

MINUTES

LENOIR COUNTY BOARD OF COMMISSIONERS

March 21, 2016

The Lenoir County Board of Commissioners met in open session at 4:00 p.m. on Monday, March 21, 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, Eric Rouse, and Linda Rouse Sutton.

Members Absent: None

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. Ms. Brown offered the Invocation and Mr. Rouse led the audience in the Pledge of Allegiance.

**PUBLIC INFORMATION:**

Mr. David Ricke stated he is one of the event organizers for the St. Baldrick's Day events. St. Baldrick's organization is in the process of finding a cure for childhood cancer. Head-shaving events began as a challenge between businessmen and have grown from one event in 2000 to over 1,300 events which continue to be the signature event of the Foundation. Many people have asked friends and family to make donations "on their heads" and in return, they attend one of the thousands of volunteer-organized events where they have their heads shaved in solidarity with kids fighting cancer. Since 2000, more than 390,000 shavees including more than 49,000 women have shaved their heads at 9,000 events raising critical funds for childhood cancer research. When it comes to cancer research with the federal funding only 5-6% goes toward childhood cancer research, which is one of the reasons St. Baldrick's Foundation began its fundraising events. With St. Baldrick's foundation all of the money collected goes strictly towards childhood cancer research to places like Duke and Chapel Hill. This year's event will be held on Tuesday, March 29<sup>th</sup>, at East Coast Wings in Kinston, NC from 5:00 p.m. – 9:00 p.m.

Mr. Zachary Barfield stated St. Baldrick's was a very important event to his brother Taylor Frink who passed away last year on September 16<sup>th</sup> and it is his desire to participate and continue Taylor's legacy.

**PUBLIC COMMENTS:**

None

## **CONSENT AGENDA:**

1. Approval of Minutes: Regular Board Meeting: March 7, 2016.

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

## **BUDGET ORDINANCE AMENDMENTS/RESOLUTIONS:**

Item No. 2 was a Proclamation honoring Social Work Month. Ms. Susan Moore, DSS Director, read the proclamation. Upon a motion by Ms. Brown and a second by Mr. Daughety, Item No. 2 was unanimously approved.

Item No. 3 was a Proclamation honoring Child Abuse Prevention Month. Ms. Susan Moore, DSS Director, read the proclamation. Upon a motion by Mr. Davis and a second by Ms. Brown, Item No. 3 was unanimously approved.

Item No. 4 was a Budget Ordinance Amendment: General Fund: DSS: \$8,130. Increase. Ms. Susan Moore, DSS Director, stated this amendment request is to increase revenues to match the original allocation of federal funds for the Low Income Energy Assistance Program (LIEAP) which are 100% federal funds. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 4 was unanimously approved.

Item No. 5 was a Budget Ordinance Amendment: General Fund: DSS: \$24,514. Decrease. Ms. Susan Moore, DSS Director, stated this amendment request is to decrease revenue to match the original allocation of federal funds for the Crisis Intervention Program (CIP) which is 100% federal funds. Upon a motion by Mr. Daughety and a second by Mr. Best, Item No. 5 was unanimously approved.

Item No. 6 was a Resolution Approving Purchase Order to Ilderton Chrysler Jeep Dodge dealership: \$18,894. Ms. Susan Moore, DSS Director, stated one of Lenoir County Department of Social Services fleet vehicles was in an accident on January 8, 2016, in Raleigh, NC and was totaled. While our vehicle was stopped at the light facing north on SR 2213, a vehicle crossed the center lane divider and struck our vehicle. The insurance company has settled the claim giving Lenoir County DSS \$19,000 to replace the vehicle. This request is to purchase a replacement vehicle in the amount of \$18,894. We are asking the Board to approve and authorize the Social Services Director to execute a Purchase Order with Ilderton Chrysler Jeep Dodge dealership to purchase a replacement vehicle for the vehicle which was totaled in an accident. Upon a motion by Mr. Davis and a second by Mr. Daughety, Item No. 6 was unanimously approved.

Item No. 7 was a Budget Ordinance Amendment: General Fund: DSS: \$45,000. Increase. Ms. Susan Moore, DSS Director, stated this amendment request is to increase revenues to cover work first transportation services for the remainder of the fiscal year. The work first transportation program is 100% federal electing cash funds. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 7 was unanimously approved.

Item No. 8 was a Resolution Authorizing a Purchase Order to Charles Hughes Construction for Paving and Seal Coating in the amount of \$23,845. Mr. Joey Bryan, MIS Director, stated the Recycling Site also known as the Dobbs Farm Road Convenience Site, has had no repairs done since it was opened in 1990 thus it has some major problems including cracked asphalt and deteriorating drainage issues. We proposed making the changes as seen on the attached Drawing and scope of work. The scope of work and drawing were then sent out to vendors. The Board is requested to approve a proposal from Charles Hughes Construction in the amount of \$23,845 for paving work at Dobbs Farm Road Recycle site and authorize the County Manager or his designee to execute the necessary paperwork. Upon a motion by Mr. Rouse and a second by Ms. Sutton, Item No. 8 was unanimously approved.

Item No. 9 was a Resolution Authorizing Asbestos Abatement in County Owned Building: 130 S. Queen Street (Lenoir County Courthouse Boiler Room): Enviro Assessments East, Inc. in the amount of \$8,290. Mr. Chris Harper, Special Project Officer, stated Lenoir County owns the Courthouse located at 130 S. Queen Street. The boiler has failed an inspection by the North Carolina Department of Labor. The boiler was constructed in 1930 and was commissioned in 1932. In order for work to commence on the boiler replacement asbestos must be removed. Lenoir County Maintenance contacted the same firm which did the asbestos abatement at 115 W. Bright Street (house behind Social Services) to quote the asbestos abatement. Another asbestos abatement company was contacted to submit a bid. Enviro Assessments East, Inc. of Dover, N.C. provided a quote of \$8,290 for the asbestos abatement. The quoted price of \$8,290 also includes the cost of obtaining all state permits and air quality monitoring. The Board is requested to authorize the abatement of asbestos in the boiler room of the Lenoir County Courthouse located at 130 S. Queen Street by Enviro Assessments East, Inc. at a cost of \$8,290. Upon a motion by Ms. Brown and a second by Mr. Davis, Item No. 9 was unanimously approved.

Item No. 10 was a Resolution Authorizing the Purchase of Replacement Boiler for the Lenoir County Courthouse located at 130 S. Queen Street in the amount of \$108,854. Mr. Chris Harper, Special Project Officer, stated Lenoir County owns the Courthouse located at 130 S. Queen Street. The boiler was constructed in 1930 and was commissioned in 1932 as a coal burning heat source. In the 84 years of service, this system started off as a coal burning system and has been retrofitted two (2) times to burn other fuel sources. In November of 2015 the boiler suffered a meltdown which destroyed vital safety components of the system. Since that time the North Carolina Department of Labor, Boiler Division has inspected and failed the boiler. The boiler cannot be repaired due to age, lack of replacement parts and overall condition. Since the inspection in early 2016 by the North Carolina Department of Labor, the Maintenance Department contacted five (5) boiler contractors with three (3) submitting bids on the project. Bids were received from Piedmont Service Group of Greenville, N.C., Southeast Boiler Services of Goldsboro, N.C. and Brady of Raleigh, N.C. The scope of work by the Piedmont Service Group met the parameters of the project and was the lowest bidder at \$108,854. The Board is requested to authorize the purchase and installation of a new boiler at the Lenoir County Courthouse located at 130 S. Queen Street by Piedmont Service Group. Upon a motion by Mr. Rouse and a second by Ms. Brown, Item No. 10 was unanimously approved.

Item No. 11 was a Budget Ordinance Amendment: Landfill Capital Outlay: Landfill: \$325,000. Increase. Ms. Tracy Chestnutt, Finance Officer, stated, the purpose of this budget amendment is to properly record appropriations for the lease purchase of the landfill bulldozer. Upon a motion by Mr. Rouse and a second by Ms. Brown, Item No. 11 was unanimously approved.

Item No. 12 was a Resolution Approving Citizens to Boards, Commissions, Etc. Chairman Hill stated, there are no applicants, so no action is required at this time.

Item No. 13 was items from County Manager. Mr. Jarman commended the maintenance department for keeping the boiler running for as long as they did. If it does get cold after the 25<sup>th</sup> maybe the department of labor will work with them while the company is in the process of replacing it. Other than the financial performance summary, inspections and transit summary we have reminders of the North Carolina Association of County Commissioners, District meetings, county assembly day is Wednesday, May 18<sup>th</sup> in Raleigh, NC, the commissioners can register free of charge but must register by 8:00 am May 10<sup>th</sup>. This is the day that the commissioners can go to the quorum center in Raleigh and receive legislative updates from the association of county commissioners staff and hear remarks from some of the leaders of the general assembly. Lunch will be provided, and during the evening, you are free to visit with the members of your elected delegation. The district meeting is scheduled for April 20<sup>th</sup> in Duplin County at the Mad Boar restaurant.

Mr. Jarman stated at the last meeting the Board asked specifically for Sheriff Ingram to address this Board regarding the concealed carry issue. Also, some of the department heads are present to share and express their feelings as well.

Mr. Hill stated he would like to hear from the department heads first and then from Sheriff Ingram last.

Ms. Susan Moore, DSS Director, stated this is her 38<sup>th</sup> year working with DSS. During that time, she has interacted with a lot of people. These are the same people you see at school, at church, or in the grocery stores. They are our neighbors. Most are pleasant to deal with and present no danger to anyone. They have simply hit a rough spot in life and just need help to get past it. They may be frustrated by the length of time it takes to get help or by the rules that severely limit access to services, but they are not going to assault anyone at DSS. Ms. Moore mentioned that DSS does make a lot of people angry. It is tax season. Almost every day they get complaints from angry non-custodial parents because child support agents intercepted their tax refund and routed it to their children for back support. They also get complaints from angry custodial parents because they did not collect more of the money owed to them. People feel strongly about their money. They allow them to vent, then explain what happened and why. They may not like what happened but they accept that the agency followed the law. When DSS receive reports from a bank that suspicious activity is occurring with an elderly or disabled person's bank account, they investigate.

If they find that someone is using a relative's money for their own gain, they freeze the account until a guardian can be appointed. This is very unpopular with nieces, nephews, or grandchildren who have been living large on grandma's savings. Angry families complain when DSS intervene to protect their children. Families don't want DSS social workers in their business or the court removing their children. They also hear from angry grandparents or relatives who are frustrated because we did not remove children from the home. Our staff initiates court actions every day for fraud, failure to pay court-ordered support, abuse, neglect or exploitation of a disabled adult, guardianship, and for abuse, neglect or dependency of a child. That angers people a lot because nobody wants to be called into court. Our child welfare staff is required by law to hold frequent meetings with families and anyone the family considers part of their support team. These meetings are held to discuss the family's progress toward resolving their problems. These meetings are where child custody issues are discussed. These meetings are often tense. It will make our jobs so much harder if we allow families to bring weapons into these meetings. Ms. Moore stated she believed that we should not allow social workers to be intimidated by a parent with a weapon or families to be intimidated by a social worker with a gun. Twice in the last year, we had incidents where a parent or grandparent attempted to illegally take the children. In both instances, the social workers resolved the incident without violence and without law enforcement involvement. She shudders to think about what would have happened if either side been allowed to have a weapon. She is also concerned that allowing social workers to carry a weapon into a home visit will leave our agency wide open to a charge of coercion and duress. That parent could tell the Judge, "I let the social worker take my children because she had a gun." If that happens, our case will be tossed out of court and children will not be protected. Allowing social workers to have a weapon in the vehicle when they transport children also concerns me because it increases liability and the likelihood of a child having access to a weapon. She cannot foresee a time when a DSS employee or a visitor at DSS would need a weapon to safely interact with others. Our days at DSS are often tense, but the last thing we need is for a DSS employee to mistakenly pull a weapon because they felt intimidated when their life was not at risk. If that happens, the employee will be arrested and fired. Over the 38 years, she can't tell how many times she has been cursed at and verbally threatened. But she has never needed a weapon to feel safe at DSS or when she made home visits. She was taught that a social worker is safest when she displays a genuine concern for others, maintains self-control of her own emotions, and calmly explains and answers questions. Many times she has had to say, "I want to understand what you are saying but I can't concentrate when you yell or curse at me". "If you can lower your voice and stop cursing, I will do what I can to help". "But, if you can't do that right now, I am going to ask you to leave and come back later when you are ready to talk in a more professional manner." That usually defuses the situation. If not, we call for the deputy. Our social workers are told to listen to their instincts. If anything makes them feel unsafe on a home visit, they have permission to end the visit, leave and request that a law enforcement officer return to the home with them. We already take a law enforcement officer with us when the situation requires it. But you need to understand that just having a law enforcement officer present can cause situations to escalate.

She reminded the Board that the National Occupational Safety and Health Act require employers to provide a safe working environment for employees. Ms. Moore stated she believes that the Board will make their workplaces much less safe by allowing weapons. She urged the Board not to allow staff or the public to bring weapons, concealed or not, into county agencies, and especially not the Department of Social Services. She mentioned the introduction of weapons will create a greater risk to our staff and clients. DSS staff works in cubicles with cloth walls. Bullets fired will not stop until they hit someone and that someone could be a co-worker or a visitor. Ms. Moore stated she is not anti-gun she just believes that work areas are not the place for guns.

Mr. Darrell Parris, Tax Administrator, stated the Tax Department employees overwhelmingly do not think it is a good idea to allow the public to bring guns into their department. A lot of the citizens that come in the Tax Department are there because they either don't agree with the value on which they are being taxed and they think their tax bill is too high, or they have delinquent taxes that they are unable to pay and they are facing enforced collection action. This means, when they walk in the door, they already have negative feelings, or a bad attitude towards the Tax Department, which leads to emotional, and sometimes tense situations that have to be dealt with very carefully. When interviewing potential new employees for the Tax Department one of the questions that he always asks is "how would you deal with an upset taxpayer that comes in and starts talking trash about the Tax Department and the government". He believes the employees of the Tax Department do a good job when dealing with upset taxpayers, and not encouraging situations to escalate and become confrontational. Mr. Parrish stated fortunately, in the twelve years of him being the Tax Administrator, they have had to call law enforcement only on a couple of occasions when a taxpayer became upset and made threatening statements. The duties that the Tax Office is responsible for carrying out sometimes create very stressful interactions with taxpayers. We're charged with placing a value on their property, creating a bill based on that value, and finally collecting that bill. All of these tasks have the potential to lead to a confrontational situation. Mr. Parrish stated he believes it is better for both parties involved to resolve these situations when neither one is carrying a gun.

Ms. Jerri King, EMS Assistant Director, stated as a Department Manager, the concern(s) with employees open-carrying weapons are many departments deal directly with the public and, if someone is already upset, then seeing someone with a gun on their side could potentially escalate the situation. Many times County employees are required to go in the field and, carrying a gun, could be threatening and place that employee at great risk. Our office issues monetary citations and, if a citizen is already upset with being fined, when they come in to pay the fine and see someone with a gun on their side, it could be perceived as threatening and could escalate the situation to potentially causing a volatile dynamic between the employee and the citizen. EMS employees cannot carry weapons on an ambulance per NC OEMS. Some of the calls in which EMS employees respond, if carrying a gun on their side, could make the employee a target for attack. In summary, we have no issue with employees or citizens having weapons in our building but, with the heightened tensions in this Country, we feel it could create a potentially volatile and hostile situation.

Mr. Joey Huff, Health Director, stated Lenoir County facilities that could be included in such an ordinance are as follows; Health Department, DSS, Tax Department, Register of Deeds, Inspections, MIS Board of Elections/ ABC, Cooperative Extension, Transit, Visitor Center, Pink Hill Gym/Recreation Center, Neuseway Park buildings, EMS stations, E911 call centers and the Hannibal building which house probation and parole. There is no evidence or data citing safety or security issues at any county facility supporting adoption of an ordinance that allows concealed carry permit holders to possess or carry firearms into our workplaces that has been presented. The county also conducted a four (4) question survey of county employees that attempted to gauge support of concealed carry permit holders having the right to possess and bring firearms into our workplaces and assess if such action would make one feel more or less safe and secure. Other alternatives that can promote safety/security in our workplace were not included in the survey. If safety/security is the true purpose of any consideration for the need to adopt an ordinance allowing concealed carry permit holders to bring their firearms into our workplaces, then there are other effective measures that could be considered; a law enforcement officer could be assigned to each facility in question during hours of operation, and develop and implement an "active assailant" response plan/protocol for our workplaces and train employees how to react/respond in ways that decrease the chances of becoming victims. If an ordinance is adopted allowing the concealed carry of firearms by permit holders into county facilities and prohibit concealed carry of firearms by permit holders due to safety/security concerns such as the Hannibal building, and the ABC wing, what makes the other county facilities any different and allow concealed carry by permit holders. Shouldn't the governing boards for DSS, Public Health Department, Board of Elections, ABC, and Transit have any input as you deliberate this matter. We offer a word of caution, the opportunity for an accidental discharge, or opportunity for miscue, misunderstanding, and miscommunication between individuals when at least one of them possesses a firearm can result in life altering consequences. Again, there are other effective alternatives that can be considered if there are safety/security issues. The risk of unintended consequences, (collateral damage) of misuse, misunderstanding, miscommunication, or accidental discharge is just too great to risk. Mr. Huff thanked the Board for allowing him to address this complex issue.

Sheriff Ingram stated for the record he supports the constitutional rights to carry firearms. Everyone that has spoken today has brought up some very valid points. There are a lot of things that could be done in light of allowing employees to go armed. To point out a few things, #1 law enforcement officers are trained and must train annually, #2 they are certified and must maintain a certain score in order to remain certified. Each officer receives three chances and thirty days to qualify and if one does not qualify they lose their certification which means you can no longer be a law enforcement officer. As for the concealed class, the training is very minimal and it does not teach you to use a firearm. You are allowed to carry any type of gun you like and anyone can qualify and by law, they can't be denied to get a permit. When you have people entering places like DSS, Health Department, and Tax Department they already feel like the world is against them and they are upset and allowing them to be armed might not be a good idea. You don't pull out a gun unless you intend to use it and what if you pull it out at the wrong time. In his professional opinion, he can't see where the county will benefit from this ordinance. For example, if someone was armed in this room law enforcement would not need everybody behind them with guns getting into a cross fire situation with bullets flying everywhere and at the end of the day someone will end up in a bad situation. Citizens must understand it is one thing to stand out in an open field discharging a weapon at a stationary target, however, it's another thing trying to shoot in close proximity inside a building.

Most of the general public takes the class for a one on one purpose or for the confines of their homes, not in a room full of people. There is something about a gun that makes people think they are more than they are. Again, just because someone took the concealed carry course and passed it does not make them qualified and accountable of misuse of that weapon. There are many people who don't know how to handle weapons properly or don't understand the implications of using weapons in close proximity. Think about females, where will they have their weapon at work, most likely in their pocketbook, where is the pocketbook going to be at, under their desk, and as much as we would like to think our co-workers and neighbors are honest. There have been many reports where theft has taken place on our jobs. Another thing of importance to consider is when a manager has to terminate an employee and he or she has a weapon, the department head may no longer feel comfortable. In his opinion, it is not a good idea to allow this ordinance.

Mr. Hill stated he understands everybody's viewpoints, however, this issue came to the Board as a result of the question "how do we respond to an active shooter". The second part of the conversation is "how do we differ from the private sector". Mr. Hill stated he has been in the public sector, the public schools and he is aware of its philosophy. The instructions were to lock your doors, turn off lights, hide and place a paper under the door and don't leave from your location until all clear, but that has changed. Sheriff Ingram replied training has changed and eventually in the future they will go back to that way of doing things. If you are barricaded in a room and that individual is unable to get in he or she is likely to walk away. It's only when you try to come out and fight and get in harm's way when things will escalate. Mr. Hill asked has law enforcement from the state or national level taken a stance on active shooter. The Sheriff replied, not at this time, and it also depends on the people and the particular incident. Mr. Rouse stated in his opinion it's a right and the supreme court has ruled on it and it is very clear that a person has the God given right to protect themselves. If someone came to him and he did not have a weapon he could not defend himself, but if he had a weapon he could defend himself. There have been a lot of hypothetical drawn out examples of how lawful concealed carrying license people could go crazy and do something bad, when the fact of the matter is they don't have that problem. We are disarming and denying those individuals the right who want to protect themselves, and rather they are good at defending themselves does not matter. There will be example after example of hypothetical situations where if a person had a concealed carry they might pull it out. The truth of the matter is by looking at the statistics it is not the concealed person who is creating the problems it's the people who are not licensed and have the illegal guns that's creating the problems. Mr. Rouse asked is it fair for this Board to disarm those citizens who have gone through the necessary steps to become certified. Mr. Hill stated at this point he is asking questions to get information to help in making decisions. He understands certain laws pertaining to different buildings and situations, the nature of the work being done, and each department head that has spoken, but the survey that was received does not match the department heads stance. There is contrasting information before them and they all will have to use discernment to make a decision, nevertheless, in his opinion, they need more time. Mr. Daughety stated the question is have they done anything else and there should be some type of policy in place. Sheriff Ingram replied each department should have a plan of action in place and what to do if something happened in their area. Mr. Hill stated the other factor is cost, regardless of whether we move to bring this forward or not, there could be additional security costs and we must decide what level security will be necessary. These are fundamental question being asked and its going to continue to be asked of Boards in all areas. Mr. Daughety asked if the county offers or has active shooter training and if all employees knew what to do in that situation. Mr. Jarman replied no.

Ms. Moore stated it was available at DSS but no one has had the training. Mr. Daughety stated he would like the county to consider providing some prevention and awareness training. Also, develop some type of plan and have the employees trained on what to and what not to do in adverse situations. Just from listening to the department heads there are irate customers that come into all of the departments, and in the day we are in we don't know when the active shooter will develop. Mr. Best stated several counties are currently being sued because of concealed carrying. Everyone should have proper training prior to the implementation of an ordinance. Liability is another area that should be researched and prepared for because cities are going broke behind situations like this. Mr. Hill stated at some point in time in the near future, if law enforcement stance across the country is to run to hide and or fight as part of that equation, then there is going to be more lawsuits. This is how complex this whole piece is so we have to get all sides before a decision is final. Ms. Sutton stated if this is passed she would do everything she can to convince this Board of the great need for training. It is a big difference in getting out, having a gun, and having that right when you get in a violent situation, some type of in-depth training is necessary and needed before anything is done. Sheriff Ingram stated if this is passed someone else should be allowed to provide the training other than his department because it can be a conflict of interest because they would have to assume that part of the liability. Mr. Hill stated they needed to know the stance law enforcement is taking as a whole, not opinions, or bias, or experiences because it can begin to shift opinions regardless of personal feelings of guns. He grew up in a house that had guns but is not a big gun advocate. Personally, he is wrestling hard with this because of his experience being a department head and response from the department heads, surveys, and the idea of trying to do as much research as possibly can be done. Mr. Daughety stated he would like for the county manager to get together an ordinance for the Board to review, have a discussion and vote up or down and move on. Ms. Sutton stated to make sure training information is included. Mr. Hill stated maybe take a look at some of the other county ordinances and draft from that and make a decision one way or the other. He is glad the dialog was good and one challenging and this will not be the first board to have to face this. All Boards will be faced with this and regardless of how the vote turns out this will not go away and it will come back again because that is the nature of this particular policy.

Item No. 14 was items from Commissioners Eric Rouse. Mr. Rouse shared information from the March 2016 transportation meeting. He stated the bridge project is approximately 40% complete, and the contractors are anticipating pouring deck of stage 1 of overflow bridge by late March or early April, and the girders are set to be in place the last two weeks of March. The Riverwalk project is approximately 95% complete and they are anticipating completion by the end of March.

Meeting Adjourned at 5:30 p.m.

Respectfully submitted,



Vickie F. King  
Clerk to the Board