

MINUTES

LENOIR COUNTY BOARD OF COMMISSIONERS

February 15, 2016

The Lenoir County Board of Commissioners met in open session at 4:00 p.m. on Monday, February 15, 2016, in the Board of Commissioners' Main Meeting Room in the Lenoir County Courthouse at 130 S. Queen St., Kinston, NC.

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

Members Absent: Linda Rouse Sutton

Also present were: Michael W. Jarman, County Manager, Tracy Chestnutt, Finance Officer, Vickie F. King, Clerk to the Board, Joey Bryan, MIS Director, Robert Griffin, County Attorney, members of the general public and news media.

Chairman Hill called the meeting to order at approximately 4:00 p.m. Mr. Best offered the Invocation and Mr. Davis led the audience in the Pledge of Allegiance.

Upon a motion by Mr. Daughety and a second by Mr. Best, the Board unanimously approved to excuse Ms. Sutton from the meeting.

PUBLIC INFORMATION:

Dr. Brantley Briley, President, Lenoir Community College, thanked the Board for allowing him to speak. Dr. Briley stated he wanted to share information with the Board regarding the Connect NC Bond. It is with great hope that everyone will vote in favor of the bond on March 15, 2016. Connect NC Bond is a \$2 billion bond with \$200,000,000 designated for the North Carolina Community College systems. Once the bond passes Lenoir Community College will receive \$8,001,502. Lenoir Community College Board of Trustees recently voted to use almost all of the \$8 million for repairs and renovations. We are allowed to use the money for repairs, renovations, new construction or a combination of both. Our buildings are getting old and we plan on using the money to make the buildings more energy efficient. We have a list in prioritized order for repairs like roofing, health and safety type issues. We are allowed to use the money over a ten (10) year period or more. However, there are stipulations and the items that we address with the bond money can be found on the website which states they must have a useful life of fifty (50) years or more. In response to Commissioner Rouse's question as to how the match works. Dr. Briley stated if Lenoir Community College uses the money for new construction there's a \$1-\$3 match by the commissioners. What this means is, for every \$3 they use of the bond money the commissioners would have to match it with \$1. Fortunately, the Lenoir County Board of Commissioners is already over-matched by previous allocations that they used for capital expenditures. Some of the capital expenditures are applied to the match and some are not.

Currently, the commissioners are over-matched by a little over \$500,000 which means somewhere down the road if the board of trustees did see the need to expand our footprint with new construction, we could spend up to \$1.5 million before the county have to allocate any additional funding. Again, that is not what the Board of Trustees sees in the future for this bond. There are things that need to be done especially over the next ten (10) years like roofing, resurfacing, HVAC systems, new windows, and continuing to address some security issues. This seems like a win-win situation because the \$8 million would relieve the Lenoir County Board of Commissioners from having to fund these types of items out of the county budget as well as relieving county tax payers to a large degree. If anyone has any specific questions please feel free to give him a call at Lenoir Community College.

Mr. Davis asked Dr. Briley if he has heard of any organized opposition to this bond. Dr. Briley replied yes, but he is very optimistic about it.

Mr. Hill thanked Dr. Briley and the members of Lenoir Community College Board of Trustees for being present.

PUBLIC COMMENTS:

Mr. Virgil Byrd, Jr., shared handouts with the Board. Mr. Byrd stated back in July 2015, when the controversy regarding the March 4th observance of the confederate flag began, he did not realize there would be so many people against the flag. Mr. Byrd shared the significance of March 4th date and how the observance started in 1990. We approached the commissioners in 1990, and again two or three years later. During that time, he approached Commissioners Dee Smith and Oscar Herring in the hallway prior to their commissioners meeting. He explained to the commissioners his reason for attending the meeting. Mr. Byrd stated they suggested the Board vote on it to keep the group from returning each year. It became common knowledge that the flag would be flown each year on March 4th. This is something that we need to do. Mr. Byrd asked the Board if they would like to try and explain page one of the handouts he provided. Mr. Byrd was out of time allotted for public comments. Mr. Byrd stated he felt like he could take as long as he wanted since he signed up prior to today's meeting. Mr. Hill explained to Mr. Byrd under the public comment policy rules and procedures each speaker had three (3) minutes to make his/her comments. Mr. Byrd asked if anyone had any questions regarding the handouts.

Mr. James Mumford, president, NAACP, stated their position remained that the confederate war flag and any other flag that symbolizes the confederacy belongs in a museum and not at local government properties. The flag should not be raised once a year on March 4th. It is disrespectful to the minority community as taxpaying citizens. It is a symbol of terror, hatred, and treason to America's ideal and a shameful dark past in our nation's history. We understand for some the flag symbolizes the Civil War and the courageous soldiers that gave their lives. We honor their sacrifice. There are confederate groups tying the war flag to citizenship as if they, only, represent the United States or the City of Kinston which is eighty-six percent (86%) minority and somehow treats people as non-citizens if they oppose it. What they are saying is this flag should have precedence over all other ethnic flags which do not hang anytime of the year. We had better get ready for the flag pole to be filled with flags representing our Asian, Hispanic, LGBT, Arab, Muslim, African American, American Indian brothers and sisters and their contributions to society.

Let us not forget, reportedly, Governor McCrory, first, asked the state legislation and the North Carolina General Assembly to pass a law that would discontinue the use of the confederate flags on specialty license plates. Christianity appeals to our moral conscience instructing each of us “that you shall love our neighbor as yourself” and “to do unto others as you would have them do unto you” and lastly Philippians 2:4 look not every man on his own things, but every man also on the things of others.

Ms. Donna Coward stated for African Americans the confederate flag only brings pain, misery, and, unfortunately hatred. Many citizens who grew up in this town witnessed firsthand the bigotry and injustice behind the flag because many of the men and women in public service were members of the KKK. Under the flag, law enforcement officers kicked down doors to black homes. We watched people parade down Queen Street wearing their KKK attire while waving that flag. People who lived in rural areas with open spaces had to watch as the cross was burned and the flag was waived. On Sunday, there was an article in the Kinston Free Press stating the flag should continue to fly to commemorate the confederate soldiers that fought for this state. If we don't learn from the past we are bound to repeat it. This is the 21st century, why are we even talking about flying a battle flag from a war that was lost by the south more than 100 years ago. Instead of working for peace and unity this flag is only going to keep bad feelings and festering hate every time someone has to look at it. It's time that flag was placed in a museum and let the past stay buried and keep it in its proper place in the history books. As Christians, we can't hate anyone, but we can and do hate what that flag represents from the point of view of the oppressed people. Let's move forward peacefully and brush aside anything from the past that would cause hurt or harm and ill feelings to any group of citizens.

Mr. Gary Hines stated he grew up in Kinston and is a native of Kinston. He has never seen KKK members march down Queen Street with the confederate flag. Mr. Hines stated he has seen many pictures and not one has shown the KKK marching with the confederate national flag showing. People have given the battle flag a bad name. As Christians with love for everyone we have the right to honor our ancestors and flying the confederate national flag one day a year is our right. These are men from Lenoir County and they made this country what it is. It's a great country and it takes everybody to make it great and these men are part of what made it great. Mr. Hines stated his ancestors did not own any slaves and neither did he. To honor his ancestors is his right. You can honor yours in whatever way you desire. We need to honor any veteran that fought and died for his country. Mr. Hines stated he would like for the Board to pass a resolution to fly the national flag one day a year. His only desire is to respect his ancestors without disrespecting anyone.

David Bell asked to take five (5) seconds in honor of his ancestors for the silence they suffered. Mr. Bell mentioned W.T. Thomas stated the flag stood for the superiority of the white man over the colored and inferior races. That is considered racism. The gentlemen that just spoke talked about his ancestors and what it meant to him. Our ancestors suffered terrorism behind the flag. He has seen several things happen in America recently and what he was taught in school in US history that reminds him that this flag is definitely racists and anyone that was fighting to keep slavery is a racist. There is even a billboard behind the courthouse called the Kinston Hangings. This was a story about soldiers dejected from the confederate army captured and brought back in the middle of town and hung in front of the entire town to intimidate white citizens not to help black people.

He saw several comments in the Kinston Free Press from several of the commissioners and Mr. Ruben Davis who seems to be a democrat on paper stated: "just because something happened one hundred (100) years ago doesn't make it right or wrong".

Mr. Hill asked Mr. Bell to refrain from addressing individual commissioners and to address the Board.

Mr. Bell stated the comment was absolutely wrong. He commended Mr. Mumford, NAACP president and Ms. Coward for their comments and bravery.

Mr. Hill asked the public to please refrain from commenting or making noises when others speakers are at the podium.

Mr. Roger Johnson stated he is an 80 year old citizen who served on the Kinston Police Department for three (3) years. We had KKK rallies out by the shooting range on Highway 11 but to his knowledge, never did the KKK march down Queen Street. We are only asking for one (1) day out of the year to fly the flag in honor of the people that fought for the cause. It would be an injustice for the flag not to be flown.

Mr. Ronald Mize stated he has heard both sides regarding what is going on. He is a veteran himself. His ancestors were veterans and he has no malice toward anybody present. One (1) day a year is not enough to honor our veterans. At least, give us and our ancestors some honor.

Mr. Hill stated that concluded the public comments. At this time we can move on to the consent agenda.

Mr. Daughety asked if there was a motion on the floor. Mr. Hill replied no.

Ms. Brown apologized for being late. She stated from the conversations she heard this Board should take into consideration Chairman Hill's recommendation regarding the flag issue.

Mr. Hill stated if the Board took into consideration no action at this point in time, that would mean the flag will not be able to fly. There are several different options this Board can take. If there is no action at this time without a vote, the flag will not fly on March 4th. If someone wishes to bring this to the group for a vote, I will open the floor up at this time. We will either vote up or down. If an action is not taken we will move to our next agenda item. What is the pleasure of this Board?

Mr. Daughety stated he thought the Board received an email request for a resolution regarding the confederate flag. Mr. Jarman replied the email received stated they supported this Board taking action in favor of a resolution to continue to fly the confederate flag. I would not take it as a request because if we had an email request we would ask the person to come to the meeting to present their request.

Mr. Hill stated as he said at the last meeting, he will go on record again as stating his request. Although it may not be a popular decision his request is that a local ordinance be developed by our administrative team and our attorney that would limit the Board from flying any flags other than the nation, state and county flags. We can't have historical amnesty in this community when we have an Interpretive Museum on Queen Street, the Neuse II on Heritage Street, the Hanging on McLewean Street, the Visitor Center that was built with historical dollars, and the Tourism Board that we supply nominees and tax dollars to support area tourism. Mr. Hill stated whether popular or unpopular his stance is not to deny anyone the opportunity to honor their ancestors. We have Veteran's Day and as these gentlemen are veterans there should be a way to incorporate it with the Veteran's Day that we have. Mr. Hill stated, the flag does not represent race for him nor is it about race or limited heritage. We will be possibly opening up ourselves up to Pandora's Box and he feels very torn about this decision. When you begin to sensor what happens another Pandora's Box will be opened, and it's a no win situation. This community is doing more than its fair share to honor the veterans in this community. We have demonstrated this as a Board in many shapes forms and fashions. This is not about votes because this has been six (6) months, lot of thoughts, prayers, and heartfelt decisions. We understand the passion that both sides of the argument have. It is very difficult for either group to be able to stand in the other person's shoes and see it from their perspective. This is the dilemma we are facing, nevertheless, we as a Board need to move forward one way or another.

Mr. Daughety stated whichever way the Board vote on this issue Pandora's Box is opened and he is not in favor of flying the flag. It's not fair because this Board currently allow different groups to hold different events on the courthouse steps. As he is not sure of the criteria, he can see as this flag bothers people, groups using our courthouse for whatever reason could also bother other people and we need to see both sides of the issue. We have a lot bigger issues than this in Lenoir County. If this Board wants to be fair and pass a resolution of any form, the resolution should be that we don't allow any form of activity connected with the courthouse at all. We should not have any more public gatherings for one agenda or another and don't allow any flag raisings. If we are going to be "politically correct" if we are going to take that type of stand against the flag, as a body then we really need to close the box. Mr. Daughety suggested the Board make a resolution that they no longer will allow any non-government activities associated with the courthouse.

Mr. Hill stated that might violate the right to assemble. One is a right and the other is a privilege.

Mr. Daughety stated it is a difference in having a right to assemble and a right to assemble on government property. It is a right to fly the flag because it is the first amendment right, but the issue we are having is the right to fly the flag on government property. Mr. Jarman stated our attorney could explain it better however he would like to point out that a procedure is in place which the county follows. If a group is meeting on the courthouse steps they are assembling, and since we are located in the City of Kinston they have to go to the Public Safety Office and fill out an application for a Special Event Permit along with a Hold Harmless Agreement. The city is gracious enough to work with us and if it's at the courthouse they will send them to the county's office for approval to make sure we are ok with it before they move forward. Technically if they are on the courthouse steps it is the county but the sidewalk in front of it is the right of away and the property of the city and it would not be our call. Currently, for gatherings like that, we do have procedures in place and paperwork that the county issues as well as the city.

Mr. Daughety stated if they are going to be sensitive to the community be sensitive to the entire community. He has no problem being sensitive to the community, however, let's just take a stance and decide we will not have anything for anyone's side, don't allow it and it will not be an issue.

Attorney Griffin stated from a legal prospective, he would have to respectfully disagree with Mr. Daughety. The courthouse is the public square and the first amendment guarantees freedom of speech and the right to assemble and those rights cannot be taken away. You can possibly place certain requirements and restrictions such as requiring them to receive a permit, which is what the county does. Prior to assembling on the courthouse steps, they must get a permit from the city. This is a totally different issue to talk about from which flags county government will allow to be flown on their flagpole. Whether or not people can assemble and speak in the public square in front of the courthouse is different. Mr. Daughety stated one must understand public perception. Mr. Hill stated this entire issue is about perception. For the viewing audience and public knowledge this issue was not brought up by the commissioners, it was brought to us by a story printed in the Kinston Free Press and the reaction by the Sons of the Confederacy. We did not want to make an emotional decision about it so we investigated. In that process we found that we did not have a document to support flying the flag. Please be mindful that any resolution brought forth today would not be a continuing resolution because you can't have a continuing resolution that started in 1992 and back again in 2016. It would have to be a new resolution brought to this current climate. At this point in time does anyone wants to sponsor a vote on this if not we will move on to the consent agenda.

Mr. Best thanked the public for their comments. Mr. Best stated we were able to look at the facts brought to us and they are clear and that is what we wanted to hear. We have to understand that the courthouse belongs to the people, not one particular group. As commissioners we realize no one will win in this situation.

Ms. Brown stated if the Board started eliminating people from gathering at the courthouse square, there will no longer be a World Day of Prayer, DSS Foster Children Ceremony, or the lighting of the Christmas tree. We as commissioners should do as the Chairman of this Board has suggested.

Mr. Hill stated at this time we will move on to the consent agenda.

CONSENT AGENDA:

1. Approval of Minutes: Regular Board Meeting: February 1, 2016.
2. Releases and Refunds to the Individuals Listed Herein.
3. Budget Ordinance Amendment: General Fund: DSS: \$2,422. Increase.

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

BUDGET ORDINANCE AMENDMENTS/RESOLUTIONS:

Item No. 4 was a Resolution Approving Revision of the Lenoir County Transit Passenger Policy. Ms. Angie Greene, Transit Director, stated the Lenoir County Transit Passenger Policy in existence has not been revised since June 2013. Since that time, there have been several changes made to the operations of Lenoir County Transit, including the discontinuation of providing child safety seats for passengers who were required by law to be restrained in a child safety seat. The parent or guardian of the child is now required to provide a child safety seat for anyone required by law to be restrained. Because of these changes, the revisions needed to be made to provide an up-to-date Passenger Policy for the passengers of Lenoir County Transit. Upon a motion by Mr. Davis and a second by Mr. Daughety, Item No. 4 was unanimously approved.

Ms. Brown asked if the fare for riding the transit bus is the same for everyone. Ms. Greene replied prices are dependent upon the type of program the individual qualifies for.

Item No. 5 was a Resolution Approving the Emergency Lease of a Caterpillar D6T LGP Dozer for use at the landfill in the amount of \$10,000 per month. Mr. Joey Bryan, MIS Director, stated the Lenoir County Landfill operates an MSW (Municipal Solid Waste) transfer station and a C&D (construction & demolition) cell. A landfill employee was utilizing a Caterpillar D6R until its transmission failed. This Dozer is over 13 years old and has reached the end of its useful life. We had to have something to keep the vegetative debris pushed back so we needed to lease something until we can research and evaluate getting a replacement dozer. Upon a motion by Mr. Best and a second by Mr. Davis, Item No. 5 was unanimously approved.

Mr. Best stated he knew this type of equipment is very expensive and \$10,000 seems like a lot of money, is there any way if we decided to purchase the dozer the money paid for leasing the equipment go toward the purchase price of a new one. Mr. Bryan replied yes. One of the things offered is a credit on the \$10,000 a month lease which would then be billed at the rate of \$56.75 per hours actually used. Mr. Jarman stated that is if we choose to go with the caterpillar and if they offered the best price because we are looking at the state contract and other vendors. Mr. Best asked the price of a new dozer. Mr. Bryan replied approximately \$355,000 and others range up to \$655,000.

Item No. 6 was a Budget Ordinance Amendment: Capital Improvements Fund Landfill: \$3,400. Increase. Ms. Tracy Chestnutt, Finance Officer, stated this amendment was to record landfill revenues received as a result of insurance claims for damaged vehicles. Upon a motion by Ms. Brown and a second by Mr. Best, Item No 6 was unanimously approved.

Item No. 7 was a Budget Ordinance Amendment: Capital Improvements Fund Sheriff/DSS: \$20,920. Increase. Ms. Tracy Chestnutt, Finance Officer, stated this amendment was to record general fund revenues and expenditures received as a result of insurance claims for damaged vehicles. Upon a motion by Ms. Brown and a second by Mr. Daughety, Item No 7 was unanimously approved.

Item No. 8 was a Resolution Approving Mileage Reimbursement Rate Change for County Employees from \$.575 to \$.54 per mile effective February 1, 2016. Ms. Tracy Chestnutt, Finance Officer, stated Lenoir County has historically adjusted its mileage reimbursement rate for employees using their personal vehicles to the IRS established rate. In recent years, the IRS has increased and decreased the mileage rate and Lenoir County has responded accordingly. In 2008, the IRS increased the mileage rate from \$.505 to \$.585 and the County implemented the new rate. It was later reduced in 2008 to \$.55 and the County reduced its rate accordingly. In 2009, the rate was adjusted from \$.55 to \$.50 and the County did likewise. In 2010, the IRS rate was increased from \$.50 to \$.51 and the County increased its rate to \$.51 in January of that year. On July 2, 2011, the IRS increased the mileage rate from \$.51 to \$.555 and the County increased its rate accordingly. The IRS bases these standard mileage rates on a study conducted each year by Runheimer International on the fixed and variable costs of operating an automobile. An increase was announced by the IRS on December 19, 2015, to \$.575 per mile and the County adjusted its rate accordingly on January 1, 2015. Our administration was notified on December 17, 2015, of the decrease to \$.54. Upon a motion by Mr. Best and a second by Ms. Brown, Item No. 8 was unanimously approved.

Item No. 9 was a Resolution Approving Acceptance of Proposal and Execution of Contract for Independent Audit Services from Carr, Riggs & Ingram, L.L.C. of LaGrange, NC. Ms. Tracy Chestnutt, Finance Officer, stated on May 5, 2014, the Board accepted a proposal from the certified public accounting firm of Carr, Riggs & Ingram, L.L.C. of LaGrange, NC to conduct the annual financial audit and continuing disclosure of Lenoir County for Fiscal Year 2013-14 at a cost of \$44,400; Fiscal Year 2014-15 at a cost of \$45,200; and Fiscal Year 2015-16 at a cost of \$46,100. Carr, Riggs & Ingram L.L.C.'s proposal represented the lowest cost to the County of all proposals submitted. The County has contracted with Carr, Riggs & Ingram, L.L.C. (formerly Pittard, Perry and Crone, Inc.) to conduct their fiscal year audits for the past several years with only a marginal increase in cost each year. Upon a motion by Mr. Davis and a second by Mr. Daughety, Item No. 9 was unanimously approved.

Item No. 10 was a Budget Ordinance Amendment: General Fund: Health: (General Admin-Triple P Grant). Increase to Budget: \$59,827. Mr. Joey Huff, Health Director, stated this amendment was to increase funding to support implementation of Triple P (Positive Parenting Program) for families and children ages 0-5. Upon a motion by Ms. Brown and a second by Mr. Best, Item No. 10 was unanimously approved.

Item No. 11 was a Resolution Approving Economic Development Grant Agreement: West Pharmaceutical Services: \$400,000. Mr. Jarman stated Mr. Pope, Economic Development Director, is out of town. Mr. Jarman mentioned at the Board's last meeting they went into closed session and talked about what West Company has meant to our community and everything they had going on. Since that meeting, it's been announced that West Company was doing a \$19 million expansion. The county is participating by offering an economic development incentive agreement and this is the resolution that approves the agreement which was discussed at length.

Item No. 12 was a Resolution Approving Revision #2 to the FY2015-2016 Lenoir County Home and Community Care Block Grant Funding Plan. Ms. Susan Moore, DSS Director, stated the Home and Community Care Block Grant funds provide essential services such as meals, in-home aide care, and operation of local senior centers, adult day care services and transportation to the elderly population of Lenoir County. HCCBG funds are 90% Federal and State funds and require a 10% county match. The purpose of this request is to increase the county funding plan in the amount of \$8,718.00 and reallocate funds within the Council on Aging's budget. Mr. Jarman stated he did not want everyone to get alarmed at the 10% match it is not a huge number and the amount was calculated in the budget. Upon a motion by Mr. Best and a second by Ms. Brown, Item No. 12 was approved with one descending vote by Mr. Rouse.

Item No. 13 was a Resolution Order for Tax Collector to Advertise 2015 Taxes which are a Lien on Real Property. Mr. Darrell Parrish, Tax Administrator, stated 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. The outstanding 2015 taxes which are a lien on real estate are \$2,687,782.15. This figure includes county, fire, and late listing penalty as of February 9, 2016. Upon a motion by Mr. Davis and a second by Mr. Daughety, Item No. 13 was unanimously approved.

Item No. 14 was a Resolution Approving Citizens to Boards, Commissions, Etc. Upon a motion by Ms. Brown and a second by Mr. Davis, Item No. 14, was unanimously approved for Ms. Anne Gaddis appointment to Lenoir County Nursing Home & Adult Care Board, and Mr. Dean Baker appointment to Lenoir County Economic Development.

Item No. 15 was Items from the County Manager. Mr. Jarman stated at our last meeting there was a request for changes to our monthly transit and inspections reports. Joey Bryan has worked with Angie Greene and Gary O'Neal. You will notice on the front page a graph which will show a three-year comparison for that month and in others a two year. The regular monthly totals provided for you are still listed as well. If additional changes are needed or if you would like it tweaked we can talk about it now or at a later time and we will try and do differently. Other than the new reports the financial performance summary report is self-explanatory. Mr. Jarman stated although the flag issue has already been discussed he wanted the Board to know that Ms. King placed the question on the County Clerk's Listserve "does your county fly the Confederate Flag at the Courthouse on March 4th or any other date every year". From the poll only fifteen (15) counties responded and the ones that responded all said no. As a reminder the survey on the concealed weapons for employees ends today at 5:00 p.m. and we will compile that data and bring to you at the next meeting.

Mr. Rouse stated the Bridge Project is 40% complete, and contractors have the last 10% of the River Walk to complete. The Goldsboro By-Pass should open by early summer.

Mr. Hill stated he would like to see a local ordinance regarding only flying the nation, state, and county flags at the courthouse. Mr. Jarman stated with it being an ordinance we will bring it before the Board and if it's a unanimous vote it can pass, and if it's not it comes back for vote in 2 weeks.

Mr. Best stated East Carolina Council is inviting commissioners from all nine (9) counties to join them for their legislature forum on April 14, 2016, from 11:00 a.m. to 2:00 p.m. at the Convention Center in New Bern. The forum is comprised of nine (9) representatives from the state. A free luncheon will be provided and he will like to see some of his fellow commissioners present.

Meeting Adjourned at 5:05 p.m.

Respectfully submitted,

Vickie F. King
Clerk to the Board