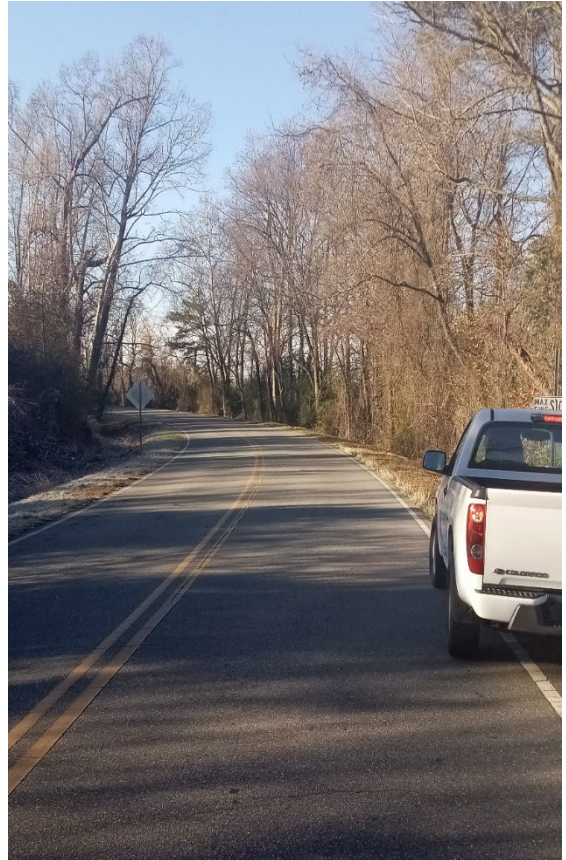


Butterball, LLC in the distance



Former Allen Canning in the distance

Road Frontage on Rowan Road





Adjacent Property (Residential Use)

Rowan Road to Turkey Hwy

ATTACHMENT 1

**ORDINANCE REZONING PROPERTY FROM RESIDENTIAL AGRICULTURAL (RA)
TO INDUSTRIAL (I)**

WHEREAS, Jordan Phasey, has submitted a petition to rezone a 14.30-acre portion of Tax Parcel 18053760005 from Residential Agricultural (RA) to Industrial (I); and,

WHEREAS, The Sampson County Land Use Plan places the proposed rezoning area in the Industrial Growth Corridor, and,

WHEREAS, The Industrial Growth Corridor’s appropriate land uses are identified as being large scale industrial uses which are not detrimental to Sampson County safety, health or welfare, light-industrial uses, office areas, commercial uses, institutional uses; and,

WHEREAS, The Industrial (I) Zoning District is to promote and protect both existing and potential industrial sites which are considered suitable for industrial use and to prohibit uses of land which would substantially interfere with the continuation of uses permitted in the district, and to promote the operation of well- planned and maintained industrial facilities; and,

WHEREAS, The types of uses allowed in the Industrial (I) Zoning District align with the main purpose and intent of the Industrial Growth Corridor; and,

WHEREAS, the proposed Rezoning is therefore considered reasonable and in the public interest.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS THAT:

- A. A. The Official Zoning Map is hereby amended to classify the 14.30-acre portion of Tax Parcel 18053760005 as Industrial (I).
- B. The above amendment is effective upon the adoption of this Ordinance. Adopted this 5th day of February 2024.

SAMPSON COUNTY
BOARD OF COMMISSIONERS

ATTEST:

Stephanie P. Shannon, Clerk to the Board

R. Jerol Kivett, Chairman

ATTACHMENT 2

**RESOLUTION DENYING THE PETITION TO REZONE PROPERTY FROM RESIDENTIAL AGRICULTURAL (RA)
TO INDUSTRIAL (I)**

WHEREAS, Jordan Phasey, has submitted a petition to rezone a 14.30-acre portion of Tax Parcel 18053760005 from Residential Agricultural (RA) to Industrial (I); and,

WHEREAS, The Sampson County Land Use Plan places the proposed rezoning area in the Industrial Growth Corridor; and,

WHEREAS, The Industrial (I) Zoning District and Industrial Growth Corridor is not appropriate; and,

WHEREAS, The proposed rezoning request would encourage development that could negatively impact properties in close proximity; and,

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT: the petition to classify a 14.30-acre portion of Tax Parcel 18053760005 as Industrial (I) is hereby DENIED

Adopted this 5th day of February 2024.

SAMPSON COUNTY
BOARD OF COMMISSIONERS

ATTEST:

Stephanie P. Shannon, Clerk to the Board

R. Jerol Kivett, Chairman

**SAMPSON COUNTY
BOARD OF COMMISSIONERS**

ITEM ABSTRACT

ITEM NO. 2(b)

Meeting Date: February 5, 2024	<input type="checkbox"/> Information Only <input type="checkbox"/> Report/Presentation <input checked="" type="checkbox"/> Action Item <input type="checkbox"/> Consent Agenda	<input checked="" type="checkbox"/> Public Comment <input type="checkbox"/> Closed Session <input type="checkbox"/> Planning/ Zoning <input type="checkbox"/> Water District Issue
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SUBJECT: R23-03 Rhetson Companies, Inc. Rezoning

DEPARTMENT: Planning and Zoning

PUBLIC HEARING: Yes

CONTACT PERSON(S): Michelle Lance, Planner

PURPOSE: To consider approval of proposed rezoning of tax parcel 07017284101 and tax parcel 07016922901

ATTACHMENTS:

BACKGROUND:

The proposed Rhetson Companies, Inc. Rezoning for tax parcel 07017284101 and tax parcel 07016922901 was reviewed by the Sampson County Planning Board at their December 11, 2023, meeting and presented to the Board of Commissioners on January 8, 2024. The Board tabled this request in order to further deliberate this rezoning. The Planning Board voted 4-1 to recommend approval of the rezoning request. The recommendation for approval is based off the fact that the conditional rezoning to establish a retail variety store is consistent with the Sampson County Land Use Plan due to the parcel fronting Garland Hwy (a major thoroughfare) and the proposed use will serve and benefit the surrounding community.

RECOMMENDED ACTION OR MOTION:



To: Ed Causey, County Manager
From: Michelle Lance, Senior Planner, CZO
Subject: Tabled Action on R23-03
Date: January 25, 2024

**R23-03 Rhetson Companies, Inc. Rezoning
Tabled from January 8, 2024, Board of Commissioners Meeting**

In an effort to provide the Sampson County Board of Commissioners with additional information and address concerns voiced by a few citizens at the January 8, 2024, Board of Commissioners Meeting, Greg Stewart, Project Manager, for applicant Rhetson Companies, Inc. has provided the attached material for consideration and to present to the public.

As a reminder, shown below is a summary of the rezoning request and recommendation by the Sampson County Planning Board.

R23-03 Rhetson Companies, Inc. Rezoning

Conditional Rezoning request submitted by Rhetson Companies, Inc. to rezone tax parcels 07017284101 and 07016922901 a combined total of 2.01 acres, from (RA) Residential Agricultural to (C) (CZ) Commercial district for the purpose of a retail variety store.

The Planning Board voted 4-1 to recommend approval of the rezoning request. The recommendation for approval is based off the fact that the conditional rezoning to establish a retail variety store is consistent with the Sampson County Land Use Plan due to the parcel fronting Garland Hwy (a major thoroughfare) and the proposed use will serve and benefit the surrounding community.

Zoning Consistency Statement: *The Sampson County Planning Board finds the proposed conditional rezoning to be consistent with the Rural Residential Agricultural Land Use designation and to positively align with the main purpose and intent of such designation. The Sampson County Planning Board finds that the conditional rezoning request to establish a retail variety store is reasonable and in best public interest and all other permitted uses included in this Conditional Commercial (C) (CZ) Zoning District are reasonable and in best public interest and recommends approval to the Sampson County Board of Commissioners. The Sampson County Planning Board finds the proposed conditional rezoning to be consistent with the land use plan.*

Please contact my office with any questions or comments.

cc: Stephanie Shannon, Clerk to the Board

attachments

Sampson County Board of Commissioners,

This document intends to address the comments made by neighboring community members at last Board of Commissioners meeting on January 8th. Each comment has been addressed individually for organization purposes:

- **Floodplain and Wetlands comment:**
 - Based on the NC Flood Risk Information System no portion of this parcel lies within the 100-year flood plain according to map number 3720138800K dated June 20, 2018.
 - Based on the National Wetlands Inventory, the site does not show any off the parcels under consideration to be located in wetlands.

- **Environmental comments**
 - Preliminary environmental testing conducted by Engineering Consulting Services did not identify any recognized environmental concerns and does not recommend additional environmental assessment of the property at this time.

- **Traffic at Intersection Comments**
 - Our preliminary site design efforts have been initially reviewed by North Carolina Department of Transportation. At this time, they are recommending a right turn lane with 50' of storage. We will be constantly working with NCDOT during this process should site design change.
 - The proposed site is designed with two entrances for cars who wish to enter and exit on the lessor traveled road of Wright Bridge Road.
 - The roadwork included in this project will be paid for by developer and will utilize the land on the subject property and not any of the surrounding properties.
 - Trees at the intersection that are currently inhibiting visibility will be removed and as a result increase visibility at the intersection.

- **Drainage Comments**
 - Currently water drains east to west towards the western portion of the parcel and continues west to southwest to Great Coharie Creek. The topography of the site will be designed to direct as much water as possible into roadside drainage ditches along US-701 and Wright Bridge Road.

- **Privacy Comments**
 - Per Sampson County zoning ordinance, a buffer is required along the side and rear lot lines between commercial and residential properties.
 - Development of this site will include a 6 ft wood privacy fence down the side and rear of the lot.

- **Regulating Agencies**
 - This development project will go through the approval processes by the below agencies:
 - North Carolina Department of Transportation: Driveway Permit
 - North Carolina Department of Environmental Quality: Erosion and Sedimentation Permit
 - Sampson County Planning and Zoning Department:
 - Zoning approval
 - Site plan approval
 - Building Permit
 - Sampson County Public Works
 - Public water connection

Thank you for the time and consideration for our proposed rezoning.

Greg Stewart

Project Manager

Rhetson Companies, Inc.

2075 Juniper Lake Road

West End, NC, 27376

910-944-0881 (work)

greg@rhetson.com

REZONING

R-23-03 Rhetson Companies, Inc. Rezoning
Intersection of Garland Hwy and Wright Bridge Road
Pin #'s: 1399346907 (1.29 acres) & 1399345873 (.72 acres)

FLOOD PLAIN

- *The NC Flood Risk Information System indicates that no portion of this parcel lies within the 100 yr floodplain according to map number 3720138800K dated June 20, 2018 (Appendix F).*
- <https://fris.nc.gov/fris/Index.aspx?FIPS=163&ST=NC&user=General%20Public>



FEMA

National Flood Insurance Program





U.S. Fish and Wildlife Service

National Wetlands Inventory



Environmental Testing Performed By ECS Southeast, LLC

<https://www.ecslimited.com/>

December 6, 2023

ECS Southeast, LLC

Project Summary

Garland Highway Site
12644 Garland Highway
Clinton, North Carolina 28328

Report Section	No Further Action	REC	CREC	HREC	BER	Comment
<u>4.0</u> User Provided Information	✓					
<u>5.1</u> Federal ASTM Databases	✓					
<u>5.2</u> State ASTM Databases	✓					
<u>5.3</u> Additional Environmental Record Sources	✓					
<u>6.0</u> Historical Use Information	✓					
<u>7.0</u> Site and Area Reconnaissance	✓					
<u>8.0</u> Additional Services	✓					
<u>9.0</u> Interviews	✓					

Recommendations

It is the opinion of ECS Southeast, LLC that additional environmental assessment of the subject property is not warranted at this time.



Lori Parker, CEM, CPESC
Environmental Principal
December 6, 2023

**SAMPSON COUNTY
BOARD OF COMMISSIONERS**

ITEM ABSTRACT

ITEM NO. 3(a)

Meeting Date: February 5, 2024	<input type="checkbox"/>	Information Only	<input type="checkbox"/>	Public Comment
	<input type="checkbox"/>	Report/Presentation	<input type="checkbox"/>	Closed Session
	<input checked="" type="checkbox"/>	Action Item	<input type="checkbox"/>	Planning/ Zoning
	<input type="checkbox"/>	Consent Agenda	<input type="checkbox"/>	Water District Issue

SUBJECT: Annual Statutory Activities Related to Tax Collection

DEPARTMENT: Tax Administration

PUBLIC HEARING: No

CONTACT PERSON(S): Jim Johnson, Tax Administrator

PURPOSE: To complete annual statutory activities related to tax collection

ATTACHMENTS: Memoranda from Tax Administrator

BACKGROUND:

Report of Unpaid Taxes/Request to Advertise Pursuant to GS 105-369, Tax Administrator Jim Johnson will report to the Board the amount of unpaid taxes for last year which are liens on real property. Upon receipt of this information, the Board must set a date to advertise these delinquent taxes at least once between March 1 and June 30. Mr. Johnson has recommended an advertisement date of April 10, 2024, with a deadline for payment being April 3, 2024.

Setting Dates for Board of Equalization and Review Hearings In accordance with GS 105-322, the first meeting of the Board of Equalization and Review shall not be held earlier than the first Monday in April and not later than the first Monday in May. In a year that the County conducts a real property revaluation, the Board shall complete its duties on or before December 1. The meeting dates are required to be published at least three times, with the first publication to be at least ten days prior to the first meeting. Also, the notice shall state the date the Board expects to adjourn. Mr. Johnson has recommended Friday May 3, 2024, Tuesday May 14, 2024, Wednesday May 15, 2024, Thursday May 16, 2024, Tuesday May 21, 2024, Wednesday May 22, 2024, and Thursday May 23, 2024, as the dates for the 2024 Board of Equalization and Review Hearings with appointment times from 10:00 AM to 6:00 PM.

RECOMMENDED ACTION OR MOTION:

1. Motion to authorize advertisement of unpaid taxes which are liens on real property as recommended by the Tax Administrator

2. Motion to set dates for the Board of Equalization and Review as proposed

Phone 910-592-7081
Fax 910-592-4865

Sampson County
Office of Tax Collector

Clinton, N.C. 28329-0207

P.O. Box 207

To: Ed Causey, County Manager
From: Jim Johnson, Tax Administrator
Subject: Advertising Tax Liens on Real Property
Date: January 23, 2024

According to NCGS 105-369, on the first Monday in February it is the duty of the Tax Collector to report to the governing board the total amount of unpaid taxes for the current fiscal year that are liens on real property. Upon receipt of this information, the governing board must set a date or dates for the advertising. The law requires that the liens be advertised at least once between March 1 and June 30. I would like to recommend that the board set April 10, 2024 as the advertising date with the deadline to pay to avoid advertising being Wednesday April 3, 2024. Payments must be received in the tax office by 5:00pm on this date to avoid advertising.

Please put on the Board of Commissioners agenda for February 5, 2024.

Sampson County
Office of Tax Assessor
PO Box 1082
Clinton, NC 28329

Phone 910-592-8146

Fax 910-592-1227

To: Ed Causey, County Manager
From: Jim Johnson, Tax Administrator
Subject: Board of Equalization and Review Hearings
Date: January 23, 2024

I would like the Board of Commissioners to consider setting dates for the 2024 Board of Equalization hearings. According to NCGS 105-322, the first meeting shall not be held earlier than the first Monday in April and not later than the first Monday in May. In the year a county conducts a real property revaluation, the Board shall complete its duties on or before December 1. The meeting dates are required to be published at least three times, with the first publication to be at least ten days prior to the first meeting. Also, the notice shall state the date the Board expects to adjourn. I would like to recommend the following dates for the 2024 Board of Equalization and Review: Friday May 3, 2024, Tuesday May 14, 2024, Wednesday May 15, 2024, Thursday May 16, 2024, Tuesday May 21, 2024, Wednesday May 22, 2024, and Thursday May 23, 2024. I would also recommend the appointments times be set from 10:00am to 6:00pm on these dates.

Please put on the Board of Commissioners agenda for February 5, 2024.

**SAMPSON COUNTY
BOARD OF COMMISSIONERS**

ITEM ABSTRACT

ITEM NO. 4

Meeting Date: February 5, 2024	<input type="checkbox"/>	Information Only	<input type="checkbox"/>	Public Comment
	<input type="checkbox"/>	Report/Presentation	<input type="checkbox"/>	Closed Session
	<input checked="" type="checkbox"/>	Action Item	<input type="checkbox"/>	Planning/ Zoning
	<input type="checkbox"/>	Consent Agenda	<input type="checkbox"/>	Water District Issue

SUBJECT: Appointments

DEPARTMENT: Governing Body

PUBLIC HEARING: No

CONTACT PERSON(S): Vice Chairperson Sue Lee

PURPOSE: To consider a reappointment to the Sampson County Health Department Advisory Committee

ATTACHMENTS: Memo

Health Department Advisory Committee - The Sampson County Health Department Advisory Committee recommends the appointment of Katrina Boykin, a School Counselor with Clinton City Schools for a three-year term

To: Edwin Causey
From: Wanda Robinson
Subject: Action Item-SCHD Advisory Committee Appointments
Date: January 22, 2024

The Sampson County Health Department Advisory Committee recommends the appointment of the committee members listed below, effective January 2024:

New committee member recommended:

Katrina Boykin, a School Counselor with Clinton City Schools. This appointment/reappointment is for a three-year term based on the requirements of GS 130A-35.

Thank you for your assistance in this matter.

**SAMPSON COUNTY
BOARD OF COMMISSIONERS**

ITEM ABSTRACT

ITEM NO.

5

Meeting Date: February 5, 2024	<input type="checkbox"/>	Information Only	<input type="checkbox"/>	Public Comment
	<input type="checkbox"/>	Report/Presentation	<input type="checkbox"/>	Closed Session
	<input type="checkbox"/>	Action Item	<input type="checkbox"/>	Planning/Zoning
	<input checked="" type="checkbox"/>	Consent Agenda	<input type="checkbox"/>	Water District Issue

SUBJECT: Consent Agenda

DEPARTMENT: Administration/Multiple Departments

ITEM DESCRIPTIONS/ATTACHMENTS:

(as Board of Commissioners)

- a. Approve the minutes of the January 8, 2024 meeting
- b. Approve the revisions to the 2023-2024 Home and Community Care Block Grant funding plan
- c. Authorize an easement for Duke Power to place a new transformer at Clement Ball Park
- d. Adopt a proclamation honoring the 100th Birthday of Macie Rene Bennerman
- e. Approve the revisions to the Sampson Area Transportation Drug and Alcohol Testing Policy
- f. Authorize the execution of an agreement for legal services between Sampson County and the law firms of Baron & Budd, P.C., Cossich, Sumich, Parisola & Taylor, LLC, Seagle Law, and Ward & Smith, P.A.
- g. Approve budget amendments as submitted
- h. Approve tax refunds and releases as submitted

(as Board of Health)

- i. Approve the Fee/CPT Code Update for Sampson County Health Department
- j. Approve an Uncollectible Account Balance Write-Off in the amount of \$140

RECOMMENDED ACTION OR MOTION:

Motion to approve Consent Agenda as presented

The Sampson County Board of Commissioners convened for their regular meeting at 6:00 p.m. on Monday, January 8, 2024, in the County Auditorium, 435 Rowan Road in Clinton, North Carolina. Members present: Chairman Jerol Kivett, Vice Chairperson Sue Lee, and Commissioners Thaddeus Godwin, Lethia Lee, and Allen McLamb.

Chairman Jerol Kivett called the meeting to order and turned the meeting over to Vice Chairperson Sue Lee. Commissioner Godwin provided the invocation and Vice Chairperson Sue Lee led the Pledge of Allegiance.

Approval of Agenda

Upon a motion by Vice Chairperson Sue Lee and seconded by Commissioner Lethia Lee, the Board voted unanimously to approve the amended agenda, adding three Board Appointments to Item 3.

Item 1: Planning and Zoning

R23-03 Rhetson Companies, Inc. Rezoning Chairman Kivett opened a public hearing and called upon Senior Planner Michelle Lance who presented information regarding the rezoning of tax parcels 07017284101 and 0706922901. This rezoning request was reviewed by the Sampson County Planning Board at its December 11, 2023 meeting. Rhetson Companies, Inc. has requested that the 2.01 acres be rezoned from Residential Agricultural (RA) to Conditional Commercial (C)(CZ) for the purpose of a retail variety store. The proposed site is on the corner of Wright Bridge Road and Garland Highway. The Planning Board voted 4-1 to recommend approval of the rezoning request. The recommendation for approval is based on the fact that the conditional rezoning to establish a retail variety store is consistent with the Sampson County Land Use Plan due to the parcel fronting a major thoroughfare and the proposed use will serve and benefit the surrounding community. Chairman Kivett opened the floor for public comments. The following were received:

Priscilla Powell, 12680 Garland Hwy., Garland, NC – Mrs. Powell stated that her property is adjacent to the proposed site. She voiced concerns regarding traffic, drainage issues, property tax values, potential crime and safety, and increased noise/nuisances.

Belinda Faison, 219 Lisbon Bridge Rd., Garland, NC – Mrs. Faison introduced herself as Mrs. Powell's neighbor and stated that she had attempted to purchase the proposed site property for fourteen years. Mrs. Faison also discussed potential drainage issues. She then stated that engineers should be brought in to assess the property and drainage issues that could be caused by digging, construction, and paving. Mrs. Faison questioned the impact of construction and rules enforced by the EPA and FEMA. She urged the Board to think about peoples' lives and homes rather than money.

Rev. Bobby Faison, 219 Lisbon Bridge Rd., Garland, NC – Rev. Faison stated that he and his wife had just moved from the proposed site to Lisbon Bridge Road. He also stated that he and his wife were unable to purchase the property. Rev. Faison voiced concerns about the safety of his neighbors and pets. Finally, Rev. Faison shared that he felt that the proposed retail variety store was an invasion on the neighborhood and would ultimately force residents to move.

Jessica Bowers, Smith Bowers, PLLC, 127 W. Hargett St. Suite 504, Raleigh, NC – Ms. Bowers stated that she is an attorney representing Rhetson Companies, Inc. Ms. Bowers reviewed the information that Senior Planner Michelle Lance presented and shared a desire to address concerns that had been voiced by citizens. She went on to state that the rezoning would have minimum impact on the surrounding properties and that the retail variety store would be convenient for residents and improve quality of life along with increasing the tax base, access to goods, and employment opportunities within the county.

Greg Stewart, Rhetson Companies, Inc., 2075 Juniper Lake Rd., West End, NC – Mr. Stewart introduced himself and stated that his development company serves over thirty clients nationwide. He added that it is not the intent of his company to make any sort of negative impact on a community. Mr. Stewart added that his company intends to serve the community and that the company is required to go through certain permitting processes to ensure that the development will not cause any negative effects to the opposing or adjacent properties.

Scott Brown, 4D Site Solutions, 409 Chicago Dr., Fayetteville, NC – Mr. Brown introduced himself as an engineer for the proposed rezoning. Mr. Brown stated that he grew up in Sampson County and takes great pride in Sampson County. He added that this is not the first proposed Dollar General development that he has been involved in and that these stores are typically seen as an enhancement for communities. Mr. Brown informed the Board that the project team has spoken with DOT and that they have received and approved the plan that is being proposed, adding that there will be some improvements to Garland Hwy. as well. Lastly, Mr. Brown addressed the issue of water drainage and stated that drainage would be redirected in order to have a minimal impact on the surrounding properties.

Chairman Kivett called upon Michelle Lance who clarified information regarding two homes on the property and the Sampson County Land Use Plan.

Michael Vann, 12535 Garland Hwy., Garland, NC – Mr. Vann stated that he has a trucking business and voiced his concerns regarding low visibility in the area and the safety of motorists.

Chairman Kivett closed the public hearing and Vice Chair Sue Lee moved to approve the rezoning and adopt the associated resolution and zoning consistency statement. Following a short discussion, Vice Chair Lee withdrew her motion and upon a motion by Commissioner Lethia Lee and seconded by Commissioner McLamb, the Board voted unanimously to table this issue until the regularly scheduled February 2024 meeting.

Item 2: Action Items

Discussion of Disposition of Real Property Chairman Kivett called upon County Attorney Joel Starling who reviewed information from the December 5, 2022 meeting where the Board adopted a resolution directing County staff to informally solicit offers and negotiate with prospective purchasers for the possible sale of the Old Emergency Services Building located at 107 Underwood Street, Clinton, NC using the negotiated offer and upset bid process authorized by G.S. 160A-269. Mr. Starling stated that the Board has since received a considerable amount of input on the Veterans Park located on the property and the need to preserve the park itself and public access to the park. Staff has recommended that the Board instruct the County Finance Department to resume informally soliciting and negotiating offers to purchase the Old Emergency Services Building pursuant to the Board’s December 5, 2022 resolution. Staff also recommends that the County obtain a survey that will allow the Veterans Memorial Park to be subdivided from the larger Emergency Services Building parcel, allowing the County to retain ownership of the park and an associated parking area. Upon a motion by Commissioner Godwin and seconded by Commissioner Lethia Lee, the Board voted unanimously to adopt a resolution directing staff to resume informally soliciting and negotiating offers on the property, excluding the portion where the Veteran’s Memorial Park is located; and further directing staff to report back to the Board regarding any informal offers that are received so that the Board may consider whether to dispose of the property pursuant to N.C. Gen. Stat. § 160A-269.

Consideration of Tax Appeals Chairman Kivett called upon Clerk to the Board Stephanie Shannon who reviewed tax penalty adjustment requests from Michael L. Godwin Farms, Inc. (total penalty \$12,972.26) and Sessoms Southern Swine LLC (total penalty \$3,797.66). These penalties were applied due to failure to timely list business personal property. Upon a motion by Vice Chairperson Sue Lee and seconded by Commissioner Godwin, the Board voted unanimously to reduce both penalties by one-half.

Item 3: Board Appointments

Upon a motion by Vice Chairperson Sue Lee and seconded by Chairman Kivett, the Board voted unanimously to reappoint Commissioner Lethia Lee to the Health Department Advisory Committee, to reappoint Chairman Kivett to the Fire Commission, to appoint Commissioner Godwin to the Mid Carolina Workforce Development Board, and to appoint Commissioner McLamb to the Aging Advisory Board.

Item 4: Consent Agenda

Upon a motion made by Commissioner Godwin and seconded by Commissioner McLamb, the Board voted unanimously to approve the Consent Agenda as follows:

- a. Approved the minutes of the December 4, 2023 meeting (Copies filed in Inc. Minute Book _____, Page _____.)
- b. Authorized the execution of a funding application for the 2024 Child and Adult Care Food Program for the Department of Aging
- c. Authorized the execution of an agreement between Sampson County Department of Social Services and Allies 4 Outcomes for Social Work Training

- d. Declared 119 Sig Sauer 9mm pistols as surplus and authorized the Sampson County Sheriff's Office to trade them in for credit on the purchase of new weapons
- e. Declared the service weapons used by Doyle Grady and Lawrence Fennell (Sig Sauer 9mm pistols, serial numbers 47A065131 and 47A065136) as surplus and allowed them to be transferred to the retiring employees
- f. Approved late disabled veterans tax exclusion requests for Luvonne Nadine Holloway and Ronald Kenneth Powell, Jr
- g. Approved tax refunds and releases as submitted

#10354	Jennifer Marie Greene	\$194.71
#10366	Linwood Earl Reynolds	\$121.29
#10356	Danny Ray Murphy	\$153.72
#10355	Chasie Shane Jacobs	\$174.07
#10352	Blackmans Grove PFWB Church	\$456.96
#10353	Humberto Reyes	\$313.58
#10335	Carrie Faulkner	\$335.31
#10327	Brandon Rheel	\$411.75
#10337	Kenneth Cabral	\$171.18
#10343	David Junior Locklear	\$594.41
#10326	James Yarnell Becton	\$411.75
#10334	Horrell Swine & Poultry LLC	\$165.94
#10347	William Jason Utley	\$292.98
#10351	Donnie Ray Bradsher Jr.	\$129.49
Tax Release	Adam Troy Brinkley	\$327.04
Tax Release	Larry Lee Abbott, III	\$629.00
Tax Release	Jennifer Marie Greene	\$194.71
Tax Release	Joshua T. Goodson	\$128.02
Tax Release	Tanya Kimiko Foderingham	\$388.15
Tax Release	Rudolfo Amador Boza	\$226.63

- h. Approved Clinton City Schools budget amendments as submitted

Capital Outlay Budget Amendment 1, Federal Budget Amendment 1

- i. Approved budget amendments as submitted

EXPENDITURE		Health		
<u>Code Number</u>		<u>Description (Object of Expenditure)</u>	<u>Increase</u>	<u>Decrease</u>
12551250	523900	Medical Supplies	\$200.	
REVENUE				
<u>Code Number</u>		<u>Source of Revenue</u>	<u>Increase</u>	<u>Decrease</u>
12535125	408900	Misc. Revenue	\$200.	

<u>EXPENDITURE</u>		Health		
<u>Code Number</u>		<u>Description (Object of Expenditure)</u>	<u>Increase</u>	<u>Decrease</u>
12551560	519300	Medical Services	\$2,500.	
<u>REVENUE</u>				
<u>Code Number</u>		<u>Source of Revenue</u>	<u>Increase</u>	<u>Decrease</u>
12535156	408401	Donations	\$2,500.	
<u>EXPENDITURE</u>		Soil & Water		
<u>Code Number</u>		<u>Description (Object of Expenditure)</u>	<u>Increase</u>	<u>Decrease</u>
28349610	526200	Departmental Supplies	\$2,500.	
<u>REVENUE</u>				
<u>Code Number</u>		<u>Source of Revenue</u>	<u>Increase</u>	<u>Decrease</u>
28334961	409909	Fund Balance Appropriated State	\$2,500.	
<u>EXPENDITURE</u>		Social Services		
<u>Code Number</u>		<u>Description (Object of Expenditure)</u>	<u>Increase</u>	<u>Decrease</u>
NEW ACCOUNT		Alcohol Prevention/Support	\$59,907.	
<u>REVENUE</u>				
<u>Code Number</u>		<u>Source of Revenue</u>	<u>Increase</u>	<u>Decrease</u>
NEW ACCOUNT		Alcohol Prevention/Support	\$59,907.	
<u>EXPENDITURE</u>		Social Services		
<u>Code Number</u>		<u>Description (Object of Expenditure)</u>	<u>Increase</u>	<u>Decrease</u>
13553330	529900	APS Essential Funds	\$6,302.	
<u>REVENUE</u>				
<u>Code Number</u>		<u>Source of Revenue</u>	<u>Increase</u>	<u>Decrease</u>
13535310	403319	APS Essential Funds	\$6,302.	
<u>EXPENDITURE</u>		Library		
<u>Code Number</u>		<u>Description (Object of Expenditure)</u>	<u>Increase</u>	<u>Decrease</u>
11761100	544000	Contracted Services	\$2,000.	
11761100	526200	Dept Supplies	\$15,000.	
11761100	544200	Cultural Programs	\$6,000.	
11761100	529900	Misc Expenses	\$1,000.	
11761100	556100	Capital Outlay	\$5,930.	
<u>REVENUE</u>				
<u>Code Number</u>		<u>Source of Revenue</u>	<u>Increase</u>	<u>Decrease</u>
11036110	403624	State Based Grant	\$29,930.	

EXPENDITURE		Health - COVID		
<u>Code Number</u>		<u>Description (Object of Expenditure)</u>	<u>Increase</u>	<u>Decrease</u>
12551240	512100	Salaries	\$23,140.	
12551240	518100	FICA	\$1,435.	
12551240	518120	Medicare FICA	\$336.00	
12551240	518200	Retirement	\$2,916.	
12551240	518300	Group Insurance	\$5,700.	
12551240	518400	Dental Insurance	\$180.	
12551240	518901	401K	\$1,736.	
12551240	526201	Departmental Supplies – Equipment	\$6,500.	
12551240	543000	Rental Equipment	\$2,000.	
12551240	526200	Departmental Supplies	\$4,003.	
12551240	544000	Contract Services	\$25,000.	

REVENUE				
<u>Code Number</u>		<u>Source of Revenue</u>	<u>Increase</u>	<u>Decrease</u>
12535125	404000	State Allocation		\$72,946.

EXPENDITURE		Cooperative Extension		
<u>Code Number</u>		<u>Description (Object of Expenditure)</u>	<u>Increase</u>	<u>Decrease</u>
04549520	512600	Salaries	\$4,300.	
04549520	518100	FICA	\$220.	
04549520	518120	Medicare FICA	\$55.	
04549520	518200	Retirement	\$1,425.	
04549520	526200	Dept Supplies	\$9,008.	
04549520	526201	Dept Supplies – Equipment	\$2,200.	
04549520	531100	Travel	\$3,320.	
04549520	537000	Advertising	\$5,000.	
04549520	539500	Employee Training	\$2,200.	
04549520	544000	Contract Services	\$11,840.	

REVENUE				
<u>Code Number</u>		<u>Source of Revenue</u>	<u>Increase</u>	<u>Decrease</u>
04034952	403601	Grant – Eastpointe	\$39,568.	

EXPENDITURE		Contribution to Mental Health		
<u>Code Number</u>		<u>Description (Object of Expenditure)</u>	<u>Increase</u>	<u>Decrease</u>
11552100	506800	Contribution to Mental Health Admin	\$63,000.	
11999000	509700	Contingency		\$63,000.

REVENUE				
<u>Code Number</u>		<u>Source of Revenue</u>	<u>Increase</u>	<u>Decrease</u>

EXPENDITURE		Sheriff		
<u>Code Number</u>		<u>Description (Object of Expenditure)</u>	<u>Increase</u>	<u>Decrease</u>
11243100	555000	Capital Outlay Equipment	\$15,000.	
11243100	554000	Capital Outlay Vehicles	\$92,004.	
11243100	526200	Dept. Supplies	\$23,777.	
11243100	526201	Dept. Supplies CD	\$156,477.	
11243100	526202	Dept. Supplies Grant		\$25,281.
11243100	526230	Equip. Grant		\$178.
11243100	555001	Capital Outlay Grant		\$9,250.
REVENUE				
<u>Code Number</u>		<u>Source of Revenue</u>	<u>Increase</u>	<u>Decrease</u>
11034310	403631	State Substance Abuse Tax	\$70,000.	
11011100	402603	Federal Asset Account	\$182,545.	

Item 5: County Manager’s Report

No report given.

Item 6: Public Comment Period

Following a brief overview of Public Comment Policies and Procedures by Clerk to the Board Stephanie Shannon, Chairman Kivett reviewed standards of conduct and decorum and then opened the floor for public comments. The following were received:

Elaine F. Hunt, 7171 Old Warsaw Road, Turkey, NC – “Good evening. First, I would like to applaud you all for approving the request regarding the Hobbton school. I want to applaud you for having the integrity to rescind the \$80 cost regarding the trash dumping, and I thought, ‘How can I present my concern in a creative way?’ But the more I thought about it the more I came to the conclusion that there is no creative way. As the word says, there is nothing new under the sun, so I come to you just as I am, crying and singing the same song I’ve been singing since March 2022. We are no longer asking and saying that we desire county water. We are saying that we need county water. Water is a necessity to live and for the better part we love living, so we desire, and we want, and we need and we deserve county water. We’re tired of taking our clothes to the laundromat. All of my white clothes are now brown. You know, we have to purchase our drinking water. We have people in the neighborhood on fixed income who can’t afford to just go out and buy cases and cases and gallons and gallons of water. We deserve to have clean water like others. We are not requesting that you give us a handout. As always, I say that we are asking for a helping hand. No one seems to care about our situation and our concern except we who live in the neighborhood. In 2024, we are seeking more. More than we got in 2022, more than we got in 2023. I am a firm believer that this is a possible task. I have watched and I have seen what you all have done and can do and probably will do in the future. This is what we are seeking this year. We ask that you help us to make it happen. Please help us to get county water in the vicinity of 7171 Old Warsaw Road. Where there is a will, I’ve learned there is a way. Thank you.”

Anthony Monds, 6248 Autry Mill Road, Godwin, NC - "I'm not in the habit of repeating myself, especially when it comes to grown people. I expect to do that with my grandchildren, but not with grown people. Last month I came and gave my number and asked that you all get in touch with me. No one chose to, so that's unacceptable. I am a taxpaying citizen. I'm one that can articulate very well what I would like to be heard. I expect for those of you who are in elected positions to adhere to what your constituents are conveying to you, so once again I am here for the same purpose and that is to let you know that your DSS system is corrupt and I got up here last month and shared just a brief intel as to what we would like to happen, a forum, as I said before for the record no one has gotten in touch with me from this board. So, once again, I'm saying it, I won't say it again, but I would expect for someone to get in touch with me and sit down with those who have been affected by your DSS system. And so after last month's meeting I was instructed that I shot the Human Resources department in the foot because of my comments, which I didn't think they were going to do anything anyway so it just goes to show once again as I stated in previous times when I was here of the unscrupulous egregious acts that the department and the government here exhibits and so I'm drawing attention to it once again. I'm easy to reach. 910-286-6604. You can call me, email me, smoke screen me, whatever. You can go to my website. I have an international ministry. GracePlusNothing.org. You can gain contact with me through there. I'm not hard to find. You can call the Cumberland County Sheriff's Department. I'm a chaplain down there. I can be found if you want to find me. So, I'm not hard to find and so I would appreciate once again if we would address these issues because those who allow injustices to happen are just as guilty as those who are doing them so there's blood on your hands. There's blood on your hands because you have allowed this to happen and continue to allow it to happen. Thank you. Y'all have a blessed evening."

David Brown, 3030 Fleet Cooper Road, Roseboro, NC - "Good evening ladies and gentlemen. There's a lot I'd like to say about that convenience fee. I've heard a lot of things, but I haven't had time to investigate them so I'm not going to worry about them until I have some firm information. What I am here tonight to discuss is money. Three things that most constituents, taxpayers, whatever that you'd like to call us out there that you do don't mess with. Our church, our children, and our money. If we take a conservative number that there were 20,000 letters mailed out or notices for tax. I don't know how many you mailed. It's \$0.60 a piece unless of course the county has a bulk mailing permit which you might have. It would substantially reduce that cost. I don't know what the percentage would be. It could be anywhere from \$0.30 all the way down to \$0.15. I'm a retired postal employee. So that cost doesn't include envelopes, paper, the printing cost, and the labor involved in getting those notices out. That's \$12,000. Then you had to mail the checks back. Now based upon the information that I read, I believe it was in a news release, I think the expected compliance rate was about 67% I think is what the County Manger said, I'm not sure. But I said okay lets just say that half of that number got to be mailed back because not everybody complied. That's 10,000 letters at \$0.60 a piece that's \$6,000. That's a total of \$18,000 just in postage that was spent and wasted because you're not going to get any return on that. If I'm making \$10 an hour it takes me 1,800 hours to make that much money. That's a whole week's worth of work. One whole week I work for free to pay for this wasted money. That's not acceptable. If I make \$20 an hour, and I don't think there are a great many people in Sampson County that make \$20 an hour, it takes me 900 hours which is a half a week. That's still a lot of money. I sat here in the September meeting, and I heard that we are short money within the county. I didn't think that. I didn't think we'd lost any residents but when I researched the census, we lost 7,000 residents.

That's a pretty good number to lose right there. And if I'm not mistaken, I believe you talked about changing the property revaluation from eight years to four years. So you're taking more money. Governments don't have any money. Your bank account is zero. Stop taking my money and wasting it."

Adjournment

Upon a motion made by Commissioner McLamb and seconded by Commissioner Godwin, the Board voted unanimously to adjourn.

R. Jerol Kivett, Chairman

Stephanie P. Shannon, Clerk to the Board

MEMO

TO: Board of Commissioners
From: Dana Hall, Parks, Recreation, & Aging Director
Date: January 22, 2024
Subject: 2023-2024 Home and Community Care Block Grant Revision

Please accept the proposed revisions to the 2023-2024 Home and Community Care Block Grant funding plan. The attached funding plan is attached for your review. Upon review, these items will require approval from the Board of Commissioners and signature from the Chairmen.

Thank You,

Dana Hall

Attachments: 732 County Services Summary

Home and Community Care Block Grant for Older Adults

Sampson County Department of Aging
 405 County Complex Rd
 Clinton, NC 28328

County Funding Plan

Provider Services Summary

DAAS-732 (Rev. 2/16)

County: Cumberland

July 1, 2023 through June 30, 2024

REVISION # 1 , DATE: 1/19/2024

Services	Ser. Delivery		A				B	C	D	E	F	G	H	I
	(Check One)		Block Grant Funding				Required	Net*	NSIP	Total	Projected	Projected	Projected	Projected
	Direct	Purch.	Access	In-Home	Other	Total	Local Match	Serv Cost	Subsidy	Funding	HCCBG Units	Reimburse Rate	HCCBG Clients	Total Units
Adult Day Health				52000			5778	57778		57778	866	60.0147	7	866
Cogregate Nutrition					102398		11378	113776	12376	126152	14220	8.001	120	14022
Home Delivered Meals				154929			17214	172143	17712	189855	21515	8.001	160	21603
Housing & Home Improvement				145529			16170	161699		161699	-	-	64	-
Information & Case Assistance			29042				3227	32269		32269	-	-	1300	-
In-Home Aide Level II - Personal Care				47520			5280	52800		52800	2640	18.0116	4	2640
Senior Center Operation					44820		4980	49800		49800	-	-	350	-
Transportation (General)			20000				2222	22222		22222	1111	12.9644	11	697
							0	0		0				
							0	0		0				
							0	0		0				
							0	0		0				
							0	0		0				
							0	0		0				
Total			49042	399978	147218	596238	66249	662487	30088	692575	40352		2016	39828

Certification of required minimum local match availability.
 Required local match will be expended simultaneously
 with Block Grant Funding.

 Authorized Signature, Title
 Community Service Provider
 _____ Date

 Signature, County Finance Officer
 _____ Date

 Signature, Chairman, Board of Commissioners
 _____ Date

*Proclamation Honoring & Celebrating the 100th Birthday of
Mrs. Macie Rene Bennerman*

WHEREAS, Macie Rene Bennerman was born on January 17, 1924 and has been a lifelong resident of Sampson County; and

WHEREAS, Throughout her lifetime she has seen many changes to our community and our world; and

WHEREAS, Macie is a faithful member of Pilgrim Rest Missionary Baptist Church and as a respected member of the Ivanhoe community, she is willing to serve and is always happy to support and encourage her fellow citizens at every opportunity; and

WHEREAS, Macie created a happy home and a loving family with her husband Ernest on Wildcat Road, where she raised nine children; and

WHEREAS, Macie's family, friends, and community members will celebrate this incredible milestone with her on Saturday, January 20th at Pilgrim Rest Missionary Baptist Church in Ivanhoe.

NOW THEREFORE, BE IT PROCLAIMED that the Sampson County Board of Commissioners congratulates Macie Rene Bennerman on her 100th birthday and extends its best wishes for many more years of health and happiness.

ADOPTED this 5th day of February, 2024.

R. Jerol Kivett, Chairman

ATTEST:

Stephanie P. Shannon, Clerk to the Board

**DRUG AND ALCOHOL TESTING POLICY
SAMPSON AREA TRANSPORTATION
Adopted as of 02/05/2024**

A. PURPOSE

- 1) The Sampson Area Transportation system provides public transit and paratransit services for the residents of Sampson County. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, Sampson Area Transportation declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.
- 2) Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. Covered employees shall abide by the terms of this policy statement as a condition of employment. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions and prohibits performance of safety-sensitive functions when there is a positive test result, or a refusal to test. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of specimens for drug and alcohol testing.
- 3) Any provisions set forth in this policy that are included under the sole authority of Sampson Area Transportation and are not provided under the authority of the above-named Federal regulations are underlined. Tests conducted under the sole authority of Sampson Area Transportation will be performed on non-USDOT forms and will be separate from USDOT testing in all respects.

B. APPLICABILITY

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing safety sensitive duties. See Attachment A for a list of employees and the authority under which they are included.

A safety-sensitive function is operation of public transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, persons controlling the dispatch or movement of revenue service vehicles and any transit employee who operates a non-revenue service vehicle that requires a Commercial Driver's License to operate. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions who perform one or more of the above-mentioned duties is provided in Attachment A. Supervisors are only safety sensitive if they perform one of the above functions. Volunteers are considered safety sensitive and subject to testing if they are required to hold a CDL or receive remuneration for service in excess of actual expense.

C. DEFINITIONS

Accident: An occurrence associated with the operation of a vehicle even when not in revenue service, if as a result:

- a. An individual dies;
- b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- c. One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, *disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

Adulterated specimen: A specimen that has been altered, as evidence by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

Alcohol Concentration: Expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under 49 CFR Part 40.

Aliquot: A fractional part of a specimen used for testing, it is taken as a sample representing the whole specimen.

Alternate specimen: An authorized specimen, other than the type of specimen previously collected or attempted to be collected.

Canceled Test: A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which is cancelled. A canceled test is neither positive nor negative.

Collection site: A place selected by the employer where employees present themselves for the purpose of providing a specimen for a drug test.

Confirmatory Drug Test: A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or metabolite.

Confirmatory Validity Test: A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

Covered Employee Under FTA Authority: An employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function (See Attachment A for a list of covered employees).

Cutoff: The analytical value (e.g., drug or drug metabolite concentration) used as the decision point to determine a result (e.g., negative, positive, adulterated, invalid, or substituted) or the need for further testing.

Designated Employer Representative (DER): An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

DOT, The Department, DOT Agency: These terms encompass all DOT agencies, including, but not limited to, the Federal Aviation Administration (FAA), the

Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Office of the Secretary (OST). For purposes of 49 CFR Part 40, the United States Coast Guard (USCG), in the Department of Homeland Security, is considered to be a DOT agency for drug testing purposes. These terms include any designee of a DOT agency.

Dilute specimen: A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

Disabling damage: Damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

Employee: Any person who is designated in a DOT agency regulation as subject to drug testing and/or alcohol testing. The term includes individuals currently performing safety-sensitive functions designated in DOT agency regulations and applicants for employment subject to pre-employment testing. For purposes of drug testing under 49 CFR Part 40, the term employee has the same meaning as the term “donor” as found on CCF and related guidance materials produced by the Department of Health and Human Services.

Evidentiary Breath Testing Device (EBT): A device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations and appears on ODAPC’s Web page for “Approved Evidential Breath Measurement Devices” because it conforms with the model specifications available from NHTSA.

Initial Drug Test: The first test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial Specimen Validity Test: The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid

Invalid Result: The result reported by an HHS-certified laboratory in accordance with the criteria established by the HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standard of Subpart C of, or in the case of foreign laboratories, a laboratory approved for participation by DOT under 49 CFR Part 40.

Limit of Detection (LOD): The lowest concentration at which analyte (e.g., drug or drug metabolite) can be identified.

Limit of Quantification (LOQ): For quantitative assays, the lowest concentration at which the identity and concentration of the analyte (e.g., drug or drug metabolite) can be accurately established.

Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

Negative Dilute: A drug test result which is negative for the five drug/drug metabolites but has creatinine and specific gravity values that are lower than expected for human urine.

Negative result: The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug, or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen. An alcohol concentration of less than 0.02 BAC is a negative test result.

Non-negative specimen: A specimen that is reported as adulterated, substituted, positive for drug(s) or drug metabolite(s), or invalid.

Oral Fluid Specimen: A specimen that is collected from an employee's oral cavity and is a combination of physiological fluids produced primarily by the salivary glands. An oral fluid specimen is considered to be a direct observation collection for all purposes of 49 CFR Part 40, as amended.

Oxidizing Adulterant: A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites or affects the reagents in either the initial or confirmatory drug test.

Performing (a safety-sensitive function): A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive result: The result reported by an HHS- Certified laboratory when a specimen contains a drug or drug metabolite equal or greater to the cutoff concentrations.

Primary Specimen: In drug testing, the specimen bottle is opened and tested by a first laboratory to determine whether the employee has a drug or drug metabolite in his or her system; and for the purpose of specimen validity testing. The primary specimen is the portion of the donor's subdivided specimen designated as the primary (A) specimen by the collector to distinguish it from the split ("B") specimen, as defined in 49 CFR Part 40, as amended.

Prohibited drug: Identified as marijuana, cocaine, opioids, amphetamines, or phencyclidine specified in 49 CFR Part 40, as amended.

Reconfirmed: The result reported for a split (Bottle B) specimen when the second HHS-certified laboratory corroborates the original result reported for the primary (Bottle A) specimen.

Rejected for Testing: The result reported by an HHS- Certified laboratory when no tests are performed for specimen because of a fatal flaw or a correctable flaw that has not been corrected.

Revenue Service Vehicles: All transit vehicles that are used for passenger transportation service.

Safety-sensitive functions: Employee duties identified as:

- (1) The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.
- (2) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL).
- (3) Maintaining a revenue service vehicle or equipment used in revenue service.
- (4) Controlling dispatch or movement of a revenue service vehicle and
- (5) Carrying a firearm for security purposes.

Specimen: Fluid, breath, or other material collected from an employee at the collection site for the purpose of a drug or alcohol test.

Specimen Bottle: The bottle that, after being sealed and labeled according to the procedures in 49 CFR Part 40 is used to hold a primary (“A”) or split (“B”) specimen during the transportation to the laboratory. In the context of oral fluid testing, it may be referred to as a “vial”, “tube”, or “bottle”.

Split Specimen: In drug testing, the specimen that is sent to a first laboratory and stored with its original seal intact, and which is transported to a second laboratory for retesting at the employee’s request following MRO verification of the primary specimen as positive, adulterated, or substituted.

Split Specimen Collection: A collection in which the single specimen collected is divided into two separate specimen bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

Substance Abuse Professional (SAP): A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or drug and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap>) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Substituted specimen: An employee’s specimen not consistent with a normal human specimen, as determined by HHS (e.g., a urine specimen, with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine).

Test Refusal: The following are considered a refusal to test if the employee:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
- (2) Fail to remain at the collection site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to attempt to provide a specimen. An employee who does not provide a specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine collection in a drug test, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of specimen without a valid medical explanation.
- (6) Fail or decline to take an additional test as directed by the collector or the employer for drug testing.

- (7) Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed urine collection.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.
- (14) As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

Undiluted Oral Fluid: An oral fluid specimen to which no other solid or liquid has been added. For example: A collection device that uses a diluent (or other component, process, or method that modifies the volume of the testable specimen) must collect at least 1 mL of undiluted (neat) oral fluid.

Urine specimen: Urine collected from an employee at the collection site for the purpose of a drug test.

Vehicle: A bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A public transit vehicle is a vehicle used for public transportation or for ancillary services.

Verified negative test: A drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use at or above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

Verified positive test: A drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use at or above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

Validity testing: The evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the specimen, if the specimen was diluted, or if the specimen was altered.

D. EDUCATION AND TRAINING

- 1) Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.
- 2) All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

E. PROHIBITED SUBSTANCES

- 1) Prohibited substances addressed by this policy include the following.
 - a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1380.11 through 1380.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. It is important to note that the use of marijuana in any circumstances remains completely prohibited for any safety-sensitive employee subject to drug testing under USDOT regulations. The use of marijuana in any circumstance (including under state recreational and/or medical marijuana laws) by a safety-sensitive employee is a violation of this policy and a violation of the USDOT regulation 49 CFR Part 40, as amended.

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all employees covered under FTA authority be tested

for marijuana, cocaine, amphetamines, opioids, and phencyclidine as described in this policy. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.

- b. Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a Sampson Area Transportation supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.
- c. Alcohol: The use of beverages containing alcohol (including mouthwash, medication, food, candy) or any other substances containing alcohol in a manner which violates the conduct listed in this policy is prohibited.

F. PROHIBITED CONDUCT

- 1) Illegal use of the drugs listed in this policy and as defined in 49 CFR Part 40, as amended is prohibited at all times. All covered employees are prohibited from reporting for duty or remaining on duty any time if they have used a prohibited drug as defined in 49 CFR Part 40, as amended.
- 2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline for not fulfilling his/her on-call responsibilities.
- 3) The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol.
- 4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed.

- a. An employee with a breath alcohol concentration which measures 0.02-0.039 is not considered to have violated the USDOT-FTA drug and alcohol regulations, provided the employee hasn't consumed the alcohol within four (4) hours of performing a safety-sensitive duty. However, if a safety-sensitive employee has a breath alcohol concentration of 0.02-0.039, USDOT-FTA regulations require the employee to be removed from the performance of safety-sensitive duties until:
 - i. The employee's alcohol concentration measures less than 0.02; or
 - ii. The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.
- 5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
- 6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
- 7) Sampson Area Transportation, under its own authority, also prohibits the consumption of alcohol at all times the employee is on duty, or anytime the employee is in uniform.
- 8) Consistent with the Drug-free Workplace Act of 1988, all Sampson Area Transportation employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

G. DRUG STATUTE CONVICTION

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify the Sampson Area Transportation management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in this policy.

H. TESTING REQUIREMENTS

- 1) Drug testing and alcohol testing will be conducted as required by 49 CFR Part 40 as amended. All employees covered under FTA authority shall be subject to testing prior to performing safety-sensitive duty, for reasonable suspicion, following an accident, and random as defined in this policy and return to duty/follow-up.
- 2) A drug test can be performed any time a covered employee is on duty. A reasonable suspicion, random, or follow-up alcohol test can only be performed just before, during, or after the performance of a safety-sensitive job function. Under Sampson Area Transportation authority, a non-DOT alcohol test can be performed any time a covered employee is on duty.
- 3) All covered employees will be subject to drug testing and alcohol testing as a condition of ongoing employment with Sampson Area Transportation. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in this policy.

I. DRUG TESTING PROCEDURES

- 1) Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.
- 2) The drugs that will be tested for include marijuana, cocaine, opioids, amphetamines, and phencyclidine. After the identity of the donor is checked using picture identification, a urine and/or oral fluid specimen will be collected as described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at an HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary specimen. For those specimens that are not negative, a confirmatory test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites

identified by the test are at or above the minimum thresholds established in 49 CFR Part 40, as amended.

- 3) The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to Sampson Area Transportation. If a legitimate explanation is found, the MRO will report the test result as negative.
- 4) If the test is invalid without a medical explanation, a retest will be conducted under direct observation. Employees do not have access to a test of their split specimen following an invalid result.
- 5) Any covered employee who questions the results of a required drug test may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. Sampson Area Transportation will ensure that the cost for the split specimen analysis is covered in order for a timely analysis of the sample, however Sampson Area Transportation will seek reimbursement for the split sample test from the employee.
- 6) If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled.

7) Observed collections

- a. Consistent with 49 CFR Part 40, as amended, collection under direct observation with no advance notice will occur if:
 - i. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to Sampson Area Transportation that there was not an adequate medical explanation for the result;
 - ii. The MRO reports to Sampson Area Transportation that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;
 - iii. The laboratory reported to the MRO that the urine specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the urine specimen as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1)).
 - iv. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
 - v. The temperature on the original urine specimen was out of range; (See §40.65(b)(5));
 - vi. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with. (See §40.65(c)(c)(1));
 - vii. All follow-up-tests; or
 - viii. All return-to-duty tests

Urine collections that are required to be directly observed will be conducted by a person of the same gender as the donor as required by 49 CFR Part 40.67.

J. ALCOHOL TESTING PROCEDURES

- 1) Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). A list of approved EBTs can be found on ODAPC's Web page for "Approved Evidential Breath Measurement Devices". Alcohol screening tests may be performed using a non-evidential testing device (alcohol screening device (ASD)) which is also approved by NHTSA. A list of approved ASDs can be found on ODAPC's Web page for "Approved Screening Devices to Measure Alcohol in Bodily Fluids". If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted no sooner than fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.
- 2) A confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer and will be subject to the consequences described in this policy. An alcohol concentration of less than 0.02 will be considered a negative test.
- 3) Sampson Area Transportation affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.
- 4) The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

K. PRE-EMPLOYMENT TESTING

- 1) All applicants for covered transit positions shall undergo urine drug testing prior to performance of a safety-sensitive function.
 - a. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant will not be allowed to perform safety-sensitive functions unless the applicant takes a drug test with verified negative results.
 - b. An employee shall not be placed, transferred or promoted into a position covered under FTA authority or company authority until the employee takes a drug test with verified negative results.
 - c. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded, and the applicant will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least one year. Before being considered for future employment the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
 - d. When an employee being placed, transferred, or promoted from a non-covered position to a position covered under FTA authority or company authority submits a drug test with a verified positive result, the employee shall be subject to disciplinary action in accordance with this policy.
 - e. If a pre-employment test is canceled, Sampson Area Transportation will require the applicant to take and pass another pre-employment drug test.
 - f. In instances where a FTA covered employee does not perform a safety-sensitive function for a period of 90 consecutive days or more regardless of reason, and during that period is not in the random testing pool the employee will be required to take a pre-employment drug test under 49 CFR Part 655 and have negative test results prior to the conduct of safety-sensitive job functions.

- g. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- h. Applicants are required (even if ultimately not hired) to provide *Sampson Area Transportation* with signed written releases requesting USDOT drug and alcohol records from all previous, USDOT-covered, employers that the applicant has worked for within the last two years. Failure to do so will result in the employment offer being rescinded. *Sampson Area Transportation* is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a USDOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a USDOT covered employer, the applicant must provide Sampson Area Transportation proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

L. REASONABLE SUSPICION TESTING

- 1) All Sampson Area Transportation FTA covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under Sampson Area Transportation authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.
- 2) Sampson Area Transportation shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves

and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in this policy.

- 3) A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to the Sampson Area Transportation.
- 4) When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred for assessment and treatment consistent with this policy. Sampson Area Transportation shall place the employee on administrative leave in accordance with the provisions set forth under this policy. Testing in this circumstance would be performed under the direct authority of the Sampson Area Transportation. **Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority.** However, self-referral does not exempt the covered employee from testing under Federal authority as specified in this policy or the associated consequences.

M. POST-ACCIDENT TESTING

- 1) FATAL ACCIDENTS – A covered employee will be required to undergo drug and alcohol testing if they are involved in an accident with a transit vehicle, whether or not the vehicle is in revenue service at the time of the accident, that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.
- 2) NON-FATAL ACCIDENTS - A post-accident test of the employee operating the public transportation vehicle will be conducted if an accident occurs and at least one of the following conditions is met:

- a. The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident.
- b. One or more vehicles incurs disabling damage as a result of the occurrence and must be transported away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, will be tested.

As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.

The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and no longer than 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.

Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test.

An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

In the rare event that Sampson Area Transportation is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained

by law enforcement agency), Sampson Area Transportation may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

N. RANDOM TESTING

- 1) All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees. Individuals who may be covered under company authority will be selected from a pool of non-DOT-covered individuals.
- 2) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
- 3) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates set each year by the FTA administrator. The current year testing rates can be viewed online at <https://www.transportation.gov/odapc/random-testing-rates>.
- 4) Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.
- 5) Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of non-safety-sensitive employees that are included solely under Sampson Area Transportation authority.
- 6) Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can only be performed just before, during, or just after the performance of a safety sensitive duty. However, under Sampson Area Transportation authority, a non-DOT random alcohol

test may be performed any time the covered employee is on duty. Testing can occur during the beginning, middle, or end of an employee's shift.

- 7) Employees are required to proceed immediately to the collection site upon notification of their random selection.

O. RETURN-TO-DUTY TESTING

Sampson Area Transportation will terminate the employment of any employee that tests positive or refuses a test as specified in this policy. However, in the rare event an employee is reinstated with court order or other action beyond the control of the transit system, the employee must complete the return-to-duty process prior to the performance of safety-sensitive functions. All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undue concerns for public safety. The SAP will determine whether the employee returning to duty will require a return-to-duty drug test, alcohol test, or both.

P. FOLLOW-UP TESTING

Covered employees that have returned to duty following a positive or refused test will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty test. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

In the instance of a self-referral or a management referral, the employee will be subject to non-USDOT follow-up tests and follow-up testing plans modeled using the process described in 49 CFR Part 40. However, all non-USDOT follow-up tests and all paperwork associated with an employee's return-to-work agreement

that was not precipitated by a positive test result (or refusal to test) does not constitute a violation of the Federal regulations will be conducted under company authority and will be performed using non-DOT testing forms.

Q. RESULT OF DRUG/ALCOHOL TEST

- 1) Any covered employee that has a verified positive drug or alcohol test, or test refusal, will be immediately removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available, and will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals (SAP) for assessment, and will be terminated.
- 2) Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- 3) Refusal to submit to a drug/alcohol test shall be considered equivalent to a positive test result and a direct act of insubordination and shall result in termination and referral to a list of USDOT qualified SAPs. A test refusal is defined as any of the following circumstances:
 - a. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
 - b. Fail to remain at the collection site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
 - c. Fail to attempt to provide a specimen. An employee who does not provide a specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
 - d. In the case of a directly-observed or monitored urine collection in a drug test, fail to permit monitoring or observation of your provision of a specimen.
 - e. Fail to provide a sufficient quantity of specimen without a valid medical explanation.
 - f. Fail or decline to take an additional test as directed by the collector or the employer for drug testing.
 - g. Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
 - h. Fail to cooperate with any part of the testing process.

- i. Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed urine collection.
 - j. Possess or wear a prosthetic or other device used to tamper with the collection process.
 - k. Admit to the adulteration or substitution of a specimen to the collector or MRO.
 - l. Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
 - m. Fail to remain readily available following an accident.
 - n. As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.
- 4) An alcohol test result of ≥ 0.02 to ≤ 0.039 BAC shall result in the removal of the employee from duty for eight hours or the remainder of the work day whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to a NONDOT alcohol test with a result of less than 0.02 BAC.
- 5) In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:
- a. Mandatory referral for an assessment by an employer approved counseling professional for assessment, formulation of a treatment plan, and execution of a return to work agreement;
 - b. Failure to execute or remain compliant with the return-to-work agreement shall result in termination from Sampson Area Transportation employment.
 - i. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; the employee is cooperating with his/her recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as described in this policy; however, all follow-up testing performed as part of a return-to-work agreement required under this policy is under the sole authority of Sampson Area Transportation and will be performed using non-DOT testing forms.
 - c. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination. **All tests conducted as part of the return to work agreement will be conducted under company authority and will be performed using non-DOT testing forms.**

- d. A self-referral or management referral to the employer's counseling professional that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in this policy.
 - e. Periodic unannounced follow-up drug/alcohol testing conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in this policy.
 - f. A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with Sampson Area Transportation.
 - g. A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.
- 6) Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

R. GRIEVANCE AND APPEAL

The consequences specified by 49 CFR Part 40.149 (c) for a positive test or test refusal is not subject to arbitration.

S. PROPER APPLICATION OF THE POLICY

Sampson Area Transportation is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

T. INFORMATION DISCLOSURE

- 1) Drug/alcohol testing records shall be maintained by the Sampson Area Transportation Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.

- 2) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.
- 3) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, and other transit system management personnel on a need to know basis.
- 4) Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- 5) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding.
- 6) Records will be released to the National Transportation Safety Board during an accident investigation.
- 7) Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.
- 8) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- 9) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over Sampson Area Transportation or the employee.
- 10) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken
- 11) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

This Policy was adopted by the *Sampson County Board of Commissioners* on February 5, 2024.

Chairman, Sampson County BOC

Date

Attachment A

<u>Job Title</u>	<u>Job Duties</u>	<u>Testing Authority</u>
Transportation Director	Oversees complete operation of SAT	SAT (Non-DOT)
Transportation Supervisor	Oversees drivers & vehicles	DOT-FTA / SAT
Administrative: Finance	Handles billing & invoice payments	DOT-FTA / SAT
Administrative: Receptionist	Greets visitors; answers telephone; provides information	DOT-FTA / SAT
Transportation Office Manager	Develops and provides scheduling of transportation vehicles and Drivers	DOT-FTA / SAT
Transportation Drivers	Operates transit vehicle on an assigned route and schedule.	DOT-FTA / SAT

Attachment B Contacts

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s).

Sampson Area Transportation Drug and Alcohol Program Manager

Name: Jeff Sawvel

Title: Transportation Supervisor

Address: 311 County Complex Rd. Building H Clinton, NC 28328

Telephone Number: 910-299-0127

Medical Review Officer

Name: Dr. Martin DeGraw

Title: Doctor of Medicine/Certified Medical Review Officer

Address: 709 Simmons St. Goldsboro, NC 27530

Telephone Number: 919-735-0094

Substance Abuse Professionals #1

Name: Ms. Trina McDonald

Title: Professional Counseling, LCAS-A, NCAC II, SAP/DOT, SAE/NRC

Address: 1020 Rankin St. #412, Wilmington, NC 28401

Telephone Number: 910-833-8624

Substance Abuse Professionals #2

Name: Ms. Vande Wilson

Title: Professional Counseling, LCAS, SAP/DOT, TFCBT

Address: 312 College St. Suite C, Clinton, NC 28328

Telephone Number: 910-299-0848

LEGAL SERVICES AGREEMENT

1. IDENTIFICATION OF PARTIES. This Agreement is made between Sampson County (“Client”) and the law firms of Baron & Budd, P.C., Cossich, Sumich, Parsiola & Taylor, LLC, Seagle Law, and Ward & Smith, P.A. (collectively referred to as “Attorneys”).
2. RETENTION OF FIRM RATHER THAN PARTICULAR ATTORNEY. By signing this Agreement, Client retains the law firms. Attorney services will be provided to Client by the firms and will not necessarily be performed by any particular attorney.
3. AUTHORIZED REPRESENTATIVE OF CLIENT. Client designates _____ as the authorized representative to direct Attorneys and to be the primary individual to communicate with Attorneys regarding the subject matter of Attorneys’ representation of Client under this Agreement. This designation is intended to establish a clear line of authority and to minimize potential uncertainty, but not to preclude communication between Attorneys and other representatives of Client.
4. SCOPE AND DUTIES. Attorneys will provide legal services to Client with respect to damages, compensation, and other relief to which Client may be entitled as a result of an Action to be filed by Attorneys on behalf of Client against the manufacturer(s) of firefighting foam products (known as “aqueous film forming foam” or “AFFF”) and/or other products containing perfluoroalkyl substances (“PFAS”) (including perfluorooctanoic acid (“PFOA” or “C8”), perfluorooctane sulfonate (“PFOS”), and any other related compounds). Client hires Attorneys to provide legal services in connection with pursuing claims against all those responsible for damages Client suffered or will suffer. Attorneys shall provide those legal services reasonably required to represent Client, and shall take reasonable steps to keep Client informed of progress and to respond to Client’s inquiries. Client shall be truthful with Attorneys, cooperate with Attorneys, and keep Attorneys informed of any and all factual developments. THE SCOPE OF THIS LEGAL SERVICES AGREEMENT DOES NOT INCLUDE LITIGATION OF ANY KIND AGAINST ENTITIES ASSOCIATED WITH THE FAYETTEVILLE WORKS FACILITY, INCLUDING THE CHEMOURS COMPANY; THE CHEMOURS COMPANY, LLC; DUPONT DE NEMOURS, INC.; CORTEVA, INC.; AND EIDP, INC.
5. LEGAL SERVICES SPECIFICALLY EXCLUDED. Unless otherwise agreed in writing by Client and Attorneys, Attorneys will not provide legal services with respect to (a) defending any legal proceeding or claim against the Client commenced by any person unless such proceeding or claim is filed against the Client in the Action or (b) proceedings before any federal or state administrative or governmental agency, department, or board including, but not limited to, the United States Environmental Protection Agency. With Client’s permission, however, Attorneys may elect to appear at such administrative proceedings to protect Client’s rights. If Client wishes to retain Attorneys to provide any legal services not provided under this Agreement for additional compensation, a separate written agreement between Attorneys and Client will be required.

6. JOINT RESPONSIBILITY. The Attorneys assume joint legal responsibility to Client for the representation described in this Agreement, and agree to be available for consultation with the client. Client approves of and consents to the participation of the firms in their representation.

7. ATTORNEYS' FEES. Client and Attorneys have agreed that Client will pay Attorneys a contingent fee for representing Client in this matter. The fee is not set by law but is negotiable between Attorneys and Client. Attorneys and Client agree that the contingent fee will be calculated as described below.

A. Calculation of Contingent Fee

Attorneys will receive a contingency fee of twenty-five percent (25 %) of any gross recovery (as defined below).

The contingent fee is to be calculated based on Client's gross recovery before deduction of costs and expenses (as defined below).

The contingent fee is calculated by multiplying the gross recovery by the fee percentage.

B. Definitions

"Costs" and "Expenses" include, but are not limited to, the following: process servers' fees, court reporters' fees, document management costs, messenger and other delivery fees, parking, investigation expenses, consultants' fees, expert witness fees, expert fees, fees fixed by law or assessed by courts or other agencies, and other similar items, incurred by Attorneys in the course of representing Client.

"Document Management Costs" are the costs associated with collecting, copying, and storing documents relevant to the Action as discussed in paragraph 8, below. These costs include processing and hosting charges, hardware, software, and any other resources necessary to manage documents.

"Gross recovery" means the total recovery, whether obtained by settlement, arbitration award, court judgment following trial or appeal, or otherwise. "Gross recovery" shall include, without limitation, the following: (1) the then-present value of any monetary payments to be made to Client; and (2) the fair market value of any non-monetary property and services to be transferred and/or rendered for the benefit of Client; and (3) any attorney's fees recovered by Client as part of any cause of action that provides a basis for such an award. "Gross recovery" may come from any source, including, but not limited to, the adverse parties to the Action and/or their insurance carriers and/or any third party, whether or not a party to the Action.

If Client and Attorneys disagree as to the fair market value of any non-monetary property or services as described above, Attorneys and Client agree that a binding appraisal will be conducted to determine this value. However, regardless of the results of the binding appraisal, the fee associated with non-monetary property or services transferred or rendered for the benefit of the Client shall not, in any case, exceed the amount of the monetary payments made to the Client as part of the governing settlement or judgment. It is possible that payment to the Client by the adverse parties to the Action or their insurance carrier(s) or any third-party may be deferred, as in the case of an annuity, a structured settlement, or periodic payments. In such event, gross recovery will consist of the initial lump sum payment plus the present value (as of the time of the settlement) of the total of all payments to be received thereafter. The contingent fee is calculated, as described above, by multiplying the net recovery by the fee percentage. The Attorneys' fees will be paid out of the initial lump-sum payment if there are sufficient funds to satisfy the Attorneys' fee. If there are insufficient funds to pay the Attorneys' fees in full from the initial lump sum payment, the balance owed to Attorneys will be paid from subsequent payments to Client before there is any distribution to Client.

C. Reasonable Fee if Contingent Fee is Unenforceable or if Attorney is Discharged Before Any Recovery.

In the event that the contingent fee portion of this agreement is determined to be unenforceable for any reason or the Attorneys are prevented from representing Client on a contingent fee basis, Client agrees to pay a reasonable fee for the services rendered. If the parties are unable to agree on a reasonable fee for the services rendered, Attorneys and Client agree that the fee will be determined by arbitration proceedings before a neutral affiliated with the Judicial Arbitration and Mediation Services (JAMS); in any event, Attorneys and Client agree that the fee determined by arbitration shall not exceed twenty percent (20%) of the gross recovery as defined in this agreement. If there is no recovery by Client, no fee will be due to Attorneys.

D. Order or Agreement for Payment of Attorneys' Fees or Costs by Another Party.

If a court orders, or the parties to the dispute agree, that another party shall pay some or all of Client's attorneys' fees, costs, or both, Attorneys shall be entitled to the greater of (i) the amount of any attorney's fees awarded by the court or included in the settlement or (ii) the percentage or other formula applied to the recovery amount not including such attorney's fees.

8. COSTS AND EXPENSES.

A. General

In addition to paying legal fees, Client authorizes Attorneys to incur all reasonable costs and expenses and to hire any investigators, consultants, or expert witnesses. Attorneys will advance all costs and expenses. Attorneys will deduct those costs and

expenses out of Client's recovery after attorney's fees have been deducted. If there is no recovery, Client will not be required to reimburse Attorneys for costs and fees. In the event a recovery is less than incurred costs and expenses, Client will not be required to reimburse Attorneys for costs/expenses, above and beyond the recovery, and fees.

B. Document Management Costs

Attorneys have explored two means of managing litigation documents:

(1) Outsource to outside vendor. Attorneys contract with outside vendors to collect, copy, and store documents. Attorneys advance these costs, and Client reimburses Attorneys out of any recovery.

(2) Internal processing. Attorneys can create an internal document management system by obtaining computer software, hardware, and related resources necessary to collect, copy, store, organize, and produce documents and data. This option obviates the need to outsource this work to an outside vendor.

Attorneys represent that the second option above, internal processing, is the better choice for promoting efficiency, saving Client costs, and limiting legal expenses. Client agrees that Attorneys may purchase the resources necessary to provide an internal document management system for Client. Attorneys may, however, use outside vendors where costs or circumstances warrant.

9. SHARED EXPENSES. Client understands that Attorneys may incur certain expenses that jointly benefit multiple clients, including, for example, expenses for travel, experts, and copying. Client agrees that Attorneys may, in their discretion, divide such expenses equally or pro rata among such clients, and deduct Client's portion of those expenses from Client's share of any recovery. Prior client approval is not required for shared expenses. Nevertheless, Client shall only be responsible for prudent, fair and reasonable expenses.

10. DIVISION OF ATTORNEYS' FEES. At the conclusion of the case, if a recovery is made on behalf of Client, Client understands and agrees that the total Attorneys' fee will be divided as follows:

Baron & Budd, P.C. 45%; Cossich, Sumich, Parsiola & Taylor, P.C. 45%; Seagle Law, PLLC 5%; Ward & Smith, P.A. 5%.

11. MULTIPLE REPRESENTATIONS. Client understands that Attorneys do or may represent many other individuals with actual or potential PFAS related litigation claims. Attorneys' representation of multiple claimants at the same time may create certain actual or potential conflicts of interest in that the interests and objectives of each client individually on certain issues are, or may become, inconsistent with the interests and objectives of the other. Attorneys are governed by specific rules and regulations relating to professional responsibility in

representation of clients, and especially where conflicts of interest may arise from representation of multiple clients against the same or similar defendants, Attorneys must advise clients of any actual or potential conflicts of interest and obtain their informed written consent to our representation when actual, present, or potential conflicts of interest exist. Client has conferred with its own separate corporate or municipal counsel, and has determined that it is in its own best interests to waive any and all potential or actual conflicts of which Client is currently aware as the result of Attorneys' current and continuing representation of other entities in similar litigation. By signing this agreement, Client states that (1) it has been advised of the potential conflicts of interest which may be or are associated with our representation of Client and other multiple claimants; (2) it nevertheless wants Attorneys to represent Client; and (3) Client consents to Attorneys' representation of others in connection with PFAS litigation (AFFF or otherwise). Client remains completely free to seek other legal advice at any time even after signing this agreement.

12. **POWER OF ATTORNEY.** Client gives Attorneys a limited power of attorney solely to execute all reasonable and necessary documents connected with the handling of the litigation associated with this cause of action. Prior to signing any documents relative to settlement agreements, compromises and releases, Attorneys will confer with and advise Client of the contents and ramifications of such documents and obtain the Client's consent to so execute. Under no circumstances will Client's claims be settled without obtaining Client's advance consent.

13. **SETTLEMENT.** Attorneys will not settle Client's claim without the advance approval of Client, who will have the absolute right to accept or reject any settlement. Attorneys will notify Client promptly of the terms of any settlement offer received by Attorneys.

14. **AGGREGATE SETTLEMENTS.** Often times in cases where Attorneys represent multiple clients in similar litigation, the opposing parties or defendants attempt to settle or otherwise resolve all of Attorneys' cases in a group or groups, by making a single settlement offer to settle a number of cases simultaneously. There exists a potential conflict of interest whenever a lawyer represents multiple clients in a settlement of this type because it necessitates choices concerning the allocation of limited settlement amounts among the multiple clients. However, if all clients consent, a group settlement can be accomplished and a single offer can be fairly distributed among the clients by assigning settlement amounts based upon the strengths and weaknesses of each case, the relative nature, severity and extent of injuries, and individual case evaluations. In the event of a group or aggregate settlement proposal, Attorneys may implement a settlement program, overseen by a referee or special master, who may be appointed by a court, designed to ensure consistency and fairness for all claimants, and which will assign various settlement values and amounts to each client's case depending upon the facts and circumstances of each individual case. Client authorizes Attorneys to enter into and engage in group settlement discussions and agreements that may include Client's individual claims. Although Client authorizes Attorneys to engage in such group settlement discussions and agreements, Client retains the right to approve any settlement of Client's claims, and Attorneys are required to obtain Client's approval before settling Client's claims.

15. **ATTORNEYS' LIEN.** Attorneys will have a lien for attorneys' fees and costs advanced on all claims and causes of action that are the subject of the representation of Client under this Agreement and on all proceeds of any recovery obtained (whether by settlement, arbitration award, or court judgment). If no recovery is obtained for Client, or if a lien is obtained that exceeds the recovery by the Client, any lien in excess of the recovery for Client shall be released by Attorneys.

16. **DISCHARGE OF ATTORNEYS.** Client may discharge Attorneys at any time by written notice effective when received by Attorneys. Unless specifically agreed by Attorneys and Client, Attorneys will provide no further services and advance no further costs on Client's behalf after receipt of the notice. If Attorneys appear as Client's attorneys of record in any proceeding, Client will execute and return a substitution-of-attorney form immediately on its receipt from Attorneys. In the event that Attorneys are discharged, for whatever reason, Attorneys and Client agree that Attorneys will have a lien for attorneys' fees and costs advanced on all claims and causes of action that are the subject of the representation of Client under this Agreement and on all proceeds of any recovery obtained (whether by settlement or court judgment). If no recovery is obtained for Client or if a lien is obtained that exceeds the recovery by the Client then any lien in excess of the recovery for Client shall be released by Attorneys.

17. **WITHDRAWAL OF ATTORNEYS.** Client and Attorneys agree that if, after investigation of the facts and research of the law, Attorneys believe that Client's claims are of limited merit, Attorneys may terminate this agreement with Client prior to and without filing suit. Termination releases Attorneys from any further action on Client's claim and discharges Attorneys from this Agreement. Termination will be effected via delivery service with signature receipt to the last address provided by Client to Attorneys. After filing suit, Attorneys may withdraw with Client's consent as permitted under the governing Rules of Professional Conduct. The circumstances under which the Rules permit such withdrawal include, but are not limited to, the following: (a) the representation will result in violation of the rules of professional conduct or other law; (b) if withdrawal can be accomplished without material adverse effect on the interests of Client; (c) if Client persists in a course of action involving Attorneys' services that Attorneys reasonably believe is criminal or fraudulent or if Client has used Attorneys' services to perpetrate a crime or fraud; (d) if Client insists upon pursuing an objective that Attorneys consider repugnant or imprudent; (e) if Client fails substantially to fulfil an obligation to Attorneys regarding Attorneys' services and has given reasonable warning that Attorneys will withdraw unless the obligation is fulfilled; (f) the representation will result in an unreasonable financial burden on Attorneys; or (g) if other good cause for withdrawal exists. Upon termination of representation, Attorneys shall take steps to the extent reasonably practicable to protect Client's interests, will give reasonable notice to Client, will allow time for employment of other counsel, will surrender papers and property to which Client is entitled, and will refund any advance payment of fee that has not been earned. Notwithstanding Attorneys' withdrawal, Attorneys and Client agree that in all such cases described herein above, Attorneys will have a lien for attorneys' fees and costs advanced on all claims and causes of action that are the subject of the representation of Client under this Agreement and on all proceeds of any recovery obtained (whether by settlement or court judgment). If no recovery is obtained for Client or if a lien is obtained that exceeds the recovery by the Client any lien in excess of the recovery for Client shall be released by Attorneys.

18. RELEASE OF CLIENT'S PAPERS AND PROPERTY. At the termination of services under this Agreement, Attorneys will release promptly to Client on request all of Client's papers and property. "Client's paper and property" includes correspondence, deposition transcripts, exhibits, experts' reports, legal documents, physical evidence, and other items reasonably necessary to Client's representation, whether Client has paid for them or not.

19. INDEPENDENT CONTRACTOR. The relationship to Client of Attorneys, and any associate counsel or paralegal provided through Attorneys, in the performance of services under this Agreement is that of Client to independent contractor and not that of Client to employee. No other wording in this Agreement shall stand in derogation of this subparagraph. The fees and costs paid to Attorneys for legal services rendered pursuant to this Agreement shall be deemed revenues of their law office practices and not as remuneration for individual employment apart from the business of that law office.

20. NOTICES. Client agrees to receive communications and documents from Attorneys via email. Attorneys agree to receive communications and documents from Client via email. In the event that Client needs to send hardcopy documents or other physical materials, Client agrees to send those to Attorneys at the following addresses:

Baron & Budd, P.C.
3102 Oak Lawn Ave., Suite 1100
Dallas, Texas 75219

Cossich, Sumich, Parsiola & Taylor LLC
8397 Highway 23, Suite 100
Belle Chasse, Louisiana 70037

Seagle Law, PLLC
P.O. Box 15307
Asheville, NC 28813

Ward & Smith, P.A.
751 Corporate Center Dr.
Raleigh, NC 27607

21. DISCLAIMER OF GUARANTEE. Although Attorneys may offer an opinion about possible results regarding the subject matter of this Agreement, Attorneys cannot guarantee any particular result. Client acknowledges that Attorneys have made no promises about the outcome and that any opinion offered by Attorneys in the future will not constitute a promise, guarantee, or warranty.

22. ENTIRE AGREEMENT. This Agreement contains the entire agreement of the parties. No other agreement, statement, or promise made on or before the effective date of this Agreement will be binding on the parties.

23. SEVERABILITY IN EVENT OF PARTIAL INVALIDITY. If any provision of this Agreement is held in whole or in part to be unenforceable for any reason, the remainder of that provision and of the entire Agreement will be severable and remain in effect.

24. MODIFICATION BY SUBSEQUENT AGREEMENT. The parties may agree to modify this Agreement by executing a new written agreement.

25. DISPUTES ARISING UNDER AGREEMENT. Client and Attorneys agree that any controversy, claim, or dispute (including issues relating to the fee) arising out of or relating to this Agreement, its performance, and/or its breach will be resolved by arbitration proceedings before a neutral associated with the Judicial Arbitration and Mediation Services (JAMS). Disagreement as to the fair market value of any non-monetary property or services, however, will be resolved in accordance with paragraph 7.C.

26. ATTORNEY'S FEES AND COSTS IN ACTION ON AGREEMENT. The prevailing party in any action or proceeding to enforce any provision of this Agreement will be awarded reasonable attorney's fees and costs incurred in that action or proceeding or in efforts to negotiate the matter.

27. EFFECTIVE DATE OF AGREEMENT. This Agreement is effective when the Client signs the Agreement. This Agreement applies to any services provided by Attorneys before its effective date.

28. MULTIPLE COUNTERPARTS. This Agreement will be effective whether or not executed in multiple counterparts.

This agreement and its performance are subject to the Louisiana Rules of Professional Conduct, the Texas Disciplinary Rules of Professional Conduct, and the North Carolina Rules of Professional Conduct.

Agreed to by:

Date: _____

Sampson County

Printed name and title ("Client")

Signature

ATTORNEYS

Scott Summy, Baron & Budd, P.C.

Phil Cossich, Cossich, Sumich, Parsiola & Taylor LLC

Harold Seagle, Seagle Law

Charles Ellis, Ward & Smith, P.A.

**COUNTY OF SAMPSON
BUDGET AMENDMENT**

MEMO:

01/11/24

FROM: Brad Hardison

Date

TO: Sampson County Board of Commissioners

VIA: County Manager & Finance Officer

SUBJECT: Budget Amendment for Fiscal Year 2023-2024

1. It is requested that the budget for the Cooperative Extension Department be amended as follows:

<u>Expenditure Account</u>	<u>Expenditure Account Description</u>	<u>Increase</u>	<u>Decrease</u>
11449500-526200	DEPT SUPPLIES	1376.00	

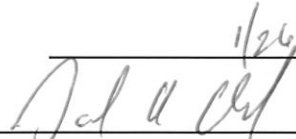
<u>Revenue Account</u>	<u>Revenue Account Description</u>	<u>Increase</u>	<u>Decrease</u>
11034950-408900	MISC REVENUE	1,376.00	

2. Reason(s) for the above request is/are as follows:
ADDITIONAL FUNDING NEEDED TO PURCHASE HAY


 (Signature of Department Head)

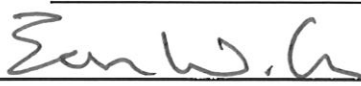
ENDORSEMENT

1. Forwarded, recommending approval/disapproval.


 1/26, 2024
 (County Finance Officer)

ENDORSEMENT

1. Forwarded, recommending approval/disapproval.


 _____, 20____
 (County Manager & Budget Officer)

Date of approval/disapproval by B.O.C.

**COUNTY OF SAMPSON
BUDGET AMENDMENT**

MEMO:

01/18/24

FROM: Brad Hardison

Date

TO: Sampson County Board of Commissioners

VIA: County Manager & Finance Officer

SUBJECT: Budget Amendment for Fiscal Year 2023-2024

1. It is requested that the budget for the Cooperative Extension Department be amended as follows:

<u>Expenditure Account</u>	<u>Expenditure Account Description</u>	<u>Increase</u>	<u>Decrease</u>
04449500-526200	DEPT SUPPLIES	2377.00	
04449500-529900	MISC EXPENSES	2377.00	

<u>Revenue Account</u>	<u>Revenue Account Description</u>	<u>Increase</u>	<u>Decrease</u>
04034950-408900	MISC RENVENUE	4,754.00	

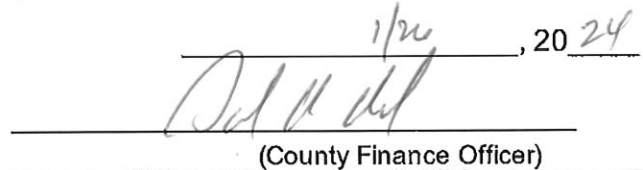
2. Reason(s) for the above request is/are as follows:
ADJUSTING EXPENSE LINE ITEMS TO MATCH DONATIONS



 (Signature of Department Head)

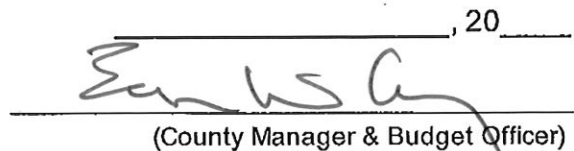
ENDORSEMENT

1. Forwarded, recommending approval/disapproval.


 _____, 20 24
 (County Finance Officer)

ENDORSEMENT

1. Forwarded, recommending approval/disapproval.


 _____, 20____
 (County Manager & Budget Officer)

Date of approval/disapproval by B.O.C.

COUNTY OF SAMPSON

BUDGET AMENDMENT

18 January 2024

MEMO

TO: Sampson County Board of Commissioners

FROM: Ray Jordan, Executive Director, Exposition Center

VIA: County Manager and Finance Officer

SUBJECT: Budget Amendment for Fiscal Year: 2023-2024

It is requested that the budget for the Sampson County Exposition Center be amended as follows:

EXPENDITURE

<u>Code Number (ORG-OBJ)</u>	<u>Description</u>	<u>INCREASE</u>	<u>DECREASE</u>
62998610-535200	M/R Equipment	\$4,000.00	

REVENUE

<u>Code Number (ORG-OBJ)</u>	<u>Description</u>	<u>INCREASE</u>	<u>DECREASE</u>
62939861-408900	Miscellaneous	\$4,000.00	

1. Reason(s) for the above request is/are as follows: Receipt of Grants funds form Sampson Arts Council ARPA Grant for Heritage Hall Speaker Replacement Project.

Ray Jordan

Signature of Department Head

ENDORSEMENT

1. Forwarded, recommending approval/disapproval. Date: 1/24/2024

Del U. Dy
(County Finance Officer)

ENDORSEMENT

1. Forwarded, recommending approval/disapproval. Date: _____

Sam W. C.
(County Manager & Budget Officer)

(Date of approval/disapproval by B. O. C)

**COUNTY OF SAMPSON
BUDGET AMENDMENT**

MEMO:

1/24/2024

FROM: SAMPSON COUNTY HEALTH DEPARTMENT

Date

TO: Sampson County Board of Commissioners

VIA: County Manager & Finance Officer

SUBJECT: Budget Amendment for fiscal year 2023-2024

1. It is requested that the budget for the FAMILY PLANNING Department be amended as follows:

<u>Expenditure Account</u>	<u>Expenditure Account Description</u>	<u>Increase</u>	<u>Decrease</u>
12551640-512100	SALARIES	72,137.00	
12551640-518100	FICA	4,215.00	
12551640-518120	MEDICARE FICA	915.00	
12551640-518200	RETIREMENT	8,500.00	
12551640-518300	GROUP INSURANCE	4,750.00	
12551640-518400	DENTAL INSURANCE	150.00	
12551640-518901	401K	2,718.00	
12551640-523900	MEDICAL SUPPLIES	56,615.00	

<u>Revenue Account</u>	<u>Revenue Account Description</u>	<u>Increase</u>	<u>Decrease</u>
12535164-404000	STATE ASSISTANCE	150,000.00	

2. Reason(s) for the above request is/are as follows:

TO COVER STAFF SALARIES AND BUILDING IMPROVEMENTS

Wanda Culbert
(Signature of Department Head)

ENDORSEMENT

1. Forwarded, recommending approval/disapproval.

1/24, 2024
D. U. [Signature]
(County Finance Officer)

ENDORSEMENT

1. Forwarded, recommending approval/disapproval.

_____, 20____
[Signature]
(County Manager & Budget Officer)

Date of approval/disapproval by B.O.C.

**COUNTY OF SAMPSON
BUDGET AMENDMENT**

MEMO:

1/22/2024

FROM: Dana Hall

Date

TO: Sampson County Board of Commissioners

VIA: County Manager & Finance Officer

SUBJECT: Budget Amendment for 2023-2024

1. It is requested that the budget for the Aging Department be amended as follows:

<u>Expenditure Account</u>	<u>Expenditure Account Description</u>	<u>Increase</u>	<u>Decrease</u>
02558710-522100	Food Provision Contracting		9,142.00
02558710-533000	Utilities		1,200.00
02558670-524100	Building Materials	31,900.00	
02558670-544000	Contracted Services	12,700.00	

<u>Revenue Account</u>	<u>Revenue Account Description</u>	<u>Increase</u>	<u>Decrease</u>
02035871-403601	STATE GRANT - MID CAROLINA		53,000.00
02035871-409600	HCCBG Adult Day Care County Contribution	42,658.00	
02035867-403601	STATE GRANT - MID CAROLINA	53,000.00	
02035867-409600	HCCBG Home Repair County Contribution		8,400.00

2. Reason(s) for the above request is/are as follows:
To reallocate funds to home repair program.

Dana Hall

(Signature of Department Head)

ENDORSEMENT

1. Forwarded, recommending approval/disapproval.

1/26, 2024

Dana Hall

(County Finance Officer)

ENDORSEMENT

1. Forwarded, recommending approval/disapproval.

_____, 20____

Sam W.C.

(County Manager & Budget Officer)

Date of approval/disapproval by B.O.C.

**COUNTY OF SAMPSON
BUDGET AMENDMENT**

MEMO:

FROM: David K. Clack, Finance Officer
 TO: Sampson County Board of Commissioners
 VIA: County Manager & Finance Officer
 SUBJECT: Budget Amendment for fiscal year 2023-2024

1. It is requested that the budget for the Board of Elections Department be amended as follows:

<u>Expenditure Account Code</u>	<u>Description (Object of Expenditure)</u>	<u>Increase</u>	<u>Decrease</u>
11141700-529900	Miscellaneous expense	12,519.00	

<u>Revenue Account Code</u>	<u>Source of Revenue</u>	<u>Increase</u>	<u>Decrease</u>
11039999-409900	Fund balance appropriated	12,519.00	

2. Reason(s) for the above request is/are as follows:
 To return grant funds to the State for expenditures that were not allowed.

David K. Clack

 (Signature of Department Head)

ENDORSEMENT

1. Forwarded, recommending approval/disapproval.

1/26/2024

David K. Clack

 (County Finance Officer)

ENDORSEMENT

1. Forwarded, recommending approval/disapproval.

_____, 20__

Evan W. C.

 (County Manager & Budget Officer)

 Date of approval/disapproval by B.O.C.

OFFICE OF THE SAMPSON COUNTY TAX ADMINISTRATOR

P. O. BOX 1082 - CLINTON, NORTH CAROLINA 28329-1082

10388

JIM JOHNSON
Tax Administrator

Telephone 910-592-8146
910-592-8147

SAMPSON COUNTY BOARD OF COMMISSIONERS
406 COUNTY COMPLEX ROAD, BUILDING C
CLINTON, NORTH CAROLINA 28328

Members:

Pursuant to North Carolina G. S. 105-381, I hereby demand refund and remission of taxes assessed and collected by Sampson County against the property owned by Bobby Allen Smith in _____ Township, Sampson County, for the year(s) and in the amount(s) of:

YEAR <u>2023</u>	\$ <u>107.52</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL REFUND	\$ <u>107.52</u>

These taxes were assessed through clerical error as follows.

Bill # 0068236188-2023
Plate # DKE1436
Vehicle totalled - tag turned in
2015 Chev tk

602	County Tax	<u>96.42</u>
	School Tax	_____
F21	Fire Tax	<u>11.10</u>
	City Tax	_____
TOTAL \$		<u>107.52</u>

Mailing Address.

Bobby Smith
230 Pauline LN
Auntville NC. 28318

Yours very truly

Bobby A Smith
Taxpayer

Social Security # _____

RECOMMEND APPROVAL:

Jim Johnson
Sampson County Tax Administrator

Board Approved _____
Date _____ Initials _____

OFFICE OF THE SAMPSON COUNTY TAX ADMINISTRATOR

P. O. BOX 1082 - CLINTON, NORTH CAROLINA 28329-1082

10381

JIM JOHNSON
Tax Administrator

Telephone 910-592-8146
910-592-8147

SAMPSON COUNTY BOARD OF COMMISSIONERS
406 COUNTY COMPLEX ROAD, BUILDING C
CLINTON, NORTH CAROLINA 28328

Members:

Pursuant to North Carolina G. S. 105-381, I hereby demand refund and remission of taxes assessed and collected by Sampson County against the property owned by Christopher Whitted in _____ Township, Sampson County, for the year(s) and in the amount(s) of:

YEAR <u>2023</u>	\$ <u>105.73</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL REFUND	\$ <u>105.73</u>

These taxes were assessed through clerical error as follows.

Bill # 0067372254-2023
Plate # PD9305
Vehicle - tag surrendered
2014 Chev 4k

G02	County Tax	<u>94.30</u>
	School Tax	_____
F19	Fire Tax	<u>11.43</u>
	City Tax	_____
	TOTAL \$	<u>105.73</u>

Mailing Address.

Christopher Whitted
5614 US 421 North Hwy
Clinton NC 28328

Yours very truly

Christopher Whitted
Taxpayer

Social Security # _____

RECOMMEND APPROVAL:

Jim Johnson
Sampson County Tax Administrator

Board Approved _____
Date _____ Initials _____

OFFICE OF THE SAMPSON COUNTY TAX ADMINISTRATOR

P. O. BOX 1082 - CLINTON, NORTH CAROLINA 28329-1082

10380

JIM JOHNSON
Tax Administrator

Telephone 910-592-8146
910-592-8147

SAMPSON COUNTY BOARD OF COMMISSIONERS
406 COUNTY COMPLEX ROAD, BUILDING C
CLINTON, NORTH CAROLINA 28328

Members:

Pursuant to North Carolina G. S. 105-381, I hereby demand refund and remission of taxes assessed and collected by Sampson County against the property owned by Luther D. Starling Jr.
_____ in _____ Township, Sampson County, for the year(s) and in the amount(s) of:

YEAR <u>2022</u>	\$ <u>517.31</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL REFUND	\$ <u>517.31</u>

These taxes were assessed through clerical error as follows.

Bill # 0071613802-2022
Plate # JMT2985
Vehicle sold - tag turned in
2023 Merz 48

602 County Tax	<u>311.52</u>
501 School Tax	<u>54.75</u>
Fire Tax	_____
102 City Tax	<u>151.04</u>
TOTAL \$	<u>517.31</u>

Yours very truly

Lew Starling Jr.
Taxpayer

Mailing Address.

Luther D. Starling Jr.
100 Deer Run Trl
Clinton, NC

Social Security # _____

RECOMMEND APPROVAL

[Signature]
Sampson County Tax Administrator

Board Approved _____
Date _____ Initials _____

OFFICE OF THE SAMPSON COUNTY TAX ADMINISTRATOR

P. O. BOX 1082 - CLINTON, NORTH CAROLINA 28329-1082

10373

JIM JOHNSON
Tax Administrator

Telephone 910-592-8146
910-592-8147

SAMPSON COUNTY BOARD OF COMMISSIONERS
406 COUNTY COMPLEX ROAD, BUILDING C
CLINTON, NORTH CAROLINA 28328

Members:

Pursuant to North Carolina G. S. 105-381, I hereby demand refund and remission of taxes assessed and collected by Sampson County against the property owned by Sandra Mendoza Amaya in South Clinton Township, Sampson County, for the year(s) and in the amount(s) of: Parcel 15018910701

YEAR <u>2022</u>	\$ <u>123.68</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL REFUND	\$ <u>123.68</u>

These taxes were assessed through clerical error as follows.

*Dwile was moved in 2021 + has been billed @ 805 Biltown Rd
SA

30 Lucille Ln

601	County Tax	<u>95.36</u>
501	School Tax	<u>16.76</u>
F19	Fire Tax	<u>11.56</u>
	City Tax	_____
	TOTAL \$	<u>123.68</u>

Mailing Address.

Sandra Mendoza Amaya
210 Arthur Ln
Clinton NC 28328

Yours very truly

Sandra Amaya
Taxpayer

Social Security .. - - - - -

RECOMMEND APPROVAL:

Jim Johnson
Sampson County Tax Administrator

Board Approved _____
Date _____ Initials _____

OFFICE OF THE SAMPSON COUNTY TAX ADMINISTRATOR

P. O. BOX 1082 - CLINTON, NORTH CAROLINA 28329-1082

10371

JIM JOHNSON
Tax Administrator

Telephone 910-592-8146
910-592-8147

SAMPSON COUNTY BOARD OF COMMISSIONERS
406 COUNTY COMPLEX ROAD, BUILDING C
CLINTON, NORTH CAROLINA 28328

Members:

Pursuant to North Carolina G. S. 105-381, I hereby demand refund and remission of taxes assessed and collected by Sampson County against the property owned by Pedro Febres Jr.
_____ in _____ Township, Sampson County, for
the year(s) and in the amount(s) of:

YEAR	
<u>2023</u>	\$ <u>250.12</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL REFUND	\$ <u>250.12</u>

These taxes were assessed through clerical error as follows.


Bill # 0061853281
Plate # 76 TL DV
Vehicle Sold - Plate Turned In
2019 Ram TK

Go2County Tax 183.42
School Tax _____
Fire Tax _____
CO2City Tax 66.70
TOTAL \$ 250.12

Mailing Address.

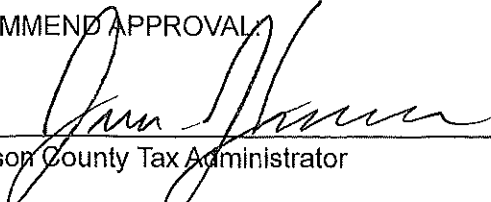
PO Box 1035
SALEM BURG, NC 28385

Yours very truly


Taxpayer

Social Security # _____

RECOMMEND APPROVAL


Sampson County Tax Administrator

Board Approved _____
Date _____ Initials _____

OFFICE OF THE SAMPSON COUNTY TAX ADMINISTRATOR

P. O. BOX 1082 - CLINTON, NORTH CAROLINA 28329-1082

10358

JIM JOHNSON
Tax Administrator

Telephone 910-592-8146
910-592-8147

SAMPSON COUNTY BOARD OF COMMISSIONERS
406 COUNTY COMPLEX ROAD, BUILDING C
CLINTON, NORTH CAROLINA 28328

Members:

Pursuant to North Carolina G. S. 105-381, I hereby demand refund and remission of taxes assessed and collected by Sampson County against the property owned by Carson Mark Rose
in Newton Grove Township, Sampson County, for the year(s) and in the amount(s) of:

YEAR <u>2022</u>	\$ <u>149.20</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
TOTAL REFUND	\$ <u>149.20</u>

These taxes were assessed through clerical error as follows.

Bill # 0020978091-2022
Plate # THA5560
2013 Toyt MP
Vehicle sold-tag turned in

602	County Tax	<u>100.48</u>
	School Tax	_____
	Fire Tax	_____
T06	City Tax	<u>48.72</u>
	TOTAL \$	<u>149.20</u>

Yours very truly

X Carson Rose
Taxpayer

Mailing Address.

X 328 Goldsboro St
Newton Grove, NC 28366

X Social Security # _____
RECOMMEND APPROVAL

Jim Johnson
Sampson County Tax Administrator

Board Approved _____
Date _____ Initials _____

OFFICE OF THE SAMPSON COUNTY TAX ADMINISTRATOR

P. O. BOX 1082 - CLINTON, NORTH CAROLINA 28329-1082

10375

JIM JOHNSON
Tax Administrator

Telephone 910-592-8146
910-592-8147

SAMPSON COUNTY BOARD OF COMMISSIONERS
406 COUNTY COMPLEX ROAD, BUILDING C
CLINTON, NORTH CAROLINA 28328

Members:

Pursuant to North Carolina G. S. 105-381, I hereby demand refund and remission of taxes assessed and collected by Sampson County against the property owned by Charles Marion Butler III
05- Herring in _____ Township, Sampson County, for the year(s) and in the amount(s) of:

YEAR		
<u>2022</u>	\$	<u>1,334.85</u>
_____	\$	_____
_____	\$	_____
_____	\$	_____
_____	\$	_____
_____	\$	_____
TOTAL REFUND	\$	<u>1,334.85</u>

These taxes were assessed through clerical error as follows.

Property: 05012031501
Burned 8/11/21 per fire report
(Bill #) 9905
471 Flemming Ln

G01	County Tax	<u>1210.17</u>
	School Tax	_____
F15	Fire Tax	<u>124.68</u>
	City Tax	_____
	TOTAL \$	<u>1,334.85</u>

Mailing Address.

471 Flemming Ln
Clinton NC 28308

Yours very truly

Charles Butler
Taxpayer

Social Security _____

RECOMMEND APPROVAL:

[Signature]

Sampson County Tax Administrator

Board Approved _____

Date _____

Initials _____

Sampson County E911
107 UNDERWOOD ST CLINTON , NC 28328

Call Taker **51 APRILFAIRCLOTH** CFS Report
CFS # - 2021-44898

Base Information

Call When 08/11/2021 18:20:44 Create When 08/11/2021 18:21:24 Close When 08/11/2021 22:00:40 Disposition COMPLETED CALL

Priority **1 PRIORITY 1** Call Disciplines **E,F,R,O,** Assigned Disciplines **E,F,** Assigned Disciplines NP **E,F,**

EMS Code Fire Code Law Code Primary Unit **Z632**

Location of Occurrence

Address **471 FLEMING LN, CLINTON** Zip **28328** County

Landmark ESN **1303A** Map Grid

EMS/Rescue **EMS75/CSRS** Fire **STA15/STA6/STA2122/STA7/STA10** Law **SCSO ZONE 1**

Area **STAR** District EMS Tract Fire Tract

Grid **SOUTH RIVER** Law Tract Report Tract Work Area

Cross Street High **FLEMING LN** Cross Street Low **MORGAN LN**

From-To Directions

Location of Caller

Address **8308 KEENER RD, CLINTON** Landmark

Caller Name **LISA** Caller Phone **9103054329** How Received **911**

Agency Defined

OPS

OPS1

OCA Numbers

Department	OCA Number	Unit	Note	Department	OCA Number	Unit	Note
STA04	2021-44898	Z432		STA05	2021-44898	Z532	
STA06	2021-44898	Z632		STA07	2021-44898	Z732	
STA08	2021-44898	Z832		STA09	2021-44898	Z932	
STA10	2021-44898	Z1021		STA13	2021-44898	Z1332	
STA15	2021-44898	Z1531		STA16	2021-44898	Z1632	
EMS	2021-07006	EMS1		EMS	2021-07010	EMS1	SAME IS FOR A REFUSAL
2122	2021-44898	ENG-2					

Dispositions

Disposition	Assigned When	User	InActive	While Closed
COMPLETED CALL	08/11/2021 22:00:40	TEDWARDS	<input type="checkbox"/>	<input type="checkbox"/>

Call Types

Call Type	Assigned When	User	Assigned While Closed	InActive
STRUCTURE FIRE	08/11/2021 18:21:24	APRILFAIRCLOTH	<input type="checkbox"/>	<input type="checkbox"/>

Call Taker
51 APRILFAIRCLOTH

CFS Report
CFS # - 2021-44898

Unit Times

Unit	Department	Unit Type	When	Status Notes	User
STA15	STA15	FIRE DEPARTMENT	08/11/2021 18:22:35	DISPATCHED	TEDWARDS
Z632	STA06	PUMP/TANK_FIR	08/11/2021 18:22:35	DISPATCHED	TEDWARDS
Z634	STA06	PUMP/TANK_FIR	08/11/2021 18:22:35	DISPATCHED	TEDWARDS
ENG-2	2122	PUMP/TANK_FIR	08/11/2021 18:22:35	DISPATCHED	TEDWARDS
Z732	STA07	PUMP/TANK_FIR	08/11/2021 18:22:35	DISPATCHED	TEDWARDS
Z733	STA07	PUMP/TANK_FIR	08/11/2021 18:22:35	DISPATCHED	TEDWARDS
ENG-2	2122	PUMP/TANK_FIR	08/11/2021 18:23:16	ENROUTE	MU
EMS1	EMS	AMBULANCE_EMS	08/11/2021 18:23:20	DISPATCHED	APRILFAIRCLOTH
CSREMS	CSREMS	EMS	08/11/2021 18:23:20	DISPATCHED	APRILFAIRCLOTH
Z1500	STA15	CHIEF_FIR	08/11/2021 18:23:36	DISPATCHED	TEDWARDS
STA15	STA15	FIRE DEPARTMENT	08/11/2021 18:23:36	CLEAR Auto Clear	TEDWARDS
EMS1	EMS	AMBULANCE_EMS	08/11/2021 18:24:46	ENROUTE	APRILFAIRCLOTH
Z1531	STA15	PUMP/TANK_FIR	08/11/2021 18:26:43	ENROUTE	TEDWARDS
Z632	STA06	PUMP/TANK_FIR	08/11/2021 18:29:36	ENROUTE	TEDWARDS
Z832	STA08	PUMP/TANK_FIR	08/11/2021 18:32:16	DISPATCHED	TEDWARDS
Z1632	STA16	PUMP/TANK_FIR	08/11/2021 18:32:16	DISPATCHED	TEDWARDS
ZCC 1721	GFFD	FIR	08/11/2021 18:32:16	DISPATCHED	TEDWARDS
Z1332	STA13	PUMP/TANK_FIR	08/11/2021 18:32:16	DISPATCHED	TEDWARDS
Z1500	STA16	CHIEF_FIR	08/11/2021 18:32:27	ON SCENE	TEDWARDS
Z1531	STA15	PUMP/TANK_FIR	08/11/2021 18:32:37	ON SCENE	TEDWARDS
Z632	STA06	PUMP/TANK_FIR	08/11/2021 18:38:18	ON SCENE	JESSICAGILBERT
STA15	STA15	FIRE DEPARTMENT	08/11/2021 18:42:30	DISPATCHED	TEDWARDS
Z1021	STA10	TANKER_FIR	08/11/2021 18:42:30	DISPATCHED	TEDWARDS
Z1031	STA10	PUMP/TANK_FIR	08/11/2021 18:42:30	DISPATCHED	TEDWARDS
Z232	STA02	PUMP/TANK_FIR	08/11/2021 18:42:30	DISPATCHED	TEDWARDS
Z332	STA03	PUMP/TANK_FIR	08/11/2021 18:42:30	DISPATCHED	TEDWARDS
Z322	STA03	TANKER_FIR	08/11/2021 18:42:30	DISPATCHED	TEDWARDS
Z932	STA09	PUMP/TANK_FIR	08/11/2021 18:42:30	DISPATCHED	TEDWARDS
Z921	STA09	TANKER_FIR	08/11/2021 18:42:30	DISPATCHED	TEDWARDS
Z532	STA05	PUMP/TANK_FIR	08/11/2021 18:42:30	DISPATCHED	TEDWARDS
Z521	STA05	TANKER_FIR	08/11/2021 18:42:30	DISPATCHED	TEDWARDS
Z432	STA04	PUMP/TANK_FIR	08/11/2021 18:42:30	DISPATCHED	TEDWARDS

Call Taker
51 APRILFAIRCLOTH

CFS Report
CFS # - 2021-44898

Z832	STA08	PUMP/TANK_ 08/11/2021 18:43:00 ENROUTE FIR	TEDWARDS
Z521	STA05	TANKER_FIR 08/11/2021 18:43:13 ENROUTE	TEDWARDS
Z733	STA07	PUMP/TANK_ 08/11/2021 18:45:02 ON SCENE FIR	APRILFAIRC LOTH
Z1651	STA16	SERVICE_FIR 08/11/2021 18:45:22 DISPATCHED	TEDWARDS
Z322	STA03	TANKER_FIR 08/11/2021 18:46:52 ENROUTE	TEDWARDS
ZCC 1721	GFFD	FIR 08/11/2021 18:47:59 CLEAR	TEDWARDS
Z933	STA09	PUMP/TANK_ 08/11/2021 18:49:09 DISPATCHED FIR	TEDWARDS
Z200	STA02	CHIEF_FIR 08/11/2021 18:49:09 DISPATCHED	TEDWARDS
Z532	STA05	PUMP/TANK_ 08/11/2021 18:49:19 ENROUTE FIR	TEDWARDS
Z200	STA02	CHIEF_FIR 08/11/2021 18:49:23 ENROUTE	TEDWARDS
Z921	STA09	TANKER_FIR 08/11/2021 18:49:30 ENROUTE	TEDWARDS
Z933	STA09	PUMP/TANK_ 08/11/2021 18:49:33 ENROUTE FIR	TEDWARDS
ENG-2	2122	PUMP/TANK_ 08/11/2021 18:49:36 ON SCENE FIR	APRILFAIRC LOTH
Z1021	STA10	TANKER_FIR 08/11/2021 18:50:27 ENROUTE	TEDWARDS
Z333	STA03	PUMP/TANK_ 08/11/2021 18:51:35 ENROUTE FIR	TEDWARDS
Z832	STA08	PUMP/TANK_ 08/11/2021 18:51:42 ETQ FIR	TEDWARDS
Z832	STA08	PUMP/TANK_ 08/11/2021 18:51:45 CLEAR FIR	APRILFAIRC LOTH
Z521	STA05	TANKER_FIR 08/11/2021 18:54:48 ON SCENE	TEDWARDS
Z432	STA04	PUMP/TANK_ 08/11/2021 18:55:44 CLEAR FIR	TEDWARDS
Z1633	STA16	PUMP/TANK_ 08/11/2021 18:56:45 ON SCENE FIR	JESSICAGIL BERT
Z234	STA02	PUMP/TANK_ 08/11/2021 18:57:23 ON SCENE FIR	TEDWARDS
Z933	STA09	PUMP/TANK_ 08/11/2021 19:01:03 CLEAR FIR	JESSICAGIL BERT
Z1651	STA16	SERVICE_FIR 08/11/2021 19:01:36 ON SCENE	APRILFAIRC LOTH
Z921	STA09	TANKER_FIR 08/11/2021 19:02:06 CLEAR	JESSICAGIL BERT
FM3 (DEAVER, JOSHUA)	SAMPSON COUNTY FIRE MARSHAL	FIRE_MARSH AL 08/11/2021 19:02:11 ENROUTE	TEDWARDS
Z233	STA02	PUMP/TANK_ 08/11/2021 19:03:09 ON SCENE FIR	TEDWARDS
Z1021	STA10	TANKER_FIR 08/11/2021 19:04:05 ETQ	TEDWARDS
Z932	STA09	PUMP/TANK_ 08/11/2021 19:04:59 ENROUTE FIR	TEDWARDS
Z932	STA09	PUMP/TANK_ 08/11/2021 19:05:33 CLEAR FIR	TEDWARDS
FM3 (DEAVER, JOSHUA)	SAMPSON COUNTY FIRE MARSHAL	FIRE_MARSH AL 08/11/2021 19:07:23 ON SCENE	TEDWARDS
Z233	STA02	PUMP/TANK_ 08/11/2021 19:13:49 ETQ FIR	TEDWARDS
Z1031	STA10	PUMP/TANK_ 08/11/2021 19:22:11 ETQ FIR	TEDWARDS
Z322	STA03	TANKER_FIR 08/11/2021 20:13:15 ETQ	TEDWARDS
Z1021	STA10	TANKER_FIR 08/11/2021 20:14:49 CLEAR	TEDWARDS
Z1031	STA10	PUMP/TANK_ 08/11/2021 20:14:52 CLEAR FIR	TEDWARDS
Z733	STA07	PUMP/TANK_ 08/11/2021 20:18:36 ETQ FIR	TEDWARDS
Z322	STA03	TANKER_FIR 08/11/2021 20:33:48 CLEAR	TEDWARDS

Call Taker 51 APRILFAIRCLOTH	CFS Report CFS # - 2021-44898
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Z333	STA03	PUMP/TANK_ 08/11/2021 20:33:51 FIR	CLEAR	TEDWARDS
Z332	STA03	PUMP/TANK_ 08/11/2021 20:33:54 FIR	CLEAR	TEDWARDS
Z233	STA02	PUMP/TANK_ 08/11/2021 20:33:57 FIR	CLEAR	TEDWARDS
EMS1	EMS	AMBULANCE 08/11/2021 20:34:00 _EMS	ON SCENE	APRILFAIRC LOTH
EMS1	EMS	AMBULANCE 08/11/2021 20:48:09 _EMS	SAFETY CHECK 10-2	TEDWARDS
Z1651	STA16	SERVICE_FIR 08/11/2021 21:00:47	CLEAR	TEDWARDS
EMS1	EMS	AMBULANCE 08/11/2021 21:02:27 _EMS	SAFETY CHECK 10-2	TEDWARDS
EMS1	EMS	AMBULANCE 08/11/2021 21:16:50 _EMS	SAFETY CHECK 10-2	TEDWARDS
EMS1	EMS	AMBULANCE 08/11/2021 21:33:09 _EMS	SAFETY CHECK 10-2	TEDWARDS
EMS1	EMS	AMBULANCE 08/11/2021 21:49:49 _EMS	SAFETY CHECK 10-2	TEDWARDS
Z632	STA06	PUMP/TANK_ 08/11/2021 21:51:08 FIR	CLEAR	TEDWARDS
Z634	STA06	PUMP/TANK_ 08/11/2021 21:51:24 FIR	CLEAR	TEDWARDS
Z733	STA07	PUMP/TANK_ 08/11/2021 21:51:26 FIR	CLEAR	TEDWARDS
Z732	STA07	PUMP/TANK_ 08/11/2021 21:51:29 FIR	CLEAR	TEDWARDS
Z234	STA02	PUMP/TANK_ 08/11/2021 21:51:42 FIR	CLEAR	TEDWARDS
Z232	STA02	PUMP/TANK_ 08/11/2021 21:51:44 FIR	CLEAR	TEDWARDS
EMS1	EMS	AMBULANCE 08/11/2021 21:52:28 _EMS	CLEAR	APRILFAIRC LOTH
CSREMS	CSREMS	EMS 08/11/2021 21:52:35	CLEAR	APRILFAIRC LOTH MU
ENG-2	2122	PUMP/TANK_ 08/11/2021 21:56:03 FIR	CLEAR	
Z1633	STA16	PUMP/TANK_ 08/11/2021 21:59:42 FIR	CLEAR	TEDWARDS
FM3 (DEAVER, JOSHUA)	SAMPSON COUNTY FIRE MARSHAL	FIRE_MARSH AL	08/11/2021 22:00:40 CLEAR	TEDWARDS
Z200	STA02	CHIEF_FIR 08/11/2021 22:00:40	CLEAR	TEDWARDS
Z532	STA05	PUMP/TANK_ 08/11/2021 22:00:40 FIR	CLEAR	TEDWARDS
Z521	STA05	TANKER_FIR 08/11/2021 22:00:40	CLEAR	TEDWARDS
Z1332	STA13	PUMP/TANK_ 08/11/2021 22:00:40 FIR	CLEAR	TEDWARDS
Z1500	STA15	CHIEF_FIR 08/11/2021 22:00:40	CLEAR	TEDWARDS
Z1531	STA15	PUMP/TANK_ 08/11/2021 22:00:40 FIR	CLEAR	TEDWARDS
Z1632	STA16	PUMP/TANK_ 08/11/2021 22:00:40 FIR	CLEAR	TEDWARDS
STA15	STA15	FIRE DEPARTMEN T	08/11/2021 22:00:40 CLEAR Auto Clear	TEDWARDS

Incident Locations

Address: 471 FLEMING LN, CLINTON User: APRILFAIRCLOTH

When: 08/11/2021 18:21:24 Latitude: 35.092787490333 Longitude: -78.3849530628691 Source: MapPoint InActive:

Call Taker: 51 APRILFAIRCLOTH
CFS Report
CFS # - 2021-44898

Caller Names

Caller Name	When	User	Caller Name	When	User
LISA	08/11/2021 18:21:24	APRILFAIRCLOTH			

Comment

HOUSE IS ON FIRE UNKNOWN IF ANYONE IS HOME

Notes

TEDWARDS 08/11/2021 18:23:49 E,F,L,R,O,
Z1500 RESPONDING
ENG-2 ENROUTE
TEDWARDS 08/11/2021 18:24:25 E,F,L,R,O,
STA15 IN SERVICE
TEDWARDS 08/11/2021 18:25:12 E,F,L,R,O,
STA6 IN SERVICE
TEDWARDS 08/11/2021 18:26:33 E,F,L,R,O,
Z1531 ENROUTE
Z700 ENROUTE TO THE STATION
TEDWARDS 08/11/2021 18:28:44 E,F,L,R,O,
ZS1503 ADV FIREMAN ON SCENE 2 STORY STRUCTURE HEAVY FIRE ON AB
APRILFAIRCLOTH 08/11/2021 18:31:00 E,F,L,R,O,
COMMAND REQUEST ADDITIONAL ALARM
TEDWARDS 08/11/2021 18:32:35 E,F,L,R,O,
Z1500 ADV ON SCENE AND HAS COMMAND
APRILFAIRCLOTH 08/11/2021 18:32:36 E,F,L,R,O,
1500 HAS COMMAND
TEDWARDS 08/11/2021 18:32:47 E,F,L,R,O,
Z1531 ON SCENE
TEDWARDS 08/11/2021 18:33:33 E,F,L,R,O,
Z1500 ADV THERE'S NO ONE INSIDE THE STRUCTURE
JESSICAGILBERT 08/11/2021 18:33:56 E,F,L,R,O,
CUMBERLAND WAS ADV REF 1721
TEDWARDS 08/11/2021 18:34:16 E,F,L,R,O,
Z1500 REQ STA2 W/ LARGE TANKERS IN ROUTE
TEDWARDS 08/11/2021 18:34:45 E,F,L,R,O,
STA13 IN SERVICE
DENEENJOHNSON 08/11/2021 18:35:58 E,F,L,R,O,
HP CALLED AND NOTIFIED 911 DISPATCHER THAT THE HOMEOWNER A FEMALE AND HER SON ARE 10-17 TO THAT LOCATION. SHE
ADV TO HP THAT HER HOUSE WAS ON FIRE AT 471 FLEMING LN
TEDWARDS 08/11/2021 18:36:03 E,F,L,R,O,
Z1521 ENROUTE
TEDWARDS 08/11/2021 18:43:57 E,F,L,R,O,
STA2 10-8
TEDWARDS 08/11/2021 18:46:14 E,F,L,R,O,
STA4 IN SERVICE
Z322 ENROUTE
TEDWARDS 08/11/2021 18:47:55 E,F,L,R,O,
Z1721 WAS ADV TO CANCEL
TEDWARDS 08/11/2021 18:49:44 E,F,L,R,O,

PIN #: 1488-#150 SAMPSON CO, NC - Property Card

Printed: 01/23/24 Card: 1 of 1 Appraiser: AP

Ownership: 97860
 BUTLER, CHARLES MARION III
 471 FLEMING LN
 CLINTON NC 28328

SITUS:
 471 FLEMING LN

Deeded Acres: 2.2
Legal Description:
 471 Fleming Ln

Subd:
Nbhd: DP Dirt Private Road

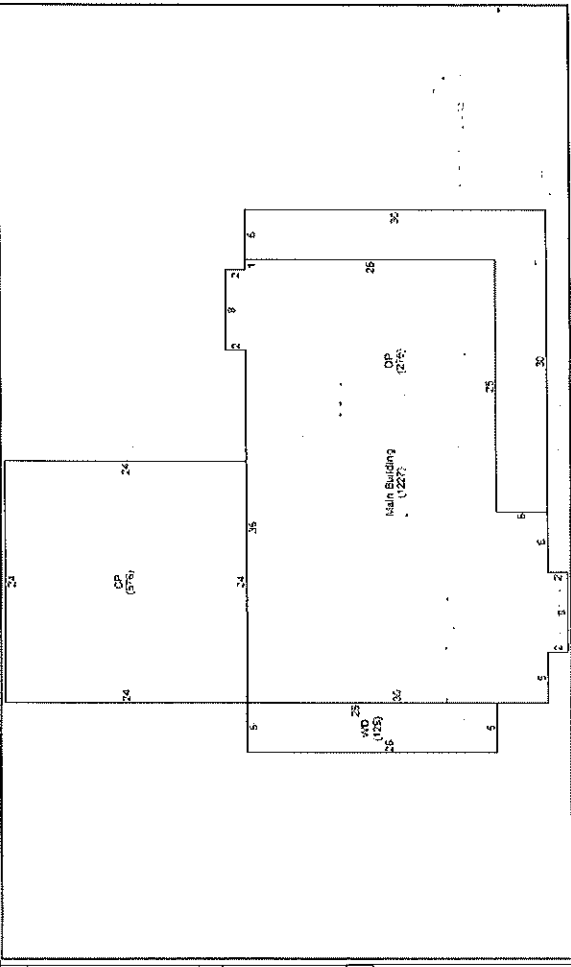
Parcel: F fair

Sale Dt	I	S	Price	Db/Pq	Valid. Code
05/22/13	QC	2	1859,963	RELATED	
05/07/91	D		1120/466		

Location:
 Parking:
 Utility: N none;
 Zoning:

Sketch Vectors

Vector
 A00CR5D2R8U2R6U5R25U25L1U2L8D2L35D30 A01R19CR30U30L5D25L25D5
 A02U30CR24U24L24D24 A03U5CU25L5D25R5



Improvement Description: AG conventional

Story: 1.7
Class: single family
Ext Wall: wood frame
Yr Bt: 1991
Eff Year: 1998
Heating: heat pump
Fuel: elec
System: heat and a/c

FP Stacks: 1
Openings: 1
Prefab FP:
Rooms: 6
Bedrooms: 4
Unfin Area:
Fin Bsmt Area:
Rec Room Area:

Bsmt:
BSMT Gar:
Attic: no attic/unfinis
Baths: 3
Half:
Extra Fixt:
Misc 1:
Misc 2:

Phys Cond: A
CDU: AV
Over Depr Tb:
Frct Dep %:
Frct Desc:
Econ Dep%:
Econ Desc:
N-Fact:

% Complete:
Grade: C+2
C&D Fact:
C&D Desc:
TV/SF: 86.82
SP/SF: 0.00
RCN/SF: 100.86
RCNLD/SF: 79.68

Assessment: 2022

Method: COST APPROACH
Land: \$13,140 Excluded:
BLDG: \$146,688 Ag Use:
Market: \$159,828 SWF:
Deferred: \$0
Exempt: \$0
Taxable: \$159,828

L#	Low	1st	2nd	3rd	Description	Area	Value(RCN)	Yr Bt	EffYr	Bt	Grd	CDU	%Gd	Table	% Cmp	RCNLD
0					Conventional	1,227	166,519	1991	1998	C+2	AV	AV	79	79		131,550
1	OP				Open Porch	275	6,261	1991	1998	C+2	AV	AV	79	79		4,946
2	CP				Carport	576	10,905	1991	1998	C+2	AV	AV	79	79		8,615
3	WID				Wood Deck	125	1,996	1991	1998	C+2	AV	AV	79	79		1,577
Total:																
HSF: 1,841 TSF: 3,062 Total: 146,688																

Entrances

Revisit:	Reason:	Appr Date	Code	Rev2

Building Permit

Date	Permit #	Permit \$	CO Date	Fig

OFFICE OF THE SAMPSON COUNTY TAX ADMINISTRATOR

Members:

Pursuant to North Carolina G. S. 105-381, I hereby demand a release and adjustment of taxes assessed

by Sampson County against the property owned by Sandra Amaya Mendoza

in S. Winton Township, Sampson County, for the year(s) and in the

amount(s) of: Parcel 15018910701

Year	<u>2022</u>	\$	<u>123.68</u>
		\$	
		\$	
		\$	
		\$	
Total Release/Adjustment		\$	<u>123.68</u>

<u>601</u>	County Tax	\$	<u>95.36</u>
<u>501</u>	School Tax	\$	<u>16.17</u>
<u>F19</u>	Fire Tax	\$	<u>11.56</u>
	City Tax	\$	
	Total	\$	<u>123.68</u>

The taxes were assessed through clerical error or an illegal tax as follows:

Dw was double listed on 805 Hill Town Rd
Parcel 17085832003

Taxpayer:

Sandra Amaya Mendoza

Tax Administrator:

[Signature]

Board Approved:

Date

Initials

OFFICE OF THE SAMPSON COUNTY TAX ADMINISTRATOR

Members:

Pursuant to North Carolina G. S. 105-381, I hereby demand a release and adjustment of taxes assessed by Sampson County against the property owned by **CHARLES LEE TEW** in **MINGO** Township, Sampson County, for the year(s) and in the amount(s) of:

Year	
2023	\$ 126.22
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

Total Release/Adjustment \$ 126.22

G01	County Tax	\$ 102.34/10.23 (Late List)
	School Tax	\$ _____
F07	Fire Tax	\$ 12.41/1.24 (Late List)
	City Tax	\$ _____
	Total	\$ 126.22

The taxes were assessed through clerical error, or an illegal tax as follows:

Taxpayer (99530) sold the 97 Key West boat to taxpayer (51733) in 2022.

Both taxpayers were billed for this boat in 2023. The bill for (99530) has been released.

Taxpayer: _____ *Charles Lee Tew*

Tax Administrator: _____ *Jan Johnson*

Board Approved: _____

Date _____ Initials _____

OFFICE OF THE SAMPSON COUNTY TAX ADMINISTRATOR

Members:

Pursuant to North Carolina G. S. 105-381, I hereby demand a release and adjustment of taxes assessed by Sampson County against the property owned by Neraida D. Wooten in South Clinton Township, Sampson County, for the year(s) and in the amount(s) of: Parcel - 15010436101

Year	<u>2023</u>	\$	<u>113.36</u>
	_____	\$	_____
	_____	\$	_____
	_____	\$	_____
	_____	\$	_____
Total Release/Adjustment		\$	<u>113.36</u>

<u>G01</u>	County Tax	\$	<u>101.10</u>
	School Tax	\$	_____
<u>F23</u>	Fire Tax	\$	<u>12.26</u>
	City Tax	\$	_____
	Total	\$	<u>113.36</u>

The taxes were assessed through clerical error or an illegal tax as follows:

* Dwidle was transferred on 1-31-22 -
Office notified of change on 12-20-23

Taxpayer: Neraida D. Wooten

Tax Administrator: [Signature]

Board Approved: _____

Date: _____ Initials: _____

To: Mr. Edwin Causey
County Manager

Stephanie Shannon
Clerk to the Board

From: Wanda Robinson
Health Director

Subject: County Commissioner's Consent Agenda

Date: January 22, 2024

Attached are items that were approved by the SCHD Health Advisory Committee on January 22, 2024. These are items are being submitted for approval by the County Commissioners.

- I. Fee/CPT Code Update
- II. Write-off request: \$140.00

For any questions or comments, please contact me. Your assistance is appreciated.

Sampson County Health Department Fees/CPT Update

01/22/2024

Date Added	Name of Procedure	LabCorp Order Number	CPT Code	Current Price	Recommended Price
10/23/2023	Hepatitis B Surface Antibody, Quantitative	006530	86317 OL032*	\$46.10	N/A
01/22/2024	Epstein-Barr Antibody Profile	240610	OL033	NA	\$343.55
01/22/2024	Cytomegalovirus Ab, IgG	096727	86645	NA	\$120.75
01/22/2024	C-Reactive Protein, Quant	006627	86410	NA	\$34.29
01/22/2024	Sedimentation Rate- Westergren (ESR)	005215	85652	NA	\$16.25

*Test was brought to the November Advisory Committee Meeting and approved. However, CPT code 86317 is used for an existing test and therefore, an OL code had to be created. We need to approve the change of the CPT code only- the price remains the same.

MEMO

To: Ed Causey
From: Wanda Robinson
Health Director
Date: January 23, 2024

Subject: Uncollectible Account Balance Write-Off

On January 22, 2024, the Health Advisory Board approved to be written off the Health Department's Accounts Receivable System one account. The amount is \$140.00.

We are requesting County Commissioner approval to write off this account in the total amount of \$140.00 and remove them from our Accounts Receivable System.

Please contact me if you have any questions.

Thank you.

Jerol Kivett
Board of Commissioners Chair Signature

Date

**SAMPSON COUNTY
BOARD OF COMMISSIONERS**

ITEM ABSTRACT

ITEM NO. 6

Meeting Date: February 5, 2024	<input checked="" type="checkbox"/>	Information Only	<input type="checkbox"/>	Public Comment
	<input type="checkbox"/>	Report/Presentation	<input type="checkbox"/>	Closed Session
	<input type="checkbox"/>	Action Item	<input type="checkbox"/>	Planning/Zoning
	<input type="checkbox"/>	Consent Agenda	<input type="checkbox"/>	Water District Issue

INFORMATION ONLY

Please contact the County Manager's Office if you wish to have additional information on any of the following.

- November 20, 2023 SCHED Health Advisory Committee Minutes
 - 2023 CFPT Report
 - 2023 Communicable Disease Report

To: Mr. Edwin Causey
County Manager

Stephanie Shannon
Clerk to the Board

From: Wanda Robinson
Health Director

Subject: County Commissioner's Agenda-Information Items

Date: January 22, 2024

Attached are items that were approved by the SCHED Health Advisory Committee on January 22, 2024. These are being submitted as information items for review by the County Commissioners.

- I. November 20, 2023- SCHED Health Advisory Committee Minutes
- II. 2023 CFPT Report
- III. 2023 Communicable Disease Report

For any questions or comments, please contact me. Your assistance is appreciated.

SCHD Advisory Committee Meeting Minutes

November 20, 2023

Attendance: Board Members- Linda Peterson, Daniel Cumbo, Cassie Faircloth, Russel Devane, Cynthia Davis, Allie Ray McCullen, Yire Hernandez, Shane Sundlie

Non-Board Members: Wanda Robinson, Kelly Parrish, Cherish Allen, Kory Hair, Kelly Parrish

- I. **Call to Order** – Linda Peterson, Vice Chair
- II. **Invocation**- Cassie Faircloth
- III. **Approval of Minutes:**
 - a) September 18, 2023 - SCHD Health Advisory Committee Meeting minutes. Motion to approve made by Allie Ray McCullen; 2nd by Cassie Faircloth. All in favor.
- IV. **2024 Meeting Schedule**- Wanda Robinson reviewed the 2024 meeting schedule. She explained that the January meeting is later due to having a holiday on January 15th. Motion to approve made by Dan Cumbo; 2nd by Cassie Faircloth. All in favor.
- V. **Policy Update**
 - a) Health Advisory Committee Conflict of Interest- Cherish reviewed policy changes. Approved and Adopted section removed, as policy does not have to be adopted yearly, only reviewed and changes approved. Committee members signature page removed due to difficulty in obtaining all signatures. Cherish will document policy review and copy given in minutes moving forward. Motion to approve made by Russel Devane; 2nd Cassie Faircloth. All in favor.
 - b) Health Advisory Operating Policy and Procedures- Cherish reviewed policy changes. Approved and Adopted section removed, as policy does not have to be adopted yearly, only reviewed and changes approved. Committee members signature page removed due to difficulty in obtaining all signatures. Cherish will document policy review and copy given in minutes moving forward. Motion to approve made by Allie Ray McCullen; 2nd Yire Hernandez. All in favor.
 - c) Board of Health Operating Policy and Procedures- No changes. Motion to approve Russel Devane; 2nd Allie Ray McCullen. All in favor. Cherish reported this policy was adopted in 2018, amended and approved in 2020. Review is completed annually.

**Each member received a copy of the policies with updated changes. Policy and changes were reviewed. No questions from the Committee. Committee members that were not present at this meeting received a packet that included a copy of the policies with updated changes.
- VI. **2022-2023 Annual Report**- Kelly reviewed (see attached report). Statement from Wanda Robinson, Health Director: “The demand for our services has increased over the past year due to the economy. Our case management services have doubled due to policy changes by

the Division of Medical Assistance. Clinic numbers continue to increase due to the need for client services. United Way and Sampson County BCCCP continue to provide Breast and Cervical Cancer services and virtual outreach. We continue to work with the Sampson County Community Wellness Committee to partner and focus on the areas identified in our community health assessment while continuing to provide much needed safety net services to Sampson County Residents. I am proud of the many programs provided by our staff and the diligence with which they work to improve the health of Sampson County. Thank you for taking the time to review our annual report.” Motion to approve made by Russel Devane; 2nd by Yire Hernandez. All in favor.

- VII. COVID-19/KIOSK Update-** Kelly reported that the Kiosk has been downstairs since August 1, 2023. It has dispensed 46 Narcan kits, 34 PCR kits, and 114 rapid COVID tests. Connectivity issues have been resolved. Linda Peterson asked if a report could be run on positive tests that are dispensed. Kelly reported that reports can only be conducted on the PCR tests. Dr. Sundlie stated that she is more concerned about the Flu this year over RSV. The Health Department will not offer the RSV vaccine to adults or children. Opioid issues are still on the rise in the County. SCHD is the only place dispensing Narcan free of charge to the public. Wanda Robinson would like other partners in the County to get on board in helping dispense Narcan in the future. Kelly stated that more people are utilizing the Kiosk for Narcan kits, whereas as before, the number of Narcan kits given were low as the public had to come into the Health Department and request them.

IV. Financial:

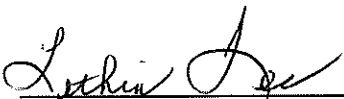
- d) **Monthly Update:** Tamra reviewed the activity summary. October stayed consistent. The largest increase was Food and Lodging consultations. Kory stated that the increase is due to a spike in lead cases in the County recently. Tamra reviewed Medicaid revenues. Revenues are starting to pick up. Local revenues are \$45,000 below target. Tamra feels the Health Department will catch up. No questions from the Committee.
- e) **FISCAL Policy Update:** Tamra reviewed changes to include date and Chairman of the Board. There was an update on the process for handling the deposit at the end of the day now that the Health Department is on a flex schedule. See attached highlighted changes for more details. Motion to approve made by Russel Devane; 2nd by Cassie Faircloth. All in favor.
- f) **CPT Code Update:** Kelly Parrish proposed additions to the Fee/CPT update. All are new additions.
 - 1. Hepatitis B Surface Antibody, Quantitative at \$46.10
 - 2. Prevnar 20 vaccine at \$361.72
 - 3. 17-OH Progesterone LCMS at \$159.91
 - 4. DHEA, Serum at \$238.55
 - 5. Testosterone at \$84.34Motion to approve additions made by Russel Devane; 2nd by Daniel Cumbo. All in favor.
- g) **United Way Grant:** Tamra reported that the Health Department requests funding every year from United Way. United Way funds help with BCCCP program needs (mammograms, ultrasounds, and biopsies). Last year the Health Department requested \$7,000, but only received \$5,000. The Health Department has requested \$7,000 again this year. Motion to approve made by Allie Ray McCullen; 2nd by Russel Devane. All in favor.

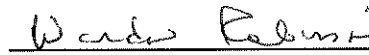
VIII. Health Directors Report

- a) Dangerous Dog Update- Wanda reviewed a recent Dangerous Dog issue. Appeal Hearing was scheduled, but then cancelled due to conflicting information. Concerns grew when Cherish Allen (Administrative Assistant, Health Department) made reminder calls the day of the hearing. She was speaking with the "Victim" (according to incident report), he stated that the dog in question had been in his yard that very day. The initial concern at this time was that the dog in question was never picked up and placed in the County Shelter. Upon speaking with the Owner of the dog in question, (within minutes of receiving the information above) he stated that his dog had been in the house all day and was currently on the couch with his wife, as she had been on vacation that week. He also stated that the dog that had been seen in the victim's yard was not his dog, which he claimed to have stated previously to animal control. At that time, Mrs. Wanda spoke with a member of Animal Control and then determined that the Dangerous Dog Appeal Hearing would be cancelled due to processes not being followed and conflicting information. Committee members agreed that processes and statutes were not followed, therefore agreed that cancelling was the correct thing to do. They would like to bring this back and discuss it in more detail after Wanda Robinson has further discussion with Animal Control.
- b) Environmental Health Staff Update- Kory stated that Environmental Health was fully staffed. Jose Borja is now a Registered Environmental Health Specialist (fully certified) as he passed his national test.
- c) Committee Member Update: Linda Peterson will go off the Committee this year. Tonight, will be her last meeting. Wanda requested recommendations as the Committee will need to fill the vacant seat as soon as possible.

IX. Public Comment: None.

X. Adjournment- Motion to approve made by Allie Ray McCullen; 2nd by Russel Devane. All in favor.


Jeffrey Bell 1/22/2024
Chair Date


Wanda Robinson Date
Secretary

Sampson County Child Fatality Prevention Report

2023

I. Introduction

In 1993, the North Carolina General Assembly established a network of local Child Fatality Prevention Teams (CFPT's) across the state to confidentially review medical examiner reports, death certificates and other records of deceased residents under age 18. Each local team consists of representatives of public and nonpublic agencies in the community such as law enforcement, Guardian Ad Litem, health departments, among others, that provide services to children and their families.

The purpose of this report is to give a summary of the causes of death, the number of cases reviewed, recommendations for prevention, if any, that have been made and to share local team activities and accomplishments.

II. Role of the Sampson County Commissioners and Advisory Board

- Receive annual reports which contain recommendations and advocate for system improvements and needed resources, if requested.
- Appoint members of the local team as identified by the membership.

III. Child Deaths by Cause, System Problems Identified, Recommendations for Prevention & Proposed Action

In 2023, the Sampson County CFPT reviewed 13 child deaths and identified 4 system problems and recommendations for future prevention efforts. Below are highlights:


Cause of Death	System Problem Identified	Recommendation	Proposed Action
Injuries related to motor vehicle crash	Failure to secure car seat in vehicle	Increase awareness of car seat safety.	Campaign for car seat safety via newspaper and social media outlets.
Injuries related to motor vehicle crash	Parent driving under the influence of alcohol	Increase awareness of risks driving under the influence of alcohol and drugs.	Campaign for avoiding driving under the influence of alcohol and drugs.
Suicide by firearm	Minor with access to firearm	Increase awareness of dangers when minors are given freely accessible firearms and no parental monitoring.	Provide education via social media outlets to raise awareness of safety concerns and firearm safety for minors.
Suicide by firearm	School staff that were made aware of issues in the home failed to file formal report with DSS.	School staff (including private institutions) need additional training on mandatory reporting and how to file formal reports.	DSS staff partnered with Sampson County Sheriff's Office staff to provide training to the schools and specifically to the teachers.

IV. Sampson County CFPT Activities and Accomplishments

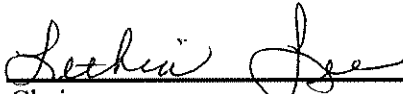
- The annual CFPT Activity Summary was completed and sent by the date requested.
- Individual reports were completed on child deaths reviewed by the team and were forwarded to the State Coordinator.
- DSS partnering with SCSO to provide training to school staff regarding mandatory reporting and how to file formal complaints.
- SCHD applied for additional grant funds to purchase 50 pack 'n play units for infants born to families with limited resources to promote safe sleep.

V. Conclusion

Thank you to the members of the Sampson County Commissioners/Advisory Board for the opportunity to share with you the successes and dedicated work of the local team as we continue to review child fatalities, make recommendations, and take actions to prevent future child deaths. Please feel free to contact the Health Director at 910-592-1131, should you have any questions about this report.



Health Director



Chairperson

01/22/2024

Date

Sampson County Board of Health
Communicable Disease Report 2023

The Health Department Communicable Disease (CD) Program involves several communicable disease sections that include: Communicable Diseases, such as Rabies or Salmonella; Tuberculosis; Vaccine-Preventable Diseases, such as Pertussis/Whooping Cough; and Sexually Transmitted Diseases, such as HIV or Gonorrhea.

The Communicable Disease (CD) Program staff consists of four nurses that are responsible for the surveillance, reporting, investigation and follow-up of communicable diseases in our county. The CD staff works with medical providers and the public to prevent, manage, and provide treatment for disease cases and their contacts. The staff follows the North Carolina Communicable Disease Branch guidelines and notifies the appropriate authorities as needed regarding specific communicable diseases.

The CD Program staff is required to use NCEDSS, the North Carolina Electronic Disease Surveillance System, which is an electronic data entry system for monitoring, managing and reporting of diseases in Sampson County and throughout the North Carolina. Due to COVID-19 and the increase in data, NC DHHS developed a separate system, NC COVID, for the management of COVID-19 cases. The staff is responsible for monitoring NCEDSS and NC COVID daily to identify and follow-up on any diseases reported through the system.

COVID-19

Effective May 12th, 2023, COVID-19 was no longer considered a reportable condition by North Carolina state law (10A NCAC 41A .0101). This means that physicians and laboratories were no longer required to report individual cases or deaths to the local public health departments. With this change, coupled with the increased use of at-home COVID-19 tests, the reporting numbers listed in this report are not an accurate depiction of the amount of COVID-19 in our county in 2023. Although individual cases were not reportable, we are still required to investigate and report outbreaks to the state per Rule 10A NCAC 41A .0103, as with other non-reportable conditions- e.g., influenza, RSV, norovirus.

Sampson County CD Report 2023

Sampson County CD Report 2022

All Communicable Diseases	Totals		All Communicable Diseases	Totals
Communicable Disease			Communicable Disease	
Campylobacter Infection	12		Campylobacter Infection	5
Carbapenem-Resistant Enterobacteriaceae (CRE)	3		Carbapenem-Resistant Enterobacteriaceae (CRE)	3
COVID-19	2,054		COVID-19	10,628
COVID-19 Deaths	7		COVID-19 Deaths	58
Cryptosporidium	1		Cryptosporidium	0
Cyclosporiasis	2		Cyclosporiasis	0
E. coli- shiga toxin producing	3		E. coli- shiga toxin producing	0
Haemophilus influenzae, invasive	2		Haemophilus influenzae, invasive	0
Hepatitis C	41		Hepatitis C	38
Legionellosis	1		Legionellosis	0
Listeriosis	1		Listeriosis	0
Salmonellosis	9		Salmonellosis	5
Shigellosis	1		Shigellosis	3
Spotted Fever Rickettsiosis	2		Spotted Fever Rickettsiosis	0
Streptococcal Invasive Infection Group A	5		Streptococcal Invasive Infection Group A	3
Toxic Shock Syndrome, streptococcal	1		Toxic Shock Syndrome, streptococcal	0
Vibrio	1		Vibrio	1
Total	2,146		Total	10,744
Tuberculosis			Tuberculosis	
TB Disease Cases	3		TB Disease Cases	5
Vaccine-Preventable Disease			Vaccine-Preventable Disease	
Hepatitis A	0		Hepatitis A	0
Hepatitis B	7		Hepatitis B	1
Influenza, death	0		Influenza, death	0
Pertussis	0		Pertussis	0
Total	10		Total	6
Sexually Transmitted Disease			Sexually Transmitted Disease	
Chlamydia	359		Chlamydia	350
Gonorrhea	90		Gonorrhea	130
HIV	6		HIV	5
NGU	4		NGU	28
Syphilis	44		Syphilis	30
Total	503		Total	543
TOTAL	2,659		TOTAL	11,293