

MINUTES

LENOIR COUNTY BOARD OF COMMISSIONERS

April 01, 2013

The Lenoir County Board of Commissioners met in open session at 9:00 a.m. on Monday, April 01, 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, and Roland Best.

Also present were: Michael W. Jarman, County Manager, Tommy Hollowell, Assistant County Manager, Martha Martin, Finance Officer, Robert Griffin, County Attorney, members of the general public and news media.

Chairman Davis called the meeting to order at approximately 9:00 a.m. Ms. Brown offered the invocation and Mr. Davis led the audience in the Pledge of Allegiance.

PUBLIC INFORMATION

ITEMS FROM THE CHAIRMAN/COMMISSIONERS

Item No. 6 was a Resolution Approving Presentation of Badge and Service Weapon to retiring Sheriff William Edwin "Billy" Smith. The Board is requested to authorize Sheriff Chris Hill to present to retiring Sheriff William Edwin "Billy" Smith his Lenoir County Sheriff's Office badge and Smith & Wesson .357 caliber service weapon pursuant to state law and past county practices. Sheriff W.E. "Billy" Smith began his law enforcement career with the Lenoir County Sheriff's Office in November of 1972. Sheriff Smith left the Sheriff's Office to pursue a career as an Alcohol Law Enforcement Agent where he remained until December 31, 1988. On January 1, 1989, Agent Smith was appointed as Sheriff, replacing retiring Sheriff Leo Harper. Sheriff Smith has humbly served the citizens of North Carolina and the people of Lenoir County for 40 years. He has been the Sheriff of Lenoir County for the past 24 years and was President of the North Carolina Sheriff's Association in 2000. North Carolina retirement rules state that an officer must have 30 years of credible service or be age 55 with at least 15 years of credible service to retire. Sheriff Smith has more than exceeded those requirements for retirement, which became effective March 31, 2013.

North Carolina General Statute 20-187.2 provides for the presentation of an officer's badge upon his retirement and also provides for the governing body, in its discretion, to present the retiring officer with his service weapon after he receives a permit. Sheriff Smith received a handgun permit in March of 2013, which was made part of his personnel file.

A number of law enforcement officers retire each year in various state and local jurisdictions

within North Carolina. In these instances, the officers have been presented with their badge and service weapon. In keeping with the North Carolina General Statutes and local government practices, it is recommended that Sheriff W.E. "Billy" Smith be presented with his badge and Smith & Wesson, Air Lite, .357 service weapon (serial number DCW9004).

Linda Rouse Sutton, County Commissioner, presented Mr. Smith his Badge and Service Weapon in a short ceremony conducted in the atrium of the courthouse. Chairman Davis congratulated Sheriff Smith on a job well done for Lenoir County. Sheriff Chris Hill stated it is his intention to put forth a resolution in the next Commissioner's Meeting naming the new Lenoir County Jail the William E. "Billy" Smith Detention Center. Sheriff William E "Billy" Smith expressed what an honor it had been to serve Lenoir County.

Upon a motion by Ms. Sutton and a second by Mr. Davis, Item No. 6 was unanimously approved.

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

ITEMS FROM THE COUNTY MANAGER

Mr. Jarman stated the Lenoir County Planning Board Minutes had been provided: January 17, 2013.

Mr. Jarman reminded the County Commissioners about the district meeting hosted by NCACC, April 24, 2013, at the Hilton in Greenville between 5:30 and 8:00 p.m. The information sent out does not give a final submission date but should be available within a few days.

CONSENT AGENDA

3. Approval of Minutes: Regular Board Meeting – March 18, 2013
4. Resolution Approving Releases and Refunds to the Individuals Listed Herein
5. Budget Ordinance Amendment: General Fund: Finance/Sheriff Dept.: \$15,550: Increase

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

PUBLIC HEARINGS

None

BUDGET ORDINANCES/RESOLUTIONS

Item No. 7 was a Proclamation recognizing April as "Child Abuse Prevention Month". Ms. Jackie Brown read the Proclamation and upon a motion by Mr. Hill and a second by Ms. Sutton, Item No.7 was unanimously approved.

Item No. 8 was a Resolution Honoring Rebecca Jones, Department of Social Services. This was pulled until the next meeting date, April 15, 2013.

Item No. 9 was a Budget Ordinance Amendment: General Fund: Finance/ Department of Social Services: \$16,509: Increase. Tommy Hollowell, Assistant County Manager, stated the Budget Amendment was to bring forward unexpended FY11-12 funds from the Federal Adoption Incentive Fund and budget these funds in FY 12-13. The Lenoir County Department of Social Services received these funds in FY 04-05. These funds can only be used to enhance the adoption programs to secure homes for hard to place children and there is no time limit on the expenditure of the funds. The actual amount to roll forward from FY 11-12 was \$21,509, but \$5000 had been budgeted in error - \$16,509. is the net difference. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 9 was unanimously approved.

Item No. 10 was Budget Ordinance Amendment: School Capital Fund: School Building: \$324,705: Increase. Tommy Hollowell, Assistant County Manager, stated the Budget Amendment was to cover additional Public School Building Capital projects that have been approved by the Department of Public Instruction and includes purchasing two new activity buses from Sales Tax funds earmarked for schools. The State's ADM funds will pay for 75% of the project (the State is no longer setting these funds aside) and the 25% balance will come from the sales tax collected for the schools to cover capital expenditures. This will cover replacing a boiler at Woodington (\$33,500), roofing at North Lenoir High School (\$48,900), replacing the track at Kinston High School (\$122,000), and purchasing two new activity buses (\$175,204). Upon a motion by Mr. Hill and a second by Ms Brown, Item No. 10 was unanimously approved.

Item No. 11 was a Resolution Authorizing Purchase Order Execution: Maximus, Inc.: Cost Allocation Plan and EMS Medicaid Reimbursement Report: \$5,750: Tommy Hollowell, Assistant County Manager, stated the Resolution was Authorizing aPurchase Order with Maximus, Inc. for the Cost Allocation Plan and the EMS Medicaid Reimbursement Report: \$5,750: The Board is requested to authorize the execution of a purchase order to Maximus, Inc. for preparation of Lenoir County's Cost Allocation Plan and the EMS Medicaid Reimbursement Report in the amount of \$5, 750, and authorize the County Manager to execute the contract associated with this purchase order. Approval of this resolution will allow the encumbrance of funds and eventual payment for services as billed. Upon a motion by Ms.Sutton and a second by Ms. Brown, Item No. 11 was unanimously approved.

Item No. 12 was a Resolution Approving Acceptance of Proposal and Execution of Contract for Independent Audit Services: Pittard, Perry & Crone, Inc., LaGrange, N.C.: \$44,400. Tommy Hollowell, Assistant County Manager, stated the Resolution was approving the acceptance of proposal and the execution of a contract for Independent Audit Services with Pittard, Perry & Crone, Inc., LaGrange, N.C. The Board is requested to authorize the acceptance of a proposal from Pittard, Perry & Crone to perform independent audit services and to prepare the continuing

disclosure for FY 2012-13 at a cost of \$44,400. Pittard, Perry & Crone's proposal represented the lowest cost to the County of all the proposals submitted. The County has contracted with Pittard, Perry, & Crone Inc. to conduct their fiscal year audits for the past several years with only a marginal increase each year. The Board is reminded that it is mandatory that this independent audit be undertaken. The auditor works at the behest of the Board, not the County Administration. This proposal involves a one year contract. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 12 was unanimously approved.

Item No. 13 was a Resolution Declaring Property as Surplus and Authorizing the Sale of the Surplus Property by Auction. Tommy Hollowell, Assistant County Manager, stated the resolution was to declare property as surplus and authorizing the sale of the surplus property by auction. The Board is requested to declare property as surplus and authorize the sale of the surplus property through the negotiated offer and upset bid process in accordance with procedures set forth in NC General Statute 160A-269. 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. Upon a motion by Mr. Hill and a second by Mr. Best, Item No. 13 was unanimously approved.

Item No. 14 was a Resolution Appointing Martha H. Martin as Clerk to the Lenoir County Board of Commissioners and Appointing Thomas L. Hollowell, Lashanda A. Hall and Faye H. Mervin as Deputy Clerks to the Board. Mr. Mike Jarman, County Manager, stated the Resolution was Appointing Martha H. Martin as Clerk to the Lenoir County Board of Commissioners and Appointing Thomas L. Hollowell, Lashanda A. Hall and Faye H. Mervin as Deputy Clerks to the Board. The Lenoir County Board of Commissioners is respectfully requested to board appointments. N.C. General Statute 153-111 states that the Board of Commissioners shall appoint a Clerk to the Board. It is recommended that there be multiple Deputy Clerks in order to provide adequate "back-up", should the clerk be unavailable to **attest** to Board actions and carry out the duties of the Clerk when the Clerk is unavailable to perform the duties required by the position. It is anticipated that the absence of the Clerk will be rare, but it could happen. Administration will continually evaluate the effectiveness of this arrangement. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 14 was unanimously approved.

Item No. 15 was a Resolution Authorizing Acceptance of Community Transformation Grant Funds: \$9,319: Tammy Kelly, Cooperative Extension Director, stated the Resolution was to authorize the acceptance of Community Transformation Grant Funds in the amount of \$9,319 to support access to healthy local foods, by providing marketing and supplies to the Lenoir County Farmer's Market and LCFM Annex. With the \$9,319 contribution for our Lenoir County Farmer's Market and Annex, our goal is to increase awareness and participation in the market including the customer base as well as the vendor base. The implementation of this project will allow the purchase of additional vendor tables with wheels, additional produce benches, low-energy light bulbs, multi-purpose tent for additional food demonstrations, and signage. Tammy Kelly thanked Mr. Joey Huff, Health Department, for his help. Ms. Kelly extended an invitation to the Livestock Dinner tomorrow night at 5:00. Upon a motion by Ms. Sutton and a second by Mr. Daughety, Item No. 15 was unanimously approved.

Item No. 16 was a Resolution Authorizing the County Manager to execute a \$1 Buyout Lease Agreement with De Lage Landen Public Finance, LLC along with a Product and Services Agreement with Centurylink Sales Solutions, Inc. Joey Bryan stated the Resolution was Authorizing the County Manager to execute a \$1 buyout lease agreement with De Lage Landen Public Finance, LLC along with a Product and Services agreement and a statement of work with Centurylink Sales Solutions, Inc. Lenoir County migrated to its current CISCO Unity/AVVID VOIP equipment 5 years ago. In doing so the County realized a savings of over \$30,000 each month on phone charges. The lease is currently up and we are paying \$5,453.44 each month to hold onto this equipment. Mr. Bryan stated he had looked at upgrading what we have to the latest CISCO Unity/AVVID VOIP with phones and latest software, and it can be done 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 Ms. Sutton and a second by Ms. Brown, Item No. 16 was unanimously approved.

APPOINTMENTS

Item No. 17 was a Resolution Approving Citizens to Boards, Commissions, Etc. Mr. Jarman, County Manager, stated two applications were received after the agenda was completed. Mr. Davis asked that we go ahead and add Mr. Daughety for his first appearance.

Ms. McNairy asked to be on the Hwy 70 Corridor Committee as well as your Member-At-Large on the Lenoir County Transportation Committee. Ms. McNairy was added for her first appearance for the Hwy 70 Corridor Committee. These are on for 1st appearance, so no action was taken.

<u>BOARD/COMMITTEE/COMMISSION</u>	<u>APPLICANT/CURRENT MEMBER</u>	<u>TERM EXPIRATION</u>
Lenoir County Transportation Committee Member At-Large (One Vacancy)	Dan Sale (Re-Appointment) Leigh McNairy Michelle A. Nix Barry Seay 1st Appearance	December 2016
Lenoir County Transportation Committee Chairman (One Vacancy)	Mac Daughety 1st Appearance	December 2016
Hwy.70 Corridor Committee (One Vacancy)	B.J. Murphy Leigh McNairy 1st Appearance	
Home and Community Block Grant Committee	Mineko Holloway 1st Appearance	February 2016
Lenoir County Transit Board	Mineko Holloway 1st Appearance	February 2016

Item No. 18-A was a Resolution Authorizing the Renewal of the Contract with the Lenoir County Transit System:\$3,000. Mr. Joey Huff, Health Department, stated the purchase order will utilize Federal funds, and he wanted to place two ads on two buses, one in English and one in Spanish for one year.

Item No. 18-B was a Resolution Authorizing a Purchase Order with Curtis Media Group: \$1,200.00. Mr. Joey Huff, Health Department, stated this also uses Federal funds and is for an ad for Family Planning, that has been approved by the Commissioners and proved to be a success in the past.

Item No. 18-C was a Resolution Authorizing a Purchase Order with Curtis Media Group: \$1,592.00 with the Curtis Media Group. Mr. Joey Huff, Health Department stated N.C. General Statues state that Tattoo Artist must be permitted by the Health Department and only seven (7) are permitted in Lenoir County. Mr. Huff also stated it is illegal for someone to be tattooed under the age of 18. He stated he would like to implement an awareness campaign to educate the public by going into schools, using radio ads and pamphlets using State Grant Funds. This purchase order will cover radio ads on WELS 102.9 and Todays Hits Q97.7. Upon a motion by Ms. Brown and a second by Ms. Sutton, Items No. 18-A, 18-B and 18-C were unanimously approved.

Commissioner Jackie Brown reminded the Board of the NCACC Meeting in Guilford County, Greensboro, N.C. August 22-25, 2013.

CLOSED SESSION

A motion was made by Jackie Brown and seconded by Linda Rouse-Sutton to go into closed session at 9:47 a.m. with the following cited: Number four (4) To discuss matters relating to the location or expansion of industries other businesses in the area served by Lenoir County. No action was taken.

OPEN SESSION

Upon a motion by Roland Best and a second by Jackie Brown Open session was resumed. Mr. Davis stated an Economic Development Issue was discussed, but no action was taken. The Board was recessed to go to the Tax Office for Budget Work Session.

BUDGET WORK SESSION

Mr. Davis reconvened the meeting at 10:30 a.m.

Mr. Jarman stated he will be meeting with Department Heads this week and would have more information to share afterward. He stated there would be other Budget Work sessions to provide the specifics of what is being requested. But today's meeting is to lighten the load of future meetings.

Mr. Jarman stated the both the Arts Council and the SPCA have requested meetings which may be scheduled in the Public Session of the Commissioners Meeting or in a Budget Work Session. He stated we need to offer to meet with the schools and view their presentation. He also reminded the Board that LCC has requested to share with the Board on April 16, 2013.

Mr. Jarman stated there have been some questions regarding the new jail and he has some numbers to share. He also stated the Fire Museum would be discussed, in addition to some of the changes made by the State and Federal Government and how those changes affect the County.

Mr. Jarman stated there has been some question about closing the old jail and only operating the new jail. He stated that jail operation plans (prior to construction) were based on the availability of all our facilities. He stated the new jail is designed with a capacity of 192 beds, four housing units with 48 beds per unit. Mr. Jarman stated with the old facility shut down, 48 beds would have to be dedicated to females. With the old facility shut down the Out of County Housing Cost for September 2012 through February 2013 would have been \$385,500. The Deputy I cost for this time frame would have been \$39,621.01. Personnel Cost for Transporting Inmates, Two (2) Deputies required, for this six month period would have been \$39, 621.01. The Total Cost for Housing Inmates Out of the County would have been \$425,121.01. The Jailer Cost would have been \$36,621.06. The total savings by not staffing the old jail would have been \$146,284.24. The additional cost to taxpayers if we only staff the new facility (6 months) would have been \$278,836.77. He stated if we close the downstairs jail it has a potential negative impact due to having to ship prisoners out, and lose potential revenue. Mr. Jarman stated the state will no longer be lenient on us over housing prisoners since we have the new facility.

He stated the Revenue available for the last 6 months with 60-80 beds available to rent as follows: Ten beds rented for 6 months generates \$91,250.00. Twenty beds rented for 6 months generates \$182,500.00 and thirty beds rented for 6 months generates \$27,750.00. In a 6 months summary, the negative impact on the budget would be approximately \$840,000.00.

Ms. Sutton asked Sheriff Hill to give an update regarding the new jail. He stated they began moving the inmates on Thursday and has already moved trustees. Sheriff Hill states there are still inmates outside the county and plans are to move them back this week. He stated there are 60-70 inmates in the new jail now and Wayne County has approached us about housing their inmates. Wayne County stated they have between 30 and 50 inmates to be housed.

Mr. Jarman stated that Mr. McLain and others have come before the Board asking that the Caswell No. 1 Fire Museum be renovated. He stated it is currently housing the Fire Museum and Maintenance Shop on the first floor and MIS, Teen Court and the Assistant District Attorney's Office on the second floor.

Mike Wiggins met with representatives from the East Group regarding the renovation of the museum and they have issues with the following: the structural integrity, the front brick wall is bowed, there is cracking in the brick lintels over the first story windows, mold, it is without

handicap accessibility, and there is possible lead paint and asbestos to be abated, due to the age of the building.

Mr. Jarman stated there had been a request from the Fireman's Association to renovate. He stated that Mike Wiggins worked with his staff and a contractor in the last couple of years to install a rubber roof on the building, which was done at a reasonable price. There has been demolition of two walls, wallpaper removed, a portion of the second floor painted and the carpet has been cleaned. He stated there has been \$8,000.00 spent on repairs. Mr. Jarman stated the County pays all the utilities and insurance for the entire facility.

He stated the proposal he handed out, was an Engineering Study for \$2,900.00. The construction costs associated with the study would be \$3,000.00 - \$4,000.00. He stated if structural issues were found, then the cost would depend on the findings. Mr. Jarman stated there are multiple options. Perform the study and if structurally sound, occupy as is until renovation funds are available. If the building is not structurally sound, relocate the occupants until renovation funds are available. Funds can be budgeted for renovations for FY 2013-2014 or the building can be donated to the Fireman's Association or the Historical Society. He stated that Teen Court and the Assistant District Attorney could be moved to the Courthouse and MIS could be moved into the building purchased from the IRS on McLewean St.

Ms. Sutton asked if she understood him to say that there had been correspondence from the Fire Association. Mr. Jarman stated that Mr. Guy Basden and Mr. Jim McLain had inquired about where the commissioners stand on renovating the building. He stated there has been no discussion with anyone regarding donating the building.

Mr. Davis asked Mr. Jarman if we could approach Mr. Basden to see if any groups would be willing to accept the building and Mr. Jarman stated we need to give them an idea where the Board stands. He stated if the building is not structurally sound then the building may have to be closed down.

Mr. Hill asked if liability was an issue and Mr. Jarman stated we may need to fix the building or close the doors.

Ms. Sutton stated she thought we should do the study and if it is not structurally sound, then lock the doors and donate it to the Fireman's Association/Fire Museum, giving them the option to do what needs to be done.

Roger Dail, EMS Director, stated that the City has a local union that has done some work. Mr. Jarman stated he would proceed to do the study and if structurally sound would work on it whenever funds were available and if not sound, then it would be closed down.

Mike Wiggins stated there had been termite damage found in the walls and he had it treated 5 years ago but there is still damage showing up from previous years. He stated the floors were dirt

at one time and then there was concrete poured without treating the problem first.

Mr. Hill asked if the close proximity to the courthouse should be considered if the decision was made to give it up. He questioned the need for the building 20 or 30 years down the road.

Mr. Jarman stated Mr. Hill had a good point and we would need to stipulate if the County gave the building to a historical group that it be returned to the county in the event the status changed. He stated he could bring forth a resolution to do the study to the next meeting.

Ms. Sutton asked that the Fireman's Group be approached first and Mr. Davis stated he thought the study needed to be done without spending money. Ms. Sutton stated interested parties could possibly get assistance from historical grants and/or Tourism.

Mr. Davis suggested asking Mr. William Jarman of Jarman Construction to do an evaluation. He stated Mr. Jarman has experience with these kinds of buildings and can possibly do a walk through evaluation without "boring holes" in the structure.

Mr. Jarman stated he could contact Mr. William Jarman to get an opinion and also ask the Inspections Department to look at it but at some point a decision had to be made due to the integrity of the building being questioned. Mr. Jarman stated an engineer should look at it.

Roger Dail stated it would be expensive to renovate the building if lead based paint/asbestos were found. He stated OSHA would require an engineered seal.

Mr. Jarman stated he would get back to the Board concerning this issue.

Mr. Tommy Hollowell stated the closing is tomorrow, April 02, 2013. He commented on refunding \$18,970,000 of Series 2007 Bonds. He stated the actual savings for FY 13-14 is \$34,411, which was less than he had hoped for. The savings for FY 14-15 thru FY 27-28 is \$40,000 minimum per year. The total savings achieved by refunding is \$636,386.

Ms. Linda Rouse-Sutton commented this was a "good job".

Mr. Jarman stated we would not see the \$34,411.00 gain because of sequestration and Mr. Hollowell commented that sequestration was affecting the budget. The RZEDB (Recovery Zone Economic Development Bond) Debt 8.7% reduction in interest rebate, reduction for FY 13-14 is \$40,089.

The EM EMPG (Emergency Management Grant Money) 8.7% reduction in grant funding, reduction for FY 13-14 is \$1,800.

Ms. Susan Moore, Department of Social Services, commented on how the cuts would affect that department.

Mr. Jarman stated we were hoping to see a reduction of \$70,000 in refinancing of the bonds but

he is still thankful that it did not go up.

Mr. Hollowell stated another issue affecting the budget is the Affordable Health Care Act. He stated beginning in January 2014, all employers who offer health insurance and who have more than 50 employees, will have to pay an annual tax of \$63.00. Calculation for FY 13-14

$\$63 \times 704 + \$44,352 / 2 = \$2,176.$

Mr. Hollowell stated a State issue that is affecting the budget is Unemployment Insurance. He stated an Unemployment Insurance Account would have to be established at the state level. Mr. Hollowell stated this has to be 1% of taxable wages and for Lenoir County this is an estimate of \$170,000. We must contribute \$209.00 per employee until U.I. Account is funded at the 1% level. Based on FY 13-14 the estimate is \$99,484. In FY-12-13 our budget was \$30,000.

Mr. Hollowell commented that this will definitely impact Lenoir County's budget.

Mr. Jarman stated he is meeting with the Department Heads regarding the budgets and will bring more information to the Board in the future.

With no further discussion and Upon a motion by Linda Rouse-Sutton and a second by Roland Best, Mr. Davis adjourned the meeting at 11:30 a.m.

Respectfully Submitted,

Faye H. Mervin

Deputy Clerk

Reviewed By,



Michael W. Jarman

County Manager