

MINUTES

LENOIR COUNTY BOARD OF COMMISSIONERS

February 01, 2016

The Lenoir County Board of Commissioners met in open session at 9:00 a.m. on Monday, February 01, 2016, 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, Commissioners, Roland Best, Mac Daughety, Reuben Davis, Eric Rouse, and Linda Rouse Sutton.

Members Absent: None

Also present were: Michael W. Jarman, County Manager, Tracy Chestnutt, Finance Officer, Vickie F. King, Clerk to the Board, Joey Bryan, MIS Director, Robert 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:

None

PUBLIC COMMENTS:

Mr. Virgil Byrd, Jr., stated he is present today to represent and be a voice for the Sons of the Confederate Veterans and every soul that was lost in this state over one hundred fifty years (150) ago. Political correctness is destroying our country and the very fiber that once held this great country together. Without honor and respect our family units, neighborhoods, towns, and cities, fall apart. This observance is to commemorate the lost lives of confederate soldiers from the State of North Carolina. It is stated that North Carolina has lost more soldiers than any other state. By denying this observance you are denying our freedom of speech and our right to petition the government by only allowing us three (3) minutes to speak about our great history. Governor McCrory signed Senate Bill 22 which was passed this year that protects monuments, memorial events, and anything pertaining to North Carolina military issues. If we can educate the people and provide facts they would have a greater understanding of what the confederate flag represents. The Sons of Confederate Veterans have attorneys who are willing to donate their time to causes such as this, but we wanted the opportunity to speak with the Commissioners prior to moving forward with any information. Mr. Byrd stated if they are denied this observance something that he will not have any part of nor any control over but some of their people are going to the City of Kinston and get a petition to parade down Queen Street March 4th and we are hoping this does not happen. Although we have changed flags several times since its conception in 1861, we've kept the day of observance the same March 4th.

Citizens must learn to distinguish the good from the bad and remember how lives were lost in the battle and realize the Sons of the Confederate Veterans have the right to observe and fly the confederate flag on March 4th every year.

Mr. Michael H. Byrd stated he was in agreement with everything Virgil Byrd, Jr. stated.

Mr. Hill thanked both Virgil & Michael Byrd for their time.

Ms. Brown asked if any other counties were flying the confederate flag at their courthouse.

Mr. Jarman replied he was not sure, however, we can try and poll the Clerk's Listserve and report the findings to the Board, or Mr. Byrd may know if other counties are observing.

Mr. Byrd replied in the very beginning we wanted to contact all one hundred (100) counties but we did not have the personnel to reach each county. We tried targeting other areas like Fayetteville, Wilmington, New Bern, Kinston, Greensboro, High Point, and Raleigh. At some point, we think they did but currently we are not sure because we lost track. Mr. Byrd stated the group took into consideration with great thought which flags to use before deciding on the current flag. Last but not least as a suggestion to the Board, if the flag is flown again either fly it solely by itself, beside the stars and stripes or below, let's make sure it's done correctly because it should never be flown above the country flag.

Mr. Hill stated this issue regarding the confederate flag was brought to the attention of the Board six (6) or seven (7) months ago through an article by the Kinston Free Press. Never was it from any of the Commissioners. We had responses from the Sons of the Confederate Veterans and nationwide groups as well. As Commissioners, we listened very attentively because it was during a very emotional time (Charleston South Carolina shooting) and we did not want to make a quick decision. Mr. Hill mentioned he asked the questions "had anyone read the resolution" and "what did the resolution state" because there was so much discussion regarding what was going on. Mr. Hill stated he asked attorney Bob Griffin to research the issue. Upon further investigation, Mr. Griffin discovered the resolution was only for that specific year 1992, and it was not an ongoing resolution. This brings us to where we are today in reference to flying the confederate flag on March 4th. The question before the Board today is to clarify what the resolution is and determine if we will continue to support it or not support it. This will also give us ample time to investigate and reason through this process.

CONSENT AGENDA:

1. Approval of Minutes: Regular Board Meeting: January 19, 2016.

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

BUDGET ORDINANCE AMENDMENTS/RESOLUTIONS:

Item No. 2 was a Resolution Honoring DSS Employee Edna Futrell. Ms. Susan Moore, Social Services Director, stated Ms. Futrell has worked with DSS as the Child Support Program Manager for approximately eight (8) years.

Ms. Futrell has a long history working with the Child Support Program in North Carolina and has moved our program up to the top in the State of North Carolina. We are very proud of the services Ms. Futrell has provided Lenoir County. Ms. Moore read the resolution aloud for members of the Board and the viewing public. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 2 was unanimously approved.

Ms. Brown stated she really didn't want to see Ms. Futrell leave because DSS collections process has escalated since Ms. Futrell has been the program manager. Ms. Brown thanked Ms. Futrell for her efforts in serving the residents of Lenoir County. Ms. Futrell will be greatly missed.

Ms. Futrell stated it has been a wonderful experience and she appreciates the opportunity she had to work for Lenoir County.

Mr. Hill thanked Ms. Futrell for her services to Lenoir County.

Item No. 3 was a Resolution in Support of Reviewing Traffic Movement at the Intersection of Highway 258 South and Will Baker Road/Central Avenue to Determine if the Temporary Signal Should Become Permanent. Upon a motion by Mr. Rouse and a second by Mr. Davis, Item No. 3 was tabled until further notice.

Item No. 4 was a Resolution Approving Records Retention Rate and Disposition Schedule. Sheriff Ingram stated back in December the Sheriff's Department received information from the Government Records Section of the State Archive of North Carolina requesting approval of the Records Retention Rate and Disposition Schedule update. According to N.C.G.S. 121-5 and N.C.G.S. 132-3, agencies may only destroy public records with the consent of the N.C. Department of Natural and Cultural Resources. The records retention and disposition schedule are the primary way the DCR gives its consent. Without approving this schedule, agencies are obligated to obtain the Department's permission to destroy any record, no matter how insignificant. The Records Analysis unit undertook a project in 2015 to update nine standards. As they release new schedule updates they will be incorporated into the schedules. Upon a motion by Ms. Sutton and a second by Mr. Daughety, Item No 4 was unanimously approved.

Item No. 5 was a Resolution Approving a Purchase Order to East Coast Equipment for a John Deere Z930 Commercial Mower in the amount of \$8,784.12. Mr. Bill Ellis, Parks & Recreation Director, stated the county division mows approximately 177 acres of grass weekly including the county ball fields, nature center, campground and the dog park. The current mower is 11 years old and is has become a maintenance issue and is not worth repairing. Upon a motion by Mr. Daughety and a second by Mr. Best, Item No. 5 was unanimously approved.

Item No. 6 was a Resolution Approving a Purchase Order to Ernie Everett Site Prep for sidewalks throughout the Dog Park in the amount of \$11,250. Mr. Bill Ellis, Parks & Recreation Director, stated the dog park currently has dirt trails leading to each activity. In order for the dog park to be in compliance with the American Disability Act (ADA) guidelines, a hard surface is required to allow citizens in wheelchairs and on crutches safe access of all areas of the dog park. There are approximately 1,450 feet of sidewalks needed. The sidewalks will make the dog park more aesthetically pleasing and allow citizens access to the primary features of the dog park. Upon a motion by Ms. Sutton and a second by Mr. Daughety, Item No 6 was unanimously approved.

Item No. 7 was a Budget Ordinance Amendment: General Fund Recreation: \$15,434. Increase. Ms. Tracy Chestnutt, Finance Officer, stated this amendment was to appropriate county funds in the Parks and Recreation Department for the purchase of the Salt Wood Products property.

This was approved during the September 8, 2015, Commissioners meeting. Upon a motion by Mr. Davis and a second by Mr. Best, Item No 7 was unanimously approved.

Item No. 8 was a Resolution Approving the Financing by North Lenoir Fire Protection Association, Inc. of up to \$600,000 for the Financing of a Pierce Enforcer Heavy Duty Rescue Truck. Mr. Roger Dail, EMS Director, stated several months ago they brought a resolution to the Board for the purchase/finance of a fire truck. Recently the fire department was able to locate a lower rate and part of the requirement was to bring the resolution before the Board for approval of the new agreement. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 8 was unanimously approved.

Mr. Best stated he received a call from a neighbor in the Grifton area who mentioned how appreciative they were for the new fire station. They felt the station was a perfect fit for the area.

Item No. 9 was a Resolution Approving Citizens to Boards, Commissions, Etc. Upon a motion by Ms. Sutton and a second by Mr. Best, Item No. 8, was unanimously approved for Mr. Gary Alphin appointment to Lenoir County Planning & Inspection Board.

Item No. 10 was Items from the County Manager. Mr. Jarman stated the Lenoir County Transit monthly statistics for the month of December are included. The NC Association of County Commissioners has sent out registration information for the upcoming NCACC district meetings. The meeting will be April 20th in Duplin County at the Mad Boar from 5:30 p.m. – 8:00 p.m. Please notify Ms. King if you plan to attending.

Mr. Rouse asked if it was possible to get historical charts on inspections and the use of transit added to items from County Manager so he can see how they are trending each month. Mr. Jarman asked Mr. Rouse what type format he would like to see the information listed. Mr. Rouse replied twelve (12) months. Mr. Jarman stated at this time he would say yes, however, if he ran into issues he would let Mr. Rouse know. The reason being is our inspections software is as old as the others we are currently updating, so if it becomes a huge manual issue we will try to manipulate it to the best of our ability, or if it's just a computer report that's a simple process. Mr. Rouse stated the information can be an excel spreadsheet or something that would allow him to see the numbers from previous months. Mr. Jarman stated the inspections department report lists several different categories. Mr. Rouse replied he is only interested in the total amounts.

Mr. Rouse stated he felt the Board may want to address the Hull Road Transfer Station issues. He mentioned the asphalt is in terrible condition and the entire site is in great need of repaving. Mr. Jarman asked the Board to give him some leniency with the transfer station issues. He stated Joey Bryan visited that site on Friday to take some pictures but the water level was too high so we opted not to do that. We have received some bids from Tom Miller for improvements to the property but we noticed some inconsistently in the bids. Joey Bryan is currently working with Tom Miller to make sure everyone was bidding on the same thing and we are including all needs not just the asphalt. We are researching the situation and we will return to the Board with some proposals and exact numbers.

Mr. Rouse asked if the compactor was being included in the proposals because it is in bad condition as well. Mr. Jarman replied it will not be included in the estimates but it has been in several conversations. Mr. Daughety stated they are experiencing the same issues on the south side, the county, and the fair grounds. Mr. Daughety mentioned it would be a good idea if Mr. Miller did an assessment and needs of all the sites because they all had issues. Mr. Daughety stated another issue with the sites that he would like to see changed in his district which is a constant for the elderly and disabled are the condition of the steps. Whenever they have to deposit trash they have issues with the steps and having to reach over the side of the dumpster to deposit their trash. Some type of stationary steps should be added because the current situation is not user friendly. Mr. Daughety stated this is an issue he has confirmed himself and it is a justifiable concern from the citizens as well. Mr. Jarman stated he would be glad to take a look at the issues and determine if we possibly can construct some different type steps, or pour concrete and build ramps which could be cost prohibitive. If there is a huge list we will get the Board estimated costs along with a request for proposal. Keep in mind we may not be able to accomplish all of the tasks, but we will definitely take care of any safety issues.

Ms. Brown asked Mr. Rouse if he knew the status of the railroad track issue at Ferrell Road Intersection near Contentnea/Savannah School. Mr. Rouse replied it has been approved and funded, hopefully, we will see something happening by this summer.

Mr. Rouse mentioned the Bridge project is 35% complete.

Mr. Rouse stated he has a concern regarding the new tax software. It was his understanding that the new tax software was still a DOS based program and he was under the impression we were moving to a windows based program. Mr. Jarman stated this information was discussed when Mr. Parrish was purchasing it. Also, the change which Mr. Parrish has made is with basically the same funding that he was paying for maintenance on the old system. The change was an intermediate step toward improving what we had but it's not the \$700,000 or \$800,000 system that we would like to have. Although it is green screen it does improve our system. Mr. Rouse stated for informational purposes he would like to know how it impacts our operating systems, and are we limited to upgrading our operating systems. Joey Bryan stated we had the old system for over twenty-six (26) years. The company we are with is ONetax and it runs on a IBM I Series blade server which runs on a windows emulator, but it really does not impact our updating Operating Systems. As far as a desktop goes it will run on any Mac or Windows program, however, it is not like the ERP system we are currently installing in Finance, Human Resources and Payroll. Mr. Rouse stated basically there are no emulations issues with modern operating systems. Mr. Bryan replied no. Mr. Bryan stated currently taxes are being done correct which is different from the way it was done in the past, and employees and customers are having issues with the way it's done with the new system. We had to revise the business process with taxes, and when you are accustomed to doing something a certain way basically that is what you do. There were some issues in the beginning but we are getting over it because the software is written the way it is supposed to be done. Overall it's a good software package. The county has never had a really good online presence for our tax system when having to research taxes. Currently we only have our tax cards, register of deeds and GIS online. Mr. Bryan stated in July he will be asking for funds to have an online presence where we will have our Tax Department, Register of Deeds and GIS mapping and tax cards all integrated at one location.

For example, if you were to search Joey Bryan you would be able to see his vital statistics, property tax cards, and pay the bill online. If you would like to see more of how the online system will work you can visit Wilson County's website because we will be following their process.

Ms. Sutton shared handouts with the Board from the US 70 Corridor Commission meeting that included information regarding adopted and approved priority projects for 2016 and NC DOT adopted and approved priority projects for 2011.

Mr. Hill stated regarding the issue with the confederate flag he wanted to make sure the Board understood where they were at this time. Mr. Hill encouraged everyone to take a good look at Senate Bill 22 to determine if there are things we can or cannot do. We will continue to research to see if anything was done in prior years including an ordinance. As it currently stands we don't have supporting documentation to fly the flag. If we find because of Senate Bill 22 we have to fly the flag, if we find out at our next meeting there is an ongoing resolution and it can't be changed because of legal issues, if the resolution was only for one year, or if we have to make a decision not to fly the flag, a decision has to be made. Mr. Hill stated for the record in his opinion he would only like to see the American, State and County flags flown in front of the courthouse. There are more than adequate places to fly the confederate flag, like in museums and other places. This is not a knock on confederacy because we have Veteran's Day and there are lots of things that can be done differently. If it's been observed since 1992 there have not been any rallying around the flag or any ceremonies and if it's been there to honor the veterans with no activity, it's just been a symbol. There are a group of citizens in our communities that do not want to see the flag flown at the courthouse. Moving forward by our next meeting we need to get this issue resolved one way or another. Ms. Brown asked what the previous ordinance stated. Mr. Jarman replied the only thing we have been able to find was the requested information that was listed in the minutes stating Mr. Byrd came before the Board of Commissioners and made the request to fly the flag and it was approved. We do not have an actual resolution or ordinance. Mr. Rouse stated he was told the group went before the Board each year to have the flag flown and Commissioners Dee Smith and Oscar Herring suggested someone make a motion to fly the flag from that date forth. Mr. Rouse stated this would have happened several years after the initial approval to fly the flag.

Mr. Hill stated it would be wise for the Board to review Senate Bill 22 and continue researching to see if an ordinance was done so we will know where we stand on this issue. While others may view it as a rejection of confederate soldiers it definitely is not, we have great respect for the confederacy. However, we have to be careful because if allowed any special interest group getting enough pressure can make a request for their flag to be flown. Mr. Rouse stated on occasions the Board receives requests to fly other flags such as child abuse and others, so we have to be careful of the type of impact that can create. Mr. Hill stated in his opinion the flag pole in front of the courthouse should not be used for any other purpose. We are trying to be proactive and this is not just about this group it's about any group. Twenty years from now we don't know what will happen or what type of history will take place or what type of groups will come forward. Regardless of the decision, there will always be those who are in agreement and some in opposition. Mr. Hill stated he doesn't like being backed into a corner "if you don't do this we're going to do this" that kind of mentality does not sit well with him and he does not think it sits well with others. At any rate, this Board's decision should be in the best interest of our community. Mr. Hill stated whatever decision this Board makes he will support it.

Mr. Davis mentioned he saw statistics this past week that stated “more soldiers were killed in the Civil War than all other wars the United States has ever fought”, and “there are more people alive in the world today that have ever died”. That was mind boggling.

Mr. Jarman stated for the Boards knowledge when we looked for this information it involved going through all the old minute books and reading minutes from every meeting because the old minutes were not kept electronically.

Based on the record keeping we have had for the past several years we were not able to find a resolution or anything. We have some really old books with ordinances and if it was an ordinance we could put our hands on it. However, we will go back and research again.

Mr. Hill stated he read Senate Bill 22 and it probably can be interpreted a lot of different ways, so I would like for us to take a closer look at it.

CLOSED SESSION

Upon a motion by Ms. Brown and a second by Ms. Sutton a closed session was entered into at approximately 9:50 a. m. with the following cited: Number Four (4): To discuss matters relating to the location or expansion of industries or other businesses in the area served by Lenoir County.

OPEN SESSION

Upon a motion by Ms. Brown and a second by Mr. Daughety and unanimous approval, the Board moved out of closed session at approximately 10:05 a.m. The meeting re-convened in open session at approximately 10:06 a.m. Mr. Hill stated the Board went into closed session to discuss a potential industry in Lenoir County. No action was taken. Mr. Hill asked if there were any additional comments? There were none. Upon a motion made by Mr. Daughety and a second by Mr. Best, the meeting was adjourned.

Meeting Adjourned at 10:07 a.m.

Respectfully submitted,

Vickie F. King
Clerk to the Board