

## **MINUTES**

### **LENOIR COUNTY BOARD OF COMMISSIONERS**

**January 22, 2013**

The Lenoir County Board of Commissioners met in open session at 4:00 p.m. on Tuesday, January 22, 2013 in the Board of Commissioners Main Meeting Room in the Lenoir County Courthouse at 130 S. Queen St., Kinston, NC.

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

Members Absent: None

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

Chairman Davis called the meeting to order at approximately 4:07 p.m. Jackie Brown offered the invocation and Mr. Davis led the audience in the pledge of allegiance.

#### **PUBLIC INFORMATION**

None

#### **ITEMS FROM THE CHAIRMAN/COMMISSIONERS**

Mr. Davis expressed his condolences to Commissioner Mac Daughety regarding the passing of his mother.

Mr. Davis expressed his condolences regarding the passing of former Commissioner Marguerite Whitfield. Mr. Davis stated the Board would like to prepare a resolution in honor of former Commissioner Marguerite Whitfield.

Mr. Rouse discussed Gun Control regarding hunters and citizens with the Board. Mr. Rouse read the F.B.I. statistics regarding violent crime rates to the Board. Mr. Rouse stated it has been stated that the government has discussed disarming citizens with guns. Mr. Rouse recommended that the Board create a resolution not to disarm the citizens. Mr. Hill stated the resolution should be tabled until a later date. Ms. Brown stated she is not fond of guns and does not believe in guns. Ms. Sutton stated when it becomes a national issue the Board cannot do anything about it. Ms. Sutton stated the hunters are currently working with the legislature about this issue.

## **ITEMS FROM THE COUNTY MANAGER**

Mr. Jarman reminded the Board about the Legislative Agenda Dinner on Thursday, February 7, 2013, that will be held at the Woodmen of the World Community Center at 7:00 p.m.

Mr. Jarman discussed the Sampson School Closing with the Board. Mr. Jarman stated on November 19, 2012, at the Board of Commissioners Meeting, the Board motioned to table the discussion about Sampson School until after the first Board of Commissioners Meeting in January. Mr. Jarman stated Ms. Brown brought information to his office from the Church of Faith Worship Center which stated they would like to utilize Sampson School. Mr. Jarman stated there are several entities that would like to utilize Sampson School for different reasons. Lin Dawson sent a proposal to some board members. Mr. Daughety stated the group looking into a refinery no longer has a need to utilize the school. Upon a motion by Ms. Sutton and a second by Mr. Daughety, with unanimous approval the Board voted not to acquire the Sampson School property.

Mr. Jarman discussed a letter the Tax Department received from Mr. Wiley Jones concerning a tax payment. Mr. Darrell Parrish, Tax Administrator, stated he spoke with Mr. Wiley Jones about the tax payments that were mailed. Mr. Parrish stated North Carolina General Statute 105-360d states; tax payments submitted by mail should be deemed to be received as of the postmark affixed by the United States Postal Service. If no date is shown on the postmark or the postmark is not affixed by the postal service, the tax payment shall be deemed to be received when the payment is received in the office of the tax collector. Mr. Parrish stated he does not doubt Mr. Wiley Jones' complaint about the postal service and when his tax payment was mailed. Mr. Parrish stated the law does not allow the tax collector to waive the interest. Mr. Parrish stated the law does allow the County Commissioners to waive the interest, however, it is not legal to waive. If the County Commissioners decide to waive the interest, they may be sued for doing so. Mr. Davis said he spoke with Mr. Jones and stated Mr. Jones was very complimentary of Mr. Darrell Parrish, and he realized the decision could not be made by the tax department. Mr. Davis suggested the interest should be waived for Mr. Jones. Mr. Rouse stated he is unsure of waiving the interest for Mr. Jones, because it may open up other legal actions regarding tax payments and interest. Mr. Parrish recommended to the Board that the interest should not be waived, because it may open up other legal actions regarding tax payments and interest. Mr. Parrish stated whether or not the right amount of postage is placed on the postmark intentionally or unintentionally, it is the tax payer's responsibility to make sure the tax payment is received by the tax collector. Ms. Brown stated the recourse should be with the postal service not the tax department. Mr. Parrish stated the Post Master admitted that it was there fault, however, they have no recourse to recover any money for Mr. Jones. Mr. Davis stated he believes the interest should be waived because the document proved that he had good intentions regarding paying his taxes on time. Mr. Hill stated he believes the issue is with the postal service. Mr. Jarman stated he believes Mr. Jones statements are true and the issues are with the post office and not the tax department. Mr. Jarman stated the law is very clear about the tax payment and it must be postmarked by the United States Postal Service.

Mr. Jarman stated if the Board decides to waive the interest, it is possible a law suit will be filed against the commissioners for waiving the interest. After a motion by Mr. Daughety and a second by Mr. Hill, to leave the fee as is, the motion was unanimously approved.

Mr. Jarman stated after the Board conducts their regular business on February 4, 2013, the Board will recess, move to the County Administration Building and reconvene for a budget work session.

Mr. Jarman reminded the Board about the Essentials of County Government class. Mr. Jarman stated the Ethics Training is a requirement for all newly elected and re-elected officials.

**CONSENT AGENDA: 10Min.**

**ACTION**

3. Approval of Minutes: Regular Board Meeting: January 7, 2013  
Roberts/Jarman

4. Budget Ordinance Amendment: Transportation Fund: Operations: \$2,130: Increase

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

**BUDGET ORDINANCES/RESOLUTIONS**

Item No. 5 was a Resolution Approving Bond Order Authorizing the Issuance of General Obligation Refunding Bonds in the Maximum Amount of \$35,000,000. Mr. Tommy Hollowell, Assistant County Manager, stated Lenoir County has determined that refinancing a portion of the County's outstanding general obligation bonds could provide savings to the County. Mr. Hollowell stated the County has applied to the North Carolina Local Government Commission for its approval of the issuance of County bonds to carry out such a refinancing, and the LGC has accepted the County's application. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 5 was unanimously approved.

Item No. 6 was a Budget Ordinance Amendment: General Fund: Process Funds: \$6,493: Increase. Ms. Martha Martin, Finance Director, stated the budget amendment was to appropriate Senior's Health Insurance Information Program (S.H.I.I.P.) grant funds for FY 2012-2013. Ms. Martin stated this grant is administered by Cooperative Extension and is designed to assist senior citizens in obtaining insurance information. Ms. Martin stated a resolution was approved on September 4, 2012, Item No. 7, authorizing the Cooperative Extension Director to execute the contract and continue managing the grant. Upon a motion by Ms. Brown and a second by Mr. Daughety, Item No. 6 was unanimously approved.

Item No. 7 was a Budget Ordinance Amendment: General Fund: Sheriff Department: \$6,672: Increase. Ms. Martha Martin, Finance Director, stated the budget amendment was to appropriate additional funds received from the U.S. Department of Justice, Office of Justice Programs, for the State Criminal Alien Assistance Program (SCAAP).

Ms. Martin stated 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 felony or two misdemeanors and have been incarcerated during the reporting period of the award. Ms. Martin stated 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. 7 was unanimously approved.

Item No. 8 was a Budget Ordinance Amendment: Vehicle Replacement Fund: Vehicle Replacement: \$12,974: Increase. Ms. Martha Martin, Finance Director, stated the budget was to appropriate funds received from insurance payouts on two different occasions. On November 26, 2012, we received a check from G.M.A.C. Insurance in the amount of \$5,880.44 for a 2001 Chevrolet from the Health Department that was involved in a rear-end collision on November 8, 2012 and was totaled. On January 2, 2013, we received a check from Argonaut Insurance Company in the amount of \$7,093.50 for a 2010 Ford Crown Victoria from the Sheriff's Department that was involved in an accident on December 11, 2012 and was totaled. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 8 was unanimously approved.

Item No. 9 was a Budget Ordinance Amendment: General Fund: Non-Departmental: \$15,240: Increase. Mr. Darrell Parrish, Tax Administrator, stated the budget amendment was 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. The County contracted with County Tax Services, Inc. in May of 2010 to conduct the audit. County Tax Services, Inc. receives a 30% commission on all business personal property discoveries found as a result of the audit. The County pays the commission only after the taxpayer pays the discovery tax bill. The Board approved the contract with County Services, Inc. on May 17, 2012, Item No. 8. Upon a motion by Ms. Sutton and a second by Mr. Daughety, Item No. 9 was unanimously approved.

Item No. 10 was a Resolution Authorizing Lenoir County Health Department to Execute a Purchase Order Contract to Dell for the amount of \$9,051.25. Mr. Joey Huff, Health Department Director, the state funds have been approved to purchase 8 Dell computers for \$7,961.20 and one lap top for \$1090.05. Mr. Huff stated equipment purchased with WIC funds must be used for the WIC Program alone. Mr. Huff stated the WIC program is changing to an electronic program. Upon a motion by Mr. Hill and a second by Ms. Sutton, Item No. 10 was unanimously approved.

Item No. 11 was a Resolution Requesting the Establishment of a Public Health Physician Position. Mr. Huff stated the Health Department's only provider, Family Nurse Practitioner, is scheduled to be on extended leave. A replacement provider is needed for emergency appointments. The Health Department has only one FNP provider and our capacity to provide needed services is limited. Mr. Huff stated the agency is particularly handicapped when the FNP is absent which causes delays and patients to be rescheduled. The health department can respond more promptly and effectively to local events of communicable disease cases with an on-staff physician available.

Mr. Huff stated the physician can give the initial medical evaluations for family planning and maternity patients. The physician can serve as the Medical Director and sign standing orders for nurses. Mr. Huff stated the physician can provide medical direction in the event of a communicable disease outbreak investigation. Mr. Huff stated the Public Health Nurse III pay is at \$65,000 a year, however, with the potential revenues the physician can be funded with currently budgeted funds. The base salary will be between \$110,000-\$125,000 plus a fringe and benefit package. Mr. Daughety inquired how will the remaining amount of funding be paid to the Public Health Physician? Mr. Huff stated the funds will be allocated from the Medicaid Cost Settlement Funds that the Health Department receives every year. Mr. Daughety inquired if the cost would be made neutral to the County once a physician is hired? Mr. Huff stated with the Medicaid Cost Settlement Fund, additional revenue the physician can generate, and if the Health Department continues to receive their Aid to County Funds (Essential Service Funds), they may be able to keep the cost neutral to the County. Mr. Griffin inquired how are the services provided by Kinston Community Health Center different from the Health Department? Mr. Huff stated Kinston Community Health Center can accept insurance and the Health Department cannot. Mr. Huff stated the Kinston Community Health Center provides sick care and the Health Department does not. Mr. Hill inquired if the Public Health Nurse position has been vacant the entire year? Mr. Huff stated the position has been vacant since October 2012. Mr. Daughety inquired what will happen to the services provided if the Board does not approve of the Public Health Physician position. Mr. Huff stated the Health Department will not be able provide services to new maternity patients or existing patients. Mr. Rouse stated the Health Board postponed the decision to establish a Public Health Physician position, until Mr. Huff provided additional information to the Health Board. Upon a motion by Mr. Daughety and a second by Ms. Brown, Item No. 11 was approved with Mr. Rouse dissenting.

Item No. 12 was a Budget Ordinance Amendment: Capital Improvements Fund: Community Development: \$350,000: Increase. Mr. Bill Ellis, Recreation Department Director, stated the budget amendment was to budget funds in the amount of \$350,000 received from the Golden Leaf Foundation to assist with the demolition or construction of the Woodmen of the World Community Center. The acceptance of this grant was approved by the County Commissioners on September 20, 2012, Item No. 9. This money will have to be spent up front by the County and will be reimbursed within 30-60 days. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 12 was unanimously approved.

Mr. Ellis stated Pink Hill Gymnasium's boiler system is broken. Mr. Ellis stated they were quoted a price of \$4,551 to repair the boiler system. Mr. Ellis stated he does not have \$4,551 in his budget to repair the boiler system. Mr. Ellis stated at this time, all ball games and practices have been moved to Moss Hill's Gymnasium. Mr. Graham stated the weather is scheduled to be at 18 degrees. Mr. Ellis stated they will have electric heaters placed in the gym in order to get through the night, in hopes that the pipes don't freeze. Mr. Daughety inquired what will happen if the boiler system is not fixed. Mr. Ellis stated they will drain the water out of the pipes and close the Pink Hill Gymnasium. Mr. Ellis stated if the gymnasium is closed the Board may begin receiving phone calls because there will not be any basketball played in Pink Hill. Mr. Ellis stated anti-freeze can be placed in the pipes to ensure the pipes do not freeze due to the inclement weather.

Mr. Rouse made a motion to drain the pipes and place anti-freeze in them, the motion failed due to lack of a second. Mr. Rouse stated there are budget concerns that need to be addressed.

Mr. Daughety stated the County has a \$2 million shortfall and said he does think that \$4,000 will make or break the budget. Mr. Daughety stated the citizens of Pink Hill pay their taxes just like everyone else in this County. Mr. Daughety stated the citizens of Pink Hill live about 15 miles away from the closest gymnasium. Mr. Daughety suggested that the boiler system should be repaired and if there any budget concerns, it can be discussed during the budget retreat. Mr. Hill stated if the building is closed, it may cause more damage and become more costly. Upon a motion by Mr. Hill and second by Mr. Best, the Board voted to repair Pink Hill Gymnasium boiler's system at a cost of \$4,551 with Mr. Rouse dissenting.

### **APPOINTMENTS**

Item No. 14 was a Resolution Approving Citizens to Boards, Commissions, Etc. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 14 was unanimously approved.

<b><u>BOARD/COMMITTEE/COMMISSION</u></b>	<b><u>APPLICANT/CURRENT MEMBER</u></b>	<b><u>TERM EXPIRATION</u></b>
Lenoir County Juvenile Crime Prevention Council	Jennifer A. Short 2 <sup>nd</sup> Appearance	January 2014

### **CLOSED SESSION**

Upon a motion by Ms. Brown and a second by Mr. Daughety , and unanimous approval, closed session was entered at approximately 5:14 p.m. and the following cited: Number six (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 appointment of a member of the 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. Sutton and a second by Mr. Rouse; the Board moved out of closed session at approximately 5:50p.m.

### **OPEN SESSION**

Mr. Davis stated during closed session, there was discussion about personnel, however, no decision was made at this time.

Item No. 13 was a Resolution Authorizing an Increase to the Board of Elections Budget in the amount of \$20,847. Ms. Dana King, Board of Elections Director stated it was a very busy and unexpected turn out for the General Presidential Election in November.

With the Precinct Workers that were needed at the One Stop Voting sites to accommodate the long lines and the number of days they worked, we had two to three days that the workers did not close until after 6:00 pm. We worked every Precinct worker that signed up to work One Stop, to spread the time and hours around. This is the first time in sixteen years that I have ever gone over my budget. Ms. King stated she usually has close to \$50,000 to turn back over. Mr. Griffin suggested Mr. Jarman explain about the overtime. Upon a motion by Ms. Sutton and a second by Mr. Daughety, Item No. 13 was unanimously approved.

Mr. Davis adjourned the meeting at 6:09 p.m.

Respectfully submitted,

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Clevette F. Roberts  
Interim Clerk to the Board

Reviewed By

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Michael W. Jarman  
County Manager