

MINUTES

LENOIR COUNTY BOARD OF COMMISSIONERS

January 05, 2015

The Lenoir County Board of Commissioners met in open session at 9:00 a.m. on Monday, January 5, 2015, in the Board of Commissioners' Main Meeting Room in the Lenoir County Courthouse at 130 S. Queen St., Kinston, NC.

Members present: Chairman Craig Hill, Vice-Chairman Jackie Brown and Commissioners, Roland Best, Mac Daughety, Reuben Davis, Eric Rouse, and Linda Sutton.

Members Absent: None

Also present were: Michael W. Jarman, County Manager, Tommy Hollowell, Assistant County Manager, Martha Martin, Finance Officer, Vickie F. King, Clerk to the Board, Robert W. Griffin, County Attorney, members of the general public and news media.

Chairman Hill called the meeting to order at approximately 9:00 a.m. Ms. Brown offered the Invocation and Mr. Rouse led the audience in the Pledge of Allegiance.

PUBLIC INFORMATION:

Mr. C. Dean Horne, CPA, with Carr, Riggs & Ingram, LLC, presented the FY13-14 Financial Audit to the Board. He stated, as a qualifier, his firm always sends the audit to the State Treasurer's Office for their review to see if they have any questions prior to it being released. We received the ok just before Christmas and this is why the Board is just receiving their copies. The report is pretty much similar to what you have seen in the past regarding the basic financial statements and compliance with State and Federal guidelines, as it relates to grant money the County receives from the various sources. As always we try to get an unqualified opinion, which is the highest level of opinion auditors can give. All of the reports received the highest level and have been reviewed by the State Auditor and the State Treasurer's Office. It is with great pride to say they are satisfied with everything we presented. When looking at the management letter or the single audit, you can see the exceptions dealt mostly with how information was processed. When dealing with people there will be some mistakes, especially with some of the social programs. However, anytime we find an issue it is properly corrected. Although there were a couple of findings, there was not anything significant or to warrant concerns going forward. With the basic financial information, typically you are looking at the operation of the General Fund. Whether it's the Sheriff's Department, Department of Social Services, the Health Department, or Planning, all of these are in the General Fund where most of the basic services are provided and where most of your revenue dollars flow.

Page 21 gives a quick snap shot of the General Fund for this past year, the original and final budget, and the changes that were made during the year. It shows how our actual revenue and expenditures came out at the end of the year and how they compared to the final budget. The first column shows the original budget as adopted on July 1 and the last set of numbers at the bottom shows that we appropriated a little over \$2 million of fund balance to operate during the year. As things came up during the year, we made amendments to the budget and you will see that number drop so we were able to operate basically at a break even point. Budgeted revenue was at \$63 million and actual revenue was a little over \$61 million. We were about \$1.7 million under on revenue and most of that you will see was in restricted governmental, which is mostly Social Services and Health. Under Human Services we budgeted \$17.9 million and spent \$15.5 million, which had a positive impact on fund balance. At the end of the day, we were pretty much expecting to break even, as far as the impact on fund balance; however, because of the savings on the expenditures side, we actually increased fund balance a little over \$2.6 million. Even though our revenues were under budget our expenditures were as well. Unless someone has specific questions, I will allow everyone to review the report in its entirety at their leisure.

Mr. Hill asked if anyone had any questions. Ms. Brown stated this was a good audit.

Mr. Daughety asked how did the changeover in paying vehicle property taxes at licensing agencies affect this audit, and will it have a subsequent affect on next year's budget?

Mr. Horne stated, there were some additional revenue dollars realized and probably the best page to look at for a snap shot of that would be page 112, which will show the collection percentages. The very last column is motor vehicles. As you can see by the changeover, we collected over 93.94% of motor vehicle taxes. Prior to the changeover, that number was usually in the 80% range. So the collection rate for the motor vehicle taxes has gone up. However, you will not realize the full benefit of that until 2015. I can say it has become a little bit of a nightmare on the record keeping for the Finance Department staff and the Tax Department staff. Particularly when you have several people trying to figure out how the fees are allocated between all of the different agencies. But the offset of that is the revenue dollars are going up.

Mr. Jarman stated, the percentages did go up, which will help us but, it won't help us as much in the future. This year we have to realize there was some overlap in months and you will not have those extra months in the future. Overall the benefits of the change in the collection process was a positive thing, but it won't be as positive as what was seen this year. We can't expect that gift next year.

Mr. Hill stated another other area of the budget that we attacked was debt service. We paid off the Shell Building as well as reduced our debt on the school bonds. This is another area of strength that showed up on the audit. I think the outcome of the audit had a lot to do with some of the things we did throughout the course of the year. Looking at where some Departments have made cuts and all of the small things we did along the way made a difference.

Like how we dropped out of the NC Alliance when they were not providing the services we needed, or at the level we felt we should be receiving. So when you start adding up those little things and start looking at \$15-20,000 expenditure decisions, they make a difference over time. It's also important to know that as long as that debt service is out there, it will be difficult to accomplish some things. We have to support and grow our tax base. We also need to protect our bond rating and keep our fund balance at a high enough level to protect us for emergencies. So we are moving in the right direction, and overall we have made some really good decisions. I appreciate the work everyone has contributed towards this.

Angela Bates, Director, of Green Lamp, Inc. addressed the Board. She stated, each year Green Lamp applies for Community Service Block Grant Funds. We are required to submit our work plan to the Board of Commissioners, as well as hold a public hearing. We submitted the application to the Board at the December 1, 2014 meeting. As part of being a community action agency, we have individuals that are publicly elected, private business representation, as well as low income people. We desire to have people from all walks of life to share their opinions and provide feedback. The plan this year includes the common causes of poverty. In Lenoir and Greene Counties, the causes are lack of employment, education, skills training, affordable transportation, affordable daycare, and affordable health care. Basically those are the key responsibilities Green Lamp has been charged with as a community action agency. These are the areas we will target when low income families come to the agency. We strive to help them overcome the barriers to achieve self sufficiency or move themselves above the poverty level. This year's application differs from the previous year's application, because we are receiving about \$67,000 less funding, which is no fault of the agency. The Department of Health and Human Services has chosen a new way to measure poverty, which is using the Small Area Income and Poverty Estimate method (SAIPE). It incorporates age data as well as median income, so if you have areas where there is a higher median income and a higher poverty level, you will receive more funding. They feel it will take those folks in poverty longer to reach that poverty level. Last year Greene Lamp was able to spend \$152,000 in Lenoir County and this year we will only be able to spend \$117,000, serving seven fewer families. Other than the financial change, we will continue to do intensive case management, resourcing referrals to more than 100 community partners such as Lenoir Community College, DSS, churches and others, to help the families move forward above the poverty level. Do you have any questions or comments regarding the 2015-2016 Community Services Block Grant Self Sufficiency Application?

There were no questions.

Upon a motion by Ms. Brown and a second by Ms. Sutton, the Resolution Authorizing Submittal of the FY15-16 Community Services Block Grant (CSBG) Application by Green Lamp in the amount of \$164,089 was unanimously approved.

CONSENT AGENDA:

1. Approval of Minutes: Regular Board Meeting: December 01, 2014.
2. Budget Ordinance Amendment: General Fund: DSS: \$946.00. Increase.
3. Budget Ordinance Amendment: State Controlled Substance: Sheriff-State Controlled Substance: \$2,210.00. Increase.
4. Resolution Approving the Releases and Refunds to the Individuals Listed Herein.

Upon a motion by Ms. Brown and a second by Mr. Best, the consent agenda was unanimously approved.

A motion was made by Ms. Brown and a second by Mr. Davis to move into a Public Hearing regarding a program amendment for the 2011 North Carolina Community Development Block Grant Program (CDBG).

David Harris of RSM Harris Associates, Inc. stated, the Public Hearing is to present a proposed program amendment in the 2011 CDBG Catalyst Project. The County has received \$500,000 in CDBG funds to make housing, water, and drainage improvements in the Spring Drive area, which is adjacent to the town of LaGrange. We received the clearance back in December of 2014. As proposed, the total cost of the improvements will exceed the budget; therefore, we are asking for an amendment that would delete the lower priority items in order to accomplish the higher priority items. On the State scheme of things, housing, water and sewer always take precedence over street paving and drainage. This program amendment would delete the street paving and drainage and we would be able to accomplish the housing and water and sewer agreement as proposed. The septic system is already there. We would tap into the Town of LaGrange sewer line to serve those families, add a 6 inch water line and put them on public sewer. This process will allow us to accomplish at least the high priority objectives that relate to each individual house as opposed to the neighborhood objectives.

Mr. Hill asked if there was anyone from the public that would like to speak on this matter or make any comments? There were none.

A motion was made by Ms. Brown and a second by Mr. Daughety to move out of the Public Hearing regarding the program amendment for the 2011 North Carolina Community Development Block Grant Program (CDBG).

BUDGET ORDINANCE AMENDMENTS/RESOLUTIONS:

Item No. 5 was a Public Hearing regarding a program amendment for the 2011 North Carolina Community Development Block Grant Program. (CDBG). Upon a motion made by Ms. Sutton and a second by Ms. Brown, Item No. 5 was unanimously approved.

Item No. 6 was a Resolution to approve a mileage reimbursement rate change for County Employees who are required to use their personal vehicles in the delivery of County Government services, from \$.56 to \$.575 per mile, per IRS guidelines. Martha Martin, Finance Director, stated, I realize that gas prices have gone down, but the IRS made this decision during the early part of the year. There have been years where they have changed their recommendation, so it's likely they will come back and change again during the year. Upon a motion made by Ms. Sutton and a second by Ms. Brown, Item No. 6 was unanimously approved.

Item No. 7 was a Resolution to approve the repair of the roof at the Hannibal Building on King Street by Curtis Construction Company. Mike Wiggins, Maintenance Director, stated, Curtis Construction Company proposes to remove old pourable sealer from 17 penetration pockets. This was not done when the roof was replaced prior to the County purchasing the building from the City of Kinston. Upon a motion made by Mr. Davis and a second by Mr. Sutton, Item No. 7 was unanimously approved.

Item No. 8 was a Resolution to approve a purchase order to Arrow International, Inc in the amount of \$5,000.00. Roger Dail, EMS Director, stated, this Resolution is requesting a name change only. At the June 16, 2014 meeting, Resolution #27 was approved for Vidacare Corporation. Vidacare has been purchased by Arrow International, Inc. and this Resolution will correct the payee information. Upon a motion made by Mr. Daughety and a second by Ms. Sutton, Item No. 8 was unanimously approved.

Item No. 9 was a Resolution to amend/authorize the Sheriff's Office to access State SBI/DCI Criminal Information. Sheriff Ronnie Ingram, stated, this Resolution authorizes the Lenoir County Sheriff's Office to seek access to State SBI/DCI Criminal History Record Information. It also authorizes the Lenoir County Sheriff, or his designee, as the official designated to make recommendations to the State ABC Commission concerning the suitability of a person or of a location for an ABC permit on behalf of the governing body. Upon a motion made by Mr. Daughety and a second by Mr. Brown, Item No. 9 was unanimously approved.

Item No 10 was a Resolution to approve the renewal of a yearly contract for the CodeRed System Emergency Communications Network, LLC in the amount of \$10,000.00. Sheriff Ronnie Ingram, stated, the Lenoir County Sheriff's Office commissioned the CodeRed system to have the ability to notify Lenoir County citizens in the event of an emergency, natural disaster or other situations that would require the mass communication of an emergency message. Upon a motion made by Mr. Davis and a second by Ms. Brown, Item No. 10 was unanimously approved.

Item No. 11 was a Budget Ordinance Amendment: General Fund: Non-Departmental: \$11,251.00. Increase. Martha Martin, Finance Director, stated, this Budget Amendment is to appropriate additional property tax revenue received by the County as a result of a business personal property tax audit being conducted by County Tax Services, Inc. This is for the business audit, and should be the last one done prior to the State changing the way we do it. This is increasing the tax revenue we have received and to pay them for their services. Upon a motion made by Ms. Sutton and a second by Ms. Brown, Item No. 11 was unanimously approved.

Item No. 12 was a Budget Ordinance Amendment: General Fund: Health: Adult Health – TB/CDC: \$815.00. Decrease. Mr. Jarman, County Manager, apologized to Mr. Huff and the Board, because Item No. 12 should have been placed under the consent agenda since it is below the dollar threshold. This was an oversight; however, the Board needs to take action on this item. Joey Huff, Health Director, stated, this amendment reflects funding reduced by the State. The CDC's Tuberculosis Elimination grant was reduced for the budget period which begins January 1, 2015. Upon a motion made by Mr. Rouse and a second by Ms. Sutton, Item No. 12 was unanimously approved.

Item No. 13 was a Resolution to approve Kennel repairs at the Lenoir County/SPCA Animal Shelter by Waters Industries Services, Inc. in the amount of \$13,071.17. Joey Huff, Health Director, stated, this is to repair the dog runs at the SPCA Animal Shelter. It is an old building that is full to capacity, inside and out, on a daily basis. He thanked Mike Wiggins and his staff for their frequent visits, repairs and maintenance upkeep on the building. The shelter is subject to inspection by the Division of Animal Welfare and there is a frequent violation which they cite at the shelter. The violation falls under Rule 0204 regarding the conditions of the runs, pins, and kennels in the building. The cinderblock construction back in the day was adequate, but is no longer adequate considering the rules we must comply with in 2015. Because of the wear and tear and use of the kennels, along with the moisture content and the frequent disinfection, the paint does not adhere to the concrete walls. Waters Industrial Services, Inc. has agreed to custom fit stainless steel panels on the walls in the kennels for the price of \$13,071.17. Upon a motion made by Ms. Sutton and a second by Mr. Rouse, Item No. 13 was unanimously approved.

Item No. 14 was a Resolution to approve a new contract to operate the Evidence Based Youth Prevention Program with Eastpointe Human Services in the amount of \$42,997.05. Tammy Kelly, Cooperative Extension Director, stated, for several years Cooperative Extension has had an East Pointe grant. We operate the 4H Prevention/All Stars Program. For several years the amount has been \$48,119, and this year they chose to cut the funding in the middle of the year by \$5,121.95. They issued a new contract in the amount of \$42,997.05. In order for us to continue the program, we must resign the new contract. Upon a motion made by Mr. Daughety and a second by Mr. Best, Item No. 14 was unanimously approved.

Item No. 15 was a Resolution declaring property as surplus and authorizing the sale of surplus property by auction. Chris Harper, Transit Director, stated, the Transit Department has five vehicles which have outlived their useful life. I would like to place the vehicles on GovDeal.com to be auctioned with the revenue going to Transit. The Transit Department just received five 20 foot replacement vehicles. Upon a motion made by Mr. Daughety and a second by Ms. Sutton, Item No. 15 was unanimously approved.

Ms. Brown asked if the fence was working well? Mr. Harper stated yes, and the drivers feel more secure when they are checking their vehicles on weekends or early in the mornings.

Item No. 16 was a Resolution to approve a reduction in the NCDOT Project 15-CT-034 in the amount of \$18,760 and the purchase of an ADA Compliant Minivan in the amount of \$43,500. Chris Harper, Transit Director, stated, the Resolution was for the CTP Capital grant for FY15. We completed the application which was approved by the Board. We had put in for a 22 foot light transit vehicle, and the reason we did that was because there was not a state contract for minivans. We determined a minivan would better suit our needs than a 22 foot vehicle. It would help us serve individual riders and outlying road locations rather than sending one our bigger vehicles. Also, with our two trips to Greenville each day, there are times when there might only be one or two passengers on board. DSS is one of our Greenville customers and we don't need to drive our regular high top vans or the 20 or 22 footer when we only have two passengers. This will help us to be more efficient and I'm hoping to get some advertising, because one of the things we have struggled with in the transit world is trying not to make our vehicles look governmental. We would prefer our vans to look more appealing to the general public and we are hoping to get creative with the minivan to help change our image to get more private riders. Upon a motion made by Mr. Daughety and a second by Mr. Best, Item No. 16 was unanimously approved.

Item No. 17 was a Budget Ordinance Amendment: General Fund: DSS: \$36,971.00. Increase. Susan Moore, DSS Director, stated, the amendment reflects an increase in the LIEAP allocation received for FY14-15 and the funds are 100% State. These funds will assist low income families with utilities bills, and the funds will go directly to the vendors as payment. DSS will be accepting applications from Friday through the month of March or until the funds are depleted. Upon a motion made by Ms. Sutton and a second by Ms. Brown, Item No. 17 was unanimously approved.

Item No. 18 was a Budget Ordinance Amendment: General Fund: DSS: \$398,962.00. Decrease. Susan Moore, DSS Director, stated, the Day Care Program has taken on many changes. Effective January 1, 2015, non parents taking care of children are now responsible for parent fees to Day Care providers. All parent fees are now set at 10% of the gross income of the household and we are serving working families, so 10% of that working family gross income has to be spent for day care. If there is any day care cost afterwards, DSS will pick up the difference, only for eligible families.

Grandparents and other people caring for children, when parents are not in the home, have to start paying the fees this month. The only grandparents that are exempt from having to pay the parent fees are the ones DSS has placed. The State estimates we are going to need slightly less than \$400,000 of what they have given us so they have adjusted the allocation. Upon a motion made by Mr. Daughety and a second by Ms. Brown, Item No. 18 was unanimously approved.

Item No. 19 was a Resolution to approve the 2015 Calendar of Board Meeting Dates and Times. Mr. Jarman, County Manager, stated, each year at the first meeting, we approve the date and time of all of the meetings for the year. I am asking the Board to approve it unless you see the need to change any of the dates. Upon a motion made by Mr. Daughety and a second by Mr. Best, Item No. 19 was unanimously approved.

Item No. 20 was a Resolution to approve the 2015 County Holidays, Mr. Jarman, County Manager, mentioned the County policy would have us out for Christmas this year on Thursday, Friday, and Monday; however, we changed it to Wednesday, Thursday, and Friday to match the State Holiday schedule. We changed to match the State because if we are on a different schedule from the State, it causes some complications with the Court House building and staffing. So it works out better for us if we go with their schedule. We did deviate from County policy on that one holiday. Upon a motion made by Mr. Davis and a second by Mr. Best, Item No. 20 was unanimously approved.

Item No. 21 was a Resolution approving appointments of citizens to boards, commissions, etc. Chairman Hill said this is the first appearance for applicants, so no action is taken at this time.

CURRENT VACANCIES: Lenoir County Health Board – (1) Optometrist, (1) member, (3) Economic Development.

Item No. 22 was items from the County Manager. Mike Jarman, County Manager, stated, basically we don't have a lot other than the regular Financial Performance Summary and the Planning & Inspections report. At the first meeting in February, as we have historically done, we will meet here for our regular scheduled meeting and then we will recess and go over to the Tax Building Conference Room to have our first budget work session. Keep in mind we don't have a lot of information that we will present as far as revenues or anything like that. We will go over budget philosophy and get some of your thoughts and ideas, so we will have some information to assist us. If we know up front what your wishes are, we can try to incorporate them. The other item that is not attached is the schedule for commissioners to appear on the TACC 9 program. I will email it to the Board this week.

Mr. Jarman stated it is not necessary to attend the Essentials Training at the upcoming NCACC Conference if you only need the Ethics Training, because the County can purchase a webinar for \$125.00 rather than spending \$900.00 for multiple people to attend the conference. So if you are just going for the Ethics Training, we can get that at a lower price and do an in-house webinar and you not have to travel.

Mr. Hill stated he felt like most of the Board have already attended the Essentials.

Mr. Jarman stated if you are going for educational purposes, refresher courses, to hear about your role and what you should do and as a Commissioner, I would suggest you go, but it's not necessary to go only for the Ethics Training class.

Mr. Rouse and Mr. Daughety stated they would prefer to do the in-house webinar, and Mr. Best and Ms. Brown stated they would like to go to the conference.

Mr. Hill mentioned the next Commissioners meeting will be on a Tuesday at 5:00 p.m.

Mr. Hill stated, he received a letter from the Kinston Lenoir County Branch of the NAACP regarding police and race relations. I asked that the County Manager and Sheriff Ingram to sit down and review the letter and look at the areas of concern.

Mr. Hill stated the month of January gave the members the opportunity to reorganize some boards. Since I have picked up the representation of the Chamber of Commerce, I would like to recommend Mac Daughety to replace me as the liaison for the volunteer fire departments if the rest of the Board approves. There was no objection.

Mr. Hill stated, while working with our budget and moving forward, I would like to schedule a meeting with the LCPS Board to attend one of our budget work sessions to discuss their needs. We also need to discuss capital items that will have a long term affect on our budget. This would give us the opportunity to open up some general dialog, so we can know how we should plan our budget. Let's have them come to us this time.

Ms. Brown stated back some time ago the Commissioners took a tour of each school in Lenoir County to see some of the things that were going on with the buildings. I feel we are long overdue for this tour.

Mr. Hill said he would love to make that happen.

Ms. Brown stated the N C Steering Committee meeting will take place next month, and if anyone has any suggestions or information, give it to me prior to the meeting.

Mr. Jarman stated the last time he met with Brent Williams, they had a lot of capital needs like the boilers, air conditioners, and other things going on so we did not have time to tour the facilities. We can remind him of that conversation, so he can set up the tour.

Mr. Best asked if there had been any more talk regarding the sale of Lenoir Memorial Hospital.

Mr. Hill stated it was still in negotiations between two groups. One being Noviac which would act in a management role, and Duke being an 80/20 purchase/lease agreement.

Mr. Davis stated he would like to recognize Mrs. Johnnie Lyles, since everyone who comes to their meeting is special, and it was a pleasure seeing her in the audience.

PUBLIC COMMENTS

Mr. Hill asked if anyone from the public wished to address the Board?
There were none.

Upon a motion by Ms. Brown and a second by Ms. Sutton a closed session was entered into at approximately 9:55 a.m. with the following cited: Number Five (5) & Number Six (6):

(5) To establish or instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price or other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance, by or against an individual public officer or employee. The Closed Session will not include discussion of the appointment of a member of the public body, or a vacancy on the public body, and any final action on appointment, discharge or removal by the public body will be made in open session.

Upon a motion by Ms. Brown, a second by Ms. Sutton and unanimous approval, the Board moved out of closed session at approximately 11:10 a.m. The meeting re-convened in open session at approximately 11:13 a.m.

Mr. Hill stated, we are back in open session. The Board went into closed session to discuss personnel matters. The matters were tabled until further investigation.

Mr. Hill asked if there were any additional comments? There were none.

Upon a motion by Mr. Daughety the meeting was adjourned.

Meeting Adjourned at 11:15 a.m.

Respectfully submitted,

Reviewed By

Vickie F. King
Clerk to the Board

Michael W. Jarman
County Manager

MINUTES – CLOSED SESSION

LENOIR COUNTY BOARD OF COMMISSIONERS

JANUARY 5, 2015

Upon a motion by Ms. Brown and a second by Ms. Sutton a closed session was entered into at approximately 9:55 a.m. with the following cited: Number Five (5) & Number Six (6):

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(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance, by or against an individual public officer or employee. The Closed Session will not include discussion of the appointment of a member of the public body, or a vacancy on the public body, and any final action on appointment, discharge or removal by the public body will be made in open session.

Members present: Chairman Craig Hill, Vice-Chairman Jackie Brown and Commissioners, Roland Best, Mac Daughety, Reuben Davis, Eric Rouse, and Linda Sutton.

Members Absent: None

Also present were: Michael W. Jarman, County Manager, Tommy Hollowell, Assistant County Manager, Martha Martin, Finance Officer, Vickie F. King, Clerk to the Board, Robert W. Griffin, County Attorney, Lashanda Hall, Personnel Technician, April Martin, Personnel Technician, and Sheriff Ronnie Ingram.

Chairman Hill asked Sheriff Ingram if he would like to present to the Board first or if he wanted Mr. Jarman to go first. Sheriff Ingram stated Mr. Jarman can go first.

Mike Jarman, County Manager, stated the Human Resources Department and the County Manager's Office researched and assigned a salary for the position of Sheriff. Sheriff Ingram and I met to discuss the salary and he wanted to address the Board because he felt the salary figure should be different. The salary HR and I agreed upon was \$82,500.00. I have included in the hand outs you have been given how we came up with that figure. Mr. Jarman said the hand outs will show the rationale used in determining the salary. I asked April Martin and Lashanda Hall from HR to be here to assist me if needed. We went through the process and treated it exactly like we've done other positions.

The first handout I would like to discuss is the article from the News and Observer that Mr. Daughety forwarded to us regarding additional information concerning compensation for the person elected to the Office of Sheriff. In response to the memo, it is the responsibility of the Board of Commissioners to approve the schedule of pay for all County employees. I did mention General Statute 153A-92, which states during the year of a general election, the Board of Commissioners may reduce the salary, allowances, or other compensation of an officer to be elected at the general election only in accordance with this subdivision. The Board of Commissioners shall by Resolution give notice of intention to make the reduction no later than 14 days before the last day for filing notice of candidacy for the office. The Resolution shall set forth the reduced salary, allowances, and other compensations and shall provide that the reduction is to take effect at the time the person elected to office in the general election takes office. Once adopted, the Resolution may not be altered until the person elected to the office in the general election has taken office. The filing fee for the office shall be determined by reference to the reduced salary. With that being said, it is the opinion of Lenoir County Administration and Human Resources, that the approved range is appropriate based on both the candidates qualifications, and statutory compliance and treating all employees in a fair and consistent manner. When considering the salary for the position we based it on experience, education, as well as other comparable salaries in other counties. We have not had the opportunity to deal with the issue of a newly elected Sheriff in quite some time, since both Sheriff Billy Smith and Sheriff Chris Hill were appointed to the position. Pertaining to elections and election laws, it states the salary of any office that is the basis for calculating the filing fee is the starting salary for the office, rather than the salary received by the incumbent, if different. If no starting salary can be determined for the office, then the salary used for calculation is the salary of the incumbent, as of January 1 of the election year. The current compensation plan approved by the Lenoir County Board of Commissioners sets the salary range for the position of Sheriff at \$59,477 - \$104,954, and the current candidates filing fees were based on the entry level salary of the pay grade. On the next page is a copy of the receipt for Ronnie Ingram's filing fee for Sheriff: \$583.00. At the time Sheriff Ingram filed, the 2013-2014 pay schedule range was \$58,300-\$102,896. The next sheet shows the 2014-2015 grade/step table and salary scale and this is the rationale of how we came up with the suggested salary. Mr. Jarman compared grade/step/salary/justification for Sheriff Billy Smith, Sheriff Chris Hill, and Sheriff Ronnie Ingram. I did share with Sheriff Ingram that in July the Board might do something for the employees, and at that time I would put him at the next grade/step which would put his salary back on step. This is how we came up with the numbers for his salary, and notice that we do have a process and we did follow the process. We thought the process was fair and we treated Sheriff Ingram just like we would have treated any other county employee. If we did not have a process then our interpretation of the general statute would be to go with the salary of the incumbent as of 2014, which is only \$177.00 a year different. The last sheet I will talk about shows the different Sheriff's salaries in comparable and contiguous counties.

HR helped me put this together and some of this information came from the UNC School of Government studies. This is the history on Sheriff's salaries and how and why we got to the \$82,500.

Ms. Brown asked with the comparable and the contiguous salaries why some of the pay grades are N/A?

Mr. Jarman stated if we called someone and it was not listed with the SOG and they did not turn it in, we could not get it. We were at the mercy of others when asking for this information.

Sheriff Ingram shared some hand outs with the Board and Mr. Jarman. Sheriff Ingram stated according to GS 153-A-92, the salary of the new elected Sheriff should be no less than that of the departing Sheriff, unless the Board of the County Commissioners adopted a resolution reducing the new Sheriff's pay, and in order to be binding, the Resolution must have been adopted prior to 14 days of the last filing notice of the candidacy of Sheriff. If no such resolution is done then the salary of the new Sheriff will be no less of that which was provided to the out-going Sheriff. I feel like the statute is quite clear. Everything Mr. Jarman stated was clear up to the salary point, because Chris's salary was at \$89,000 and the County wants to start me off with what you started Chris off in 1982. That is a reduction if the person is not getting the same pay. The general statute states salary, allowance, and compensation, it doesn't say if Ingram worked with the City and Chris worked with the County; therefore, we will pay Chris more because he worked for the County. There were some conversations going back and forth during the summer on social media with the commissioners stating I should not make the same as Pearson or the outgoing Sheriff.

Mr. Hill asked Sheriff Ingram to please clarify what he just said referencing the Commissioners on social media.

Sheriff Ingram stated Commissioner Mac Daughety had posted several comments regarding the salary of the newly elected Sheriff on FaceBook.

Mr. Daughety stated what he said on FaceBook was the same thing he said to the County Manager "regardless of who won Ingram or Pearson, that person should not be paid at a level that an experienced Sheriff was making".

Mr. Hill said it is important that the Board have accurate information when making a decision and it is important that the Board know the specifics of what was said and who has said it so we are not dealing with hearsay. It's based on actual facts.

Ms. Brown asked is there a certain criteria to become a Sheriff?

Mr. Jarman stated being elected by the people.

Sheriff Ingram said this is the way he sees it. You have two young men with the same amount of years of experience, one was elected and one was appointed. According to the general statute it specifically states that the Commissioners can raise the salary, but anytime you lower it, a Resolution must be made, and this is where Mr. Jarman and I disagree. With Chris making \$89,000 and offering me \$82,500 is clearly a reduction, because we don't have the same pay. We talked about experience and I feel we are equal on experience. If I was appointed then I have the option of accepting the salary or not, but this is not the case.

Mr. Jarman stated the adjustment was made for education because Chris had a 6 year Master's Degree.

Mr. Hill asked Sheriff Ingram what was the exact salary he was expecting?

Sheriff Ingram said according to the statute I should get the exact same thing Chris was getting \$89,576.31.

Mr. Jarman stated the difference that he is seeing is in the interpretation of two opinions. He is looking at what Chris' final compensation was. When Administration viewed the salary, we are looking at a grade 81 and we didn't do a Resolution because we did not lower the grade. I think it is very up front, when you look at the filing fee being based on 1% of the beginning salary of \$58,000, so it's based on how you choose to interpret it.

Mr. Davis said we can't use Wilson County as an example, but it was his thought that when Calvin Woodard was elected as Sheriff it was a very similar situation. The unusual thing was he got whatever he wanted from the County Commissioners. His salary was about \$155,000. It is to my knowledge the new Sheriff got the same salary.

Sheriff Ingram stated the General Statute is quite clear, and while Mr. Jarman keeps saying education is what gave him the increase. The title of the position is Sheriff and the job is Law Enforcement, not education or Masters Degree.

Mr. Jarman stated there was no variation in the salary due to experience level, none what so ever. I agree you are correct, when you have two guys with experience in law enforcement; however, Chris's time may have been a little longer, but they both had 30 years experience. There is no difference and we did not make any adjustments for length of service, only for education.

Sheriff Ingram stated Chris did not start out as a sworn officer from 1983-1985. His time was as a dispatcher or jailer.

Mr. Jarman stated the jail is part of the Sheriff's office, so that time is relevant.

Mr. Daughety asked was there any difference in what we started Chris off with as a Sheriff than what we are starting Sheriff Ingram with?

Mr. Jarman stated we viewed it as the grade and step, so we could treat them the same, but what Sheriff Ingram is looking at is the last pay check of Chris Hill. Sheet number 5 will show the grade and salary step I am referencing.

Mr. Hill stated, Mr. Ingram's issue is his starting salary and Chris ending salary. Is everyone clear with that? So with that being said, the question before the Board is what is the legal requirement and what is the responsibility of the Board at this time. Should the Board take any action or not take any action, should it be further investigated and let the County Attorney research, because there are legal issues on both sides of this issue.

Mr. Jarman stated, it probably could be debated for ever. I did not have Attorney Griffin research it and, I didn't see any where that it defined salary as a range or as the last paycheck. It's not defined.

Attorney Griffin stated, to clarify, looking again at the very first page that Mr. Jarman handed out, the statute referring to compensation, and then drop down to the section that Sheriff Ingram handed out, it spells out that you must pass a Resolution within 14 days. One is looking at salary and one is looking at range.

Mr. Jarman stated what Sheriff Ingram is saying is, if you don't do a Resolution, you must pay what the last one received, and what I am saying is we treat them all the same, because if you have one in office for 20 plus years like Billy Smith you just can't pay the new person what he was making. What Sheriff Ingram is saying is if you don't you must pass a Resolution stating the exact number, and Administration and HR are saying we are treating them all the same based on the salary range.

Ms. Sutton stated it seems like what this all boils down to is Mr. Jarman's interpretation of salary versus Sheriff Ingram's interpretation of salary, so we need clarity.

Mr. Hill asked Mr. Jarman if he was hiring another department head, would he look at the scale the same way and make the same decision?

Mr. Jarman stated we do the same thing, but if we do it based on the way Sheriff Ingram is saying, then we would have paid Sheriff Hill \$96,000.00. So if this Board looks at the statute and says we view salary differently then we should change it, I will not argue with the Board, but I will fight to make changes to all the department heads.

Mr. Hill stated that would not apply to Sheriff Hill, because he was appointed and Sheriff Ingram was elected.

Attorney Griffin stated the way he interpreted this is say for instance if Sheriff Smith would have filed for reelection in 2014 and did not win, unless the Board passed a Resolution, that person ends up getting that same salary. That is my interpretation. If you want the new man to receive a different salary, you have to do the Resolution just like in Wilson County.

Ms. Brown said she has been hearing filing fee what does the filing fee have to do with the salary?

Mr. Jarman stated it's based on 1% of the starting salary for the grade.

Attorney Griffin stated which is not a phrase used in the other statute.

Mr. Daughety stated we should table the issue and let Attorney Griffin investigate.

Ms. Sutton stated she would like to see what the School of Government has to say about the issue.

Mr. Hill stated that is what he alluded to earlier, because we want the person to be compensated correctly and properly, and we want to make sure we are treating all employees correctly as well as we move forward. This is not about City or County or appointed or elected, it has to do with legal obligation and based on the law it's the Board's responsibility. Also, to do what is appropriate, and personally I would not do the Sheriff's job for any \$80,000 amount.

Sheriff Ingram stated he would just like to know the decision of the Board so he knows how to move forward with an appeal to the Superior Court Judge.

Mr. Davis stated sometimes it's not always what's right that's appropriate. It is my perception that the average person in this County is going to think that the County Commissioners did not treat Mr. Ingram fairly if we do not pay him the salary that Chris Hill received. If we can do this without upsetting department heads this is what I would like to see happen, because this is the bottom line, I think a lot of people will say this is what Sheriff Hill got and this is what Sheriff Ingram should be getting.

Attorney Griffin stated I do not mind looking into this further, but in my opinion, just looking at this initially, salary means what Chris Hill was getting.

Ms. Sutton and Mr. Daughety stated they would like some clarity on this.

Mr. Davis stated the county should pay Mr. Ingram the same thing Sheriff Hill was making.

Mr. Rouse made a motion to allow Attorney Griffin time to research and find answers and Administration investigation it further. Mr. Daughety seconded the motion.

Mr. Rouse stated Sheriff Ingram's money will be retroactive if the decision is made in that favor.

Motion to table was unanimously approved.

Mr. Hill stated at the next meeting a decision will be made regarding the salary of the new Sheriff.

Next Item in closed session is the Chris Hill/Bailey Vested Issue.

Mr. Jarman stated he received an email from Chris Hill wanting to know the Board's decision regarding his retirement.

A motion was made by Mr. Daughety to table the issue. Ms. Brown seconded the motion. The motion to table the issue was unanimously approved.

Upon a motion by Ms. Brown and a second by Ms. Sutton and unanimous approval, the Board moved out of closed session at approximately 11:10 a.m. The meeting re-convened in open session at approximately 11:13 a.m.