

MINUTES
LENOIR COUNTY BOARD OF COMMISSIONERS
March 7, 2011

The Lenoir County Board of Commissioners met in open session at 9:00 a.m. on Monday, Monday March 7, 2011 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 Reuben Davis and Commissioners, Jackie Brown, Mac Daughety, Linda Rouse Sutton, Tommy Pharo, and Eric Rouse

Members Absent: None

Also present were: Tommy Hollowell, Assistant County Manager, Martha Martin, Finance Officer, Robert Griffin, County Attorney, Latanya L. Green, Clerk to the Board(Interim), and members of the general public and news media.

Mr. Graham stated prior to starting this meeting we will recognize Attorney Bob Griffin to close the last meeting because it was recessed and not adjourned due to a meeting the following day. Mr. Griffin stated as a point of order the February 21, 2011 meeting was recessed with plans of a joint City Council Meeting the next day. The meeting was cancelled because the City felt adequate notice was not given. Mr. Griffin asked for a motion to adjourn the February 21, 2011 meeting. Upon motion by Mr. Pharo and a second by Ms. Brown the meeting was adjourned. Mr. Rouse asked if a new date had been set and Mr. Hollowell stated a new date has not been set at this time.

Chairman Graham called the meeting to order at approximately 9:05 a.m. Ms. Brown offered the invocation and Mr. Graham led the audience in the pledge of allegiance.

Mr. Graham stated that the County Manager was not able to attend the meeting at this time due to family business that he had to attend to, but he may be in at a later time. The Assistant County Manager, Tommy Hollowell will be prepared to serve in his absence.

PUBLIC INFORMATION

None Scheduled

ITEMS FROM THE CHAIRMAN/COMMISSIONERS

Mr. Graham stated that Mr. Eric Rouse, County Commissioner had a resolution to present to the Board. Mr. Rouse addressed the Board with a Resolution for the Hwy 70 Median project that states the Lenoir County Commissioners understand and gratefully acknowledge that the North Carolina Department of Transportation in this Division has already made every attempt to help accommodate the businesses that will be affected along the Highway 70 median project between Highways 258 South and 58 to alleviate or greatly reduce their economic loss. The Commissioners understand that these are difficult economic times and it is in the best interest of our citizens to be supportive of our local businesses with their attempts to stay profitable and retain full employment for our citizens. It is apparent to this Board of Commissioners that the Highway 70 median project between Highways 258 South and 58 in Lenoir County continues to

be controversial. The citizens of the County are fearful of losing ease of access to the businesses frequented and located along the Highway 70 Median project between Highways 258 South and 58. It was requested by the Lenoir County Board of Commissioners to the North Carolina Department of Transportation that the median project between Highways 258 South and 58 in Lenoir County not continue forward because of its potential economic impact on the community and affected businesses. Mr. Rouse stated the local businesses there are not 100% supportive of this and thinks it would be nice to pass this on to the local DOT so they can see how the Board feels. Mr. Pharo asked Mr. Griffin if the "potential economic loss" should be the "potential economic negative" and Mr. Rouse stated that it should be negative. Mr. Griffin asked Mr. Rouse if it was possible to accept this as an amendment to this resolution and Mr. Rouse agreed. Upon a motion by Mr. Rouse and a second by Mr. Pharo the amendment was approved. Mr. Daughety suggested that this item be sent to the Transportation Committee since it has been the history of the County Commissioners, and it is on record, that items such as this come through the Transportation Committee. They are the body that investigates and researches these items and brings recommendations to us to help with guidance with Transportation issues. Mr. Daughety stated he is not saying he does not agree with this resolution, but this is the proper way to address issues related to Transportation. Mr. Rouse asked if this resolution should be sent to the Transportation Committee and in turn they submit it to the Board. Mr. Daughety stated we can send a resolution to the Transportation Committee for their recommendations and insight, and then they can send back a resolution and vote on it then. We can vote on this, but it may seem like we are jumping over the responsibility that we designate to them. Mr. Griffin asked Mr. Daughety if he was making a motion to refer this to the Transportation Committee. Mr. Davis stated he wanted the most forceful message sent to the Department of Transportation to show that we will scrap this particular project whatever the procedure is to do that. Ms. Sutton stated it will definitely have more merit and it may give them more time to get input from the citizens. Mr. Daughety stated the people from that business area will be free to go to the Transportation Committee with complaints, thoughts, or recommendations, then they come back with a resolution. Mr. Rouse stated since they will be meeting next week this can be addressed at the next meeting. Ms. Sutton stated to her knowledge this is not a Department of Transportation Project and Mr. Daughety stated that it is a Federal Safety Study item. It is handled by the Department of Transportation and they attend the Transportation Committee meetings. Mr. Graham stated that procedurally we are doing the right thing. The process is we have appointed the Transportation Committee to represent the County and those recommendations should float up from them to the Board of Commissioners and on through the process. Mr. Graham stated we must pay close attention to the way we handle our business not by undergirding these particular situations, this is our issue and we may delay it for a week or ten days. The decision that has to be made is coming back to the State and we should go through the process and there is a bigger issue to be solved. The fact is this is only a minor part and at some point a decision has to be made. Mr. Daughety stated we are not trying to elude the issue, we need to run this back through the proper channels, let the Transportation hear the concern, and then bring it back to the Board before we make our decision. Ms. Sutton stated this will give people a chance to voice concerns that they may not have already. Mr. Graham asked if this is a motion by Mr. Daughety and a second by Ms. Sutton and Mr. Griffin stated the superseding motion is Mr. Daughety's motion to refer this to the Transportation Committee, and the Board will be voting yes to refer this to the Transportation Committee. Mr. Davis stated he wanted this expedited in the most effective manner. Upon agreement by the Board, motion carried.

CLOSED SESSION

A motion was made by Mr. Daughety and a second by Ms. Brown for the Board to go into closed session at 9:20am. Mr. Griffin stated that statute Number four (4) is to discuss matters relating to the location or expansion of industries or other business in the area served by Lenoir County, and statute Number six (6) states 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. Davis and a second by Mr. Pharo the Board moved out of closed session at 10:53. Mr. Graham stated that the Board has heard comments on an issue that the Board was trying to resolve at this meeting. The recommendation has come forth that Mr. Russell Rhodes be relieved as chairman of the Lenoir County Transportation Committee. Upon a motion by Mr. Daughety and a second by Ms. Rouse, Mr. Graham asked to call the vote, which was Daughety-yes, Brown-yes, Pharo-no, Graham-yes, Davis-no, Sutton-yes, Rouse-no. The motion was carried. At this time the board took a recess and upon a motion by Ms. Brown and a second by Ms. Sutton, Mr. Daughety was excused to attend the Transportation Meeting.

The Board then reconvened at 10:58 a.m. and the regular meeting went back in session. Mr. Graham stated that he wanted to recognize Mr. Bob Smith who was there to speak. Mr. Smith stated he was at this meeting supporting the Resolution of the Highway 70 Median Project and how he felt it is valuable. Mr. Smith stated he is disappointed that all the Commissioners were not there to hear his comments and was told that comments will be heard by the Commissioners this week. Mr. Smith stated he came to speak to all of the Commissioners, especially the one who initiated the vote. This is an opportunity for the Commissioners to be pro-commerce and pro-retail in our area. Any barriers keeping traffic from getting to businesses, takes away from making livelihood and collecting the taxes that are turned into the County. It was agreed to be postponed until the meeting with the Transportation Committee and then a vote was made to remove Mr. Rhodes from the committee without public comment. Mr. Smith stated he felt it was a stall tactic perhaps and it is a shame the comments could not be heard before the vote, especially if there was the possibility of it going a different way. Mr. Smith encouraged the Commissioners to do what is right for citizens of Lenoir County and not just based on getting along with those at the State level. Mr. Smith stated he resides in the City and pays City and County taxes and hopes that the citizens are represented and not the state level. Mr. Graham thanked Mr. Smith for speaking and stated his right to speak had not been violated. Generally when we have Public Information, it may be at the beginning or end and we try to accommodate them as early as possible in the meeting. Mr. Graham stated he had no prior knowledge that anyone wanted to speak, so we went into our regular agenda and carried forth under Items From Chairman, Items From Manger, and then we had a Commissioner who wanted to present an Item, this may have been done in error. Mr. Smith asked the Board if the vote would have been

worthy of hearing public comments and would it have made a difference in the decision and Mr. Graham stated it possibly may have.

ITEMS FROM THE COUNTY MANAGER

Item No. 2 was items from the County Manager: Mr. Hollowell presented the Board with a Letter of Appreciation from Ms. Chirstine McCarthy, the Associate Director, Clinical Coordinator of the Emory Breast Center from Atlanta Georgia. The letter was to acknowledge the appreciation of Lenoir County's participation in the Freedom Classic. Ms. McCarthy stated how glad she was to see the Veterans out carrying flags, and to see the servicemen honored on and off the field. Ms. McCarthy also stated she had a wonderful visit to Kinston, and she hoped to come back next year. Mr. Bill Ellis from Lenoir County Parks and Recreation acknowledged all the businesses and community members who helped with this event. Mr. Ellis stated this can be one of the biggest events in eastern North Carolina. Mr. Hollowell notified the Board of the Youth Town Hall Meeting on April 2 from 10:30am to 1:30pm for The Teens and Kids who Care Leadership Academy. This program provides training, educational opportunities, knowledge and skill building to empower Lenoir County youth. This project is funded through NC General Assembly Dropout Prevention Grant and the NC Department of Administration Martin Luther King Commission mini grant. The Kinston Lenoir County Chamber of Commerce and Lenoir County Education Foundation will be providing assistance for the Youth Town Hall meeting. Mr. Hollowell stated the National Association of Women In Construction (NAWIC) asked that the week of March 6-12, 2011 be declared as Women In Construction Week. The Greater Greenville, NC Chapter #335 has distinguished itself for twenty years as the voice of women in construction in Lenoir County. The work done by Chapter#335 has benefited Lenoir County through community development, educational programs, promoted employment and the advancement of women in the construction industry. They also have sought to achieve success results for Lenoir County and surrounding areas in a cooperative spirit with other organizations. Upon a motion by Mr. Davis and a second by Mr. Pharo March 6-12, 2011 was declared Women In Construction Week.

Upon a motion by Ms. Brown and a second by Ms. Sutton, the Board unanimously approved the Consent Agenda. Mr. Griffin stated their were corrections of the minutes, on page 5 a correction on House Bill 5 and on page 9 the resolution on Senate Bill 13. Upon a motion by Ms. Brown and a second by Ms. Rouse the corrections were approved.

3. Approval of Minutes: Regular Board Meeting: February 21, 2011
4. Resolution Approving the Release and Refunds to the Individuals Listed Herein

PROCLAMATION/BUDGET ORDINACE/RESOULTIONS

Item No. 5 was a Resolution to acknowledge and recognize the retirement of Jack Jones from Lenoir County Department of Social Services read by Ms. Brown. The Proclamation stated Mr. Jones was employed by the Lenoir County Board of Social Services as the Director on June 1, 1989 and he dedicated his professional career at Lenoir County Department of Social Services to public service and to the citizens of Lenoir County. Mr. Jones submitted his notice of retirement from the Lenoir County Department of Social Services effective March 1, 2011 and will retire with almost 22 years of service from the Lenoir County Department of Social Services. The Board of Commissioners of Lenoir County is grateful for the fine service rendered by this outstanding citizen. Mr. Jones thanked the Board and stated how honored he was to serve Lenoir County for 22 years. Mr. Jones introduced Ms. Susan Moore as the new Director of Social Services and stated he felt she as an excellent selection with 32 years of experience with DSS. Mr. Graham thanked Mr. Jones on what he has brought to the County and stated he too has worked with Ms. Moore on other projects and feels she will do well as Director. Ms Graham stated that most people do not understand the amount of time and effort it takes for Social Services. Mr. Hollowell stated that he and the County Manager attended a retirement dinner in honor of Mr. Jones for the Eastern Region of Social Services Directors and it was great see how he has become a mentor to other Social Services directors in the state.

Item No. 6 was an Ordinance Amendment to the Lenoir County Animal Control Ordinance Adopted July 6, 1992 and Mr. Huff stated there is a correction to the Amendment and it should be Lenoir County Animal and Rabies Control Ordinance instead of Animal Control. Mr. Huff stated NCGS 67-4.1 requires that the county authority responsible for animal control also be responsible for determining when a dog is a "Potentially Dangerous Dog" and shall designate a separate Board to hear any appeal. Specifically, Article VIII – Procedure for Enforcement, of the Lenoir County Animal Control Ordinance, shall be amended to add a new section entitled "F" to contain the following language: "As provided in NCGS 67-4.1, the Lenoir County Board of Commissioners appoints the Health Director as the person to be responsible for determining when a dog is a "Potentially Dangerous Dog" and designates the Board of Health to hear any appeal. A quorum of the Board of Health shall be sufficient to hear the appeal. Mr. Huff stated due to a recent situation of declaring a dog as "potentially dangerous" there is a general statue that allows him as Director to do so and with this there is technical matter that needs to be addressed. In light of recent events of a dog being declared as "potentially dangerous" the owner has decided to appeal. Looking at the requirements to appeal there were issues that needed to be addressed. After meeting with the County Attorney it was felt necessary for the Commissioners to take action without relying on past issues. Mr. Graham asked how many people would need to be on this Committee and Mr. Huff stated a quorum. Mr. Huff stated there are tests that can be used to determine if a dog is dangerous, a dog bite itself may not qualify. Conducting a meeting with both sides gives others the opportunity to come forth with any information. Approval of this resolution will amend the Lenoir County Animal and Rabies Control Ordinance adopted July 6, 1992 to comply with NCGS 67-4.1. Upon a motion by Mr. Pharo and a second by Mr. Rouse Item No. 6 was unanimously approved.

Item No. 7 was Resolution Approving Declaring Property as Surplus and Authorizing the Sale of Surplus property by Auction. Ms. Martin stated the County has acquired various properties over a period of time mainly through tax foreclosures. Some of these properties have structures on them and some are vacant lots. These properties add no value to the operations of the County. The County owns various properties that are of no useful value to the County. In accordance with procedures set forth in N.C. General Statute 160A-269, County Administration is requesting the approval of the Board to sell the following listed properties through the negotiated offer and upset bid process. The sale of these properties will return them to private owners and add them once again to the tax scrolls.

<u>Tax Department Record Number</u>	<u>Property Description</u>
15813	211 W. Washington St., LaGrange
25129	2680 Wallace Family Road

Upon a motion by Mr. Davis and a second by Mr. Rouse Item. No 7 was unanimously approved.

Item No. 8 was a Resolution Authorizing a Contract for an ATM License Agreement with: Premier ATM Services, LLC. Mr. Parrish stated vehicles that are blocked must be paid with cash and some customers have to leave the building because there is no ATM machine. Ms. Seymour at the Register of Deeds requires several items to be paid with cash, and those customers will have to leave to get cash from the ATM at the Courthouse. A small ATM machine will be no cost to the County. A transaction fee is paid by the customer, and the company who provides the machine will then reimburse the county a portion of the ATM fees. Mr. Parrish stated a survey was done and all the comments were positive. Upon a motion Mr. Rouse second by Mr. Brown Item No, 8 was unanimously approved.

Item No. 9 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 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, 2010 through December 31, 2011. 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. 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, 2011. Upon a motion by motion by Ms. Sutton and a second by Ms. Brown Items No. 9 was unanimously approved

Item No. 10 was a Resolution Approving Purchase Order for CDS: \$23,058. Mr. Bryan stated the MIS Department budgeted funds in the 2010/11 budget to purchase 122 copies of Office Small Business 2010 to be installed on all computers in the county that had not already been upgraded in the previous year. This upgrade is mandatory and is needed throughout the county to ensure intra-agency communication as well as compatibility with various State Management Information Systems. This purchase order is necessary in order to accomplish the day to day work activities of all county agencies. Mr. Rouse asked if there was something else that could be used instead of purchasing the software and Mr. Byran stated that the majority of the department's capability packs do not work with the macros. Upon a motion by Ms. Sutton and a second by Ms. Brown Item No. 10 was unanimously approved.

Item No. 11 was a Budget Ordinance Amendment: General Fund: Finance/Governing Body/Human Resources: \$40,072: Increase. Ms. Martin stated this amendment is to transfer and appropriate funds for the initialization of the Human Resource Department. Ms. Hollowell stated April Martin from DSS has moved to Human Resources and since Mr. Jones has retired both of their salaries at DSS will lapse. Diane Atkinson will also work in Human Resources part time and Lashanda Hall will move to Human Resources to do payroll and those funds are included. Mr. Rouse stated that he cannot support this amendment and that we need to find a better way. Mr. Hollowell stated that the county has been trying to create a Human Resource Department for years. Upon motion by Mr. Davis and a second by Ms. Brown Item No. 11 was approved with a no from Mr. Rouse.

Item No. 12 was a Resolution Approving an Extension of the Existing Copier Lease: Carraway Office Solutions, Inc. (Daughety's Office Equipment). Mr. Hollowell stated in May 2006, the County executed a five (5) year copier lease agreement with Carraway Office Solutions, Inc. (Daughety's Office Equipment) to provide the County with twelve (12) new digital copier/printers at a cost of \$1,471.26 per month. The integration of copiers to provide print services greatly lowered the County's cost of printing documents, because it eliminated the need for printer ink and toner cartridges at numerous print locations. Under the proposed five (5) year lease extension, Carraway Office Solutions, Inc. (Daughety's Office Equipment) will replace three (3) high usage machines with two (2) new 52 copy per minute units and one (1) new machine which will increase the speed of the downstairs jail unit from 16 to 30 copies per minute. These three (3) new units will be equipped with print/scan features and will also color scan. The lease extension also adds the print/scan feature to two (2) old units located at the Health Department. This lease extension represents a savings of \$500.14 per month to the County from the original lease. Upon a motion by Ms. Brown and a second by Ms. Sutton Item No. 11 was unanimously approved.

APPOINTMENTS

Item No. 13 was a Resolution Approving Citizens to Boards, Commissions, Etc.
The following appointments were first appearance and no action was taken:

<u>BOARD/COMMITTEE/COMMISSION</u>	<u>APPLICANT/ CURRENT MEMBER</u>	<u>TERM EXPIRATION</u>
Board of Equalization and Review 1st Appearance	Meredith-Leigh Craig (Re-Appointment)	March 2014
Board of Equalization and Review 1st Appearance	Forrest Dawson (Re-Appointment)	March 2014
Board of Equalization and Review 1st Appearance	William W. Whittington (Re-Appointment)	March 2014

CURRENT VACANCIES:

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

Upon a Motion by Ms. Brown and a second by Ms. Sutton the meeting adjourned at 11:48am.

Respectfully submitted,

Reviewed By

Latanya Green (Interim)
Clerk to the Board

Michael W. Jarman
County Manager