

**LENOIR COUNTY BOARD OF COMMISSIONERS REGULAR MEETING: AGENDA  
 MONDAY, FEBRUARY 4, 2013 – TIME: 9:00 AM.  
 COMMISSIONERS' MEETING ROOM, LENOIR COUNTY COURTHOUSE  
 130 S. QUEEN ST., KINSTON, N.C.**

**CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE: 5 Min. Est.**

**PUBLIC INFORMATION:** Guy Basden/Jim McLain- Caswell No. 1 Fire Museum

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| 1. | <b>Items from Chairman/Commissioners: 5 Min.</b> | Board  |
| 2. | <b>Items from County Manager: 5 Min.</b>         | Jarman |

**CONSENT AGENDA: 10 Min. ACTION**

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| 3. | Approval of Minutes: Regular Board Meeting: January 22, 2013 | Roberts/Jarman |
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**END OF CONSENT AGENDA**

**BUDGET ORDINANCE/RESOLUTIONS: 35 Min.**

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| 4.  | Resolution Order for Tax Collector to Advertise 2012 Taxes which are a lien on Real Property  | Parrish          |
| 5.  | Proclamation Declaring February 1-28, 2013 as Career and Technical Education Month for Career and Technical Education   | Jarman/Board     |
| 6.  | Budget Ordinance Amendment: Capital Improvements Fund: Community Development: \$4,551   | Ellis            |
| 7.  | Resolution Approving Purchase of Painting Services for the Sheriff's Office: \$11,925   | Smith            |
| 8.  | A. Resolution Approving Purchase of a 2013 Dodge Charger: \$22,854<br>B. Budget Ordinance Amendment: Vehicle Replacement Fund: Vehicle Replacement: \$22,854: Increase  | Smith            |
| 9.  | Budget Ordinance Amendment: DSS: Public Assistance: \$365,672: Decrease   | Moore            |
| 10. | Budget Ordinance Amendment: Various Funds Finance: \$808,932: Increase  | Martin           |
| 11. | Resolution Authorizing Execution of an Addendum to the Sales Tax Audit Contract Dated October 18, 2004 with Tax Reduction Specialists: Sales Tax Re-allocation Audit  | Hollowell/Martin |
| 12. | Resolution Approving Acceptance of Fee Arrangements for Financial Advisory Services in Connection with Proposed Authorization and Issuance of Series 2013 General Obligation Refunding Bonds: BB&T Capital Markets, a Division of BB&T Securities, LLC: Per Proposal Dated January 28, 2013: \$27,500 | Hollowell/Martin |
| 13. | Resolution Approving Acceptance of Fee Arrangements for Bond Counsel Services in Connection with Proposed Authorization and Issuance of Series 2013 General Obligation Refunding Bonds: Sanford Holshouser, Attorneys at Law: Per Proposal Dated January 24, 2013.                                    | Hollowell/Martin |

**APPOINTMENTS: 5 Min.**

14. Resolution Approving Citizens to Boards, Commissions, Etc. **5 Min.** Jarman

**OTHER ITEMS: 10 Min.**

15. **Items from County Manager / County Attorney / Commissioners Public Comments/Closed Session (if necessary)**



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## Appearing at a future county commissioners meeting

1 message

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Jim and Cheryl McLain <jimcher@embarqmail.com>

Fri, Dec 21, 2012 at 1:21 PM

To: Mike Jarman <mjarman@co.lenoir.nc.us>

Cc: Guy Basden <bigredbasden@yahoo.com>

Mike,

On behalf of the Caswell No. 1 Fire Museum, Guy Basden would like to speak at an upcoming county commissioners meeting. Topic will include:

Structure of building

Financial assistance

Update of interior of building, including the annex, aka: watch shop, aka: old bunk room

It is the desire of the Caswell No. 1 Fire Museum volunteer staff to eventually have this museum be compatible to the new CSS Neuse Museum. Having both museums just blocks from one another will bring in tourists to both facilities. Currently the Fire Museum is open only on Saturdays. We have seen an increase of visitors in the last six months, giving us the possibility of having the museum open more days during the week.

Please advise what date would be good for Guy and myself to speak to the commissioners.

Wishing you and Kelly and your girls a very Merry Christmas and a Blessed New Year.

Jim McLain

Treasurer, Caswell No. 1 Fire Museum

**TO:** Chairman and Members of the Board  
**FROM:** Linda Rouse Sutton, Board Member  
**DATE:** February 4, 2013  
**SUBJECT:** Items of Interest

1. Resolution in Support of Legislative Goals Adopted by the Membership of the North Carolina Association of County Commissioners

# RESOLUTION

## IN SUPPORT OF LEGISLATIVE GOALS ADOPTED BY THE MEMBERSHIP OF THE NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS

**WHEREAS**, the North Carolina Association of County Commissioners was founded in 1908 as a membership organization to represent the interests of counties before the General Assembly;

**WHEREAS**, all 100 counties are voluntary members of the North Carolina Association of County Commissioners, making the NCACC the official voice of North Carolina counties;

**WHEREAS**, every two years, the membership of the NCACC develops and approves a package of legislative proposals designed to protect and enhance the interests of county governments and the citizens who live in our 100 counties;

**WHEREAS**, the process to generate this package of legislative goals is deliberate and inclusive and provides extensive opportunities for counties to be involved;

**WHEREAS**, Lenoir County is an active participant within the NCACC and participated in the process to develop these legislative proposals;

**WHEREAS**, more than 200 county officials representing 88 counties gathered in Durham County on Jan. 24-25, 2013, and debated and ultimately approved 60 proposals submitted by counties to be included in the legislative goals package;

**WHEREAS**, the attached proposals represent the collective wishes of all 100 counties;

**NOW, THEREFORE, BE IT RESOLVED** that the Lenoir County Board of Commissioners adopts this resolution in support of the legislative proposals adopted by the NCACC membership at its 2013 Legislative Goals Conference;

**FURTHER BE IT RESOLVED** that copies of this resolution be transmitted to the members of the General Assembly representing Lenoir County to let them know of our support for these issues.

Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**AMENDMENTS:** MOVED \_\_\_\_\_ SECOND \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS \_\_\_\_\_

**YEA VOTES:** Brown \_\_\_\_\_ Davis \_\_\_\_\_ Rouse \_\_\_\_\_ Sutton \_\_\_\_\_  
Hill \_\_\_\_\_ Best \_\_\_\_\_ Daughety \_\_\_\_\_

\_\_\_\_\_  
Reuben Davis, Chairman      Date \_\_\_\_\_

\_\_\_\_\_  
ATTEST

\_\_\_\_\_  
Date



## Top Five Goals for 2013-14

1. Oppose shift of state transportation responsibilities to counties
2. Reinstate ADM and lottery funds for school construction.
3. Oppose unfunded mandates and shifts of state responsibilities to counties.
4. Ensure adequate mental health funding.
5. Preserve the existing local revenue base.

### Agriculture Legislative Goals

*AG-1: Adequately fund agricultural research and extension services.*

Support legislation to fund the agricultural and research extension offices through the University of North Carolina system, principally at N.C. State University and N.C. A&T State University. Extension offices are located throughout the state and facilitate programs that assist residents in a wide variety of programs focused on agricultural economic development. Adequate funding of these programs benefits the agriculture economy in every county.

*AG-2: Support and promote conservation of working lands and farmland preservation.*

Support legislation to promote and preserve working farmlands by including these lands in the state tourism plan, by retaining the current authority for the present use value system, by maintaining funding for the Ag Development and Farmland Preservation Trust, and by exploring the impacts of transfer of development rights.

### Environment Legislative Goals

*ENV-1: Restore state funding and responsibility for river basin monitoring, streamline rulemaking, and enhance regional cooperation.*

Support legislation to enhance monitoring for all river basins in North Carolina and review the rule-making process to enhance regional cooperation. Increased monitoring would allow jurisdictions to better assess compliance with water quality rules and, over time, allow the Division of Water Quality to make better decisions regarding future promulgation of water-quality rule making.

Seek legislation to streamline local water supply reservoir permitting without sacrificing the scientific rigor of Environmental Impact Assessment and ensure adequate opportunities for public and local official comment. North Carolina is a fast-growing state that has already experienced drought-related challenges to its water supply, impacting both quantity and quality. It is likely that many new sources of drinking water will be needed to meet future demand, yet the timetable to bring a new water reservoir on line can take years, even decades, to satisfy all the environmental permitting requirements mandated by the state.

*ENV-2: Eliminate requirement for a 10-year solid waste management plan and add a requirement in the Solid Waste Management and Facilities annual report for long-term planning.*

Support legislation to eliminate the statutory provisions requiring units of local government to prepare 10-year solid waste management plans in order to simplify the process, reduce costs and produce results more relevant for local governments. Currently, a 10-year plan and any changes to it, including mandatory three-year updates, must often be approved by multiple units of government, even those that may not utilize local waste disposal facilities. The original and primary reason for requiring 10-year plans was to measure remaining landfill space to ensure future space availability. Other state rules require an annual survey of all landfill facilities to calculate remaining space and, with modern Geographical Information Systems, there is no need for the 10-year plan to duplicate this effort.

*ENV-3: Authorize some county oversight of bio-solids application.*

Support legislation that provides county governments some opportunity to regulate and/or have input into, but not prohibit, bio-solids application activities, including the acceptable “classes” of bio-solids for application and the prohibition of bio-solids application in certain environmentally sensitive areas such as critical watersheds. The appropriate application of bio-solids for agricultural use should be allowed with counties playing a role in the process.

*ENV-4: Modify spray irrigation systems classification for volunteer fire departments.*

Support legislation to change North Carolina Division of Water Quality (DWQ) wastewater system classification rules that currently classify a spray irrigation system such as one utilized by volunteer fire departments as “commercial.” When the flow generated by the system is domestic quality/non-industrial process wastewater, the system should be held to the same monitoring and testing standards as a residential wastewater system under DWQ jurisdiction. In the alternative, volunteer fire departments should also be excluded entirely from the “commercial” classification. The annual inspections and testing costs associated with a “commercial” designation for a spray irrigation system serving a volunteer fire department can be several thousands of dollars. Accounting for the type of flow actually treated by a system rather than assigning a blanket “commercial” designation to the system would significantly reduce volunteer the annual costs for fire departments across the state, saving taxpayer dollars supporting these services.

*ENV-5: Monitor and protect counties from negative fiscal and environmental impacts caused by natural resource extraction and oppose removal of Virginia's ban on uranium mining.*

Support state legislative and regulatory actions to protect county budgets and services from any negative impacts resulting from natural resource extraction. The state is moving forward in exploring new means of, and additional locations for, natural gas extraction. Such activities have the potential to affect county government operations and quality of life in impacted areas, and therefore could increase county service costs.

## Health & Human Services Legislative Goals

### *HHS-1: Ensure adequate mental health funding.*

Seek legislation to ensure that state-funded mental health, developmental disability, and substance abuse services are available, accessible and affordable to all residents and that sufficient state resources fund service provision costs inclusive of sufficient crisis beds and supportive housing. While North Carolina counties largely fund social services administration and health services, the state has been traditionally responsible for mental health expenses. The state is undertaking a massive restructuring of community mental health services, converting and merging existing local management entities into managed care organizations charged with overseeing a capitated model of funding. State budget cuts and federal policy changes have reduced statewide resources to support crisis services, chronic mental health management, and state psychiatric hospital capacity. Policy changes have shifted public guardianship responsibilities from LMEs to county social services staff.

The state has purchased local hospital beds set aside for the mentally ill, but additional funding is needed for increased bed capacity. Recent federal action to relocate adult care home residents suffering from mental illness to community-based housing will require increased and sustained state funding to build local supportive housing resources and wrap-around services.

### *HHS-2: Retain county management of nonemergency Medicaid transport.*

Seek legislation that allows counties to retain the management and coordination of Medicaid nonemergency medical transportation services. A special provision in the 2013 State Appropriations Act directed the N.C. Department of Health and Human Services to develop and issue a request for proposals to privatize the management of nonemergency medical transportation services for Medicaid recipients. A statewide transportation management brokerage firm could remove all coordination efforts currently in place to share transportation services costs amongst funding sources.

North Carolina is recognized nationally for its coordinated system of community human services transit systems. Largely managed by professional transit administrators under the oversight of county management, these coordinated systems provide efficient trip scheduling and travel for an array of human services clients including veterans, elderly citizens, children in daycare, and Medicaid recipients. Shared trips to the same geographic area equate to shared costs among the clientele, with cost efficiencies evidenced by North Carolina's cost-effective per member per month (pmpm) cost of \$2.45. Other states have pmpm costs averaging \$6 and above.

### *HHS-3: Preserve federal block grants and state aid to counties for county-administered programs and oppose unfunded workload mandates.*

Seek legislation and monitor state budget activities to ensure that federal block grant and state aid to counties funds, traditionally used to support county-administered social and health services, are not redirected to offset state administrative expenses. Support human services administrative simplification efforts and resist changes in state policies and procedures that add to county administrative costs.

Counties have already experienced an annual loss of \$36 million in federal welfare reform funds and looming federal deficit reduction measures are likely to compound these losses for health, social services, and mental health programs. The state has eliminated its \$5.4 million annual appropriation in state aid to counties for social services, although some state aid dollars remain

for county health expenses. The state has backfilled state budget cuts in childcare and other human services programs with federal dollars once designated for direct county programs. County budgets must be protected as the state continues to grapple with anemic revenue growth, and as fewer federal dollars are made available for community-based human services.

*HHS-4: Restore local autonomy to LME/MCO governance structure.*

Seek legislation to restore local autonomy to LME/MCO governance structure, to ensure that each county be allowed to appoint, at a minimum, one county commissioner to its local LME/MCO Board. S191, enacted in the 2012 legislative session, sets maximum size limitations of 21 members on LME/MCO boards, and stipulates board membership composition for 10 of these members to specific consumer, health, insurance and finance disciplines. Counties participating in an LME/MCO with at least 12 county members cannot be assured of appointing one of its county commissioners to represent its interests and that of its constituents on the LME/MCO governance board. LME/MCOs with population catchment areas of 1.25 million or more are exempt from these limitations.

*HHS-5: Oppose weakening of smoke-free restaurant and bars law.*

Oppose any bill or amendment that weakens current statutory regulations requiring smoke-free restaurants and bars. The 2004 General Assembly enacted a comprehensive ban on smoking in all restaurants and bars and set up a regulatory framework to ensure compliance with the smoke-free requirements.

*HHS-6: Increase Nursing Home Community Advisory Committee membership flexibility.*

Seek legislation to provide greater flexibility in the membership of Nursing Home Community Advisory Committees. Per G.S. 131E-128, every county having a nursing home within its boundaries must establish a nursing home advisory committee to monitor nursing home care and resolve grievances of nursing home residents. As a part of its monitoring responsibilities, each advisory committee must visit each nursing home within its jurisdiction at least four times per year. Counties with four or more nursing homes must appoint NHCA subcommittees to manage this on-site workload. Advisory committees and subcommittees cannot include any members who are persons or family members with a financial interest in a home served by the committee, an employee or governing board member of such a home, or an immediate family member of a nursing home resident. These exclusions limit the number of interested parties wishing to serve on an NHCA, and counties throughout the state are having difficulty identifying persons to serve on these committees.

*HHS-7: Increase childcare subsidies to reduce waiting lists and support funding for Smart Start and NC Pre-K.*

Support an increase in childcare subsidies to ensure access to affordable childcare and support funding for early childhood and pre-kindergarten programs. Continuing state budget challenges have diminished state resources to backfill one-time federal dollars for childcare expenses and offset state cuts in childcare subsidies Smart Start and N.C. Pre-K. As of July 2012, nearly 37,500 children were waiting for childcare services, likely preventing their parents from remaining in, or joining, the workforce. Smart Start and N.C. Pre-K faced 20 percent state budget cuts in 2011, despite continued growth in the Pre-K population.

*HHS-8: Increase Medicaid rates to cover costs.*

Support a rate increase for Medicaid services to at least cover cost of service. In an effort to curb Medicaid costs, legislative actions over the past 10 years routinely show a Medicaid service-provider rate reduction or a reduction in the inflationary increases for reimbursement rates, increases to keep pace with medical inflation. Despite a 50 percent plus increase in Medicaid clients, fewer physicians are choosing to treat Medicaid clients given lower reimbursement rates than that offered under private insurance plans.

*HHS-9: Support an increase in food and lodging inspection fees to cover costs.*

Seek legislation to increase food and lodging inspection fees or authorize county governments to charge cost-based fees for restaurant and facility inspections. Unlike other inspection fees such as building inspections fees that can be set to recover costs, food and lodging inspection fees are set statutorily and do not reflect county costs of inspections operations and administration. The state collects the current fee, which is set at \$75 per annual business inspection, and returns 66 percent of these revenues to the county of origin. Not only is this fee well below actual inspections costs, no additional fees are permitted should county inspectors need to revisit an individual business multiple times to ensure compliance with health and safety regulations.

*HHS-10: Restore state funding of public health accreditation.*

Seek legislation to restore state funding for the state-mandated accreditation program for county public health departments. G.S. 130A-34.1 requires all local public health departments to obtain and maintain accreditation, which examines a local health department's capacity to provide essential public health services, its facilities and administration, its staffs' competencies and training procedures or programs and its governance and fiscal management. The process includes a self-assessment, a site visit by a team of experts to clarify, verify, and amplify the information in the self-assessment and accreditation approval by the Local Health Department Accreditation Board, which is housed and staffed by UNC's Institute for Public Health. Failure to obtain and maintain accreditation by July 1, 2014, will jeopardize state and federal funding for public health services. The 2012 State Appropriations Act eliminated the \$300,000 in recurring funding to support UNC administration of the public health accreditation program.

## **Intergovernmental Relations Legislative Goals**

*IGR-1: Oppose any shift of state transportation responsibilities to counties.*

Oppose legislation to shift the state's responsibility for funding transportation construction and maintenance projects to counties. Counties cannot afford to assume costs for maintaining secondary roads and/or funding expansion projects. Unlike counties in other states, whose traditional funding responsibilities are secondary roads, North Carolina counties are responsible for the administration of local human services programs, and fund educational operating and capital expenses. The NCACC estimates that a transfer of secondary road maintenance responsibilities would cost counties more than \$500 million annually. Some of the more rural counties would have to increase property taxes by as much as 30 cents to generate the amount of revenue needed to maintain the same level of service.

*IGR-2: Allow more cost effective methods for second primary elections.*

Support legislation to authorize alternatives to second primary elections that minimize excessive costs while protecting the integrity of the electoral process. The costs for second primary elections can be very high, especially when compared to voter turnout. New and expanded alternatives, similar to one-stop voting or limited early voting sites and schedules, should be explored and piloted for second primaries and run-off elections.

*IGR-3: Maintain current requirements for county commission approval of Extraterritorial Jurisdictions (ETJ) designations and expansions.*

Support legislation that maintains the current requirements for county approval of ETJ changes. With recently enacted changes to the annexation laws, ETJ will certainly be a focus of planning and growth. In certain jurisdictions with higher populations, current law calls for Board of County Commissioner approval for ETJs beyond any one-mile expansion. Counties would like to maintain that level of input and make sure that the county voice is included in further ETJ expansion.

*IGR-4: Implement combined motor vehicle registration and property tax collection system by July 1, 2013.*

Support legislation to ensure that the combined motor vehicle registration and property tax collection system be implemented by its statutory deadline of July 1, 2013. In 2005, the NCACC included this issue in our legislative goals and supported its passage. Implementation of the combined motor vehicle registration/property tax system has been delayed several times given the complex automation systems needed for operations, but the program is still important to county governments. North Carolina is the only state that continues to collect motor vehicle property taxes in arrears of license plate registration and renewal. Property tax collection rates for motor vehicles alone are 10 percentage points below that of all other property. It is estimated that once this system is up and running, counties will reap more than \$50 million annually in currently uncollected property taxes on motor vehicles.

*IGR-5: Allow county participation in the State Health Plan.*

Support continued legislative action aimed at allowing optional participation by counties in the State Health Plan (SHP). Proposed language would allow counties to participate on a short-term basis in order for the State to determine the impacts from the Federal Affordable Health Care Act.

*IGR-6: Support legislation to grant counties the option to provide notice of public hearings and other legal notices through electronic means in lieu of required publication in any newspaper.*

Seek legislation to provide counties with options for notice of public hearings, notice of delinquent taxpayers, and other legal notices, through electronic means. Current statutes require counties to purchase expensive ads in local newspapers when announcing various public hearings, meetings or other items. With many more citizens now getting their news online instead of from traditional newspapers, allowing counties to post these notices on their county-owned Web sites will save taxpayers money and make it easier on taxpayers to find the information at their demand.

*IGR-7: Increase informal let bid threshold for NCDOT local projects.*

Support legislation that increases the informal bid limit of \$1.2 million for NCDOT projects. Current law permits local NCDOT divisions to approve projects that are less than \$1.2 million in scope instead of completing the more lengthy and cumbersome formal bidding process. Board of Transportation approval is still required, but this informal bid limit does help to streamline and expedite the building process. The \$1.2 million cap was established several years ago and has not been adjusted to compensate for increased construction costs involved in road construction.

*IGR-8: Oppose collective bargaining for public employees.*

Oppose legislation to authorize local governments to enter into collective bargaining agreements with public employees, or to mandate dues check-off programs. Salaries and benefits for public sector employees remain strong in North Carolina because different jurisdictions are competing over the same highly skilled and specialized employees, such as police, firefighters, emergency medical personnel and public school teachers. Lifting the state's ban on collective bargaining would require every county in the state to negotiate for salaries and benefits with groups representing local teachers, firefighters, sheriff's deputies, EMS employees and others that are unionized. Collective bargaining for public employees would neither improve county government efficiency nor result in improved services to citizens. The likelihood is that collective bargaining would increase operational costs for county governments, would create an adversarial relationship between management and employees, and would create two classes of employees – those in unions and those not in unions.

*IGR-9: Support maintaining local control of the NC ABC System and preservation of local ABC revenues.*

Support legislation to protect local control of the local ABC system, including all local revenue streams generated through local ABC store operations. Given the state's dire budget situation, legislative leaders have considered privatizing all or parts of the state's system of alcoholic beverage control to generate significant amounts of cash in the short term. Many counties recognize ABC revenues in their budgets. The loss of these revenues would create holes in county budgets. In addition, cities and counties are better suited to make decisions about alcoholic beverage distribution, including where to locate stores and whether to merge with other systems.

*IGR-10: Support release of Help America Vote Act (HAVA) funds to assist counties with election costs.*

Support legislation that provides the state maintenance-of-effort match to draw down the \$4 million in remaining federal HAVA funds. Counties use various county, state, and federal funds to operate election services. Taking advantage of Help America Vote Act (HAVA) funds would be very beneficial to ease funding pressures at the county level.

## **Justice & Public Safety Legislative Goals**

*JPS-1: Seek legislation to limit the amount that providers can charge counties for inmate medical care to no more than what is allowed by the Department of Correction.*

Seek legislation that would authorize medical care providers to charge counties for inmate medical services at a rate not to exceed the rates paid by the State Department of Public Safety to inmate medical providers. Counties are responsible for medical costs when inmates are incarcerated in county jails, and counties often pay full, non-negotiated rates for inmate medical care, resulting in great expense to counties. State reimbursement rates have been capped in recent state budget provisions, and counties seek the same cap on inmate medical expenses to save taxpayer dollars on these costs.

*JPS-2: Seek legislation to expand county governments' use of 911 funds, protect and enhance current funding streams and maintain full operational flexibility and autonomy.*

Seek legislation to protect and enhance current e911 funding streams, as well as increase flexibility in use of those funds for the betterment of county 911 systems. Significant strides were made in 2010 to revamp 911 laws and give counties greater flexibility in utilizing 911 funds. At the same time, the 911 Board was directed to adopt a funding model and standards. Counties have expressed concern about decisions made at the Board level related to the funding model, as well as the adoption of certain standards that would have negative economic impacts on county 911 systems.

*JPS-3: Oppose legislation that would limit a county's ability to operate a pretrial release program.*

Oppose legislation that would limit counties from operating pretrial programs. Such limitations would result in increased costs to counties and put additional burdens on county jails. Counties throughout the state operate pretrial programs that help to evaluate individuals awaiting trial in county jails. These programs assist the judicial system in determining if those individuals can safely be released, saving taxpayer dollars and saving space in county jails. In addition, many pretrial programs offer needed services to individuals awaiting trial in an effort to reduce recidivism rates.

*JPS-4: Support legislation to fully fund the Justice Reinvestment Act of 2011.*

Support increased funding for the Justice Reinvestment Act Initiatives. Last session, lawmakers approved a budget that fell short of fully funding the initiatives included in the legislation. Policies in the comprehensive criminal justice bill include new tools for probation officers to hold offenders accountable, longer sentences for individuals with repeat breaking and entering offenses, and increased funding for drug treatment programs in prison and in the community. Without adequate funding, the programs will not achieve the desired goals.

*JPS-5: Provide greater funding of state crime labs.*

Support legislation to increase state funding for state crime lab operations. Court officials throughout the state have noted that North Carolina's State Crime Laboratory now has fewer resources, money and personnel than in past years. That situation greatly impacts court proceedings by causing defendants and prosecutors to often wait a year or more for results. Without a substantive increase in funding for the lab, criminal court proceedings across the state

will continue to lag. These delays can cause overcrowding in county jails and the need for additional county resources as individuals await trial.

*JPS-6: Preserve current county authority for local electronic offender monitoring.*

Support legislation to maintain county authority for electronic monitoring. In 2011, a bill was passed authorizing counties to collect a fee from individuals ordered to be placed on electronic monitoring as a condition of the offender's bond or pretrial release. Utilization of electronic monitoring helps with county jail overcrowding and also reduces the amount of taxpayer dollars needed for incarceration. The fee allowed by law is capped and cannot be collected from those entitled to court-appointed counsel. Counties want to ensure that the authority for this fee is preserved.

*JPS-7: Provide funding for gang prevention, adolescent substance abuse and domestic violence prevention, intervention and treatment.*

Support legislation to provide state funding for gang prevention, adolescent substance abuse and domestic violence prevention, intervention and treatment. In past budget years, the state budget has included funds for these critical programs. These programs pay dividends because they help reduce criminal activity. Failure to fund these types of programs will result in significantly higher costs to the legal system.

*JPS-8: Request the reduction of detention center space requirements in existing and new detention center facilities in all counties in North Carolina, consistent with the language in N.C. G.S. 153A-221.*

Seek legislation to provide all counties with the authority to house 64 inmates in each county detention dormitory, as permitted for counties with populations in excess of 300,000. Counties with populations of less than 300,000 can only house up to 56 inmates in each dormitory. The same minimum space requirements still apply to these additional inmates. Allowing all counties to have this same authority will make the law consistent for all 100 counties and allow for cost-savings when constructing new jail facilities.

*JPS-9: Restore state funding for Drug Treatment Court (added at Legislative Goals Conference).*

Seek legislation to restore funding to Drug Treatment Courts in North Carolina. In 2011, the General Assembly eliminated all state funding for Drug Treatment Courts. These courts were created by the General Assembly in 1995 and have been utilized across the state to address substance abuse issues in the criminal justice system, reduce alcohol and drug-related caseloads, and promote effective use of resources for substance abuse treatment. Without funding for these courts, many counties have lost a valuable resource for managing judicial caseloads and addressing substance abuse issues.

## **Public Education Legislative Goals**

### *PE-1: Reinstate ADM and lottery funds for school construction.*

Seek legislation to fully reinstate the Average Daily Membership funds and Lottery proceeds to the Public School Building Capital Fund. The Public School Building Capital Fund is housed in the N.C. Department of Public Instruction and is comprised of two sources of revenue: a set-aside from the corporate income tax, known as the ADM fund, which is allotted based on average daily membership (ADM) in each county; and 40 percent of the net proceeds from the N.C. Education lottery. Counties have relied on these funds to repay debt service for public school construction and renovation.

Since 2009, the General Assembly has redirected the ADM Fund's corporate income tax proceeds to offset state dollars for public school operations, costing counties from \$50 to \$100 million each year. Since 2010, the legislature has set the county lottery appropriation below the statutory 40 percent of net lottery proceeds, with the 2012 allocation appropriated at \$100 million or 22.7 percent of expected net proceeds. The total loss for the past two biennia amount to nearly half a billion dollars in school construction funds. Counties are forced to delay school construction projects, use their emergency fund balances to make up the debt service losses, or reduce funding for other essential services.

### *PE-2: Maintain state responsibility for replacement and risk management exposures for operation of school buses.*

Seek legislation to ensure that the state retains responsibility for the purchase, repair and replacement of school buses, and to preserve state insurance coverage under the State Tort Claims Act for school bus accidents and other school bus risk management exposures. North Carolina counties are financially responsible for the initial purchase of new school buses, either to service new schools or new routes. Since the 1930s and per G.S. 115C-240(e)(f), the state is financially responsible for school bus replacement, generally based on mileage (250,000 miles) or age (20 years or older). The state's tort claims act has traditionally covered school bus driver negligence. In 2011, in an effort to manage growing state budget deficits, Governor Bev Perdue proposed shifting school bus replacement and tort claim coverage to counties, costing counties \$57 million and \$4.6 million, respectively, for these new responsibilities. While the House rejected these proposals outright, the Senate initially considered the school bus cost shift to counties. The adopted budget retained state responsibility for both school bus replacement and school bus risk management exposure.

### *PE-3: Provide sufficient funds for community college workforce training programs.*

Support legislation to restore and maintain state funding for workforce development training and programs through the community college system. State budget cuts over the past two biennia have reduced community college funding for classroom operations by \$83 million. New tuition fee increases have helped minimize the impact of these losses, and several new programs such as non-recurring funds for N.C. Back to Work, a \$5 million retaining program for long-term unemployed, have been authorized. Continuing and increased state investments are needed to provide community colleges with 21st century equipment to support training that leads to third party credentials in career areas such as advanced manufacturing and STEM (science, technology, engineering and math).

*PE-4: Restore local control of school calendar.*

Support legislation to restore control of the local school calendar to local boards of education. The General Assembly enacted H1464 in 2004, which restricted a local board of education's ability to open schools prior to Aug. 25 or to close schools prior to June 10. It is believed that the Legislature was reacting to concerns by resort communities regarding earlier school openings, which in turn shortened the summer vacation season and reduced the teen labor force for the service industries. The State Board of Education was authorized to grant waivers based on the number of weather-related closures historically experienced or for good cause based on educational purposes. In 2012, the General Assembly further restricted LEA school calendar control, by eliminating start/end date waivers based on educational purposes.

*PE-5: Authorize the option for counties to acquire, own and construct traditional public school sites and facilities. (added at Legislative Goals Conference).*

Support legislation to authorize counties the option to acquire, own and construct traditional public school sites and facilities. N.C. counties are statutorily responsible for funding the construction, renovation, and maintenance of all school facilities, but schools retain title and ownership of school facilities. This divergence of funding versus ownership requires administrative work-arounds to obtain sales tax refunds on school construction materials and results in an imbalance of liabilities to assets, as county-issued school debt shows as a liability on the county's financial statement, while the building increases the LEA's assets.

## **Tax & Finance Legislative Goals**

*TF-1: Preserve the existing local revenue base.*

Support legislation that recognizes the importance of county revenues and ensures that the existing tax base is maintained and preserved. During the current recession, one of the means used by the General Assembly to balance the state budget has been to shift some local funds to state use and make cuts in some county programs. For example, in 2009-10, the General Assembly diverted to the state's general fund the portion of the Corporate Income Tax that was dedicated to school construction, costing counties approximately \$200 million for the biennium. For 2010-11, the General Assembly reduced the county share of lottery proceeds by \$63 million. Counties also saw numerous state cuts to county programs approaching \$75 million in 2009-10 alone. Counties face similar revenue declines as that experienced by the state and cannot afford to sacrifice any additional revenues to the state.

*TF-2: Oppose unfunded mandates and shifts of state responsibilities to counties.*

Oppose legislation that establishes new or expanded state mandates without a commensurate increase in state resources to support service provision. A continuing difficult state financial status may increase the likelihood of attempts to balance the state budget by shifting more responsibilities to counties without corresponding funds.

*TF-3: Authorize local revenue options.*

Seek legislation to allow all counties to enact by resolution or, at the option of the Board of Commissioners, by voter referendum, any or all revenue options from among those that have been authorized for any other county. Several counties have access to certain revenues, such as prepared meals taxes, occupancy taxes, and land transfer taxes, that are not available to other

counties. Granting counties the authority to implement these revenue options would lessen the reliance on property tax and give counties more flexibility in designing a revenue system that reflects their community's preferences and is best suited for their tax base.

*TF-4: Protect county revenues in tax reform consideration.*

Support legislation that recognizes the importance of county revenues and secures existing county resources as the state considers tax reform strategies. The General Assembly will be considering comprehensive tax reform this legislative session. Specifics of these changes to tax statutes are uncertain and likely to be fluid throughout the session. County revenues should be protected in any final outcome.

*TF-5: Repeal moratorium on contingency fee audits.*

Seek legislation to repeal the moratorium on contingency fee tax audits beginning July 1, 2013. Allow counties the flexibility to contract for tax audit services by fee-based or contingency-based arrangements. If a repeal of the moratorium is unviable, work with the state Department of Revenue on alternative solutions.

*TF-6: Improve and maintain incentive programs, workforce development and job creation programs, NC's tax credit programs, and increase access to tax credit financing for smaller economic development projects.*

Support legislation to defend and maintain the state's tax credit programs to help stimulate economic development activity in rural and economically distressed counties. In an era of fiscal constraint and economic challenges, North Carolina's legislators may be tempted to terminate the state's tax credit programs in an effort to increase tax revenues. However, these programs – including Historic Preservation Tax Credits, the Renewable Energy Tax Credits, and the Article 3J Tax Credits – stimulate investment and business growth that otherwise might not take place in our state. These tools are particularly important to stimulating economic development in rural and Tier One counties.

Support legislation to improve access to tax credit financing for smaller economic development projects. In order to finance commercial projects, businesses frequently benefit from being able to attract investors who can utilize the tax credits generated by the project to offset their own tax liabilities. However, it is difficult for small business owners to identify investors who may be interested in their tax credits, and it is often prohibitively complicated and costly to broker tax credit finance deals. Furthermore, tax credit investors are typically only interested in multi-million dollar projects – a threshold that excludes many potentially eligible economic development projects, especially in small rural counties. As a result, many tax credit-eligible projects do not move forward because they are not able to access the potential equity generated by their tax credits. The Legislature could help make this process less complicated and more accessible to small businesses by: 1) enabling the “bundling” of multiple smaller projects into projects that are large enough to attract investors; 2) establishing a central tax credit “exchange” that brings tax credit-eligible projects together with potential investors; and 3) supporting increased technical assistance and training in the utilization of tax credits.

*TF-7: Explore and authorize use of alternate, sustainable revenue options and funding sources for beach, inlet and waterway maintenance.*

Support legislation to explore and authorize use of alternate, sustainable revenue options or funding sources like licenses, taxes and/or fees for beach, inlet and waterway maintenance (as proposed via 2009 CRC and CRAC resolution for Trust Fund; Senate DRS85164-SB-12 Beach Management Study Commission Section 2.2 (3) Trust Fund, 2012 Session H1181 Study Municipal Local Option Sales Tax, and 2004 Session H142 Dare County Sale Tax).

*TF-8: Replace current non-profit sales tax refund process with a revenue-neutral exemption.*  
Support legislation to eliminate the requirement for tax-exempt non-profit corporations to pay sales tax. The current burdensome process, which requires the eligible non-profits to pay sales taxes and then seek a refund from the State has resulted in significant negative impacts upon county budgets. Sales tax revenues received by the local governments that include payments from tax-exempt corporations overstate the amount of funding actually available to the local government, and state audit adjustments result in unpredictable repayment obligations over which the local government has no control.

*TF-9: Replace current refund sales tax process for public institutions with a revenue-neutral exemption.*  
Seek legislation that streamlines the sales tax refund regulatory process by exempting public institutions (counties, cities, school boards, community colleges, local utility authorities, etc.) from payment of state and local sales taxes on purchases within the state and thereby diminish the administrative burden on the local and state level to pursue/account for/recoup sales tax proceeds.

*TF-10: Extend Article 44 hold harmless.*  
Seek legislation that extends hold harmless payments for local governments whose expected Article 44 receipts do not replace their repealed state reimbursements. The 2004 Appropriations Act (H1414) amended G.S. 105-521 by guaranteeing hold harmless payments through 2012 for local governments. The 2012-13 payment is scheduled to be the last unless additional legislation is passed. The Article 44 hold harmless payments are approximately \$15 million, and these funds are an important source of revenue for the economically distressed counties and municipalities that receive them.

*TF-11: Allow counties to provide triple credit toward renewable energy portfolios.*  
Support legislation similar to legislation passed in 2010 (Cleanfields of 2010) to allow counties to provide triple credit toward renewable energy portfolios.

*TF-12: Authorize greater county oversight of legal electronic gaming operations and support legislation to authorize counties to levy privilege license taxes on these operations.*  
Support legislation to authorize counties to levy privilege license taxes on internet sweepstakes businesses. Counties do not have the same authority as municipalities to levy a privilege license tax on video sweepstakes businesses, and this disparity may create an incentive for such businesses to locate in rural areas outside the corporate limits of municipalities. Seek legislation similar to H1180 from the 2011-12 session that would give counties and municipalities the same authority to levy privilege license taxes on internet sweepstakes businesses in order to discourage the proliferation of those businesses in rural areas outside corporate limits.

*TF-13: Promote county property tax system modernization.*

Seek legislation that enhances the county property tax system through effective modernization strategies.

*TF-14: Authorize design build option for all counties.*

Seek legislation to authorize for all counties the option of using the “Design Build” process to construct and/or renovate public facilities. A number of counties in North Carolina have special legislation allowing the “Design Build” method, which allows the bidding of design and construction of a project in the same package, often resulting in cost and time savings. The “Design Build” option should be made available as an alternative process for construction/renovation of county facilities and schools statewide.

*TF-15: Require payment of property taxes on manufactured homes and other titled properties before transfer of title.*

Seek legislation to require that all taxes levied on manufactured homes be paid before the home may be moved, repossessed or sold on site. County property tax collection efforts for delinquent taxes on manufactured homes are often hampered by ownership and location transfers.

*TF-16: Clarify centralized listing and assessing of cellular and cable companies.*

Seek legislation to implement the central listing and assessment of cellular and cable companies. The Department of Revenue’s Local Government Division would manage the listing and assessment process, similar to its assessment of other utilities such as telephone, power and railroad. DoR supports this change.

*TF-17: Support local county law enforcement and rehabilitation services through an increase in the beer and wine tax revenues.*

Support an increase in the excise tax on beer and wine by 10 cents or 20 cents with the total increased amount distributed to counties. For each 10 cent increase, 7 cents would be dedicated to law enforcement and 3 cents would be dedicated to rehabilitation purposes.

*TF-18: Preserve scrap tire disposal tax proceeds.*

Oppose the use of Scrap Tire Disposal Tax Proceeds for other than what is allowed by current statute (G.S. 105-187.19).

*TF-19: Compensate counties for property acquired by the state and removed from the ad valorem tax base.*

Develop state Payment in Lieu of Taxes (PILT) for game lands or other revenue sharing in lieu of taxes on state-owned wildlife/gamelands. Large portions of some counties are not subject to property taxes because they are owned by the State. Most of these lands are wildlife or game lands. In addition, the state continues to buy land using conservation funds. The lands purchased are already being used for agriculture or timber and therefore require a low level of service. Although transferring the lands to state control does not affect the levels of service provided by counties, it does force the tax burden onto a smaller population.

**TO:** Chairman and Members of the Board  
**FROM:** Mike Jarman, County Manager  
**DATE:** February 4, 2013  
**SUBJECT:** Items of Interest

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1. Lenoir County Planning Board Minutes

County of Lenoir



P.O. Box 3289  
101 North Queen Street  
Kinston, North Carolina 28502  
Telephone 252-559-2260  
*Planning & Inspections Department*

**LENOIR COUNTY PLANNING BOARD  
MAY 17, 2012  
MINUTES**

*Regular Meeting  
May 17, 2012*

**Members Present:**

*C.L. Braxton-Chairman District 3  
Russell Hill-Alternate-1  
Morry Barbee Jr.-Alternate-2  
Donna H. Hardy- District 1  
Barry Seay-District 5*

**Members Absent:**

*Derrick Carter-District 6  
Frank White-Vice-Chairman-At-Large*

**1. Call Meeting to Order:**

Planning Board Chairman Mr. C. L. Braxton called the meeting to order at approximately 6:00 P.M. and Board Member Mr. Russell Hill provided the Invocation.

**2. Approval of Minutes:**

**April 19, 2012:** Mr. Barry Seay made a motion to accept the minutes as written and Mr. Morry Barbee Jr. seconded the motion. The vote was unanimous to approve the **April, 19, 2012** minutes as written.

**3. Discussion and Decision on Case number SUP-12-002:** is an application requesting the use of a Manufactured Home Park as listed in the Lenoir County Zoning Ordinance, specifically for use as three or more single-family housing spaces to be occupied for dwelling purposes. The proposed location of the subject

property is on the south side of Grifton Hugo Rd., approximately 0.6 tenths of a mile east from the intersection with Gilbert School Rd. and is situated in Contentnea Neck Township. The property contains approximately 9.5 acres total. The subject property, which is located within the jurisdictional limits of Lenoir County, has a current zoning designation of Rural. The current use of the property is agriculture.

Mr. Wayland Humphrey, Lenoir County Planning Assistant, presented the staff report for Special Use Permit 12-002 to the Board. He stated the application is for the use of a Manufactured Home Park as listed in the Lenoir County Zoning Ordinance, specifically for use as three or more single-family housing spaces to be occupied for dwelling purposes. He stated the proposed location of the subject property is on the south side of Grifton Hugo Rd., approximately 0.6 tenths of a mile east from the intersection with Gilbert School Rd. and is situated in the Contentnea Neck Township. Mr. Humphrey stated the property contains approximately 9.5 acres total and is located within the unincorporated jurisdictional limits of Lenoir County. He stated according to the Official Zoning Map of Lenoir County, dated October 2, 2004, the entire property is zoned Rural. Mr. Humphrey stated the property is also located in an area designated as Agriculture and Rural Housing, as shown on the Lenoir County Future Land Use Map, dated July 1, 2004. He stated the Lenoir County Land Use Plan describes an "**Agriculture and Rural Housing Area**" as an area designated to encourage conservation of the planning area's agriculture operations and low density residential uses. Mr. Humphrey stated except for community water, the area is not expected to have public services during the planning period. He stated land in these areas contain some of the planning area's best agricultural soils. Mr. Humphrey stated the soils also have limitations for septic tanks and without community sewer, they are best suited for low intensity uses. He stated *Crossroad Centers* are also identified in this area and these centers, located at major intersections, will have convenience retail services and other generally accepted rural businesses.

Mr. Humphrey proceeded to give the Board background information. He stated the current use of the property in question is agriculture and is in proximity to residential development and other agriculture property. Mr. Humphrey stated it is located along a public state road with access to NC Hwy 11 North Commercial corridor. He stated the subject property is located approximately 2.5 miles from the crossroad center of Hugo to the west and approximately 2.6 miles from the Town of Grifton to the east.

Mr. Humphrey stated through extensive investigation regarding this application, the Lenoir County Planning and Inspections Department has found that the application is consistent with the intent of the Lenoir County Future Land Use Plan (FLUP) regarding development within an Agriculture and Rural Housing Area. He stated the park development will be subject to the Manufactured Housing Park Ordinance of Lenoir County and a driveway permit will be obtained from NCDOT for access to the property.

Planning Board Chairman Mr. C. L. Braxton asked if anyone wished to speak to the Board regarding this issue. Members of the audience who wished to speak, along with the county staff approached and Chairman Braxton administered the Oath.

The applicant, Mr. Bevin Whaley, approached to address the Board. He presented his proposed lay out plan to the Board. He stated his intent was to come into the Manufactured Mobile Home Park with two main entrances off the highway which was not different than what was there now. He stated the square feet for each lot is approximately 15,000-sq. ft. to greater. Mr. Whaley stated there would be dumpster pads to the far right and mailbox facilities and parking to the far left. He stated his intention was to have 30 lots.

Board Member Mr. Russell Hill asked how he planned to accommodate water and sewer needs. Mr. Whaley stated there would be one coming off Grifton Hugo Rd and another one approximately center way of the park. He stated Lenoir County Environmental Health Department would test each individual lot for septic needs.

Board Member Mr. Morry Barbee asked if the roads would be paved and Mr. Whaley advised him that they would be gravel.

He asked Mr. Whaley if he was planning to put his own homes in the park or was he only renting the spaces. Mr. Whaley advised him he would rent the lots to homeowners.

Chairman C.L. Braxton asked Mr. Whaley if he had other rental property in the area. Mr. Whaley stated they did have property on Herman Moore Rd. He also stated he had rental properties in Pitt County that he had sold within the last two years.

Board Member Ms. Donna H. Hardy asked if this was multi-unit rental property and Mr. Whaley told her no. He stated he had had commercial and residential property but nothing like this before. Mr. Barbee asked if there would be a park manager on site at the property and Mr. Whaley stated he could provide that if it was necessary.

Mr. Whaley stated they would provide a park manager on site to take care of the needs but he did not know that was mandatory according to the information he obtained from Mr. Humphrey. He stated he would not have a problem providing this service if need be. Mr. Humphrey advised him that it was not a requirement but many of the Manufactured Home Parks did have a park manager. Mr. Whaley stated that would be no problem for him to provide this service.

Mr. Morry Barbee asked if there would be some type of buffer on the property line. Mr. Whaley stated there was already a tree line on the far left of the property. He stated there was a ditch line on the very back of the property. Mr. Whaley stated he would have no problem erecting a fence on the 267 and the 700-ft. line.

Chairman Braxton asked if there had been any preliminary work done through Lenoir County Environmental Health. Mr. Whaley stated he had some done but all of the lots were not suitable for septic systems. He stated he had planned to make the necessary corrections after this SUP had been approved.

Chairman Braxton asked which lots did not perk. Mr. Whaley stated lots 20, 21, 26, 27 and 28 were questionable.

Board Member Ms. Donna H. Hardy asked if street lighting would be provided and Mr. Whaley stated he was not aware that was required. Mr. Humphrey stated it was not a requirement but the Board had the authority to put conditions on the SUP. Ms. Hardy asked Mr. Whaley what his plans were to maintain the roadways. Mr. Whaley advised her he would follow state guidelines.

Board Member Mr. Barry Seay asked Mr. Whaley if he found that the above mentioned lots did not perk would he consider relocating the dumpster pads to those lots and Mr. Whaley stated that he would.

Mr. Richard William Riley approached to address the Board. He stated he was concerned about the value of his property decreasing and he asked Mr. Whaley if he had a mobile home park near his house. Mr. Whaley advised him that he did have one within one mile of his home. Mr. Riley stated he was also concerned about the crime rate that this would generate. Mr. Riley stated his property is at 4137 Grifton Hugo Rd.

Mr. Ray Sarah approached to address the Board. He stated is property was at 4135 Grifton Hugo Rd. He stated his biggest concern was who would benefit from this project. He stated Lenoir County and the developer were the ones who would benefit. Mr. Sarah stated he had four children and had considered relocating if this was approved.

Ms. Ernestine Croom approached to address the Board. She stated the manufactured park would be located beside and behind her property. She stated if it was approved she wanted a nice fence erected so she would not have to view it. Ms. Croom stated she was concerned about the decreased tax value and the crime rate.

Mr. Earl Hardy approached to address the Board. He stated he had talked to Mr. Whaley and his father in the past and was under the impression that they each were going to build a house in this area. Mr. Hardy stated the neighbors were excited about new families coming to the area but did not want this "trash" put there.

Mr. Robert Moore approached to address the Board. He stated he too thought there would be two nice family homes built here and did not want this approved. Mr. Moore stated he was concerned about the crime rate. Board Member Mr. Barry Seay asked him what he planned to do with his farmland and he said he intended to farm it. Chairman Braxton asked Mr. Moore where he lived and he stated Skeeter Pond Rd.

Ms. Frances Humphrey Tilghman approached to address the Board. She stated she was here to represent her mother who was in declining health. She stated her mother did not want this approved and especially did not want the dumpsters behind her house. Ms. Tilghman stated she felt that 30 lots were too many to put in this area. She stated that Fox Trail MHP, where she lives, had strict guidelines and Mr. Bobby Rouse adhered to them.

Mr. Whaley stated he had talked to someone with the city that owns a mobile home park and he was planning to mimic the contract they use to steer clear of less than desirable tenants.

Mr. Craig Edwards approached to address the Board. Mr. Edwards stated he had two rentals on his property. He stated he thought 30 mobile homes were too high for 10 acres of land. He stated listening to Mr. Whaley it seemed he was only going to do the bare minimum.

Mr. Steven Shackleford approached to address the Board. He stated he lived at 3817 Grifton Hugo Rd and was the grandson of Mr. Jesse Moore. Mr. Shackleford stated his grandparents worked and bought this land for their family. He stated he had three children and did not want this approved and expressed his concern about possible increased crime rate.

Ms. Kristen Smith approached to address the Board. She stated she lived at 3899 Grifton Hugo Rd . Ms. Smith stated she was there to represent Mr. Brad Grant. Ms. Smith stated she and Mr. Grant have a three-year-old and are also against this SUP application.

Ms. Ann Rouse approached to address the Board. She stated she did not receive a letter in the mail regarding this SUP. She stated her parents worked hard for their land and expressed several concerns about having a manufactured mobile home park on this property. Ms. Eleanor Rouse expressed her concern over farm equipment being vandalized on another property and was concerned about this happening here also.

Board member Mr. Russell Hill asked Mr. Whaley if his intention was to keep or to sell this manufactured Mobile Home Park and Mr. Whaley stated he was going to keep it.

Board member Mr. Morry Barbee asked Mr. Whaley what the rental rate would be if approved and Mr. Whaley advised him from \$150.00 to \$175.00.

Chairman C.L. Braxton expressed his concern about the density. Mr. Wayland Humphrey stated the number of homes on the property could be indicated as a condition regarding the approval of the SUP. He asked the Board if they would like to discuss adding conditions.

With no questions or comments Chairman C.L. Braxton asked the members of the Board if they were ready to make a decision on **SUP-12-002**. Board member Ms. Donna H. Hardy made a motion to deny **SUP-12-002**. Mr. Morry Barbee seconded the motion. The Board voted unanimously to deny **SUP-12-002**. Chairman C.L. Braxton stated the motion was carried.

The Planning Board made the following **FINDINGS OF FACT** and draws the following conclusion:

1. The use requested is among those listed as an eligible Special Use Permit in the district in which subject property is located. **The Table of Permitted Uses in the Lenoir County Zoning Ordinance states that the use requested by the applicant, in a "Rural" zoned area, requires a Special Use Permit.**
2. The requested Special Use Permit is not essential or desirable for the public convenience or welfare. **The Board found that the requested Special Use Permit will NOT be essential and/or desirable for the public convenience or welfare.**
3. The requested Special Use Permit will impair the integrity or character of the surrounding or adjoining districts, and will be detrimental to the health, morals, or welfare of the community. **The Board stated that the Special Use Permit WILL impair the integrity or character of the surrounding and/or adjoining districts, it WILL be detrimental to the health, morals, or welfare of the community.**
4. The requested use permit will be in conformity with all the officially adopted land development plans. **The Board stated that the application will be in conformity with the Future Land Use Plan of Lenoir County, as it is located within an area designated "Agriculture & Rural Housing."**
5. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. **The Board found that there are adequate utilities, access, and other necessary facilities provided to this proposed development.**

Therefore on the basis of the foregoing, it is ordered that the application for Special Use Permit 12-002 is **denied**.

4. **Updates/Discussion:** Mr. Wayland Humphrey asked Mr. Barry Seay if he attended the Transportation Meeting and Mr. Seay stated he did not attend the Pink Hill Transportation Meeting but he did attend the meeting at the City of Kinston Public Complex. He advised the board that it had gone from 32 purposed routes to 64. Mr. Seay advised the land would not be purchased until the year 2020. There was a brief discussion among the board members.

Mr. Humphrey stated the Lenoir County Commissioners had not made a decision on the VAD Ordinance that was discussed at the last meeting. Chairman Braxton stated he did not see any benefits to the VAD Ordinance and Mr. Humphrey stated any of the Board could contact Ms. Tammy Kelly at the Cooperative Extension Office for more information.

Ms. Donna H. Hardy and Mr. Barry Seay stated they did see some benefits from the VAD. The Board Members discussed this issue briefly.

Board Member Barry Seay stated he was concerned about a salvage yard located on Poole Rd. Kinston, N.C. belonging to Mr. Ernest Brown . He also expressed concern about a mobile home in the area that appears to be used for storage and not tied down. Mr. Humphrey stated this area was in the GTP and he was unsure if the Lenoir County Ordinance covered this area but he would investigate these matters.

### **Adjournment**

There being no further business to discuss before the Lenoir County Planning Board member Mr. Russell Hill made a motion of adjournment and Board Member Mr. Barry Seay seconded the motion and the Board voted unanimously to adjourn at 7: 30 P.M. It was announced that the next scheduled meeting date is Thursday, **June 21, 2012 6:00 P.M.**

**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**

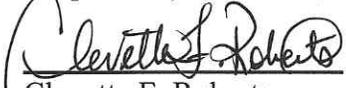
Mr. Davis stated during closed session, there was discussion about personnel, however, no decision was made at this time.

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.

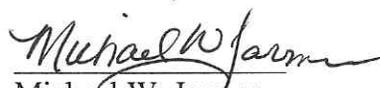
With the Precinct Workers that were needed at the One Stop Voting sites to accommodate the long lines and the number of days they worked, we had two to three days that the workers did not close until after 6:00 pm. We worked every Precinct worker that signed up to work One Stop, to spread the time and 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,

  
Clevette F. Roberts  
Interim Clerk to the Board

Reviewed By

  
Michael W. Jarman  
County Manager

**INTRODUCED BY:** Michael W. Jarman, County Manage **DATE:** 2/4/13 **ITEM NO.** 4

**RESOLUTION:** Order for Tax Collector to Advertise 2012 Taxes which are a lien on Real Property

**SUBJECT AREA:** Legal

**ACTION REQUESTED:** Order the Tax Collector to advertise 2012 taxes, which are a lien on real property.

**HISTORY/BACKGROUND:** Pursuant to G.S. 105-369(a), the Governing Body (Lenoir County Board of Commissioners) shall order the Tax Collector to advertise such tax liens.

**EVALUATION:** The outstanding 2012 taxes which are a lien on real estate are \$2,691,758.42. This figure includes county, fire, and late listing penalty as of January 25, 2013.

**MANAGERS RECOMMENDATION:**

To order the Tax Collector to advertise such tax liens.

*MWJ*  
initials

**ORDER: NOW THEREFORE BE IT ORDERED BY THE LENOIR COUNTY BOARD OF COMMISSIONERS THAT**

The Tax Collector advertise 2012 taxes which are liens on real property.

**AMENDMENTS:**

MOVED \_\_\_\_\_ SECOND \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS \_\_\_\_\_

**YEA VOTE:** Davis \_\_\_\_\_ Brown \_\_\_\_\_ Best \_\_\_\_\_ Sutton \_\_\_\_\_  
Hill \_\_\_\_\_ Daughety \_\_\_\_\_ Rouse \_\_\_\_\_

\_\_\_\_\_  
Reuben J. Davis., Chairman Date

\_\_\_\_\_  
Attest Date 2/4/13



## County of Lenoir

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Office of the  
Tax Administrator

Drawer 3289  
Kinston, N.C. 28502

TO: Board of Commissioners

FROM: Darrell Parrish/ Lenoir County Tax Collector

RE: G.S. 105-369(a) Unpaid Real Estate Taxes

DATE: February 4, 2013

General Statute G.S. 105-369(a) requires the tax collector to report to the governing body the total of unpaid 2012 taxes that are liens on real property and the governing body shall order the tax collector to advertise such tax liens.

The total of unpaid 2012 taxes that are liens on real property is \$2,691,758.42.

We will advertise these tax liens in the newspaper on March 27, 2013.

OF WHICH THEY HAD 6505-NAMI 6505-ACCT 6505-NAPN

TOTALS BELOW EXCLUDE FLAG "E" EXEMPT PROPERTIES

TOTALS	TOTAL VALUES	TOTAL EXEMPTIONS
ACRE: 16680.76 REAL	350637884.	AGEX: 9590866.
LOTS: 0 OTH:	60467	HPX: 0.
DEPRV: 0 INVE:	1318.	DIRX: 0.
NOMH: 418 MACH:	1130437.	
NOMV: 76 MOTV:	2819277.	
NOMW: 0 MOTW:	0.	
BOGS: 0 FARM:	231788.	
LTLs, Y, O-9: 312 MINV:	0.	
#VEHICLES		
PENALIZED: 0	357707767.	9590866.
LAND: 198100		
BLDD: 0		
OBLD: 0		

TOTAL VALUES: 357707767.  
LESS TOTAL EXEMPT: 9590866.

NET TAXABLE VALUE: 348116901.

TOTALS BY POLITICAL SUBDIVISIONS, DISTRICTS:

CODE	NAME	NUMBER	VALUE	EXEMPT	NET TAXABLE	DEFERRED	NON-DEFERRED	FMTHS	ADJUST	NET BILL
23	SOUTHWOOD FIRE DIST	428	24085236.-	808479=	23276777.-	0=	23276777.+	0=	0=	23276777.
24	NORTH LENOIR FIRE D	928	54744238.-	999085=	53745153.-	0=	53745153.+	0=	0=	53745153.
27	SEVEN SPRINGS FIRE	62	3934391.-	23000=	3704391.-	0=	3704391.+	0=	0=	3704391.
28	SANDY BOTTOM FIRE D	389	24961349.-	355721=	24605628.-	0=	24605628.+	0=	0=	24605628.
29	DEEP RUN FIRE DIST	433	23642273.-	631954=	23010319.-	0=	23010319.+	0=	0=	23010319.
30	HUGO FIRE DIST	377	21197327.-	691948=	20505379.-	0=	20505379.+	0=	0=	20505379.
31	SAND HILL FIRE DIST	233	9445056.-	198599=	7459057.-	0=	7459057.+	0=	0=	7459057.
32	CHERRY TREE FIRE DI	232	1163289.-	285736=	877553.-	0=	877553.+	0=	0=	877553.
33	MOSELEY HALL FIRE D	336	22379815.-	289341=	22090474.-	0=	22090474.+	0=	0=	22090474.
34	WYSE FORK FIRE DIST	59	3984475.-	0=	3984475.-	0=	3984475.+	0=	0=	3984475.
35	GRIPTON FIRE DIST	154	6908017.-	325905=	6482112.-	0=	6482112.+	0=	0=	6482112.
36	GLOBAL TRANSPARK	1	43752.-	0=	43752.-	0=	43752.+	0=	0=	43752.
41	MUNICIPAL SERVICE D	77	3500128.-	0=	3500128.-	0=	3500128.+	0=	0=	3500128.
43	WAYNE DRAINAGE DIST	3	131149.-	0=	131149.-	0=	131149.+	0=	0=	131149.
44	LENOIR/CRAVEN/JONES	39	1974018.-	0=	1974018.-	0=	1974018.+	0=	0=	1974018.
55	TOWN OF LA GRANGE	410	15897583.-	836448=	15061135.-	0=	15061135.+	0=	0=	15061135.
56	CITY OF KINGSTON	2253	121743166.-	4118348=	117624823.-	0=	117624823.+	0=	0=	117624823.
57	TOWN OF PINK HILL	76	6462096.-	61461=	6400635.-	0=	6400635.+	0=	0=	6400635.
58	TOWN OF GRIPTON	49	1452010.-	57744=	1394266.-	0=	1394266.+	0=	0=	1394266.
64	LANDFILL USER FEE	1867	143002110.-	4148291=	138853819.-	0=	138853819.+	0=	0=	138853819.

TOTAL EXEMPT FLAG "E" RECORDS: 0 VALUED: 0.

NUMBER OF UNPAID TAX BILLS: 6505

TAXES:		CHARGE	BALANCE	NET
LENOIR COUNTY TAX DEPARTMENT		2784424.38	2585198.52	199225.86
LATE LISTING		1788.09	1727.10	60.99
DCG		0.00	0.00	0.00
TOTALS BY POLITICAL SUBDIVISIONS, DISTRICTS:				
CODE	NAME	NUMBER		
23	SOUTHWOOD FIRE DIST	428	16293.27	561.22
24	NORTH LENOIR FIRE D	928	24185.49	2668.42
27	SEVEN SPRINGS FIRE	62	1563.72	221.61
28	SANDY BOTTOM FIRE D	389	19684.57	1345.63
29	DEEP RUN FIRE DIST	43	13806.22	779.68
30	HUGO FIRE DIST	377	8202.21	428.14
31	SAND HILL FIRE DIST	233	6472.45	326.92
32	CHERRY TREE FIRE DI	232	5078.08	268.01
33	HOBSELEY HALL FIRE D	336	8912.52	641.43
34	WYSE FORK FIRE DIST	59	2589.89	127.43
35	GRIFTON FIRE DIST	154	1944.67	151.47
36	GLOBAL TRANSPARK	1	19.69	0.00
SUB-TOTAL		2898865.25	2691758.42	207106.83
INTEREST STATE 3%		0.00	0.00	0.00
DISCOUNT		0.00	0.00	0.00
INTEREST		55525.59	53802.38	1723.21
LTEN SALE COST		50.00	45.42	4.58
TOTAL		2954440.84	2745606.22	208834.62
10 PREPAYMENTS				
LATE LISTING		0	0.00	0.00
SUB-TOTAL		0.00	0.00	0.00
DISCOUNT		0.00	0.00	0.00
INTEREST		0.00	0.00	0.00
TOTAL		0.00	0.00	0.00
11 BEER LICENSES				
LATE LISTING		0	0.00	0.00
SUB-TOTAL		0.00	0.00	0.00
DISCOUNT		0.00	0.00	0.00
INTEREST		0.00	0.00	0.00
TOTAL		0.00	0.00	0.00
12 WINE LICENSES				
LATE LISTING		0	0.00	0.00
SUB-TOTAL		0.00	0.00	0.00
DISCOUNT		0.00	0.00	0.00
INTEREST		0.00	0.00	0.00
TOTAL		0.00	0.00	0.00
13 SCHEDULE B LICENSES				
LATE LISTING		0	0.00	0.00
SUB-TOTAL		0.00	0.00	0.00
DISCOUNT		0.00	0.00	0.00
INTEREST		0.00	0.00	0.00
TOTAL		0.00	0.00	0.00
41 MUNICIPAL SERVICE D				
LATE LISTING		77	9450.36	8.64
SUB-TOTAL			9441.72	0.00
DISCOUNT			2.12	8.64
INTEREST			0.00	0.00
TOTAL			188.85	0.17
43 WAYNE DRAINAGE DIST				
LATE LISTING		3	180.13	166.79
SUB-TOTAL			13.44	0.00
DISCOUNT			0.00	166.79
INTEREST			0.00	0.00

44	LENOIR/ CRAVEN/ JONES	39	440.62	403.79	36.83
	LATE LISTING		0.00	0.00	0.00
	SUB-TOTAL		440.62	403.79	36.83
	DISCOUNT		0.00	0.00	0.00
	INTEREST		8.51	8.09	0.42
	TOTAL		449.13	411.88	37.25
55	TOWN OF LA GRANGE	410	69125.33	69373.75	3751.58
	LATE LISTING		30.71	30.71	0.00
	SUB-TOTAL		69156.04	69404.46	3751.58
	DISCOUNT		0.00	0.00	0.00
	INTEREST		1338.03	1300.80	37.23
	TOTAL		70494.07	66705.26	3788.81
56	CITY OF WINSTON	2253	776325.14	718221.26	58103.88
	LATE LISTING		142.06	138.48	3.58
	SUB-TOTAL		776467.20	718359.74	58107.46
	DISCOUNT		0.00	0.00	0.00
	INTEREST		14830.77	14368.43	462.34
	TOTAL		791298.17	732728.17	58570.00
57	TOWN OF PINK HILL	74	35203.56	33716.31	1487.25
	LATE LISTING		10.62	9.15	1.47
	SUB-TOTAL		35214.18	33725.46	1488.72
	DISCOUNT		0.00	0.00	0.00
	INTEREST		676.93	674.54	2.39
	TOTAL		35891.11	34400.00	1491.11
58	TOWN OF GRIFTON	49	0.00	0.00	0.00
	LATE LISTING		0.00	0.00	0.00
	SUB-TOTAL		0.00	0.00	0.00
	DISCOUNT		0.00	0.00	0.00
	INTEREST		0.00	0.00	0.00
	TOTAL		0.00	0.00	0.00
64	"LANDFILL" USER FEE	1867	165480.00	155162.49	10317.51
	LATE LISTING		241.71	231.22	10.49
	SUB-TOTAL		165721.71	155393.71	10328.00
	DISCOUNT		0.00	0.00	0.00
	INTEREST		3162.77	3104.83	57.94
	TOTAL		168884.48	158498.54	10385.94
	TOTAL TAXES		3955497.71	3674502.86	280994.85
	TOTAL LIEN COST		50.00	45.32	4.68
	TOTAL DISCOUNT		0.00	0.00	0.00
	TOTAL INTEREST		75735.42	73448.19	2287.23
	TOTAL 3% STATE INTEREST		0.00	0.00	0.00
	GRAND TOTAL		4031283.13	3747996.47	283286.66

TRANSACTIONS 07012012->99992027		1176	PAYMENTS	53	DISC/CORR	41	RELEASES	TOTAL CREDIT (PAYMENT+RELEASE)	NET CREDIT (TOTAL-DISC/CORR)
LENOIR COUNTY TAX DEPARTMENT		199225.86		6001.52		-3209.79		204431.65	198430.13
LATE LISTING		60.96		0.00		-3.92		54.88	64.88
DDG		0.00		0.00		0.00		0.00	0.00
CODE DISTRICT NAME									
23	SOUTHWOOD FIRE DIST	661.22		0.00		-19.74		680.96	680.96
24	NORTH LENOIR FIRE D	2668.42		0.78		0.00		2668.42	2667.64
27	SEVEN SPRINGS FIRE	221.61		0.00		-0.18		221.79	221.79
28	SANDY BOTTOM FIRE D	1343.63		0.00		0.00		1343.63	1343.63
29	DEEP RUN FIRE DIST	779.88		0.00		-21.48		801.14	801.14
30	HUGO FIRE DIST	428.16		32.08		0.00		428.16	396.08
31	SAND HILL FIRE DIST	526.92		0.00		-2.24		529.16	529.16
32	CHERRY TREE FIRE DI	268.01		1.10		-134.97		402.98	401.88
33	MOSELEY HALL FIRE D	641.43		119.98		-34.05		675.48	558.90
34	WYSE FORK FIRE DIST	127.43		0.00		0.00		127.43	127.43
35	GRIFTON FIRE DIST	151.47		0.00		-7.50		158.97	158.97
	SUB-TOTAL	207106.80		6155.06		-5429.85		212536.65	206381.56
STATE 3PCT INTEREST		0.00		0.00		0.00		0.00	0.00
DISCOUNT		0.00		0.00		0.00		0.00	0.00

	TOTAL	208834.56	6205.06	-5440.22	214274.78	208069.72
41 MUNICIPAL SERVICE D		8.64	0.00	0.00	8.64	8.64
LATE LISTING		0.00	0.00	0.00	0.00	0.00
	SUB-TOTAL	8.64	0.00	0.00	8.64	8.64
DISCOUNT		0.00	0.00	0.00	0.00	0.00
INTEREST		0.17	0.00	0.00	0.17	0.17
	TOTAL	8.81	0.00	0.00	8.81	8.81
43 WAYNE DRAINAGE DIST		166.79	180.13	0.00	166.79	-13.34
LATE LISTING		0.00	0.00	0.00	0.00	0.00
	SUB-TOTAL	166.79	180.13	0.00	166.79	-13.34
DISCOUNT		0.00	0.00	0.00	0.00	0.00
INTEREST		3.33	0.00	0.00	3.33	3.33
	TOTAL	170.12	180.13	0.00	170.12	-10.01
44 LENOIR/ CRAVEN/ JONES		36.83	440.62	0.00	36.83	-403.79
LATE LISTING		0.00	0.00	0.00	0.00	0.00
	SUB-TOTAL	36.83	440.62	0.00	36.83	-403.79
DISCOUNT		0.00	0.00	0.00	0.00	0.00
INTEREST		0.43	0.00	0.00	0.43	0.43
	TOTAL	37.26	440.62	0.00	37.26	-403.36
53 TOWN OF LA GRANGE		3751.88	0.00	-121.50	3873.08	3873.08
LATE LISTING		0.00	0.00	0.00	0.00	0.00
	SUB-TOTAL	3751.88	0.00	-121.50	3873.08	3873.08
DISCOUNT		0.00	0.00	0.00	0.00	0.00
INTEREST		37.24	0.00	0.00	37.24	37.24
	TOTAL	3788.82	0.00	-121.50	3910.32	3910.32
55 CITY OF WINSTON		58103.88	656.01	-1807.71	59908.36	59252.35
LATE LISTING		3.58	0.00	-3.23	6.81	6.81
	SUB-TOTAL	58107.46	656.01	-1807.71	59915.17	59259.16
DISCOUNT		0.00	0.00	0.00	0.00	0.00
INTEREST		462.58	0.00	0.00	462.58	462.58
	TOTAL	58570.04	656.01	-1807.71	60377.75	59721.74
57 TOWN OF PINK HILL		1487.25	1476.99	0.00	1487.25	10.26
LATE LISTING		1.47	0.00	0.00	1.47	1.47
	SUB-TOTAL	1488.72	1476.99	0.00	1488.72	11.73
DISCOUNT		0.00	0.00	0.00	0.00	0.00
INTEREST		2.40	0.00	0.00	2.40	2.40
	TOTAL	1491.12	1476.99	0.00	1491.12	14.13
64 LANDFILL USER FEE		10317.51	0.00	-1008.00	11325.51	11325.51
LATE LISTING		10.52	0.00	0.00	10.52	10.52
	SUB-TOTAL	10328.03	0.00	-1008.00	11336.03	11336.03
DISCOUNT		0.00	0.00	0.00	0.00	0.00
INTEREST		57.90	0.00	-1.68	59.58	59.58
	TOTAL	10385.93	0.00	-1009.68	11395.61	11395.61
TOTAL TAXES		280994.85	8908.81	-8367.06	289361.71	280453.10
TOTAL LIEN COST		4.58	50.00	0.00	4.58	-45.42
TOTAL DISCOUNT		0.00	0.00	0.00	0.00	0.00
TOTAL INTEREST		2287.23	0.00	-12.05	2299.28	2299.28
TOTAL STATE 3PCT INTEREST		0.00	0.00	0.00	0.00	0.00
	GRAND TOTAL	283286.66	8958.81	-8379.11	291665.77	282706.96

TAX SCROLL 2012 TAX YEAR RAN FROM 10:01:49 TO 10:02:22 ON: 01252013

**PROCLAMATION  
Career and Technical Education Month**

**WHEREAS**, February 1-28, 2013 has been designated Career and Technical Education Month by the Association for Career and Technical Education; and

**WHEREAS**, profound economic and technological changes in our society are rapidly reflected in the structure and nature of work, thereby placing new and additional responsibilities on our educational system; and

**WHEREAS**, career and technical education provides Americans with a school-to-careers connection and is the backbone of a strong, well-educated workforce, which fosters productivity in business and industry and contributes to America's leadership in the international marketplace; and

**WHEREAS**, career and technical education gives high school students experience in practical, meaningful applications of basic skills such as reading, writing and mathematics, thus improving the quality of their education, motivating potential dropouts and giving all students leadership opportunities in their fields and in their communities; and

**WHEREAS**, career and technical education offers individuals lifelong opportunities to learn new skills, which provide them with career choices and potential satisfaction; and

**WHEREAS**, the ever-increasing cooperative efforts of career and technical educators and business and industry stimulate the growth and vitality of our local economy and that of the entire nation by preparing graduates for career fields forecast to experience the largest and fastest growth in the next decade;

**NOW THEREFORE, I, Reuben J. Davis, Chairman of the Lenoir County Board of Commissioners, do hereby proclaim February 1-28, 2013 as**

**CAREER AND TECHNICAL EDUCATION MONTH**

in Lenoir County and urge all citizens to become familiar with the services and benefits offered by the career and technical education programs in this community and to support and participate in these programs to enhance their individual work skills and productivity.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of Lenoir County this the 4<sup>TH</sup> day of February, 2013.

Reuben J. Davis, Chairman

February 4, 2013  
Date

Item No. 6

BUDGET ORDINANCE AMENDMENT: CAPITAL IMPROVEMENTS FUND: COMMUNITY DEVELOPMENT: \$4,551. INCREASE



**LENOIR COUNTY, NORTH CAROLINA**  
**BUDGET AMENDMENT REQUEST**

FY 2012 - 2013  
 Appropriations

Budget Amendment # \_\_\_\_\_  
 Date Approved \_\_\_\_\_

Distribution - Finance Office:

FUND		DEPARTMENT		LINE ITEM DESCRIPTION	
CAPITAL IMPROVEMENTS		COMMUNITY DEVELOPMENT		VARIOUS	
Check One Box New Appropriation: <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/> <b>REVENUES</b>			Check One Box New Appropriation: <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/> <b>EXPENDITURES</b>		
Account # and Title		Amount	Account # and Title		Amount
<u>INCREASE</u>			<u>INCREASE</u>		
40-3991-9910	FUND BALANCE APPROPRIATED	4,551.00	40-4930-5101	PARKS & RECREATION-CAPITAL	4,551.00
Total		4,551.00	Total		4,551.00

**Reason and Justification for Request:**

TO BUDGET FUNDS (\$4,551) TO COVER THE COST OF REPAIRING THE BOILER AT THE PINK HILL GYM. THIS WAS PRESENTED TO THE COMMISSIONERS BY BILL ELLIS AFTER HE PRESENTED ITEM #12 ON JANUARY 22, 2013 - THERE WAS NO RESOLUTION. THE COMMISSIONERS APPROVED THIS EXPENDITURE BY A VOTE OF 6 FOR AND 1 AGAINST. COMMISSIONER ROUSE VOTED AGAINST THE RESOLUTION.

Department Head Approval	Date	Finance Officer Approval	Date
<i>Martha H. Martin</i>	<i>1/30/2013</i>	<i>Martha H. Martin</i>	<i>1/30/2013</i>
Budget Officer Approval	Date		
<i>Michael W. Jarman</i>	<i>1/31/13</i>		
Board Approval (When Applicable)	Date	Date of Minutes	

Finance Office - Copy

Department - Copy

Administration - Copy

**INTRODUCED BY:** Michael Jarman, County Manager **DATE** 02/04/2013 **ITEM NO.** 7

**RESOLUTION:** Approving Purchase of Painting Services for the Sheriff's Office: \$11,925

**SUBJECT AREA:** Financial

**ACTION REQUESTED:** The Board is requested to authorize the Sheriff to execute a purchase order with Creech's Painting Inc., for the purchase of painting services for the lower floor of the Sheriff's Office.

**HISTORY / BACKGROUND:** The Sheriff's Office is located in two areas of the courthouse. The administrative section and support services are located on the first floor of the courthouse. The patrol offices and detective division are located in the basement, along with the basement jail. These offices and hallways have not been painted in many years and are in dire need of paint.

**EVALUATION:** The Sheriff's Office has obtained two quotes from two painting businesses in Lenoir County. The first quote was approximately \$25,000. The second quote from Creech's Painting Inc., was \$11,925. Creech's Painting has been hired in the past to paint the older jail located in the basement. The Sheriff was satisfied with the painting work of Creech's Painting. The Sheriff intends to pay for this painting project by using excess funds in the Sheriff's vehicle fuel line. The fuel prices so far for the fiscal year have remained under \$4 a gallon resulting in these excess funds. The Sheriff respectfully requests that he be permitted to execute a purchase order with Creech's Painting Inc., to purchase the painting services.



**INTRODUCED BY:** Michael Jarman, County Manager **DATE:** 2/4/2013 **ITEM NO.:** 8A

**RESOLUTION:** Approving Purchase of a 2013 Dodge Charger: \$22,854

**SUBJECT AREA:** Financial

**ACTION REQUESTED:** The Board is requested to authorize the Sheriff to execute a purchase order with Horace G. Ilderton, Inc., for the purchase of a 2013 Dodge Charger.

**HISTORY / BACKGROUND:** The Sheriff's Office is responsible for the service of civil process, criminal warrants, transporting mental patients to mental health facilities, transporting prisoners to various locations in the State, and responding to 911 calls for service. As such, the Sheriff provides patrol vehicles to his deputies to carry out these duties. Recently, a deputy was traveling to an emergency call and was involved in an at-fault, single vehicle accident. The Crown Victoria was a total loss. The vehicle must now be replaced.

**EVALUATION:** The State contract price for a 2013 Dodge Charger is \$22,854. Although the distributor for the Dodge Charger was awarded to a South Carolina dealership, Ilderton Dodge matched the price to retain their customers and to keep North Carolina business in North Carolina. The insurance carrier for the county has paid \$7093.50, for the loss of the vehicle. The remaining amount will come from the vehicle replacement line.

The Sheriff respectfully requests that he be permitted to execute a purchase order with Horace G. Ilderton , to purchase a 2013 Dodge Charger.



BUDGET ORDINANCE AMENDMENT: VEHICLE REPLACEMENT FUND:  
 VEHICLE REPLACEMENT: \$22,854.: INCREASE



**LENOIR COUNTY, NORTH CAROLINA**  
**BUDGET AMENDMENT REQUEST**

FY 2012 - 2013  
 Appropriations

Budget Amendment # \_\_\_\_\_  
 Date Approved \_\_\_\_\_

Distribution - Finance Office:

FUND		DEPARTMENT		LINE ITEM DESCRIPTION	
VEHICLE REPLACEMENT		VEHICLE REPLACEMENT		VARIOUS	
Check One Box New Appropriation: <input type="checkbox"/> <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/> <input type="checkbox"/>			Check One Box New Appropriation: <input type="checkbox"/> <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/> <input type="checkbox"/>		
<b>REVENUES</b>			<b>EXPENDITURES</b>		
Account # and Title		Amount	Account # and Title		Amount
<u>INCREASE</u>			<u>INCREASE</u>		
14-3991-9910	FUND BALANCE APPROPRIATED	22,854.00	14-4200-5400	CAPITAL OUTLAY-VEHICLES	22,854.00
Total		22,854.00	Total		22,854.00

**Reason and Justification for Request:**

BUDGET AMENDMENT TO APPROPRIATE FUNDS TO PURCHASE A NEW DODGE CHARGER. THIS VEHICLE WILL REPLACE THE 2010 FORD CROWN VICTORIA THAT WAS INVOLVED IN AN ACCIDENT ON 12/11/2012 AND WAS TOTALLED BY THE INSURANCE COMPANY. A CHECK IN THE AMOUNT OF \$7,903.50 WAS RECEIVED FROM ARGONAUT INSURANCE ON 1/2/2013 AND WILL BE APPLIED TOWARD THIS PURCHASE.

Department Head Approval	Date	Finance Officer Approval	Date
<i>Martha H. Martin</i>	1/24/2013	<i>Martha H. Martin</i>	1/24/2013
Budget Officer Approval	Date		
<i>Murphy Jarman</i>	1/24/13		
Board Approval (When Applicable)	Date	Date of Minutes	

Item No. 9

BUDGET ORDINANCE AMENDMENT: DSS:PUBLIC ASSISTANCE: \$365,672.00 DECREASE



**LENOIR COUNTY, NORTH CAROLINA**  
**BUDGET AMENDMENT REQUEST**

FY 2012 - 2013  
Appropriations

Budget Amendment # \_\_\_\_\_  
 Date Approved \_\_\_\_\_

Distribution - Finance Office:

FUND		DEPARTMENT		LINE ITEM DESCRIPTION	
GENERAL FUND		DEPARTMENT OF SOCIAL SERVICES		VARIOUS	
Check One Box New Appropriation: <input type="checkbox"/> <input checked="" type="checkbox"/> X Line Item Transfer: <input type="checkbox"/> <input checked="" type="checkbox"/> X <b>REVENUES</b>			Check One Box New Appropriation: <input checked="" type="checkbox"/> X Line Item Transfer: <input type="checkbox"/> <input checked="" type="checkbox"/> X <b>EXPENDITURES</b>		
Account # and Title	Amount	Account # and Title	Amount	Account # and Title	Amount
<u>DECREASE</u>		<u>DECREASE</u>			
10-3585-3990 CHILD CARE DEVELOPMENT FUNI	-365,672.00	10-5351-4974 CHILDCARE DEVELOPMENT FUND	-365,672.00		
Total	-365,672.00	Total	-365,672.00		

**Reason and Justification for Request:**  
 BUDGET AMENDMENT DUE TO THE DECREASED ALLOCATION RECEIVED THIS YEAR. FUNDS ARE 100% FEDERAL / NO COUNTY COST.

Department Head Approval <i>Susan E. Moore</i>	Date 1/18/2013	Finance Officer Approval <i>Martha H. Martin</i>	Date 1/18/2013
Budget Officer Approval <i>Miguel W. Jarman</i>	Date 1/18/13		
Board Approval (When Applicable)	Date	Date of Minutes	

BUDGET ORDINANCE AMENDMENT: VARIOUS FUNDS  
FINANCE: \$808,932. INCREASE



LENOIR COUNTY, NORTH CAROLINA  
BUDGET AMENDMENT REQUEST

Page 1 of 3

FY 2012 - 2013  
Appropriations

Budget Amendment # \_\_\_\_\_  
Date Approved \_\_\_\_\_

Distribution - Finance Office:

FUND		DEPARTMENT		LINE ITEM DESCRIPTION	
VARIOUS		VARIOUS		VARIOUS	
<b>Check One Box</b> New Appropriation: <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/> <b>REVENUES</b>			<b>Check One Box</b> New Appropriation: <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/> <b>EXPENDITURES</b>		
Account # and Title		Amount	Account # and Title		Amount
<b>INCREASE</b>			<b>INCREASE</b>		
10-3320-3100	Jail Fees/FICA Benefits	500.00	10-4200-4520	Insurance Liability-Veh	24,624.00
10-3328-3125	Grant-HIDTA/OCDETF	7,500.00	10-4200-4550	Insurance-Bldg/Comm	50,454.00
10-3328-3126	Grant-ICE	10,000.00	10-4200-6460	Conc Weap-DOJ	11,000.00
10-3329-8901	Grant-Reimb-Em Mgmt	2,625.00	10-4200-6330	Hwy Use Tax, Title	1,300.00
10-3330-1013	FEMA Reimb-Hurricane Irene	632,257.00			
10-3431-4100	Sheriff Fees	30,000.00	10-4320-1275	Longevity	17.00
10-3431-4110	Shf Fees-Conc Weap App-State	11,000.00	10-4320-3999	Cont Svcs-Med Safekeeping	750,000.00
10-3431-4111	Shf Fees-Conc Weap App-Cnty	11,000.00			
10-3519-3300	Medicaid Reimb-Prior Years	255,317.00	10-4940-1210	Salaries/Wages	11,000.00
10-3535-0161	Income-Transit Reimb	58,410.00			
10-3833-8400	Donations-EMS	445.00			
10-3834-8611	Rent-Livestock Arena	100.00			
10-3834-8616	Rent-Bowen Property	1,610.00			
10-3835-8202	Sale of Fixed Assets-Land	3,500.00			
10-3842-8500	Insurance-Miscellaneous	64,000.00			
10-3842-8900	Miscellaneous	190,000.00			
10-3842-8903	Filing Fees-Elections	5.00			
SUBTOTAL-PAGE 1		1,278,269.00	SUBTOTAL-PAGE 1		848,395.00

Continued on Page 2

**Reason and Justification for Request:**

Budget Amendment to adjust budgeted revenue and expenditures to more accurately reflect actual revenues and expenditures for six (6) months of FY 12-13.

Department Head Approval	Date	Finance Officer Approval	Date
<i>Martha H. Martin</i>	<i>1/25/2013</i>	<i>Martha H. Martin</i>	<i>1/25/2013</i>
Budget Officer Approval	Date		
<i>Michael W. Farman</i>	<i>1/28/13</i>		
Board Approval (When Applicable)	Date	Date of Minutes	

BUDGET ORDINANCE AMENDMENT: VARIOUS FUNDS  
 FINANCE: \$808,932. INCREASE



**LENOIR COUNTY, NORTH CAROLINA**  
**BUDGET AMENDMENT REQUEST**

Page 2 of 3

FY 2012 - 2013  
 Appropriations

Budget Amendment # \_\_\_\_\_  
 Date Approved \_\_\_\_\_

Distribution - Finance Office:

FUND		DEPARTMENT		LINE ITEM DESCRIPTION	
General/Tire Disposal/Solid Waste		VARIOUS		VARIOUS	
<b>Check One Box</b> New Appropriation: <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/> <b>REVENUES</b>			<b>Check One Box</b> New Appropriation: <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/> <b>EXPENDITURES</b>		
Account # and Title		Amount	Account # and Title		Amount
<b>DECREASE</b>			<b>DECREASE</b>		Continued from Page 1
10-3329-8910	School Resource Offcrrs-Bd of Ed	-2,484.00	10-4320-1270	Bonus	-4,718.00
10-3432-2101	Sheriff-Misdemeanant Conf	-92,400.00	10-4320-1830	Employer-Insurance	-50,000.00
10-3432-2103	Sheriff-Federal Prisoners	-37,500.00			
10-3432-2104	Sheriff-Other Cnty Prisoners	-204,000.00			
10-3522-3201	Eastpointe-CJPP	-20,000.00	10-4940-1210	Salaries/Wages	-11,000.00
10-3431-4106	Sheriff-Reimb Food Service	-50,000.00			
10-3991-9910	Fund Balance Appropriated	-89,208.00			
SUBTOTAL-PAGE 2		-495,592.00	SUBTOTAL-PAGE 2		-65,718.00

**Reason and Justification for Request:**  
 Budget Amendment to adjust budgeted revenue and expenditures to more accurately reflect actual revenues and expenditures for six (6) months of FY 12-13.

Department Head Approval	Date	Finance Officer Approval	Date
<i>Martha H. Martin</i>	<i>1/25/2013</i>	<i>Martha H. Martin</i>	<i>1/25/2013</i>
Budget Officer Approval	Date		
Board Approval ( When Applicable)	Date	Date of Minutes	

BUDGET ORDINANCE AMENDMENT: VARIOUS FUNDS  
FINANCE: \$808,932. INCREASE



LENOIR COUNTY, NORTH CAROLINA  
BUDGET AMENDMENT REQUEST

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FY 2012 - 2013  
Appropriations

Budget Amendment # \_\_\_\_\_  
Date Approved \_\_\_\_\_

Distribution - Finance Office:

FUND		DEPARTMENT		LINE ITEM DESCRIPTION	
General/Tire Disposal/Solid Waste		VARIOUS		VARIOUS	
<b>Check One Box</b> New Appropriation: <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/> <b>REVENUES</b>			<b>Check One Box</b> New Appropriation: <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/> <b>EXPENDITURES</b>		
Account # and Title		Amount	Account # and Title		Amount
<u>INCREASE</u>			<u>INCREASE</u>		Continued from Page 2
15-3320-1000	Forfeited Drug Proceeds	15,000.00	15-4316-5100	Capital Outlay	15,000.00
22-3452-5104	Voc Rehab Trips	50.00	22-4510-4521	Insurance Claims	855.00
22-3482-8900	Miscellaneous	805.00	43-8158-5800	Construction	192,725.10
66-3472-4010	Landfill-Household Fee	8,000.00	66-4720-1850	Unemployment Compensation	2,072.00
66-3472-4060	Rent-Landfill Farm	2,400.00	66-4720-3520	Maint/Repair-Equipment	8,328.00
			<u>DECREASE</u>		
			43-8158-1990	Other Fund Architect	-7,378.76
			43-8158-1991	Inspect/Comm	-185,346.34
SUBTOTAL-PAGE 3		26,255.00	SUBTOTAL-PAGE 3		26,255.00
<b>TOTAL</b>		<b>808,932.00</b>	<b>TOTAL</b>		<b>808,932.00</b>

**Reason and Justification for Request:**  
Budget Amendment to adjust budgeted revenue and expenditures to more accurately reflect actual revenues and expenditures for six (6) months of FY 12-13.

Department Head Approval	Date	Finance Officer Approval	Date
<i>Martha H. Martin</i>	1/25/2013	<i>Martha H. Martin</i>	1/25/2013

Budget Officer Approval	Date

Board Approval ( When Applicable)	Date	Date of Minutes

**INTRODUCED BY:** Michael W. Jarman, County Manager **DATE:** 2/4/13 **ITEM NO.** 11

**RESOLUTION:** Authorizing Execution of an Addendum to the Sales Tax Audit Contract Dated October 18, 2004 with Tax Reduction Specialists: Sales Tax Re-allocation Audit.

**SUBJECT AREA:** Financial

**ACTION REQUESTED:** The Board is requested to authorize the County Manager to execute an addendum to the contract with Tax Reduction Specialists, a division of Utilities Reduction Specialists, Inc., to conduct a sales tax re-allocation analysis audit of sales and use tax refund claims for Lenoir County for tax filing periods from December 31, 2012 through December 31, 2013.

**HISTORY/BACKGROUND:** Utilities Reduction Specialists, Inc., was established in 1991 in Clemmons, North Carolina, with an objective to audit telecommunication and energy bills for billing errors. Utilities Reduction Specialists, Inc., acquired Tax Reduction Specialists in 2001. Tax Reduction Specialists focuses specifically on minimizing client's tax liabilities, conducting sales tax re-allocation audits, and securing refunds. Utility Reduction Specialists, Inc., has worked with 107 city and county governments in 4 states and has conducted sales tax re-allocation audits for 60 counties in North Carolina. Lenoir County contracted with Tax Reduction Specialists in October 2002 to audit the sales and use tax refund claims for tax filings in 1999 through June 2002. This time frame was significant because a three (3) year statute of limitations applies to requests for tax refunds and Lenoir County would not have been able to apply for any sales tax refunds for filings through June 1999. The County extended the contract with Tax Reduction Specialists on October 18, 2004 to include sales tax filings through December 31, 2003, on February 7, 2005 to include sales tax filings through December 31, 2006, on March 5, 2007 to include sales tax filings through December 31, 2007, on February 18, 2008 to include sales tax filings through December 31, 2008, on October 6, 2008 to include sales tax filings through December 31, 2009, on February 15, 2010 to include sales tax filings through December 31, 2010, on March 17, 2011 to include sales tax filings through December 2011 and on April 2, 2012 to include sales tax filings through December 2012. The requested addendum will extend the contract with Tax Reduction Specialists to include sales tax filings through December 31, 2013.

A sales tax re-allocation audit involves identifying the actual county that received credit for the county sales tax on the original sale of merchandise and verifying that the sales tax is credited to the correct county by the N.C. Department of Revenue. Conducting a re-allocation audit is the only way that a county can obtain a refund for improperly reported sales tax. The State of North Carolina will not do this for a county.

Tax Reduction Specialists, in the original agreement, was compensated 25% of the amount of the sales tax refund obtained by Lenoir County as a result of the sales tax re-allocation audit. Under subsequent addendums and the proposed addendum, the County compensates Tax Reduction Specialists at a reduced rate of 20% of the sales tax refund obtained by the County. If the county does not receive a refund, there will be no fee for the services of Tax Reduction Specialists. The County does not have the staff or the expertise to do this work in-house.

**EVALUATION:** Execution of this agreement will provide Lenoir County with the assurance that it has properly received credit for sales tax re-allocations from the North Carolina Department of Revenue for filings through December 31, 2013 and secure any refunds due to the County for improperly filed or credited sales tax revenues. To date, the audit performed by Tax Reduction Specialists has produced a direct benefit to Lenoir County of \$446,512.05 in additional sales tax revenues that were allocated incorrectly by the State of North Carolina. Tax Reduction Specialists has estimated an additional benefit to the County of \$1,225 through the tax filing period ending December 31, 2012 and additional revenues for filings through December 31, 2013. Tax Reduction Specialists has not raised their fee in a number of years and has agreed to keep their fee the same for this addendum.

Approval of this resolution will allow Tax Reduction Specialists to continue their audit of prior sales tax filings and continue to audit sales tax filings through December 31, 2013.

**MANAGER'S RECOMMENDATION:**

Respectfully recommend approval.

*mwe*  
Initials

**RESOLUTION: NOW THEREFORE BE IT RESOLVED** that the Board authorizes acceptance of the Addendum to the contract between Lenoir County and Tax Reduction Specialists, a division of Utilities Reduction Specialists, Inc., and be it further resolved that the County Manager is authorized to execute the attached agreement, which is incorporated and made part of this resolution by reference.

**AMENDMENTS:**

MOVED \_\_\_\_\_ SECOND \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS \_\_\_\_\_

Yea Votes: Davis \_\_\_ Brown \_\_\_ Daughety \_\_\_ Hill \_\_\_

Rouse \_\_\_ Sutton \_\_\_ Best \_\_\_

\_\_\_\_\_  
**Reuben J. Davis, Chairman**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
Attest

\_\_\_\_\_  
Date

**ADDENDUM TO SALES TAX CONTRACT  
DATED OCTOBER 18TH, 2004  
BETWEEN  
LENOIR COUNTY, NORTH CAROLINA  
AND  
TAX REDUCTION SPECIALISTS  
(A division of Utilities Reduction Specialists, Inc.)**

This addendum hereby authorizes Tax Reduction Specialists (TRS) to audit sales and use taxes for Lenoir County through the tax period ending December 31, 2013. TRS will not audit tax periods ending after this date unless it receives written approval by the County. This audit will be conducted under the same terms and conditions as the original contract.

*The fee for any tax refunds, credits or additional tax revenues recovered for Lenoir County as a whole for tax periods ending after December 2003, will be 20% of said refunds, credits, or revenues and will be invoiced only after receipt of same by the County.*

**APPROVED FOR LENOIR COUNTY**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_, 2013

\_\_\_\_\_  
(Title)

**ATTEST:**

\_\_\_\_\_

**APPROVED FOR TAX REDUCTION SPECIALISTS**

*Steven D. Mann*  
\_\_\_\_\_  
Steven D. Mann, President

*1/23*  
\_\_\_\_\_, 2013

**ATTEST:**

*Sumit J. Paulson*  
\_\_\_\_\_

**INTRODUCED BY:** Michael W. Jarman, County Manager **Date:** 2/4/13 **ITEM NO.** 12

**RESOLUTION:** Approving Acceptance of Fee Arrangements for Financial Advisory Services in Connection with Proposed Authorization and Issuance of Series 2013 General Obligation Refunding Bonds: BB&T Capital Markets, a Division of BB&T Securities, LLC: Per Proposal Dated January 28, 2013: \$27,500.

**SUBJECT AREA:** Financial

**ACTION REQUESTED:** The Board is requested to authorize the acceptance of fee arrangements from BB&T Capital Markets (BB&TCM), a division of BB&T Securities, LLC, for financial advisory services in connection with proposed authorization and issuance of Series 2013 General Obligation Refunding Bonds.

**HISTORY/BACKGROUND:** In 2007, Lenoir County issued General Obligation Bonds for schools and library facilities. In 2008, the County issued General Obligation Bonds for additional school facilities. Because of low market interest rates, it now appears that the County can realize savings by refinancing, all or a portion, of the Prior Bonds. Representation for the County by a certified financial advisor is a requirement of the North Carolina Local Government Commission. County Administration received proposals from three (3) certified financial advisors containing their qualifications and computations estimating potential savings to the County by issuing advanced refunding bonds to pay off all, or a portion of Series 2007 and 2008 General Obligation Bonds, previously issued by the County.

**EVALUATION:** Because of low market interest rates, Lenoir County may be able to realize significant savings by refinancing all or a portion of prior General Obligation Bonds issued in 2007 and 2008. Representation by a certified financial advisor is a requirement of the North Carolina Local Government Commission. County Administration received proposals from three (3) certified financial advisors. All three (3) proposals demonstrated similar savings to the County from the issuance of advanced refunding bonds in a favorable market environment. The County previously worked with BB&T on the issuance of the Series 2007 and 2008 Bonds and also Recovery Zone Economic Development Bonds (RZEDB), used for construction of a new jail facility. BB&T submitted estimates to the County that demonstrated the possibility of additional savings by including a portion of the Series 2008 General Obligation Bonds in the advanced refunding. BB&T advised that if market interest rates continue to be favorable through the tentative sale date of March 12, 2013, that up to \$35 million could be attractive enough to potential customers for purchasing. BB&T Capital Markets will charge a fee of \$27,500 for their services associated with this transaction. If closing does not occur, BB&T Capital Markets would be compensated for expenses incurred including travel and lodging expenses, mailing and delivery charges, duplication, telephone and communication expenses. All fees will be paid from proceeds derived from the sale of the new refunding bonds and estimates of these fees are calculated into the savings projected for this transaction.

Acceptance of this resolution will allow for the encumbrance of funds and the eventual payment to BB&T Capital Markets, a Division of BB&T Securities, LLC, for financial advisory services rendered to the County to complete this transaction.

**MANAGER'S RECOMMENDATION:**

Respectfully recommend approval.

  
Initials

**RESOLUTION: NOW THEREFORE BE IT RESOLVED** by the Lenoir County Board of Commissioners that a fee arrangement for financial advisory services in connection with the proposed authorization and issuance of Series 2013 General Obligation Refunding Bonds from BB&T Capital Markets, a division of BB&T Securities, LLC, be approved, and be it further resolved that the Lenoir County Assistant County Manager or the Lenoir County Finance Officer are authorized to execute the fee arrangement agreement on behalf of Lenoir County.

**AMENDMENTS:**

MOVED \_\_\_\_\_ SECOND \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS \_\_\_\_\_

**Yea Votes:** Davis \_\_\_ Brown \_\_\_ Daughety \_\_\_ Hill \_\_\_

Rouse \_\_\_ Sutton \_\_\_ Best \_\_\_

\_\_\_\_\_  
Reuben J. Davis, Chairman

2/4/2013

Date

\_\_\_\_\_  
Attest

2/4/2013

Date

**INTRODUCED BY:** Michael W. Jarman, County Manager **Date:** 02/04/13 **ITEM NO.** 13

**RESOLUTION:** Approving Acceptance of Fee Arrangements for Bond Counsel Services in Connection with Proposed Authorization and Issuance of Series 2013 General Obligation Refunding Bonds: Sanford Holshouser, Attorneys at Law: Per Proposal Dated January 24, 2013.

**SUBJECT AREA:** Financial

**ACTION REQUESTED:** The Board is requested to authorize the acceptance of fee arrangements from Sanford Holshouser, Attorneys at Law, for Bond Counsel services in connection with proposed authorization and issuance of Series 2013 General Obligation Refunding Bonds.

**HISTORY/BACKGROUND:** In 2007, Lenoir County issued General Obligation Bonds for schools and library facilities. In 2008, the County issued General Obligation Bonds for additional school facilities. Because of low market interest rates, it now appears that the County can realize savings by refinancing, all or a portion, of the Prior Bonds. Representation for the County by a qualified Bond Counsel is required. At the request of management, the law firm of Sanford Holshouser provided the County with a proposal for this service (copy attached).

**EVALUATION:** Because of low market interest rates, Lenoir County may be able to realize significant savings by refinancing all or a portion of prior General Obligation Bonds issued in 2007 and 2008. Representation by a qualified Bond Counsel is required. The County requested a proposal from the law firm of Sanford Holshouser to provide the services necessary to complete this transaction. The proposal from Sanford Holshouser for services as Bond Counsel for Lenoir County in connection with the issuance of General Obligation Refunding Bonds consists of two components. First, a fee of \$27,500 will be charged for all work as Bond Counsel leading to the refunding of approximately \$18,000,000 of outstanding County General Obligation Bonds issued in 2007. This fee includes all expenses. If the financing does not proceed due to market conditions, there will be no fee due. If for any other reason the County decided not to proceed with the bond issuance, Sanford Holshouser would be compensated at their normal hourly rate (plus expenses), for their time from the beginning of the process. The second component of the proposal involves an increase in the fee amount if bonds from the outstanding 2008 issue are included in the refunding. Bond Counsel and the County Administration will discuss the changed circumstances (such as a material increase in the amount of new bonds to be issued) and an appropriate adjustment to the fee will be agreed upon. If market conditions are favorable on the scheduled sale date of March 12, 2013, refunding a larger amount would result in increased annual savings for the County. All fees will be paid from proceeds derived from the sale of the new refunding bonds and estimates of these fees are calculated into the savings projected by the County's financial advisor for this transaction.

Acceptance of this resolution will allow for the encumbrance of funds and the eventual payment to Sanford Holshouser for bond counsel services rendered to the County.

**MANAGER'S RECOMMENDATION:**

Respectfully recommend approval.

  
Initials

**RESOLUTION: NOW THEREFORE BE IT RESOLVED** by the Lenoir County Board of Commissioners that the fee arrangement for Bond Counsel services from the law firm of Sanford Holshouser, which is attached and made a part of this resolution by reference, in connection with the proposed authorization and issuance of Series 2013 General Obligation Refunding Bonds, be approved, and be it further resolved that the Lenoir County Manager be authorized to execute the fee arrangement agreement on behalf of Lenoir County.

**AMENDMENTS:**

MOVED \_\_\_\_\_ SECOND \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS \_\_\_\_\_

**Yea Votes:** Davis \_\_\_ Brown \_\_\_ Daughety \_\_\_ Hill \_\_\_

Rouse \_\_\_ Sutton \_\_\_ Best \_\_\_

\_\_\_\_\_  
**Reuben J. Davis, Chairman**

2/4/2013

**Date**

\_\_\_\_\_  
Attest

2/4/2013

Date

Sanford  
Holshouser LLP

209 Lloyd St., Suite 350  
Carrboro, NC 27510

January 24, 2013

By Electronic Mail

Martha H. Martin  
Finance Officer  
Lenoir County

Service as Bond Counsel for Lenoir County -- 2013 Refunding Bonds

Dear Martha:

Thank you for giving us at Sanford Holshouser this additional opportunity to work with you and for Lenoir County as bond counsel. We appreciate your confidence in us.

We understand that the County is planning to issue general obligation refunding bonds to refinance approximately \$18,000,000 of outstanding County bonds originally issued in 2007. We understand that the County expects to issue these bonds through a competitive sale and a public offering in accordance with standard LGC procedures. We understand the County expects to close on the refunding bonds in early April.

Our job as bond counsel will include preparing the appropriate financing documents, coordinating the financing process with the County, the LGC, the financial adviser and all other working group members, coordinating the closing process and preparing appropriate closing documentation, and at the closing delivering our legal opinions as to the general enforceability of the County's repayment obligations and as to certain customary matters of federal and North Carolina tax law.

We have attached a short memo outlining our responsibilities in more detail. The scope of services set forth in this memo is consistent with the scope of services we have provided to the County and to other clients on similar engagements. Please call me if you have any questions about the scope of our work or any other aspect of our representation.

For all work as bond counsel on the refunding bonds, leading to the County's issuance of fixed-rate general obligation bonds as described above, we will charge the County \$27,500. This fee includes all expenses, and applies regardless of the final size of

Telephone 919/933-9891

Fax 919/933-9893

Bobjessup@aol.com

# Sanford Holshouser LLP

January 24, 2013

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the bond issue. We will submit a bill upon the closing, and we would not expect to submit any statement except in connection with a closing.

If the financing does not proceed because market conditions make the refunding uneconomic, there will be no charge from us. If for any other reason the County decides not to proceed with the bond issue, or proceeds with another bond counsel, we would then expect to be compensated for our time from the beginning of the process, and for our out-of-pocket expenses.

As we have discussed, this fee contemplates that only bonds from the County's outstanding 2007 issue will be included in the refunding. If any bonds from the County's outstanding 2008 issue are included, we will discuss with you the changed circumstances (such as a material increase in the amount of bonds to be issued) and an appropriate adjustment to our fee, as we may agree upon with the County.

\* \* \* \* \*

We at Sanford Holshouser have a large and active public finance law practice. Not all the parties to this transaction have yet been identified. It is entirely possible that during the course of our representation of the County, one or more of our other clients may become involved in transactions with the County. For example, when the County sells the bonds, we may then be in the process of representing that bond purchaser or some corporate affiliate in an unrelated transaction.

We certainly do not expect that any such representation would produce an actual conflict with our work as bond counsel on this transaction. We will endeavor to inform you of any such circumstance should it arise.

I might also mention that although BB&T Capital Markets is serving as the County's financial advisor, we represent only the County and are not counsel to the financial advisor.

In this regard, you may know that we at Sanford Holshouser represent BB&T Governmental Finance – a corporate affiliate of your financial adviser, but not the same company -- on an on-going basis in connection with North Carolina local government finance projects. As you know, BB&T Governmental Finance actively solicits lending work from the County. We do not believe that our on-going work for BB&T in other transactions presents a reason for our not working for Lenoir County as bond counsel – but we wanted to be sure you were aware of our work, and we would be happy to talk about this with you further if you think that would be helpful to you.

Sanford Holshouser LLP

January 24, 2013

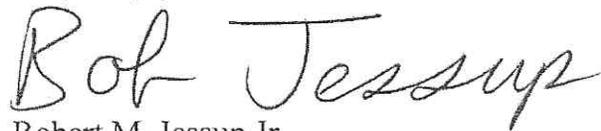
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\* \* \* \* \*

I hope you will find this letter to accurately set forth your understanding of our arrangements. Please call me if you have any questions or comments about any of the information in this letter. Otherwise, if the County accepts these terms, please have a copy of this letter signed in the space below, and then please return a copy to me (a faxed or scanned copy, or one sent by first-class mail, will be sufficient). This will indicate the County's acceptance of our proposed scope of service and our fee arrangements.

Once again, let us say that we appreciate the chance to work for the County, and we look forward to moving ahead.

Very truly yours,



Robert M. Jessup Jr.

cc: Robert W. Griffin, Esq.

**Accepted and approved:**

**LENOIR COUNTY, NORTH CAROLINA**

By: \_\_\_\_\_

Printed name: \_\_\_\_\_

Title: \_\_\_\_\_

# Sanford Holshouser LLP

January 24, 2013

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## *Memorandum*

**To:** Lenoir County representatives

**Date:** January 23, 2013

**Regarding:** Representation of Lenoir County as Bond Counsel  
In Connection with Proposed Authorization and Issuance  
Of 2013 General Obligation Refunding Bonds

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We look forward to working with you on the authorization and issuance of the proposed bonds. As bond counsel to the County for this transaction, we expect that our responsibilities in this transaction will be as follows:

1. examining the applicable law;
2. providing general advice to County representatives regarding the general structure of and procedure for the financing;
3. drafting all necessary proceedings of the County's Board of Commissioners;
4. preparing to completion the primary financing documents for the transaction, including an agreement for the escrow of refunding bond proceeds;
5. working through the financing process with all working group members, including the County and LGC staff, representatives of the County's financial adviser, the escrow and verification agents and the bond purchaser;
6. preparing all documents required for the closing of the bond issue;
7. collaborating with all parties as to closing arrangements and supervising the closing, including authorizing the final release of bonds to the purchasers;
8. delivering our opinions upon the closing with respect to the validity of the bonds and the exemption from taxation of certain interest payable on the Bonds, and preparing the required I.R.S. Form 8038-G and filing it with the Internal Revenue Service;
9. delivering our supplemental opinions to other parties as requested; and

# Sanford Holshouser LLP

January 24, 2013

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10. preparing bound sets of collected financing documents for all parties.

Our work does not include preparing the LGC application, except to the extent the application requires the proposed forms of financing documents and our fee arrangement letter.

In addition, please note that we are not financial advisers, and the County should not look to us, or rely on us, for financial advice.

We will ask the County to provide an evaluation of our work at the completion of the bond issue.

We generally consider our engagement as concluded with the bond closing, except for the completion of miscellaneous "post-closing matters," such as completing sets of documents or other matters we may identify at closing. For example, any work on matters such as arbitrage rebate, document revision, loan modifications or refinancings, IRS or SEC inquiry, tax law compliance or continuing disclosure would have to be the subject of a separate engagement.

We represent the County as a separate entity. We do not represent any individual County officer, any individual County Commissioner or even the Board of County Commissioners as a whole. Our professional duty of confidentiality, for example, runs only to the County as an entity and not to any individual representative. In some cases the rules of professional responsibility for lawyers may require us to share information received from a County representative with other County representatives, or directly with the County Board. We will take direction for our work from the Finance Officer unless we are directed otherwise by the County Manager or the County Attorney

As bond counsel, we represent the County, but we have a responsibility to deliver objective legal opinions upon closing. These opinions will be based, in part, upon certifications as to relevant facts by County officials and others. We will not represent any other party, although we will of course explain and discuss our view of the applicable law and requirements for compliance with all parties.

We will not review the County's financial condition or the adequacy of the security provided to the Bondholders, and we will express no opinion on these matters.

As bond counsel, we will not assume or undertake responsibility for the preparation of an Official Statement or any other disclosure document with respect to the bonds, nor

## Sanford Holshouser LLP

January 24, 2013

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are we responsible for performing an independent investigation to determine the accuracy, completeness or sufficiency of any such document. However, if the County adopts or approves a disclosure document, our responsibility will include the preparation or review of any description of (1) the terms of the bonds and (2) our legal opinion, as the same relates to North Carolina and federal law pertinent to the validity of the bonds and the tax treatment of interest.

Please let us know if you have any questions or if we can in any way clarify our role.

**-- Sanford Holshouser LLP**

**INTRODUCED BY:** Michael W. Jarman, County Manager **DATE:** 2/4/13 **ITEM NO.:** 14

**RESOLUTION:** Approving Citizens to Boards, Commissions, Etc.

**SUBJECT AREA:** Boards and Commissions

**ACTION REQUESTED:** Officially and publicly appoint various applicants to various vacancies on boards, commissions, task forces, etc.

**HISTORY / BACKGROUND:** The County Manager/County Clerk advertises vacancies on boards, commissions, committees, task forces, etc. The County Manager/County Clerk serves only clearinghouse functions with respect to the appointment process; no influence is exerted in this role. Commissioners are welcome to recruit applicants, or citizens may apply on their own free will.

**EVALUATION:**

The following Boards currently have existing vacancies/expiring terms.

<u>BOARD/COMMITTEE/COMMISSION</u>	<u>APPLICANT/ CURRENT MEMBER</u>	<u>TERM EXPIRATION</u>
Regional Aging Advisory Committee	Walter LaRoque Reappointment 1 <sup>st</sup> Appearance	February 2016

**CURRENT VACANCIES:**

**Lenoir County Health Board – (1) Veterinarian, (1) Optometrist**

**Lenoir County Planning Board – Districts One (1), Four (1)**

**MANAGER'S RECOMMENDATION:**

MWJ  
Initials

**RESOLUTION: NOW THEREFORE BE IT RESOLVED** by the Lenoir County Board of Commissioners that the following appointments are made:

<u>BOARD/COMMITTEE/COMMISSION</u>	<u>APPLICANT/ CURRENT MEMBER</u>	<u>TERM EXPIRATION</u>
Regional Aging Advisory Committee	Walter LaRoque Reappointment 1 <sup>st</sup> Appearance	February 2016

**AMENDMENTS:**

MOVED \_\_\_\_\_ SECOND \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS \_\_\_\_\_

**YEA VOTES:** Davis \_\_\_\_\_ Brown \_\_\_\_\_ Daughety \_\_\_\_\_  
Hill \_\_\_\_\_ Rouse \_\_\_\_\_ Sutton \_\_\_\_\_ Best \_\_\_\_\_

\_\_\_\_\_  
Reuben J. Davis, Chairman

2/4/13  
Date

\_\_\_\_\_  
ATTEST

2/4/13  
Date



# Eastern Carolina Council

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January 16, 2013

Mr. Michael Jarman  
Lenoir County Manager  
PO Box 3289  
Kinston NC 28502

Dear Mr. Jarman,

At this time the Regional Aging Advisory Committee (RAAC) has one (3 year term) vacancy regarding Lenoir County's representation.

Mr. Walter LaRoque, 1501 Surrey Street, Kinston; phone number, 252.522.2056, currently serves on the RAAC and we would like to recommend his reappointment to the committee.

I would like to request that this matter be included on the agenda for discussion at the next Lenoir County Commissioner's meeting.

If you have any questions, please contact me at (252) 638-3185. Thank you for your efforts with regard to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Tonya Cedars".

Tonya Cedars, Director  
Area Agency on Aging,  
Eastern Carolina Council

Cc: Mr. Walter LaRoque  
RAAC files