Item No. 3

MINUTES
LENOIR COUNTY BOARD OF COMMISSIONERS
January 3, 2012

The Lenoir County Board of Commissioners met in open session at 9:00 a.m. on Tuesday, January 3, 2012 in the Board of Commissioners Main Meeting Room in the Lenoir County Courthouse at 130 S. Queen St., Kinston, NC.

Members present: Chairman George Graham, Vice-Chairman Reuben Davis and Commissioners, Jackie Brown, Mac Daughety, Linda Rouse Sutton, Tommy Pharo, and Eric Rouse

Also present were: Michael Jarman, Lenoir County Manager, Tommy Hollowell, Assistant County Manager, Martha Martin, Finance Officer, Robert Griffin, County Attorney, April L. Banks, Clerk to the Board, and members of the general public and news media.

Chairman Graham called the meeting to order at approximately 9:00 a.m. Ms. Brown offered the invocation and Mr. Graham led the audience in the pledge of allegiance.

PUBLIC INFORMATION

None Scheduled.

ITEMS FROM THE CHAIRMAN/COMMISSIONERS

No comments were made.

ITEMS FROM COUNTY MANAGER

Mr. Jarman presented the Lenoir County Inspections Permit/Inspection Report for November 2011 and County Financial Performance Summary 2011-12 through November 20, 2011. He stated in the past at the first meeting in January, Pittard, Perry, & Crone, Inc. presented the County audit to the Board. They are now anticipated to present the information at the January 17, 2012 Board meeting. The company is waiting to obtain the final confirmation from the State.

CONSENT AGENDA

Upon a motion by Ms. Brown and a second by Mr. Pharo, Board approved the following Consent Agenda:

3.	Approval of Minutes: Regular Board Meeting: December 5, 2011	Banks/Jarman
4.	Resolution Approving the Releases and Refunds to the Individuals Listed Herein	Parrish
5.	Budget Ordinance Amendment: Finance/Sheriff's Department: $100. Increase	Martin

RESOLUTIONS /BUDGET ORDINANCE AMENDMENTS

Item No. 6 was a Resolution in Support of Extending Rail Service from Existing CSX Line Along NC 11 in Lenoir County to the North Carolina Global Transpark (GTP) Along the Proposed Extension of Felix Harvey Parkway. Mr. Daughety stated the Transportation Committee has been reviewing projects for 2012. Part C of Felix Harvey Parkway is included in those projects. This resolution is asking support of the Board in the idea of obtaining rail connection from the north end of the County via CSX to the GTP. The Department of Transportation ranks submitted projects via a point system to prioritize the needs. A suggested idea was to combine the rail project with the Felix Harvey project in order to gain additional points with Department of Transportation (DOT) in their ranking systems. At the previous Transportation Committee Meeting held December 14, 2011, the Committee approved to support the rail extension. Mr. Daughety stated instead of purchasing 200ft of right-of-way, 400ft would need to be purchased. Mr. Graham

stated rail has been important in the history of the County and the expansion would be a good asset. Upon a motion by Ms. Sutton and Ms. Brown, Item No. 6 was unanimously approved.

Item No. 7 was a Resolution in Support of the Filing of Applications for Economic Development Assistance by the City of Kinston. Mark Pope, Economic Development Director, stated infrastructure for sewer expansion is needed for the Industrial Park. To date, a $1,250,000 grant has been awarded from Golden Leaf. Applications for grants have also been submitted to the Department of Commerce for Industrial Development Funds (IDF) in the amount of $500,000 and to the NC Rural Center for Economic Infrastructure Program (EIP) in the amount of $1,000,000. Announcements on the awards are anticipated in February 2012. The cost of the project is $4,300,000. Estimated grant revenues of $2,750,000 and the City of Kinston's commitment to provide up to $775,000 towards the local project costs leaves the County to provide up to $775,000 as its portion of the local cost of the sewer improvements. Mr. Rouse asked how this expansion will affect the capacity for the Industrial Park. Mr. Pope stated the current capacity is 1,000,000 gallons. The Industrial Park is at 70% of this amount. The expansion will increase capacity to 1,500,000 gallons. This will allow for other industries to locate to the Industrial Park and have the sewer they need for their facility. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 7 was unanimously approved.

Item No. 8 was a Resolution Approving the 2012 North Carolina Building Codes and All Appendices. Gary O'Neal, Chief Building Inspector, stated Building Codes are revised every three (3) years. The North Carolina Building Code Council approved the 2012 North Carolina Codes on September 2, 2011, to be effective January 1, 2012. Presently, Lenoir County is using the 2009 editions of the North Carolina Building Codes. Code Officials recognize the need for a modern, up-to-date Code addressing conditions hazardous to life and property. The North Carolina State Building Codes establishes minimum regulations using prescriptive and performance-related provisions. Upon a motion by Mr. Davis and a second by Ms. Sutton, Item No. 8 was unanimously approved.

Item No. 9A was a Resolution Approving Presentation of a Badge to Retiring Detention Officer Annie Brown. Officer Brown began her detention career with the Lenoir County Sheriff's Office on November 14, 1991. North Carolina retirement rules state an officer must have thirty (30) years of credible service or be age 55 with at least fifteen (15) years of credible service to retire. Officer Brown is more than 55 years of age and had the appropriate amount of time to retire, which became effective December 31, 2011. Commissioner Brown, on behalf of the Board, congratulated Officer Brown on her retirement and thanked her for her service. Officer Brown thanked Sheriff Billy Smith, Major Christopher Hill, Captain Archie Bruton, and the employees in the department. She stated working with the County has been a pleasure. Mr. Graham stated he has known Officer Brown for all of his life. She comes from a great family and is a good force in the community. He appreciates her service. Upon a motion by Commissioner Brown and a second by Mr. Graham, Item No. 9A was unanimously approved and Commissioner Brown presented Officer Brown with her badge.

Item No. 9B was a Resolution Approving Presentation of Badge and Service Weapon to Retiring Lieutenant Kenneth Robert Dunham. Lieutenant Kenny Dunham began his law enforcement career with the Lenoir County Sheriff's Office on April 1, 1982. North Carolina retirement rules state an officer must have thirty (30) years of credible service or be age 55 with at least fifteen (15) years of credible service to retire. Lieutenant Dunham had the appropriate amount of time to retire, which became effective December 31, 2011. North Carolina General Statute 20-187.2 provides for the presentation of an officer's badge upon his retirement and also provides for the governing body, in its discretion, to present the retiring officer with his service weapon after he receives a permit. Lieutenant Dunham received a handgun permit in December 2011, which was made part of his personnel file. Ms. Sutton stated she had known Lieutenant Dunham for many years. He is a great asset to the community and comes from a good family. Lieutenant Dunham thanked the Board, County, and Sheriff for allowing him the opportunity to serve the County. He enjoyed his career and appreciates all the support he has received. Mr. Graham thanked Lieutenant Dunham for his community

involvement and specifically a key role in the Southwood Fire Department facility. His leadership role has had an impact on the community. Lieutenant Dunham recognized his family members in attendance at the meeting to witness the presentation. Upon a motion by Ms. Sutton and a second by Mr. Graham, Item No. 9B was unanimously approved and Ms. Sutton presented Lieutenant Dunham with his badge and service weapon.

Item No. 9C was a Budget Ordinance Amendment: General Fund: Sheriff Department: $10,089. Increase. This amendment is to budget additional funds received from the U.S. Department of Justice, Office of Justice Programs, for the State Criminal Alien Assistance Program (SCAAP). These funds are awarded to Lenoir County to help offset expenses incurred by the County in housing undocumented criminal aliens or aliens of unknown legal status, who have been convicted of at least one (1) felony or two (2) misdemeanors and have been incarcerated during the reporting period of the award. By law, these funds are restricted for use by the Sheriff. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 9C was unanimously approved.

Item No. 9D was a Budget Ordinance Amendment: Federally Seized Property: Sheriff Federally Seized Property: $15,950. Increase. This amendment is to appropriate funds for the Federally Seized Property Fund. On December 5, 2011, the Commissioners approved the purchase of accessories for the new Dodge Chargers ordered for the Sheriff's Department. Most of the existing equipment on the Ford Crown Victoria's will not fit onto the new Dodge vehicles. The purchase of this equipment is an allowable use of Federal Forfeiture Funds. Upon a motion by Ms. Brown and a second by Mr. Daughety, Item No. 9D was unanimously approved.

Item No. 10A was a Resolution Requesting Endorsement of Revision to the County HCCBG Funding Plan and Budget Ordinance Amendment Increasing Expenditures and Revenues for the Home & Community Care Block Grant.

Increase Expenditures:

H & CCBG-DSS----------$11,346	Account#105332.4010
H & CCBG-COG----------$11,346	Account#105332.4011

Decrease Expenditures:

Foster Care-All County----$2,269	Account#105346.4971

Increase Revenues:

H & CCBG----------$20,423	Account#103533.4010

The Home and Community Care Block Grant, effective July 1, 1992, is comprised of funding for in-home and community based services currently available through the Division of Aging as well as a portion of funding targeted for in-home and community based services previously administered by the North Carolina Division of Social Services (DSS). The block grant gives County Commissioners maximum discretion in deciding how aging funds will be administered and budgeted in the County. Home & Community Care Block Grant funds provide services to the elderly population of Lenoir County by providing meals, Level I, II, and III in-home care services, operating local senior centers, and providing transportation. The revised Budget would total $564,530. These funds are used by DSS and the local Council on Aging to provide senior services. The majority of the funds, $421,076, are used by the Lenoir County Council on Aging. These are 90% Federal and State funds requiring a 10% local county match. DSS is requesting to use the appropriated funds from the Foster Care line item number 10-5346-4971 to fund the 10% county match with no new or additional county funding needed over and above the original County Budget Ordinance. Upon a motion Ms. Brown and a second by Ms. Sutton, Item No. 10A was unanimously approved.

Item No. 10B was a Resolution Approving Contract Amendments for Child Support Legal Services: Dal Wooten & Chris Rogerson – Not to Exceed $165,900 Annually. Lenoir County DSS has contracted with Dal Wooten over the last eighteen (18) years to provide legal services for the agency in trying cases and

establishing Court Orders for Paternity, Monetary Support, Medical Support and Arrears in the Child Support Program. The contract rate is $90 per hour. A secondary contract is necessary for the continuity of legal services when the primary attorney is unavailable, in cases where a conflict-of-interest may arise, and during times when the Department and the primary attorney are faced with a high volume of Child Support Cases. The secondary provider is Chris Rogerson at a rate of $90 per hour. Charges for both attorneys are not to exceed $165,900 in FY 2011-12. Ms. Susan Moore, Director of Lenoir County Social Services, stated DSS considered hiring an in-house attorney to handle their legal services, and therefore only contracted for six (6) months. The search was not successful. Mr. Graham inquired if DSS has a need for an in-house attorney. Ms. Moore responded the need is there due to the agency having 300-500 cases per month to handle. All cases are handled in Lenoir County and the judges are very supportive in aiding in collection. She is reviewing the budget to determine the most economical way to proceed. Mr. Rouse asked for an estimate of savings if they did hire an in-house attorney. Ms. Moore estimated the cost would be cut by about half of the current amount. This will depend on the attorney hired and their case load. An additional contract would still be needed for cases the in-house attorney wouldn't be able to handle. Ms. Brown asked the current collection rate of monies owed. Ms. Moore responded Lenoir County's collection rate has surpassed the State collection rate and is now in the top 25 on collections. Ms. Sutton commended DSS on doing an exceptional job in changing guidelines for support to increase payment. Persons behind in child support are sometimes referred to Day Reporting which will aid the offenders in obtaining a GED, if necessary, and finding suitable employment to pay their support. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 10B was unanimously approved.

Item No. 11A was a Resolution Authorizing the Replacement of the Roof on the Lenoir County Health Department: Curtis Construction Company, Inc. $147,334. Mike Wiggins, Maintenance Coordinator, addressed the Board. Due to an aging and deteriorating roof of approximately 12,600 square feet on the Lenoir County Health Department, roof replacement is strongly recommended to avoid further and future water damage to the interior of the building. The County has a significant investment in the Health Department Building and is entrusted to maintain the aesthetic and structural integrity of the building. On October 3, 2011 the Board approved a proposal from RTD Associates, PA., for engineering, design, contract development and administration, project management, and on-site inspection services for the re-roofing of the Lenoir County Health Department. They performed an analysis of the existing roof and prepared a bid package for the roof replacement. Four (4) sealed bids were received by the County on December 15, 2011. After evaluating all bids, Curtis Construction Company, Inc., of Kinston, N.C. was determined to be the lowest qualified bidder for the roof replacement. The following is a breakdown of the sealed bids received:

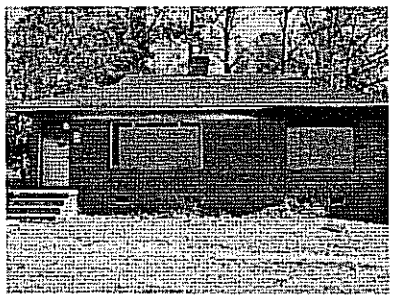
Contractor	Total Bid
Curtis Construction Company, Inc.	$147,334
Baker Roofing of Wilmington	$155,779
Greenville Contractors	$170,900
Team Roofing	$214,806

Mr. Davis asked if any type of warranty was being provided. Mr. Wiggins stated a typical industry warranty will apply. This is a 20 year warranty on the roof and a 10 year warranty on the labor. The roof will be updated to a rubber roof without rock covering. A similar roof was installed at DSS and the Board of Elections. Mr. Rouse asked RTD Associates' fee in handling the project. Mr. Wiggins responded the fee is $13,000 which will include doing inspections, monitoring, and hauling the old material to the landfill. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 11A was unanimously approved.

Item No. 11B was a Budget Ordinance Amendment: General Fund/Capital Improvements Fund: Buildings and Grounds: $200,000. Increase. This amendment is to appropriate $100,000 from the Fund Balance of the General Fund for the roof replacement of the Health Department. Upon a motion by Mr. Daughety and a second by Ms. Sutton, Item No. 11B was unanimously approved.

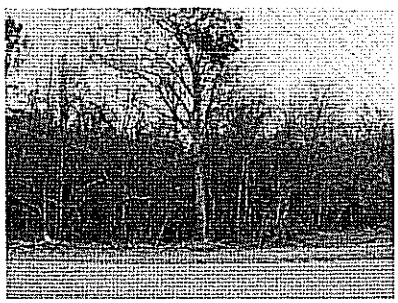
Item No. 12 was a Resolution Declaring Property as Surplus and Authorizing the Sale of the Surplus Property by Auction. The County has acquired various properties over a period of time mainly through tax foreclosures. Some of these properties have structures on them and some are vacant lots. These properties add no value to the operations of the County. In accordance with procedures set forth in N.C. General Statute 160A-269, County Administration request approval to sell the following listed properties through the negotiated offer and upset bid process. The properties are as follows:

Tax Department Record Number 11390
109 N. Adkin St., Kinston (fire damage)



Tax Department Record Number 16440
401 E. King St., LaGrange (vacant lot)

Tax Department Record Number 17334
Vacant Lot, Church Rd., LaGrange



Tax Department Record Number 8553
207 E. Highland Ave., Kinston (fire damage)

Signage will be displayed at the property locations and they will also be posted to the County website for purchase. Upon a motion by Mr. Daughety and a second by Ms. Brown, Item No. 12 was unanimously approved.

Item No. 13 was a Budget Ordinance Amendment: General Fund: Non-Departmental: $7,730.: Increase. This amendment is to appropriate property tax revenue received by the County as a result of a business personal property tax audit being conducted by County Tax Services, Inc. The County contracted with the company in May of 2010 to conduct the audit and County Tax Services, Inc. receive a 30% commission on all business personal property discoveries found as a result of the audit. The County pays this commission only after the taxpayer pays the discovery tax bill. The Board approved the contract with County Tax Services, Inc. on May 17, 2010. Ms. Martin stated over $25,000 has been collected. Mr. Rouse asked how many businesses were involved in the audit. Mr. Jarman stated he will obtain the information and provide it to the Commissioners. Upon a motion by Ms. Sutton and a second by Mr. Daughety, Item No. 13 was unanimously approved.

Item No. 14 was a Budget Ordinance Amendment: General Fund: Process Funds: $10,706.76. Increase. This amendment is to appropriate funds from the NC Department of Juvenile Justice and Delinquency Prevention (DJJDP). The grant provides funding for the Lenoir County Youth Based Positive Behavior Support Program which was administered by the Lenoir County Schools. The funding was received through the Governor's Crime Commission and was part of the ARRA Funding of 2009. This is a pass through grant with the funds being paid to the Lenoir County Schools. This portion was unspent in FY 2010-11 and the balance was carried forward into this fiscal year (FY 2011-12). Mr. Graham asked Ms. Martin to clarify who handles the grant. Ms. Martin stated Lenoir County Schools handled the grant in previous years as did Mr.

Joe Testino, Chief Court Counselor, District 8 who will maintain the grant this year. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 14 was unanimously approved.

Item No. 15 was a Budget Ordinance Amendment: General Fund: Hurricane Irene Insurance Reimbursement: $174,038. Increase. This amendment is to appropriate insurance proceeds of $124,037.95 received from Trident Insurance Company on December 16, 2011. This is to reimburse the County for damages received to various buildings during Hurricane Irene on August 27, 2011. Mr. Graham asked for the total anticipated reimbursement. Ms. Martin stated debris clean-up is estimated at $3,000,000 to $4,000,000. Mr. Hollowell stated grinding is complete and all invoices have been submitted. The County will get reimbursed for those payments. A proposal to haul the debris from the landfill was posted on the County website and a company out of Rose Hill offered this service at no cost. They will grind the debris to sell for mulch to landscaping companies. Mr. Jarman stated the reimbursement funds may be used for repairs with exception to the storage building damaged on Gordon Street. The damage was extensive and the building is no longer in a working condition. The County may request permission at a later date to tear down part of the building. The other portion may possibly be salvaged for use as storage. Mr. Graham asked if the land is needed. Mr. Jarman stated it may be utilized as parking at the Health Department. Upon a motion by Mr. Daughety and a second by Mr. Pharo, Item No. 15 was unanimously approved.

APPOINTMENTS

Item No. 16 was a Resolution Appointing Citizens to Boards, Commissions, Etc. Items were tabled due to first appearance.

BOARD/COMMITTEE/COMMISSION	APPLICANT/ CURRENT MEMBER	TERM EXPIRATION
Lenoir County Board of Health 1st Appearance	Anthony Dwight Hall	November 2014
Lenoir Memorial Hospital Board of Directors 1st Appearance	Ralph Lee Cox, MD – primary David Bruce Baird, MD – alternate Laddie M. Crisp, Jr., MD – primary John K. John, MD – alternate Dexter E. Floyd – primary Armistead B. Mauck - alternate	January 2015

CURRENT VACANCIES

Lenoir County Economic Development Board – At-Large Member
Lenoir County Health Board – (1) Veterinarian, (1) Optometrist, (2) Public Members
Lenoir County Planning Board – Districts One (1)
CJPP – Three (3) Vacancies
Kinston Board of Adjustment – Two (2) ETJ Members; (1) Primary – (1) Alternate

OTHER ITEMS

Mr. Pharo stated he received an e-mail regarding internet in the Institute area of the County. CenturyLink was awarded the grant to assist in expanding the infrastructure to make high-speed internet available to the citizens in that area. This is good news as they have made this request for several years. He will provide an update in the near future.

Ms. Sutton stated she attended the City of Kinston New Year's Celebration at Pearson Park. Mr. Pharo and Mr. Davis are on the 250th Anniversary Committee with her and assisted in planning the celebration. Bill Ellis, Parks and Recreation Director, and his staff did an excellent job. Approximately 300 people were in

attendance. Ms. Brown asked how the airplane was created. Mr. Ellis stated Chris Hatcher and Mark Gray created the scaled replica of the Airbus A350. Everyone agreed it was a great celebration. The airplane will be displayed at the Nature Center for citizens to view. Mr. Ellis stated the Woodmen Project is going well. The stand-up walls for the gymnasium should be complete in two (2) weeks. The anticipated opening of the waterpark is June and the recreational facility is July. Mr. Ellis is also working with the State on a new wildlife boat ramp. The ramp will be located across from the Nature Center. The old boat ramp will be maintained as much as possible. The Kinston Rotary Club purchased a canoe dock and ramp for the Nature Center. They will be installed this week.

Ms. Brown asked if the Kinston High School Football Team had been contacted to attend an evening meeting for the Board to formally congratulate them on their accomplishments. Mr. Jarman stated the Board Room did not have enough capacity to hold all of the team members, and asked if there were any suggestions. Everyone agreed the team should be formally acknowledged for their athletic, academic, and community accomplishments. Mr. Graham stated more discussion needs to be held to make a decision so other area schools do not feel alienated.

Mr. Pharo encouraged everyone to visit the Dog Park to view the recent upgrades. Mr. Ellis stated the Kinston Rotary Club raised lots of money for the park. The Randall Family made a generous $25,000 donation in honor of Dr. Charles B. Randall to build a memorial garden. The memorial garden will be the centerpiece of the park and will allow pet owners to bury their pet's ashes and purchase pavers in memory of their pets. A grant from Blue Cross Blue Shield has been awarded to construct a half-mile walking track around the dog park.

Mr. Graham stated next meeting he hopes to go over the Budget Work Schedule. Planning will begin for the Fiscal Year 2012-13 Budget. He would like to have a budget in place by May.

Upon a motion by Mr. Rouse and a second by Mr. Graham the Board adjourned at 10:22 a.m.

Respectfully submitted,

April L. Banks
Clerk to the Board

Reviewed By

Michael W. Jarman
County Manager