

MINUTES

LENOIR COUNTY BOARD OF COMMISSIONERS

March 18, 2013

The Lenoir County Board of Commissioners met in open session at 4:00 P.M. on Monday, March 18, 2013, in the Board of Commissioner 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.

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 4:00 P.M. Ms. Brown offered the invocation and Mr. Davis led the audience in the Pledge of Allegiance.

PUBLIC INFORMATION

Dr. Randy Jones, Veterinarian, stated he has lived in the County for 27 years and he appreciates the job the county commissioners are doing. Dr. Jones said he has some concerns, along with other business owners along the west side of Hwy 258, regarding flooding with the extension of Smithfield Way. He is concerned that it may make a poorly drained area even worse once the road is built. Dr. Jones stated that from Blizzard's Warehouse down to the church represents \$2.4 million dollars in real estate and buildings on the tax books. Dr. Jones stated that the business owners feel this project has not been properly presented to the people and there have not been any public hearings concerning this matter. He stated they as business owners feel that the project to extend Smithfield Way be postponed until further review has been assessed of the flooding.

Mr. Daughety stated there has been discussion, within the past 30 days, with NCDOT about the flooding and the drainage issues. Mr. Daughety stated NCDOT is also concerned about the drainage issue and is therefore, taking great caution regarding this project. He stated he was assured locally and on the division level that the road will not worsen the problem but could potentially improve it. Mr. Daughety stated that even though the funding was being expedited, the due process was not. Dr. Jones stated that moving the project two lots down would not impact the ditch and would be the better choice. He said it would cost more money, but it would also improve the traffic pattern. Mr. Daughety stated it had not been brought to their attention that there was concern about this project. He stated there are two hydrologists that are coming to visit the proposed property. Mr. Daughety said they will be here on Wednesday, March, 27, 2013 to assess the potential impact of the Smithfield Way Extension Project. Mr. Daughety stated he did intend to get a list of the property owners and Mr. Jones said he had that with him.

Mr. Daughety advised him to leave that information with the clerk. Mr. Daughety stated if time permitted, Dr. Jones could meet with the hydrologists while they were here. He advised Dr. Jones if that was not possible then they could come back and give him feedback. Dr. Jones stated they would like to have a meeting with NCDOT to discuss the Smithfield Way Extension Project and Mr. Daughety advised him that they could set up a meeting.

Mr. Rouse inquired if there will be another stoplight placed at the intersection of Smithfield Way Extension and Hwy 258 North? Mr. Daughety stated that traffic would dictate that decision.

Mr. Davis said he would like to orally state the Commissioners are in support of the Resolution in Support of the Northern Route. He stated he had a letter from Mayor Murphy that says the City Council will be discussing this tonight. Mr. Jarman stated he preferred them to have the written Resolution before publicly expressing support. Lenoir County Attorney Robert Griffin stated it is always good to have a written Resolution, but it is not required. Upon a motion by Mr. Davis and second by Mr. Daughety the "oral" support of a Northern Route was unanimously approved.

Upon a motion by Ms. Brown and second by Mr. Daughety, Commissioner Linda Rouse Sutton was excused.

ITEMS FROM THE CHAIRMAN/COMMISSIONERS

Mr. Davis stated, as chairman, he has the opportunity to serve on the Lenoir County Transportation Committee or to appoint someone to serve in his place, and said he would like to appoint Mr. Gordon Vermillion to serve on the Board. He stated that Mr. Vermillion had agreed to accept this position if approved.

Mr. Davis stated he would like to acknowledge the Kinston High School Boys and Girls Championship Basketball teams who won the State Tournament that was held in Chapel Hill, N.C. on Saturday. Ms. Jackie Brown commended the team for winning the State Championship. She stated that never in the history of Lenoir County had a girls' basketball team won the State Championship. Ms. Brown commented that the boys would not be outdone, so they also brought back the State Championship. She suggested the City and the County do something to recognize these two teams. Ms. Brown added that the kids on these two teams are some of the most respectable kids you could ever meet and some of the senior boys have already received college scholarships to play basketball. Mr. Davis stated it was nice to be known as "Title Town" and commended the Kinston Free Press for coming up with the headlines. Mr. Hill stated the coach who led the championship has been a champion since the day he was born. He said this was bigger than winning a championship, it has provided the youth with the opportunity to pull together as one. He stated there were people there from the city and county, all races and creeds that were united behind a group of young people helping them to move forward. Mr. Hill also

stated it was an opportunity to showcase our community. He encouraged the Board of Commissioners to go to the different schools and see the kids play and show their support.

ITEMS FROM THE COUNTY MANAGER

Mr. Jarman stated the CDBG Program has a new requirement, the Community Monthly Performance Status Report, which will be a part of the agenda each month.

Mr. Jarman reminded everyone about the Spring Litter Sweep that will be held April 13-27, 2013.

Mr. Jarman stated the Inspections/Permitting Report and the Financial Performance Information are included.

Mr. Jarman stated that a Budget Work Session had been discussed for today, but he did not feel there was enough information to give at this time. He stated immediately following the next meeting, April 01, 2013, there would be a Budget Work Session.

CONSENT AGENDA

3. Approval of Minutes: Regular Board Meeting – March 4, 2013
4. Budget Ordinance Amendment: Finance/Sheriff's Department: \$589: Increase
5. Budget Ordinance Amendment: Emergency Medical Services: \$2266: Increase

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

PUBLIC HEARINGS

None

BUDGET ORDINANCES/RESOLUTIONS

Item No. 6 was a Proclamation recognizing "Intellectual and Developmental Disabilities Awareness Month". Mr. Rouse read the Proclamation and upon a motion by Mr. Rouse and a second by Mr. Best, Item No.6 was unanimously approved.

Item No. 7 was a Resolution Declaring Property as Surplus and Authorizing the Sale of the Surplus Property by Auction. Mr. Chris Harper, Lenoir County Transit Director, stated the County has a small inventory of various vehicles that have outlived their useful life. These vehicles are no longer of use to any County Department and there are no plans to put them back into service. He stated they are all very high mileage and have been replaced by funds from the Community Transportation Grant. 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 Purchase of Fencing and Fence Gate: Baker Fence Co.: \$3,480. Chief Deputy Chris Hill stated the new jail contains an evidence room which provides the Sheriff's Office with space to hold all of the evidence it currently has in its custody, as well as future evidence space needs. The new room is equipped with mobile shelving used to optimize storage space, and also contains pass through lockers for temporary evidence storage. A wire mesh wall using a fencing product must be used to wrap around the lockers to create a barrier from the interior of the evidence room. The fencing will essentially create an "anti-room" with a wire ceiling, so that officers can enter the room, place evidence in the pass through lockers, secure the locker, and then leave the evidence room without having the ability to enter the evidence storage portion of the room. This provides for a secure environment for evidence, which is essential for judicial purposes. Mr. Hill stated this will not impact the tax payers at all. Upon a motion by Mr. Daughety and a second by Mr. Hill, Item No.8 was unanimously approved.

Item No. 9 was a Budget Ordinance Amendment: Capital Projects Fund Jail Expansion Project: \$19,386: Increase. Mr. Tommy Hollowell, Assistant County Manager, stated the budget amendment was to budget funds received from EMC Insurance Companies on February 26, 2013 in the amount of \$19,385.55. This is an insurance payment from East Coast Restoration & Waterproofing, a subcontractor of Hudson Brothers. This is to reimburse for the cost of repairing a transfer switch to a generator that received rain damage due to a window not being properly caulked. Upon a motion by Ms. Brown and a second by Mr. Best, Item No. 9 was unanimously approved.

Item No. 10 was a Resolution Approving and Adopting Amended Flood Damage Prevention Ordinance and Revised FEMA Flood Insurance Rate Maps Effective April 16, 2013. Mr. Gary O'Neal, Chief Building Inspector, stated the current Flood Damage Prevention Ordinance (FDPO) and current effective date of the FIRM's is July 02, 2004. FEMA updates the maps periodically to reflect new development and new detailed studies of existing drainage features. Lenoir County uses the state model for the FDPO and it is also revised to reflect regulation updates regarding new maps. FEMA requires that the revised maps and ordinance be adopted by April 16, 2013 for communities to continue participation in the National Flood Insurance Program. A public forum was hosted by the Lenoir County Planning Board and State representatives of the NFIP in November 2012 to inform citizens of the changes to the flood maps. Upon a motion by Mr. Daughety and a second by Ms. Brown, Item No. 10 was unanimously approved.

Item No. 11 was a Resolution Approving and Adopting Revised Manufacturing Housing Park Ordinance. Mr. O'Neal stated the current Manufactured Housing Park (MHP) Ordinance has been in effect since July 1, 2001. He stated this is a stand-alone ordinance regulating the establishment of MHP parks in order to promote public health, safety, and general welfare of Lenoir County citizens as well as provide availability of affordable housing within the County. The MHP ordinance preceded the County's zoning ordinance. Mr. O'Neal stated there were several things that have been added to the MHP Ordinance. He stated the minimum size lot would be 20,000 sq. ft., opaque fencing, the dumpster area would be screened and there would be one area security light for each four (4) spaces. He stated the Development Review Board members would review all applications. Mr. Daughety asked Mr. O'Neal if this would apply to existing property and Mr. O'Neal stated this would only apply to new developments. Upon a motion by Mr. Hill and a second by Mr. Rouse, Item No. 11 was unanimously approved.

Item No. 12 was a Budget Ordinance Amendment: General Fund: Non-Departmental : \$31,722 Increase: Ms. Martha Martin, Finance Officer, stated the Budget Amendment is to appropriate funds returned by the Community Intervention Program to the County, that are to go back to the state. The county received notification on January 2, 2013, from the Division of Juvenile Justice that unused funds earmarked for the Community Intervention Program, needed to be sent back to the State. These funds were sent back to the County by the Prevention and Treatment Center of Lenoir County on February 21, 2013, and then forwarded to the N.C. Dept. of Public Safety on February 25, 2013. Upon a motion by Ms. Brown and a second by Mr. Best, Item No. 12 was unanimously approved.

Item No. 13 was a Resolution Awarding Contract: Grinding Services: Vegetative Debris: Mr. Tom Miller, Landfill Director, stated the Board is requested to approve a proposal from John A. Powell Contracting of Fuquay-Varina, N.C., for grinding vegetable debris (trunks, limbs, etc.) at a cost of \$9.00 per ton and authorize the Landfill Director to execute a (3) year contract on behalf of the county. Mr. Daughety commended the Landfill for their services with OSC Services. Mr. Davis inquired about any issues since the hours at the recycling sites have been changed to 7:00 a.m. until 5:00 p.m. Mr. Miller stated there was one positive and one negative comment. Upon a motion by Mr. Hill and a second by Ms. Brown, Item No. 13 was unanimously approved.

Item No. 14 was a Resolution Approving Acceptance of a Grant from North Carolina Department of Transportation to assist in the Funding of an Additional Rail Spur to serve Pactiv Corporation. Mr. Mark Pope, Economic Development Director, stated the Resolution was for Approving Acceptance of a grant from N.C. Department of Transportation to assist in the funding of an additional rail spur to serve Pactiv Corporation. This grant enhances the County's Industrial park, by giving Pactiv (Dopaco) the okay to install, at it's own expense, a second rail spur to connect to the main line of the North Carolina Railroad Company. This will run parallel to the existing rail spur, so there will be dual tracks serving the facility for new growth. Mr. Pope stated the Lenoir County Industrial Park will benefit by allowing Pactiv/Dopaco to install at it own expense, a second rail spur connected to the main line of the North Carolina Railroad Company. Upon a motion by Mr. Hill and a second by Ms. Brown, Item No. 14 was unanimously approved.

Item No. 15 was a Resolution Authorizing the County Manager to execute a 60 Month Service and Use Contract with Carolina Telephone LLC- East. Mr. Joey Bryan, MIS Director, stated the resolution is authorizing the County Manager to execute a 60 month service and use contract with Carolina Telephone LLC East (“Embarq”) for VOIP equipment and maintenance with subsequent \$1 buyout lease agreement with CISCO to follow along with a product and services agreement with Century link Sales Solutions, Inc. He stated they have looked at upgrading what we have to the latest CISCO Unity/AVVID VOIP with phones and latest software, and can do this for \$5,019.93 per month. This would allow us to not only have the latest equipment under warranty, but it would realize a savings of \$433.51 or \$5,202.12 per year. Upon a motion by Mr. Hill and a second by Mr. Daughety, Item No. 15 was unanimously approved.

Item No. 16 was a Resolution Supporting Regional Interstate Connectivity in Eastern North Carolina. Mr. Daughety stated there has been discussion with Mayors in surrounding counties about interstate connectivity. Mr. Daughety stated it was agreed by the surrounding committees and mayors, interstate connectivity is necessary for the surrounding counties to have transportation access and would also promote growth for the surrounding counties as well as economic development. Mr. Daughety read the Resolution Supporting Regional Interstate Connectivity in Eastern North Carolina to the Board. Mr. Daughety stated the resolution will be presented to North Carolina Department of Transportation. Mr. Rouse asked if the resolution had been before the Lenoir County Transportation Board. Mr. Daughety stated that it had not because they had not met this month, but he did not foresee an issue. Mr. Davis stated he thought it should go before the Lenoir County Transportation Board before action was taken. Upon a motion by Ms. Brown and a second by Mr. Best the resolution was tabled. Mr. Davis stated once they had a response from the Transportation Committee the Resolution would be heard. Mr. Daughety suggested a “called” meeting. Mr. Hill commended the Lenoir County Transportation Committee for the efforts to create interstate connectivity.

APPOINTMENTS

Item No. 17 was a Resolution Approving Citizens to Boards, Commissions, Etc. Mr. Jarman, County Manager, stated there were some questions as to the Transportation Committee. He stated Mr. Griffin reviewed the Resolution that formed the committee in December 1996. The Resolution was reviewed to see what positions the Board of Commissioners are responsible for putting in place and when those terms expire. The terms expired in January. Mr. Jarman stated the Lenoir County Board of Commissioners has two members to selec. Mr. Davis appointed Gordon Vermillion as his designee. Mr. Griffin stated the Chairman is always on the Transportation Committee or he may have a designee. Mr. Griffin stated the first appearances would be at the April 1, 2013 meeting, and the second appearances will be on April 15, 2013. No action was taken.

<u>BOARD/COMMITTEE/COMMISSION</u>	<u>APPLICANT/CURRENT MEMBER</u>	<u>TERM EXPIRATION</u>

CLOSED SESSION

A motion was made by Mr. Daughety and seconded by Mr. Hill to go into closed session at 4:58 P.M. with the following cited: Number five (5) To establish or instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price or other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other materials terms of an employment contract or proposed employment contract. No action was taken.

OPEN SESSION

Upon a motion by Mr. Brown and a second by Mr. Rouse Mr. Davis adjourned the meeting at approximately 5:38 p.m..

Respectfully Submitted,

Reviewed By,

Martha Martin

Michael W. Jarman

Deputy Clerk

County Manager