

MINUTES

LENOIR COUNTY BOARD OF COMMISSIONERS

February 18, 2013

The Lenoir County Board of Commissioners met in open session at 4:01 p.m. on Monday, February 18, 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 4:01 p.m. Jackie Brown offered the invocation and Mr. Davis led the audience in the pledge of allegiance.

PUBLIC INFORMATION

Mr. Mark Pope, Economic Development Director, introduced John Morrison, Chief Operating Officer of Strata Solar, LLC to the Board. Mr. Morrison has a 30 year career in clean energy with experience in utilities, non-profit organizations, government, academia and the private sector. Strata Solar is a solar development and construction company headquartered in Chapel Hill, North Carolina. Mr. Morrison joined Strata Solar in 2010 and has helped lead the company to explosive growth. This year Strata Solar will install over 70 Mega Watts of solar facilities up from 2 Mega Watts when he joined the company. In addition to his role at Strata Solar, he recently stepped down from the Advisory Council of the Electric Power Research Institute (EPRI), and is the former Assistant Secretary for Energy at North Carolina Department of Commerce, where his primary responsibility was the development of North Carolina's green economy. Mr. Morrison holds degrees in engineering from Yale and Stanford Universities, and an MBA from Harvard University. He and his wife, Dr. Mary Anne Dooley have three children and live in Chapel Hill, North Carolina. Mr. Pope stated Mr. Morrison is accompanied by Gerry Dudzik and Jordan Nance both of Carolina Solar Energy. John Morrison, Chief Operating Officer, stated Strata Solar builds solar farms and large solar rays. Mr. Morrison stated Strata Solar is committed to the concept of fostering sustainable energy. Strata Solar provides complete solar energy systems and installations for Utility, Government, Commercial and Residential purposes. Mr. Morrison stated they currently have three solar farms under construction and 20-25 solar farms are underway. Mr. Morrison stated Strata Solar will be constructing a large number of solar farms in the eastern region of North Carolina.

They are currently breaking ground to build a solar farm in Mount Olive, North Carolina. Mr. Morrison stated the solar farm is about 40 acres in size and will produce about 5 Mega Watts/AC Power at its peak. In addition there are four projects which will take place in Goldsboro, New Bern and in Lenoir County. They are all scheduled for construction this year. Mr. Morrison stated a 100 Mega Watt solar farm that is about 500-600 acres in size. It will be the largest solar farm in North Carolina and the largest in the eastern region of the United States. Mr. Morrison stated the business of building solar farms is a three-fold process which consists of the site, the necessary financing and the engineers to assist with the construction. Mr. Morrison stated a typical solar farm is about 40 acres in size which consists of about 20,000-28,000 solar panels, which takes about 100 people to build. The solar farm produces electricity which in turn is sold to local utility companies. Mr. Gerry Dudzik, Carolina Solar Energy, stated their company owns a large number of solar farms and they are currently locating sites to build additional solar farms. Mr. Dudzik stated Carolina Solar Energy will be looking for land zoned agricultural on which to build solar farms. Mr. Dudzik stated if trees have to be removed, they will contact North Carolina Department Environment of Natural Resources to obtain a permit to remove the trees. Mr. Dudzik stated they have received a large interest from land owners and businesses that would like to have solar farms built. Mr. Griffin inquired if Progress Energy or Duke Energy is required to purchase a certain amount of solar energy? Mr. Dudzik stated Progress Energy and Duke Energy are required to purchase a certain amount of electricity produced from solar energy also known as green energy generators by law. Mr. Griffin inquired if that law no longer existed, how would it affect solar farms? Mr. Morrison stated if the law changes, it will not affect the solar farms and they may continue to be built. Mr. Griffin inquired if there are long term contracts in place? Mr. Morrison stated there are long term contracts in place and some consist of leasing the land for a 20 year term. Ms. Rouse inquired about the negatives with building solar farms? Mr. Morrison stated solar farms give off positive energy and do not have any negative effects.

ITEMS FROM THE CHAIRMAN/COMMISSIONERS

Mr. Rouse presented a Resolution to Preserve and Defend the United States Constitution and North Carolina Constitution to the Board. Mr. Rouse expressed thanks to everyone who came out in support of the resolution. Mr. Rouse read the Resolution to Defend the United States Constitution and North Carolina Constitution to the Board. Mr. Rouse stated the County Commissioners taking office solemnly swear that they will support the Constitution of the United States. Mr. Rouse stated the County Commissioners taking office also solemnly swear they will be faithful and bear true allegiance to the State of North Carolina and to the Constitutional Powers and Authorities which are or may be established for the government thereof and also promise to endeavor to support, maintain and defend the Constitution of the said State, not inconsistent with the Constitution Of the United States, to the best of our knowledge and ability. Mr. Rouse stated the Second Amendment to the U.S. Constitution states; "A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed". Mr. Rouse stated Article I, Sec. 30 in the North Carolina Constitution states; "A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed".

Mr. Rouse stated your rights are given by Our Creator and listed in the Constitution of the United States as a limit to government. Mr. Rouse stated a "Militia" when properly formed, is in fact the people themselves and includes all citizens capable of bearing arms. Mr. Rouse stated "well-regulated," means; that the militia, i.e., the people must be well equipped and it being "necessary to the security of a free State" means that the right of the people to bear arms was, and remains, the ultimate barrier to government tyranny. Mr. Rouse stated the lawless are unaffected by prohibitions imposed upon law abiding citizens' natural rights. Mr. Rouse stated the Lenoir County Board of Commissioners resolve as representatives of the people to defend the Second Amendment and Article I, Sec. 30 of the North Carolina Constitution. Upon a motion by Mr. Rouse and a second by Ms. Sutton, the Resolution to Preserve and Defend the United States Constitution and North Carolina Constitution was unanimously approved.

Mr. Rouse presented and read a Resolution to Protect the Privacy and Security of Law Abiding Gun Owners in North Carolina to the Board. Mr. Rouse stated the people of this state have an inherent right to privacy. Mr. Rouse stated the vast majority of gun owners are law-abiding citizens. Mr. Rouse stated owning a firearm for the defense of one's person, home, family and liberty is not the exercise of government privilege, but of God given right. Mr. Rouse stated the public disclosure of gun owner's personal information has resulted in slander as well as victimization by criminals. Mr. Rouse stated the public disclosure of gun owner's information also exposes an unarmed citizen to risk of victimization by being identified by as such. Mr. Rouse stated law enforcement, detention staff and correction officers have become targets of threat and intimidation following the release of their personal information as gun owners. Mr. Rouse stated forty (40) states and the District of Columbia have taken steps to make information concerning gun owners' private, and only ten (10) states, including North Carolina, continue to treat gun owner information as a public record. Mr. Rouse stated no public interest is served by the release of the personal information of private citizens that have committed no trespass of law. Mr. Rouse stated the Lenoir County Board of Commissioners resolves, as representatives of the people, to defend the safety and privacy rights of lawful citizens. Furthermore, the Lenoir County Board of Commissioners call upon the Governor and General Assembly of North Carolina to enact legislation protecting gun owners from undue and unwanted release of personal information by exempting said information from the public records laws. Upon a motion by Mr. Rouse and a second by Ms. Sutton, the Resolution to Protect the Privacy and Security of Law Abiding Gun Owners in North Carolina was unanimously approved.

Mr. Davis acknowledged Mr. Wes Wolfe, Kinston Free Press Journalist, and stated Mr. Wolfe has replaced David Anderson, former Kinston Free Press Journalist.

Ms. Brown stated she attended the North Carolina Association of County Commissioners' Education Steering Committee Meeting on February 14, 2013. Ms. Brown stated the meeting was very informative. Ms. Brown stated Dr. Edwin Dunlap, Executive Director of the North Carolina School Boards Association and Representative Holloway gave a presentation about capital funding of charter schools. Ms. Brown stated Forsythe County is considering becoming a charter school district. Wake County has adopted a bill about charter schools. The Education Steering Committee is opposing the capital funding of charter schools. Ms. Brown stated one of the main goals of the Education Steering Committee is to reinstate the ADM and the lottery funds for school construction.

Ms. Brown stated the next meeting will be held on May 23, 2013. Ms. Brown stated County Assembly Day will be held on May 22, 2013.

Mr. Hill stated he attended the North Carolina Eastern Region Meeting. Mr. Hill stated there has been a new bill introduced that may have a big impact on the Eastern Region. Mr. Hill stated the act will allow a county to withdraw from the Eastern Region and receive a distribution of its motor vehicle registration tax proceeds as well as its payments made by the County in lieu of taxes.

ITEMS FROM THE COUNTY MANAGER

Mr. Jarman reminded the Board about the joint meeting with the City Council that will be held on March 7, 2013 in the Tax Department's Conference Room at 5:00 p.m. Mr. Jarman encouraged the Board to inform him of any topics that they would like to discuss at the joint meeting, so that it can be placed on the agenda.

CONSENT AGENDA: 10Min.

ACTION

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| 3. Approval of Minutes: Regular Board Meeting: -February 4, 2013 | Roberts/Jarman |
| 4. Resolution Approving the Releases and Refunds to the Individuals Listed Herein | Parrish |
| 5. Budget Ordinance Amendment: General Funds: Health: Increase: \$971 | Huff |

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

BUDGET ORDINANCES/RESOLUTIONS

Item No. 6 was a Budget Ordinance Amendment: Finance/Sheriff Department: \$3,556: Increase. Sheriff William Smith stated the budget amendment was to budget insurance proceeds received from Farm Bureau Insurance Company on February 4, 2013 in the amount of \$3,555.22. This is payment for damages to Sheriff's vehicle while in Princeton, N.C. Upon a motion by Ms. Sutton a second by Ms. Brown, Item No. 6 was unanimously approved.

Item No. 7 was a Resolution Approving Purchase of HP Switches, Transceiver and Installation: \$18,285. Sheriff Smith stated the Lenoir County Jail, located in the 1982 Courthouse annex, is designed for face to face visitation between the inmate and his or her family. Sheriff Smith stated on visitation day, the family member wanting to visit an inmate enters a room where there is a bank of booths each having a phone receiver. The inmate is removed from his cellblock and escorted to a room that adjoins the public side of the visitation room. The inmate and visitor are able to see each other through glass and are able to speak to each other over the phone receiver. The new jail carries out this function by allowing the inmate and visitor to communicate over a video and audio link. The inmate is never moved from the housing area because the video visitation device is located in the day room area of the housing unit. To reduce the number of officers used to carryout visitation in the old jail, a plan was implemented to convert the old jail to video visitation.

The purchase of four video visitation units has already occurred. The units must now be installed and connected to the network. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No.7 was unanimously approved.

Item No. 8 was a Resolution Authorizing the Purchase of Athletic Equipment for County Recreation Programs. Ms. Martha Martin, Finance Director, stated the equipment is to be used in the six (6) athletic leagues in the county. Bids were received from three (3) vendors and the lowest bid was accepted. This equipment will be used for youth sports. Upon a motion by Ms. Sutton and a second by Mr. Daughety, Item No. 8 was unanimously approved.

Item No. 9 was a Resolution Approval of the Purchase of Two (2) Sets Each of EMD, EFD & EPD Card sets for Dispatch Console Positions: Priority Dispatch: \$2,854. Mr. Roger Dail, Emergency Services Director stated Lenoir County Emergency Services Department – Communications Division has begun the implementation phase of the Jones and Lenoir County 911 centers merger. In the event of a computer failure, the Communications Division relies on a manual card-set system to continue providing EMD, EFD, and EPD services to the citizens of Lenoir County. With the addition of dispatching for Jones County, it is necessary that all dispatch console positions have the ability to offer assistance, both electronically and manually, to Jones and Lenoir County citizens. The purchase of the two- (2) additional EMD, EFD, and EPD dispatching card-sets will allow the Communications Division to provide service to citizens of both Counties in a more timely and accurate manner by utilizing the additional workstations, even in the event of a computer failure. 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 North Lenoir Fire and Rescue to Purchase One (1) 2013 Pierce Commercial Cab Pumper and One (1) 2013 Commercial Cab Tanker Utilizing and Securing a Loan of \$459,902 from First Citizens Bank. Mr. Dail stated this will be Fire Marshal Deral Raynor's last week. Fire Marshal Deral Raynor stated he has taken a position as the Fire Marshal in the State division. Ms. Sutton commended Fire Marshal Raynor on a job well done. Fire Marshal Raynor stated the contract signed between Lenoir County and the Volunteer Fire Departments states that any purchase of fire apparatus over \$100,000 must be approved by the Lenoir County Board of Commissioners. North Lenoir Fire and Rescue will be replacing a 1998 Pierce Custom Cab Pumper which was sold to Snow Hill Fire Department and they will replace a 1987 Standard Cab Tanker. The age and high cost of maintenance and safety concerns of the existing trucks are the factors for replacing the trucks. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 10 was unanimously approved.

Item No. 11 was a Resolution for the Sale of Refunding Bonds. Mr. Tommy Hollowell, Assistant County Manager, stated the Lenoir County Board of Commissioners has previously authorized the issuance of up to \$35,000,000 in County general obligation refunding bonds (the "Bonds") to refinance bonds the County issued back in 2007. The Board has now determined that the County should issue these Bonds. This resolution provides for the issuance of these bonds and takes related action, such as approving the form of the disclosure document that will be used to provide information to prospective bond investors. Upon a motion by Ms. Sutton and a second by Mr. Daughety, Item No. 11 was unanimously approved.

Item No. 12 was a Resolution Approving a Drug and Alcohol Testing Policy for Lenoir County Transit. Mr. Chris Harper, Lenoir County Transit Director, stated as of March 10, 2008, Lenoir County Transit (LCT) took Operations in-house. This included complying with North Carolina Department of Transportation (NCDOT) in all areas of Operations which involve Safety Sensitive employees. As a sub-recipient of Section 5311 funds, Lenoir County Transit is required to have a Substance Abuse Program in place, to include a policy that meets the requirements of 49 CFR 655.15. LCT's Drug and Alcohol Testing Policy requires that Safety Sensitive employees submit to Drug and/or Alcohol testing in a variety of circumstances, including but not limited to, Pre-Employment and Random Selection. LCT must ensure that all DOT Drug and Alcohol Testing requirements are being met. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 12 was unanimously approved.

Item No. 13 was a Resolution Approving a Change to the Community Transportation Grant Local Share for FY 2013-2014: From \$39,364 to \$41,314 Administrative and from \$20,918 to \$19,618 Capital. Mr. Harper stated the Lenoir County Transportation Department began its operation in October 1994 with six vehicles. The Lenoir County Transportation Department provides "Coordinated Human Services" and "Rural General Public Transportation" to the citizens of Lenoir County through subscription and demand routes. The Lenoir County Transportation Department currently serves several agencies participating in the consolidated system. The agencies participating are the Department of Social Services, Council on Aging, Lenoir County Health Department, Lenoir County Mental Health Program (EastPointe), and Vocational Rehabilitation. The Lenoir County Transportation Program is a partnership between the North Carolina Department of Transportation/Public Transportation Division (DOT/PTD) and Lenoir County Government. The administrative funding for the Transportation Department provided by NCDOT/PTD includes salaries for a Transportation Coordinator's position, Administrative Assistant's position and a Grant Writer/Safety Officer @ 100 percent, and a Part-Time Secretary position @ 25 percent. The local match is provided by various local transit revenues. The Transportation Coordinator's position, now currently titled as Director's position, was established in April of 1996 to increase the coordination and efficiency of the Lenoir County Transportation Department and its participating agencies/departments. In 2010, NCDOT approved a request from Lenoir County Transit to increase its fleet to eighteen. This growth has allowed the County to qualify for increased funding through the North Carolina Department of Transportation's grant program. Mr. Harper stated the software needed to be updated and the software that they have is no longer used, so there is a need to update the software. Ms. Sutton commended a Lenoir County Transit driver, for his dedicated service to help others. Upon a motion by Ms. Brown and a second by Ms. Daughety, Item No. 13 was unanimously approved.

APPOINTMENTS

Item No. 14 was a Resolution Approving Citizens to Boards, Commissions, Etc. Upon a motion by Ms. Brown and a second by Mr. Daughety, Item No. 14 was unanimously approved. Mr. Griffin mentioned to the Board, that some years ago, there was a lawsuit between Lenoir Memorial Hospital and Lenoir County regarding who could appoint a board member on the hospital's board. The settlement of that agreement was that the hospital would nominate and the County would appoint the board member.

The hospital sends the County two nominees which would be a primary and an alternate. If for some reason the primary was found unacceptable, the Board would be required to appoint the alternate.

<u>BOARD/COMMITTEE/COMMISSION</u>	<u>APPLICANT/CURRENT MEMBER</u>	<u>TERM EXPIRATION</u>
Regional Aging Advisory Committee	Walter Laroque Reappointment 2 nd Appearance	February 2016
Eastpointe	Rita Hodges 2 nd Appearance	July 2013

CLOSED SESSION

Upon a motion by Ms. Brown and a second by Ms. Sutton, and unanimous approval, closed session was entered at approximately 5:01 p.m. and the following cited: Number four (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by Lenoir County and 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 Mr. Hill and a second by Ms. Sutton, the Board moved out of closed session at approximately 6:03 p.m.

OPEN SESSION

Mr. Hill stated during the course of trying to make a decision whether or not to make an appointment to replace Sheriff Smith's position, they have had several highly qualified candidates to emerge with interest in the position. Mr. Hill stated the County is in a position of transition and that transition is extremely important at this point in time. Upon a motion by Mr. Hill and a second by Mr. Best, the Board appointed Chief Deputy Chris Hill as Interim Sheriff of Lenoir County effective March 31, 2013. The appointment was made with Mr. Daughety and Ms. Brown dissenting.

Mr. Davis adjourned the meeting at 6:08 p.m.

Respectfully submitted,

Reviewed By

Clevette F. Roberts
Interim Clerk to the Board

Michael W. Jarman
County Manager