

**MINUTES**  
**LENOIR COUNTY BOARD OF COMMISSIONERS**  
**February 15, 2010**

The Lenoir County Board of Commissioners met in open session at 4:00 p.m. on Monday, February 15, 2010 in the Board of Commissioners Main Meeting Room in the Lenoir County Courthouse at 130 S. Queen St., Kinston, NC.

Members present: Chairman George Graham, Vice-Chairman Claude Stroud and Commissioners, Jackie Brown, Reuben Davis, Chris Humphrey, Tommy Pharo and Linda Rouse Sutton.

Members absent: None

Also present were: Michael Jarman, County Manager, Tommy Hollowell, Assistant County Manager, Martha Martin, Finance Officer, Robert Griffin, County Attorney; and members of the general public and the news media.

Chairman Graham called the meeting to order at approximately 4:00 p.m. Ms. Brown offered the invocation and Mr. Graham led the audience in the pledge of allegiance.

**PUBLIC INFORMATION**

Coach Battle Holley and Members of the Kinston High School Varsity Football Team were presented with a proclamation celebrating the success of their 12-3 season. Ms. Brown read the proclamation aloud for the Board and members of the viewing public. Ms. Sutton presented the members with county lapel pins for their accomplishments. The Board congratulated the team on their success.

Mr. Graham asked Mr. Mark Pope, Economic Development Director, to invite Mr. Harold Thomas of DuPont to the next commissioners' meeting. Mr. Graham stated he would like Mr. Thomas to update the Board on the products and services offered by DuPont.

**ITEMS FROM THE CHAIRMAN/COMMISSIONERS**

Item No. 1 was Items from the Chairman and Members of the Board. Mr. Griffin asked the Board to look at the employment contract for Mr. Jarman. Mr. Griffin directed the Boards' attention to Section 5 – Termination-Section B. Section B states the following: In the event the Board refuses, following written notice by the Manager, to comply with any other provision of this agreement benefiting the Manager, or the Manager resigns following a suggestion, whether formal or informal, by the Board that he resign, the Manager may, at his option, be deemed to be "terminated" for the purpose of the compensation provision, Section 5(A) as of the date of such refusal to comply or date of such resignation. Mr. Griffin stated an addition should be made requesting a **majority** of the Board would have to make a suggestion of resignation be it formal or informal. Section C states the following: In the event the Manager voluntarily resigns his position with the Board, then the Manager shall give thirty (30) days notice in advance, unless the parties otherwise agree. The Manager would be entitled to payment for accumulated unused annual leave and other benefits available to all employees. Mr. Griffin stated the additional sentence should be added as follows: "He shall be paid his regular compensation through his last day on the job." Upon a motion by Ms. Sutton and a second by Ms. Brown, the contract as approved with the amendments drafted by Mr. Griffin.

## **ITEMS FROM THE COUNTY MANAGER**

Item No. 2 was Items from the County Manager. Mr. Jarman reviewed a slide presentation of properties for bid and discussed the current conditions of each property. Mr. Jarman recommended the Board approve the bid on the following: 1008 Gordon St. Kinston, NC (\$2,000 Bid). Mr. Jarman asked the Board to decline a bid on 307 E. Blount St. Kinston, NC (\$500 Bid). Upon a motion by Mr. Davis and a second by Ms. Sutton the Board approved the recommendations as presented. Mr. Jarman reminded the Board of the webinar for Ethics for local elected officials to be held on March 25, 2010 from 4:00-6:00 p.m. All elected officials are required to have ethics training before year end. The Board can elect to take the ethics training at one of the NCACC Risk Management Regional Meetings.

The Board received copies of an email from Mr. Johnny Hill regarding "Deer Hunting with Dogs in Lenoir County." In the email Mr. Hill expressed his concern of hunters hunting on private land with their dogs. Mr. Jarman stated the county did pass a resolution and presented it to the General Assembly; no further action was taken. Mr. Jarman stated administration will be following up on concerns addressed in the letter. Superior Court Judge Paul L. Jones presented administration with a "Portrait Policy" on April 22, 2009. Mr. Jarman asked the Board to review the policy; a resolution to approve will be presented to the Board at the next meeting. Mr. Jarman reminded the Board of Census 2010.

Mr. Humphrey addressed the issues of the county covering elective abortions. Mr. Jarman confirmed the county covers abortion in its healthcare policy. Mr. Griffin stated Mr. Paul Stam led the effort that stopped the funding of abortions through the Medicaid program. Mr. Stam is asserting the opinion that the same rules should apply to health insurance policies for employees. The attorney for the NCACC has given a written statement declaring the right to include or exclude abortion in a healthcare policy is the right of the governing body. Mr. Pharo stated he does not agree with the county covering abortions in its policy. Mr. Davis stated he feels it is not an issue the county should address at this time; Board members concurred with Mr. Davis's statement. Mr. Graham tabled the discussion until more information is received.

## **CONSENT AGENDA**

Upon a motion by Ms. Brown and a second by Ms. Sutton, the Board approved the Consent Agenda.

3. Approval of Minutes: Regular Board Meeting: February 1, 2010  
Budget Planning Work Session: February 1, 2010 Hall/Jarman
4. Budget Ordinance Amendment: General Fund: DSS: \$194.00: Increase Jones/Martin
5. Budget Ordinance Amendment: General Fund: Health: (Adult Health Promos):  
\$2,419: Increase Huff/Martin

## **PROCLAMATION/BUDGET ORDINANCE AMENDMENTS/RESOLUTIONS**

Item No. 6 was a Resolution Approving Presentation of Det. Rickie Allen Pearson, Jr. Service Weapon to Major Rickie Allen Pearson, Sr. Major Chris Hill of the Lenoir County Sheriff's Department addressed the Board. Major Hill stated on April 8, 2009 Det. Rickie Allen Pearson, Jr. was killed in the line of duty.

In accordance with N.C.G.S. 20-187.2, the local governing board may award to surviving relatives the service weapon of a law enforcement officer killed in the line of duty after the relative has secured a permit as required by G.S. 14-402. The board, in its discretion, may determine the price of said service weapon. Major Hill stated he has spoken to the surviving spouse (Catherine Pearson) of Rickie Allen Pearson, Jr., on February 3, 2010, who indicated that she was not opposed to the service weapon being given to Det. Pearson's father, Major R. A. Pearson, Sr. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 6 was unanimously approved.

Item No. 7A was a Resolution Honoring Ms. Joreen Fields. Ms. Brown read the resolution aloud for the Board and the viewing public. Mr. Fields thanked the Board for the recognition. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 7A was unanimously approved.

Item No. 7B was a Resolution Honoring Ms. Lizzie Grady. Ms. Brown read the resolution aloud for the Board and the viewing public. Mr. Grady thanked the Board for the recognition. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 7B was unanimously approved.

Item No. 7C was a Resolution Approving Contract with Mega Force Staffing Group, Inc.: \$75,000. Mr. Ken Crossno of Social Services addressed the Board. Mr. Crossno stated in an effort to assist with continual recruitment, retention and quality assurance, the Department of Social Services is seeking to temporarily contract with Mega Force Staffing Group Inc. for Income Maintenance Caseworkers and Child Support Enforcement Workers to staff vacancies in the Medicaid Program, the Food and Nutrition Services Program and the Child Support Program. Mega Force offers temporary experienced employees to cover vacancies for full-time or part-time schedules. DSS has numerous vacancies in the Medicaid, Food and Nutrition Services and Child Support Programs that have proven difficult to fill. Mega Force has agreed to provide qualified temporary Income Maintenance Caseworkers and Child Support Enforcement Workers to work in the Medicaid, Food and Nutrition Services and Child Support programs as necessary. Mega Force will be used to staff long-term absences and difficult-to-fill vacancies. The contract with Lenoir County DSS and Mega Force Staffing Group Inc. will mature June 30, 2010. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 7C was unanimously approved.

Item No. 8 was a Budget Ordinance Amendment: General Fund: Financial/Jail: \$39,100: Increase. Ms. Martin stated the amendment appropriates Fund Balance of the General Fund to cover unexpended expenses from prior FY to renovate cell blocks in the jail. The work was not completed until this FY 2009-2010. The commissioners approved \$120,400.28 in funds on November 3, 2008 for jail renovations. But only \$79,489 was expended by the end of FY 2008-2009. The balance of \$39,097.65 was expended in this FY 2009-210. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 8 was unanimously approved.

Item No. 9 was a Resolution from the Southwood Volunteer Fire Department (SVFD) for Approval of a Tax-Exempt Loan from Southern Bank and Trust Company. Mr. Roger Dail, Emergency Services Director, addressed the Board. Mr. Dail stated SVFD has been before the Board in the past to approve the loan for the construction of a fire station. In going through the loan process with the bank the department discovered they were not in a tax-exempt status. Mr. Craig Jones, Finance Officer for the SVFD, stated the department discovered last year that it was not a 501 c 3 organization. Therefore the resolution had to be brought back before the Board for application purposes. Upon a motion by Mr. Stroud and second by Mr. Humphrey, Item No. 9 was unanimously approved.

Item No. 10 was a Resolution Authorizing the Upgrade of the Existing Positron Lifeline 100 to the Positron Viper Power 911: NTE: \$122,052.71. Mr. Dail stated the Positron Viper Power 911 System upgrade is necessary to bring the Lenoir County Emergency Services Department – Communications Division the continued ability to have service and replacement units/parts for the Communications Center and to continue with the Phase II wireless compliance in accordance with State of North Carolina wireless guidelines. The equipment currently located in the Lenoir County Emergency Service Department – Communication Division is provided by Embarq. To bid to other vendors would require changing out all equipment, at a higher cost to the County. This money will be budgeted out of the Special Telephone account, as it pertains to an increase of wireless and/or 9-1-1 calls. Upon a motion by Mr. Humphrey and a second by Ms. Sutton, Item No. 10 was unanimously approved.

Item No. 11A was a Resolution Authorizing Lenoir County Health Department to Establish a Part Time Temporary Employee Position to serve as WIC Breastfeeding Peer Counselor (BFPC): \$2,253. Mr. Huff stated previous funding for the position was \$4,503 and has increased to \$13,532. Declining the funds will result in a total loss of BFPC funding. This action is necessary to provide sufficient accounting of expenditures and to comply with applicable laws. By hiring a part time temporary employee, the health department will meet the criteria to satisfy the requirements of WIC Program- State, thereby, decreasing the loss of anticipated revenues for FY 2009-2010 and future years. Upon a motion by Mr. Humphrey and a second by Ms. Sutton, Item No. 11A was unanimously approved.

Item No. 11B was a Budget Ordinance Amendment: General Fund: Health (WIC Program State): Increase: \$2,253. Upon a motion by Mr. Humphrey and a second by Ms. Sutton, Item No. 11B unanimously approved.

Item No. 12 was a Resolution Authorizing Lenoir County Health Department to Execute a Contract for the Construction of a WIC area by Manuel & Associates Real Estate Inv. & Services: \$17,556.03. Mr. Huff stated the money is to be used to renovate the WIC Office Area at the Lenoir County Health Department. This renovation is to make adequate room for work area as well as client services. This renovation and proposal has been approved by the State WIC Nutrition Services Branch. Upon a motion by Mr. Davis and a second by Ms. Brown, Item No. 12 unanimously approved.

Item No. 13 was a 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. Mr. Hollowell stated 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, 2010 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 \$399,756 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 \$20,139 through the tax filing period ending December 31, 2009 and additional revenues for filings through December 31, 2010. Upon a motion by Mr. Humphrey and a second by Ms. Sutton, Item No. 13 unanimously approved.

Item No. 14 was a Resolution by the Board Commissioners of the County of Lenoir: Selecting CDBG Project Administrator. Ms. Martin stated the county anticipates receiving grant funds from the North Carolina Commerce Finance Center. The county has procured professional management services with all applicable Federal, State and Local requirements. In addition, the county has received proposals from more than one qualified firm to provide professional management services. RSM Harris Associates, Inc. is selected by the County to provide complete program management services as outlined in their proposal for a lump-sum fee of \$55,000. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 14 unanimously approved.

**APPOINTMENTS**

Item No. 15 was a Resolution Appointing Citizens to Boards, Commissions, Etc. The following reflects existing vacancies and appointments.

| <u>BOARD/COMMITTEE/COMMISSION</u>  | <u>APPLICANT/<br/>CURRENT MEMBER</u>                                       | <u>TERM<br/>EXPIRATION</u>                          |
|--|--|---|
| <b>Home and Community Care Block Grant Committee</b><br>1st Appearance           | Mr. Chris Harper<br>Ms. Ava G. Humphrey<br>(Re-Appointments)               | January 2013<br><b>M: Brown</b><br><b>S: Sutton</b> |
| <b>Lenoir Memorial Hospital Board of Directors</b><br>2 <sup>nd</sup> Appearance | Mr. Clifton Harrison<br>(Primary)<br>Mr. B. Holton Harrison<br>(Alternate) | January 2014<br><b>Tabled</b>                       |

**CURRENT VACANCIES**

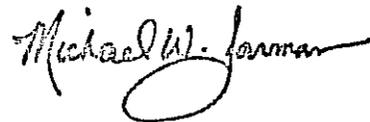
- Lenoir County Economic Development Board – At-Large Member
- Lenoir County Health Board – (1) Veterinarian, (1) Optometrist, (2) Public Members
- Lenoir County Planning Board – Districts One (1) and Four (4)
- Grifton Planning Board – One (1) Vacancy
- CJPP – Three (3) Vacancies
- Kinston Board of Adjustment – Two (2) ETJ Members; (1) Primary – (1) Alternate

Respectfully submitted,



Lashanda A. Hall  
Clerk to the Board

Reviewed By



Michael W. Jarman  
County Manager