

**LENOIR COUNTY BOARD OF COMMISSIONERS REGULAR MEETING: AGENDA
 MONDAY, APRIL 2, 2012 – TIME: 9:00 A.M.
 COMMISSIONERS’ MEETING ROOM, LENOIR COUNTY COURTHOUSE
 130 S. QUEEN ST., KINSTON, N.C.**

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE: 5 Min. Est.

- PUBLIC INFORMATION:**
1. Colleen Kosinski – Child Abuse Prevention Month Proclamation
 2. Carl Early – Update on CJPP Program
 3. Adrian King – Pride of Kinston
 4. Sandy Landis – Arts Council
 5. Ann Davis – 250th Anniversary of City of Kinston

1. **Items from Chairman/Commissioners: 5 Min.** Board
2. **Items from County Manager: 5 Min.** Jarman

CONSENT AGENDA: 10 Min.

ACTION

3. Approval of Minutes: Regular Board Meeting: March 19, 2012 Banks/Jarman
4. Resolution Approving the Releases and Refunds to the Individuals Listed Herein Parrish
5. Budget Ordinance Amendment: Process Funds: \$539 Increase Martin
6. Budget Ordinance Amendment: Finance/Sheriff:\$2,718. Increase Martin

END OF CONSENT AGENDA

PROCLAMATIONS/BUDGET ORDINANCE/RESOLUTIONS:

35 Min.

7. Proclamation Celebrating Public Safety Telecommunicators’ Week Dail
8. Resolution Approving Presentation of Badge and Service Weapon to Retiring Lieutenant Gregg Ellis Ogren Smith/Hill
9. Budget Ordinance Amendment: Non-Departmental: \$7,815. Increase Parrish/Martin
10. Resolution Authorizing a Purchase Order to Hewlett Packard for Lenoir County’s Portion of 20 Leased Computers for Parks & Recreation Department: \$3,153.45 Ellis
11. Resolution Authorizing a Purchase Order to E.B. Sports, Inc., for County Athletic Programs: \$4,761.00 Ellis
12. Resolution Authorizing Purchase Order for Actuarial Valuation of Health Care Plan: Cavanaugh Macdonald Consulting, LLC: \$5,000. Martin
13. Resolution Authorizing Purchase Order for Cost Allocation Plan and EMS Medicaid Reimbursement Report: Maximus, Inc.: \$5,750. Martin
14. Resolution Authorizing the Award of Contract for Rehabilitation Services Related to the SFR 2010 Project: HCR, Inc.: \$19,445. Martin
15. Resolution Declaring Property as Surplus Dail/Martin
16. Resolution Authorizing the Execution of an Addendum to the Sales Tax Audit Contract : Tax Reduction Specialists Martin/Hollowell
17. A. Resolution Authorizing the Purchase of a 2012 Ford E350 Van: \$23,900 Smith/Hill
 B. Resolution Authorizing the Purchase of a Vancell: \$10,526.84
18. Resolution Authorizing a Purchase Order to Lenoir County Transit: \$3,000 Huff
19. Resolution Authorizing a Purchase Order to Positive Promotions: \$3,277. Huff
20. Resolution Establishing Fees for Rabies Vaccination Clinic Huff

- | | | |
|-----|--|-------------------|
| 21. | Resolution Authorizing Emergency Replacement of Heat Pump: \$6,400. | Wiggins |
| 22. | Resolution Authorizing the Demolition of Buildings at 105, 105-A and 107 S. McLewean Street: Rick Bostic Construction: \$13,125. | Wiggins/Hollowell |
| 23. | Resolution Approving an Easement in the Industrial Park for a Rail Spur to Dopaco | Pope |
| 24. | Resolution to Transfer Ownership of Schools back to the Board of Education | Jarman/Griffin |

APPOINTMENTS: 5 Min.

- | | | |
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| 25. | Resolution Approving Citizens to Boards, Commissions, Etc. 5 Min. | Board |
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OTHER ITEMS: 10 Min.

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| 26. | Items from County Manager / County Attorney / Commissioners Public Comments/Closed Session (if necessary) | |
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CHILD ABUSE PREVENTION MONTH PROCLAMATION

Lenoir County

WHEREAS, children are vital to our state’s future success, prosperity and quality of life as well as being our most vulnerable assets;

WHEREAS, our children deserve to have the safe, stable, nurturing homes and communities they need to foster their healthy growth and development;

WHEREAS, child abuse and neglect is a community responsibility affecting both the current and future quality of life of a community;

WHEREAS, communities that provide parents with the social support, knowledge of parenting and child development and concrete resources they need to cope with stress and nurture their children ensure all children grow to their full potential;

WHEREAS, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community;

NOW, THEREFORE, I, George W. Graham, Jr., Chairman of the Lenoir County Board of Commissioners do hereby proclaim April 2012, as “**CHILD ABUSE PREVENTION MONTH**” and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

George W. Graham, Jr., Chairman
Lenoir County Board of Commissioners

Monday, April 02, 2012

Attest
County Manager

Date

Monday, April 02, 2012

Attest
Deputy Clerk to The Board

Date



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

3/20/2012

Beverly Perdue
GOVERNOR

Gene Conti
SECRETARY

TIMS Incident Report

To: _____

From: Jeremy Stroud Phone: (252) 830-3495

Division: 2 District: 3 County: Greene

Road: SR-1432 Both Directions Near Hookerton

Expected Backup: High

Start Time: 04/02/12 08:00 AM

End Time: 07/31/12 06:00 PM

Construction Days and Times: Oakes Road (SR 1432) will be closed from
April 2, 2012 through July 31, 2012 to replace the bridge
at the Greene/Lenoir County line.

TIP/Contract #: C202731

Incident Type: Construction

Detour: The Detour Route will consist of: Greene County - SR 1432 (Oakes Road), SR 1430 (Ormond Farm Road), SR 1091 (Hugo Road), SR 1429 (Hooker Farm Road), Lenoir County - SR 1706 (CB Whitfield Road), SR 1704 (Research Farm Road) and SR 1705 (J. Kenneth Hall Road).

Reason: Road Closed with Detour: The Department of Transportation will be performing a bridge replacement project on Oakes Road (SR 1432) at the Greene County and Lenoir County line. Oakes Road will be closed with a detour to perform this work.

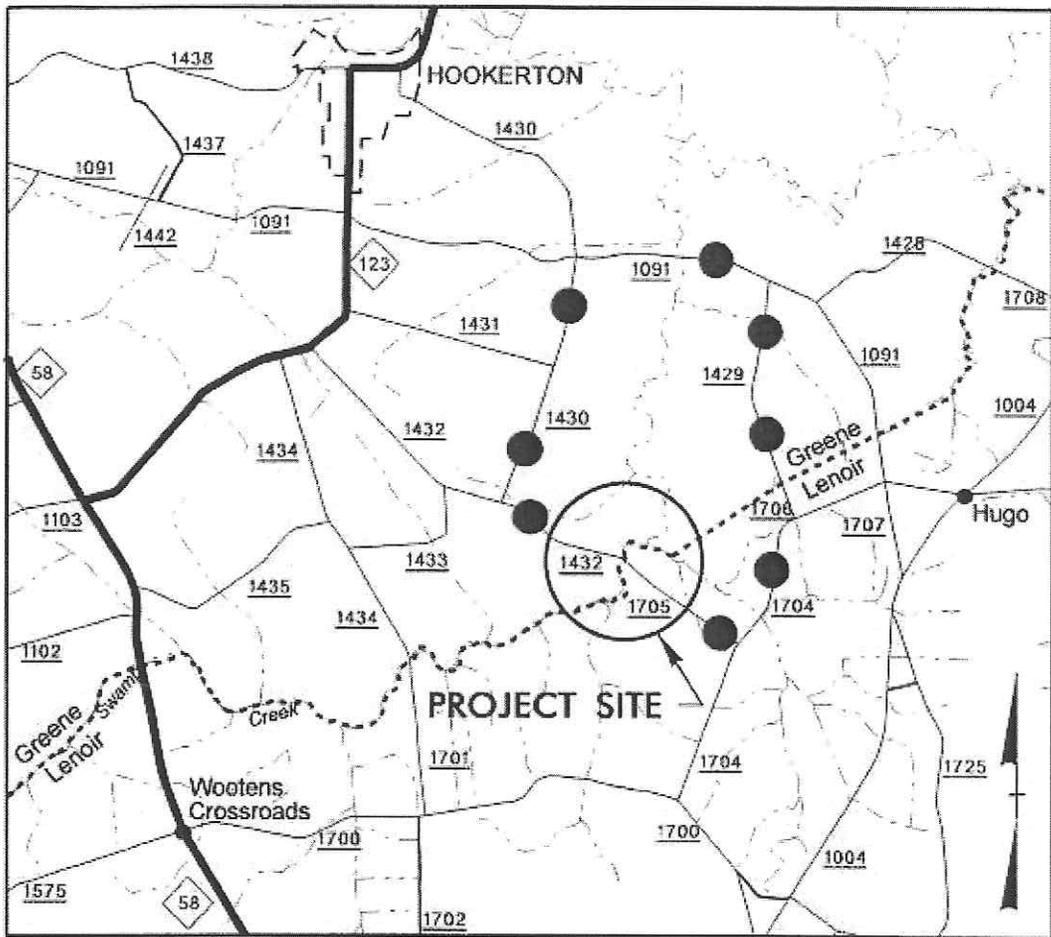
This information is also available on our website <http://www.ncsmartlink.org>

DIVISION OF INFORMATION TECHNOLOGY

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
INFORMATION TECHNOLOGY
1521 MAIL SERVICE CENTER
RALEIGH, NC 27699-1521

TELEPHONE: 919-707-2000
FAX: 919-707-2214
WEBSITE: WWW.NCDOT.ORG

DELIVERY ADDRESS:
INFORMATION TECHNOLOGY
NEW HOPE CENTER
4101 CAPITAL BLVD.
RALEIGH, NC 27604



VICINITY MAP

● — ● — ● DETOUR ROUTE

**MINUTES
LENOIR COUNTY BOARD OF COMMISSIONERS
March 19, 2012**

The Lenoir County Board of Commissioners met in open session at 4:00 p.m. on Monday, March 19, 2012 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, Tommy Pharo, Eric Rouse, and Linda Rouse Sutton.

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

Chairman Graham called the meeting to order at approximately 4:00 p.m. Ms. Brown offered the invocation and Mr. Graham led the audience in the pledge of allegiance.

PUBLIC INFORMATION

Mr. Graham stated Ms. Brown is the liaison between the Commissioners and the Lenoir County Board of Education. Ms. Brown presented the Kinston High School Boys' Basketball State Champions with great pride and pleasure. She stated the team has put Kinston on the map and she is very proud of them. They are not only ball players but respectable young men on the court and academically. Each team member and coach was presented with a Lenoir County pin on behalf of the Board. Ms. Brown asked them to wear the pins with pride as everyone will then know they are from Lenoir County. The focal point of the pin is the Lenoir County Seal. The green denotes the agriculture and soil productivity the County is known for. The gold depicts the prosperity of the tobacco industry. The red symbolizes courage and bravery and the blue represents the Neuse River.

Coach Wells Gullede thanked the Board for recognizing the teams' accomplishment and stated it was an honor to be present. He stated the team is a great group of young men. Coach Gullede recognized the Girl Scouts who were also present. He stated they are important for the future of the community as well and appreciates the blend of community support. Angela Bryant, Principal of Kinston High School, thanked the Board for having the team. She stated this is her first year as principal of Kinston High School and she has been pleased with the football and basketball teams. They are winners regardless of the outcome of the game and have persevered through adversity. When other teams did not show sportsmanship, Kinston High School teams did. She appreciates their hard work and is proud of them.

Ms. Colleen Kosinski, Girl Scout Leader, addressed the Board with a Proclamation Celebrating 100 Years of Girl Scouting. Ms. Kosinski introduced Girl Scout Hannah Lassiter to provide some information to the Board about the Girl Scouts. Miss Lassiter thanked the Board for the recognition. She stated she is a member of Troop 534. This year marks the 100th anniversary of the Girl Scouts which formed in 1912 when Juliette Gordon Low gathered 18 girls in Savannah, Georgia to provide them the opportunity to develop physically, mentally, and spiritually. Now there are over 3.2 million Girl Scouts around the world. She thanked the Board for taking part in the celebration. Ms. Sutton read the Proclamation aloud to the Board and presented each girl with a Lenoir County pin. She asked them to wear it proudly as they are the future leaders in the County. Ms. Sutton stated she appreciates leaders taking time to mentor the young ladies. Mr. Graham challenged the Girl Scouts to research the County Seal on the pin and return to present the information.

Ms. Ann Davis thanked the Board for having her today. She stated information had come to her attention that a new sub-committee will be meeting on Wednesday to determine if the Governor Caswell Memorial should be considered for closing. She asked the Board to send a letter to the sub-committee to inform them the community does not want the historic museum site closed. Celebration events for the 250th Anniversary of Kinston are not able to be held there due to the possible closing of the site. A House Bill was passed in 1955 to establish the site as a museum and the Daughters of the American Revolution (DAR) own the cemetery. When the bill was passed, it stated the site would be kept and maintained as a memorial to Richard Caswell. Mr. Rouse stated local representative Stephen LaRoque is on the sub-committee and he will speak with him about the issue. Ms. Davis stated she was informed Rep. LaRoque was in favor of closing the museum. Ms. Isabelle Fletcher-Perry, former Commissioner and current member of DAR thanked the Board for taking action. She stated she had the pleasure of serving on the Board of Commissioners as chair a number of years ago. Upon a motion by Mr. Davis and a second by Mr. Pharo, the Board unanimously agreed to draft the letter in support of keeping the Caswell Memorial open.

Ms. Tammy Kelly, Lenoir County Cooperative Extension Director and Ms. Eve Honeycutt, Livestock Agent addressed the Board regarding the Lenoir County Voluntary Agricultural District. Ms. Kelly stated the Board approved the Forest and Farmland Preservation Plan a few months prior. Part of the plan was to establish a Voluntary Agricultural District (VAD) Program. Ms. Honeycutt has been working with a committee to create an ordinance. A vote of approval is not needed at the current meeting. Ms. Honeycutt stated the VAD Program is a tool for farmers and agricultural landowners to aid them in protecting their land. She has had conversations with County Attorney Bob Griffin regarding the ordinance and how it may affect the County. Ms. Honeycutt worked with Greene County on developing their ordinance, but different counties have different needs. She has met with Wayland Humphrey, GIS Director, Margaret Seymour, Register of Deeds, and the Farm Bureau to gain their support in the ordinance. The VAD would help farmers protect their land by making others in the area aware they are near agricultural land. Notice could help prevent a nuisance lawsuit. The program would be voluntary and participants could withdraw at any time. Mr. Humphrey stated the County does have a land use plan that the agricultural district would give way to. There are designated growth corridors in the land use plan. If the agricultural land is in one of the designated corridors, they are not able to participate in the VAD. Mr. Daughety asked if the program would have any impact on right of way purchases. Mr. Humphrey stated it will give them protection against imminent domain. Ms. Honeycutt stated the ordinance would request a consultation with the VAD Board before decisions are made to hear their idea on impacts. Mr. Humphrey stated the VAD and land use plan will work together. Ms. Kelly stated the agricultural contribution to the County is approximately 27 percent of the income and is a significant amount.

Mr. Griffin stated he has a few issues with the ordinance. The first issue relates to page 11, part C. He questioned if the growth corridors were already outlined. Mr. Humphrey stated they have already been established and any agricultural properties within those areas are not eligible to participate in the VAD because the land has already been designated for use. Land enrolled in VAD cannot be expanded into a growth corridor. Mr. Griffin then pointed out page 9, subsection 2B. He inquired how would land records be changed and where. Mr. Humphrey stated as farms enroll in the program, they would also register at the Register of Deeds. The Tax department has a land records manager. A new field of data would have to be created for tax parcels labeling the land as VAD with a checkbox for yes, no, or nearby. Mr. Jarman stated when he received a copy of the ordinance; he realized there may be a lot of questions. He wants the Board to look over the document and have some knowledge up front about the program. Mr. Griffin stated he believes the Board should view the document as whether the farmers in the County would be better off if the ordinance was passed or if things were left as they are. Ms. Kelly

urged the Board to talk with some of the surrounding counties who have adopted the VAD. She stated she will be happy to answer any questions.

Mark Pope, Economic Development Director, provided an update to the Board on activities. Mr. Pope stated it was good to see the high school team and Girl Scouts present at the meeting. At a meeting the previous week with the Science, Technology, Engineering, and Mathematics (STEM) Education Coalition, four (4) tenth graders from each high school including Parrott Academy met with industry leaders and locals to interact. Dupont, West Company, Lenox, and other major area employers spoke with the students to inform them how important STEM is. Mr. Pope read some of the comments from the participants of the meeting. He stated it is very important to teach the next generation about being prepared for the workforce since not everyone will go on to college. There may not be a job for everyone, but there will be an opportunity. STEM is involved with Sanderson Farms, Smithfield, Spirit, Lenox, and other area industries. Technology is advancing at a rapid rate. Lenoir County has been publicly recognized for advancement in many ways in the past few months.

Mr. Pope stated the new Smithfield facility is under construction and the Woodmen Center is moving along. Pioneer Hybrid is now located in the Highway 70 Industrial Park and they are a great partner in the community. Felix Harvey Parkway is anticipated to be paved in April 2012. Spirit is a good example of how product is transported from the GTP. They move items via sea, rail, air, and truck. Last week in New Bern, the State of the Region had great attendance. West Company was a speaker on one of the panels. Lenoir Community College is ranked in the top five (5) in the State for Career Readiness Certificates earned. Mr. Pope said he would like to see the tests provided in high school to test the employment readiness of the graduates. The Committee of 100's annual meeting will be on April 26, 2012. They will try to plan an industry visit. There will be an afternoon of activities and a dinner that evening.

Mr. Pope provided the Board with a report card detailing performance agreements with area companies. Incentives are performance based. Spirit has a current total of 272 jobs filled. Forty percent (40%) of those jobs come from Lenoir County. This says a lot about the job training being provided at LCC. Dupont will also be hiring in the near future. The total amount of actual new investments in Lenoir County is \$489,184,009. Mr. Daughety asked why no positions were listed for West Pharmaceuticals. Mr. Pope stated the company only made investments not job creations. After the explosion in 2003, they could have left the County, but they remained here with a dedicated workforce. Mr. Daughety stated the County has a variety of industries and it's good to see the County is not dependent upon one or two industries. Mr. Graham thanked Mr. Pope for the update.

ITEMS FROM THE COMMISSIONERS

Retired Lieutenant Ricky Pearson, Sr. sent a Thank-You card to the Commissioners for taking part in his retirement.

Mr. Daughety stated on Friday, March 16, a regional transportation summit was held in Greenville. DOT announced they will start an expedited feasibility study on Hwy 11 South and the Pink Hill Bypass project. There are no routes for discussion at the moment, but the study will view obstacles in the way which include schools, municipal facilities and neighborhoods. The study will also consider environmental impact of new infrastructure in the area. Following the study, possible routes will be generated and narrowed down through a series of public hearings. The Bypass Modeling Committee is working on projections that will be used for determination of some of the possible routes. Projection of population growth and employment is a key part of the data used. The projections are for 2040. After discussion and debate in the Special Called Transportation Committee meeting in which the information was presented, an approval of the estimations was reached. Estimations were as follows:

	*2010 County	*2010 Study Area	**2040 County	**2040 Study Area
Population	59,493	48,176	67,062	54,991
Households	24,997	20,242	28,177	23,105
Employment	30,809	29,269	40,483	39,269
*2010 Statistics are estimates based on OSBM, ESC, and Census data				
**2040 Future estimates are based on 1990-2000 growth trends, GTP Job estimates, local consultation with the City, County, and Transportation Committee.				

Estimation 2040 Total Employment in Study Area	
Global TransPark	6,200
Rest of Study Area	3,800
Total Area	10,000

The City Council will also have to approve the figures. Once they are approved, the Bypass project can continue. Another public hearing is tentatively scheduled for May and potential routes will be reduced again. Upon a motion by Mr. Pharo and a second by Ms. Sutton, the Board unanimously approved the 2040 growth estimates.

ITEMS FROM THE COUNTY MANAGER

Mr. Jarman stated a bid was received for property at 106 Hill Street in La Grange for \$500. A previous bid for \$300 was declined. A Personal Property mobile home located on the property was sold via auction. The person who purchased the home now wants to purchase the land. Mr. Jarman recommended the Board accept the bid. Upon a motion by Mr. Davis and a second by Ms. Brown, the Board unanimously approved to accept the bid in the amount of \$500.

The road closure for Dobbs Farm Road in the County scheduled for March 19, 2012 will be delayed for one (1) week. The new road closure date will be March 26, 2012. Construction will be completed by May 11, 2012.

Ms. Sutton stated a group of approximately 30 youth from across the County participated in an All-Star Cheerleading Competition in Florida the previous weekend. They won first place in two different areas. For winning, they received a victory party, parade, and jacket at Disney World. Her niece and granddaughter participated.

CONSENT AGENDA

Upon a motion by Ms. Brown and a second by Mr. Pharo, the Board unanimously approved the following Consent Agenda:

3. Approval of Minutes: Regular Board Meeting: March 5, 2012 Banks/Jarman
Budget Work Session: March 5, 2012

BUDGET ORDINACE/RESOLUTIONS

Item No. 5 was a Proclamation Declaring March 2012 as Intellectual and Developmental Disabilities Awareness Month. Mr. Jarman stated the approval of the Proclamation was requested via e-mail from Eastpointe. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 5 was unanimously approved.

Item No. 6A was a Resolution Authorizing the Installation of Ballfield Lights for the Contentnea/Savannah School Baseball/Softball Field at a Cost Not to Exceed \$20,000. Mr. Bill Ellis, Kinston-Lenoir Parks and Recreation Director proposed to use capital outlay funds budgeted for the nature center to light the ball field. The Contentnea Recreation Association and Lenoir County Tourism Board will each commit \$5,000 towards the project. Since a panel box was installed, he assumed the wiring was also installed, but it was not. Mr. Ellis stated he will ask the Lenoir County School Board to assist with funding because they will also benefit from the lights. The remaining \$10,000 will come from the Recreation capital budget account. Upon a motion by Mr. Davis and a second by Ms. Sutton, Item No. 6A was unanimously approved.

Item No. 6B was a Budget Ordinance Amendment: Capital Improvements Fund: Community Development: \$10,000. Increase. This amendment is to budget donations to be received from the Contentnea Recreation Association and the Lenoir County Tourism Board in the amount of \$5,000 each, and to move \$10,000 from Parks and Recreation's capital line into a line for the Contentnea Savannah Ballfield Light project. Upon a motion by Mr. Davis and a second by Ms. Sutton, Item No. 6B was unanimously approved.

Item No. 7 was a Resolution Approving the Employment of Twenty-One (21) Additional Detention Officers. Construction on the new 196 bed detention center will be completed on or about August 1, 2012. Brennan and Associates evaluated the new facility and determined that forty (40) additional detention officers would be needed to operate the new facility. After several discussions, it was concluded the facility could be operated by only twenty-one (21) detention officers. Adding this number of employees to the current detention staff would bring the entire jail employee compliment to fifty-eight (58). The cost of salaries and benefits for twenty-one (21) additional officers were provided to the Board at its last meeting in March. Mr. Graham stated the County has made the investment in a new facility and to have an incident due to improper staffing would be an embarrassment to the County and the Sheriff's Office. Ms. Sutton stated the facility would be able to be used as a source of revenue by housing other area inmates. Mr. Daughety inquired if the costs would affect the remaining budget for FY 11-12 or just next years. Mr. Jarman stated the Sheriff's Office needed the approval to start the process of hiring the additional staff. The hire date would not be until July 1, 2012 or later and therefore would only affect the budget for FY 12-13. Mr. Rouse stated it is important for the jail to be adequately staffed to house a maximum number of inmates to offset costs. Upon a motion by Mr. Graham and a second by Ms. Sutton, Item No. 7 was approved by a 6 to 1 vote with Mr. Daughety dissenting.

Item No. 8 was a Resolution Authorizing Emergency Replacement of 100 Gallon Commercial Hot Water Heater in the Courthouse Boiler Room: Ed Phillips, Inc.: \$7,215. In August 2007, Maintenance was notified the jail did not have any hot water. Upon investigation, both hot water heaters were malfunctioning. It was determined one heater could be repaired. In March 2012, the unit repaired in 2007 ceased to function. Ed Phillips, Inc. of Kinston was called to diagnose the problem. The Love Company of Kinston replaced the old unit in 2007, but they are no longer in business. Ed Phillips, Inc. supplied the lowest estimate to replace the hot water heater and do it in a timely manner. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 8 was unanimously approved.

Item No. 9 was a Resolution Approving Proceeding with the Engineering Design, Contract Administration, and Project Management Services for the Re-roofing of the Kinston-Lenoir County Public Library: RTD Associates, PA: \$9,594.31. Due to an aging and deteriorating roof of approximately 21,500 square feet on the Kinston-Lenoir County Public Library, located at 510 N. Queen Street, roof replacement is strongly recommended to avoid further and future water damage to the interior of the building. The Library has experienced numerous problems with the existing roof since its installation in 1996 and has spent a substantial amount of their own funds in an effort to patch and repair

leaks. The building is jointly owned by the City of Kinston and Lenoir County and therefore it has been agreed to split evenly the cost of RTD's engineering, design and project management services for this project. Mr. Jarman stated since 1996, the Library has spent \$25,000 of their funds patching and repairing the roof. In 2008, \$17,500 was put aside and earmarked to be used for the roof. Once the project is bid out, the anticipated cost is \$90,000 - \$100,000 of which half is the County's responsibility. Ms. Sutton asked if they were ruling out a metal roof and Mr. Jarman confirmed they were due to the cost difference. Mr. Rouse stated he is against the engineering fees. Mr. Jarman stated when the roof was replaced in 1996 there was no one to oversee the project. Allowing RTD Associates to oversee the project would be an advantage so the same issues do not happen again. As far as the funds gifted to the Library, they cannot be used for everyday operating expenses only for improvements. A shingle roof would suffice in the current economy. If a metal roof was to be installed, the difference in the price would be paid by the Library. The slope meets the acceptable building code. Everyone who looked at the roof seemed to think the gypsum substrate was an issue. The funds left to the Library have to be used for a substantial improvement. Mr. Daughety stated it would be hard to explain spending funds to fix the roof when they already have the funds themselves. Mr. Pharo asked the exact cost of the roof replacement. Mr. Jarman stated the cost will not be known until the preliminary research is done and the bid received. Mr. Rouse asked if it would be possible to get bids on both a shingle and metal roof. Mr. Jarman stated for RTD to handle both options, the cost would be approximately \$18,000. Mr. Davis stated it is imperative to spend money on a consultant so as to not have the same problems in the past. Upon a motion by Mr. Davis and a second by Mr. Daughety, Item No. 9 was approved with a 6 to 1 vote with Mr. Rouse dissenting.

Item No. 10 was a Resolution Declaring Property as Surplus and Authorizing the Sale of the Surplus Property. The County has four (4) Infinity VP-1 Voting Machines that are no longer in service and there are no plans to put them back into service. Ms. King stated the company who the machines were purchased from would like to purchase them back for parts usage at a cost of \$150 per machine. Upon a motion by Mr. Pharo and a second by Ms. Brown, Item No. 10 was unanimously approved.

Ms. Brown asked she be excused for the remainder of the meeting.

Item No. 11 was a Budget Ordinance Amendment: Finance/Emergency Medical Services: \$55,576.: Increase. This amendment is to more accurately reflect revenue and expenditures for the remainder of the year. Upon a motion by Ms. Sutton and a second by Mr. Daughety, Item No. 11 was unanimously approved.

Item No. 12 was a Budget Ordinance Amendment: General Fund: Hurricane Irene Insurance Reimbursement: \$1,732,792.22: Increase. This amendment is to appropriate reimbursement received from FEMA on March 7, 2012 in the amount of \$1,732,792.22. This is full reimbursement of PW-01518 in the amount of \$54,911.78 for emergency measures taken during and after the Hurricane Irene event, and a 75 percent reimbursement of PW-01486, the debris cleanup portion of Hurricane Irene. The other 25 percent of PW-01486 and the cost incurred after the FEMA representative prepared the PW will be received at a later date. Upon a motion by Mr. Daughety and a second by Ms. Sutton, Item No. 12 was unanimously approved.

Item No. 13 was a Resolution Approving Changes in Fares and Rates Charged by Lenoir County Transit (LCT). LCT has been a County Department since 1994 and has operated solely with grant funds until fiscal year 2010-2011. With the increase in fuel pricing as well as the decreased ARRA funding, they are unable to operate at the current service level without rate increases and additional County funding. The following Rate and Fare changes along with the cuts listed below are necessary for Lenoir County Transit to continue to provide basic transit services to the citizens of Lenoir County.

Rate Changes

1. Raise base rate from \$1.51 to \$1.65.
2. Increase fuel surcharge from \$0.06 to \$0.08.
3. Increase RGPT and EMPL fares from \$4.00 to \$6.00 per trip.
4. Increase the fare for the loop to \$4.00.
5. Increase EDTAP fare to \$4.00.

Service Changes

1. Discontinue service to Goldsboro (medical appointments). This will impact 3 to 6 riders per week.
2. Reduce service to Greenville (medical appointments) to one roundtrip per day. Fare would increase from \$16.00 to \$24.00 roundtrip. This may impact 1 to 20 riders per day.
3. Limit EDTAP rides to medical appointments only.
4. Reduction in late night loop hours would impact about 15 Employment riders per day.

This would be a 20 percent increase. Mr. Bryan stated he hopes this will cover LCT operations for the next few years. No positions have been eliminated with the changes. Upon a motion by Mr. Daughety and a second by Mr. Davis, Item No. 13 was unanimously approved.

Item No. 14 was a Resolution Approving for the Lenoir County Department of Social Services to Enter into a Contract with Daughety's Office Equipment for the Lease of Copier/Printer/Scanner/Fax Machines for a Proposed Cost of \$3,439 per Month for the Next Four Years. The current lease with Coeco expires on March 31, 2012. The Agency requested informal bids for equipment to meet Agency needs, which are changing as the Agency continues to move toward a paperless system of document management. Bids from Coeco, Calvin's Business Solutions, and Daughety's Office Equipment were received. The County currently contracts with Daughety's Office Equipment for similar equipment at the Health Department and other County agencies. There are four years remaining on the County's contract with Daughety's. By piggy-backing onto the existing contract, the County's cost per copy will decrease from \$008.5 to \$007.5 and the monthly leasing cost would decrease. Coeco's bid was \$5,466.90 per month, which is much higher per month and does not include a provision for decreasing maintenance costs as the volume of printing decreases. Coeco is based in Greenville. The bid from Cavin's Business Solutions was \$3,220 per month. The MIS Department had concerns about whether this company would be able to provide prompt responses to service requests. Cavin's Business Solutions is based in Fayetteville. Daughety's Office Equipment is located in Lenoir County and has promptly responded to all service requests (usually within two hours). The Daughety's Office Equipment bid includes all parts, labor, supplies, staples and drums under a cost per copy agreement as well as set up, delivery and installation. All equipment in the Daughety's Office Equipment bid meets or exceeds specifications set forth by the County's MIS Department.

Daughety's Office Equipment Bid:

Monthly lease payments:	\$1,764.00 per month (Hardware only)
Maintenance Cost:	Black/White pages: \$.007 per page. (*)(200,000 pages per mo.)
<u>Color pages:</u>	<u>\$.055 per page(*) (5,000 pages per mo.)</u>

Total Proposed Monthly Cost: \$3,439 per month

Mr. Jarman stated approximately \$800 maintenance cost per quarter is saved countywide. Upon a motion by Mr. Rouse and a second by Ms. Sutton, Item No. 14 was unanimously approved.

Item No. 15 was a Resolution Approving the Purchase of Two Vehicles (\$45,000) and Twelve Laptop Computers (\$12,000) from the Work First (TANF) Block Grant: \$57,000. These are 100 percent Federal dollars that if left unspent, will be reverted back to the State. The mid-sized sedans now used by the Child Welfare social workers do not have enough space to accommodate three child safety seats at the same time. N. C. statutes now require children to be transported in an approved child safety seat until age 8. Agency social workers must use two vehicles when transporting three or more children. The two mini-van vehicles (Dodge Grand Caravan) will provide easier access for installing/removing child safety seats and allow social workers to transport three or four young children in the same vehicle. These vehicles will be purchased through the State Contract. The addition of two (2) county-owned vehicles will reduce the travel costs for the agency. The Laptop Computers will allow the Child Welfare social workers to complete case documentation during the home visit; thereby, increasing worker efficiency and the accuracy of case notes. The purchase of these Laptop Computers will greatly enhance job performance. These purchases do not require a County match. DSS plans to use Federal TANF funds for these purchases. Mr. Davis asked if there will be any vehicles listed as surplus. Ms. Moore stated some vehicles will be depreciated, but will still be utilized. Upon a motion by Ms. Sutton and a second by Mr. Pharo, Item No. 15 was unanimously approved.

Item No. 16 was a Budget Ordinance Amdnment: General Fund: DSS: \$450,000. Increase. This amendment is to increase the amount of funding received for TANF programs. This is un-spent cash assistance allocation from the Work First (TANF) Block Grant. These are 100 percent Federal funds. Upon a motion by Ms. Sutton and a second by Mr. Daughety, Item No. 16 was unanimously approved.

APPOINTMENTS

Item No. 17 was a Resolution Approving Citizens to Boards, Commissions, Etc. Upon a motion by Mr. Rouse and a second by Mr. Daughety, the following second appearances were approved.

BOARD/COMMITTEE/COMMISSION	APPLICANT/ CURRENT MEMBER	TERM EXPIRATION
Lenoir County JCPC 2 nd Appearance	***See Attachment A	March 2014
Lenoir County Health Board 2 nd Appearance	Joan Bannerman	March 2015
Lenoir County Board of Equalization and Review 2 nd Appearance	Edward R. Smith (appointment) William H. Howard (re-appointment)	March 2015

CURRENT VACANCIES

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

Mr. Joey Huff, Lenoir County Health Department Director stated March 24, 2012 is National Tuberculosis Day. The Health Department will increase awareness. There will be free tests provided and information on the disease. This will be an all-day event.

Mr. Rouse stated the Council of Government received a clean audit. This will enable them to get rid of the revolving loan fund. He will be meeting with the City soon to address them not joining back into the COG. If they do not join, the dues for the County will increase by approximately \$7,000 because the City population will be added back into the County population.

Upon a motion by Mr. Graham and a second by Mr. Davis, the meeting adjourned at 6:34 p.m.

Respectfully submitted,

April L. Banks
Clerk to the Board

Reviewed By

Michael W. Jarman
County Manager

INTRODUCED BY: Michael W. Jarman, County Manager DATE: 04/02/12 ITEM NO. 4

RESOLUTION: Approving the Releases and Refunds to the Individuals Listed Herein

SUBJECT AREA: Finance

ACTION REQUESTED: Approval of Releases and Refunds as Prepared

HISTORY/BACKGROUND:

Releases and refunds result from listing and assessing due to incorrect and incomplete information.

EVALUATION:

Taxpayers will or have overpaid taxes. Board action rectifies the mistake.

RELEASES OVER \$100

<u>Year</u>	<u>Name</u>	<u>Account</u>	<u>Amount</u>	<u>Reason</u>
2011	Lemuel Houston	24621	\$180.39	Adjusted Value
2011	William Rhodes Jr	8897	260.04	Adjusted Value
2009	Almeta Run Partnership	53344	303.42	Adjusted Value
2011	Robert Taylor	29403	281.62	Corrected Listing
2009	Darrett Williams	25539	280.48	Corrected Listing
2010	Darrett Williams	25539	282.34	Corrected Listing
2011	Darrett Williams	25539	255.76	Corrected Listing
2011	Sherelene Ambrose	13849	496.93	Corrected Listing
2011	Juanita Davis	56475	109.14	Adjusted Value
2011	Cindy Santiago	61356	103.27	Double Listed
2011	Tammy Herring	6104	140.18	Corrected Listing
2011	John Rouse	24939	278.75	Corrected Listing
2011	Nicolas Hernandez	35867	108.96	Corrected Listing
2005	Martin Ibarra	14693	440.97	Corrected Listing
2004	Martin Ibarra	14693	422.14	Corrected Listing
2003	Martin Ibarra	14693	444.94	Corrected Listing
2011	Pablo Gonzales	71158	372.62	Corrected Listing
2010	Jugna Baltazar	3904	321.31	Double Listed
2011	Jugna Baltazar	3904	281.72	Double Listed
2011	Della Leach	18594	179.54	Double Listed
2010	Elaine Outlaw	38727	408.49	Double Listed
2011	Elaine Outlaw	38727	351.98	Double Listed
2011	Ezekiel Shackelford	25709	167.38	Legal Exemption
2007	Jacqueline Bell	53093	188.61	Double Listed

MANAGER'S RECOMMENDATION:

Approval of releases as set out above.

Initials

. AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Daughety _____ Davis _____ Graham _____

Pharo _____ Rouse _____ Sutton _____

George W. Graham Jr., Chairman

4/02/12

Date

ATTEST

4/02/12
Date

BUDGET ORDINANCE AMENDMENT: GENERAL FUND: PROCESS FUNDS: \$539 INCREASE



LENOIR COUNTY, NORTH CAROLINA
BUDGET AMENDMENT REQUEST

FY 2011 -2012
 Appropriations

Budget Amendment # _____
 Date Approved _____

Distribution - Finance Office:

FUND	DEPARTMENT	LINE ITEM DESCRIPTION
GENERAL FUND	PROCESS FUNDS	VARIOUS
Check One Box New Appropriation: <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/> REVENUES		Check One Box New Appropriation: <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/> EXPENDITURES
Account # and Title	Amount	Account # and Title Amount
<u>INCREASE</u>		<u>INCREASE</u>
10-3329-8920 EMPG SUPPLEMENTAL GRANT	539.00	10-4201-6403 EMPG SUPPLEMENTAL 539.00
Total	539.00	Total 539.00

Reason and Justification for Request:
 BUDGET AMENDMENT TO BUDGET REIMBURSEMENT RECEIVED FROM NC CRIME CONTROL AND PUBLIC SAFETY ON 3/19/2012 (CHECK#844255) IN THE AMOUNT OF \$538.80. THIS REIMBURSEMENT WAS TO JUSTIN TILGHMAN FOR A CLASS HE ATTENDED, THAT WAS PAID FROM THE EMPG SUPPLEMENTAL FUNDS.

Department Head Approval <i>Martha H. Martin</i>	Date <i>3/19/2012</i>	Finance Officer Approval <i>Martha H. Martin</i>	Date <i>3/19/2012</i>
Budget Officer Approval <i>Michael J. Garman</i>	Date <i>3/21/12</i>		
Board Approval (When Applicable)	Date	Date of Minutes	

BUDGET ORDINANCE AMENDMENT: FINANCE/SHERIFF'S DEPARTMENT: \$2,718. INCREASE



LENOIR COUNTY, NORTH CAROLINA BUDGET AMENDMENT REQUEST

FY 2011 - 2012
Appropriations

Budget Amendment # _____
Date Approved _____

Distribution - Finance Office:

FUND	DEPARTMENT	LINE ITEM DESCRIPTION	
GENERAL FUND	FINANCE/SHERIFF DEPARTMENT	10-3842-8500	INSURANCE - MISCELLANEOUS
		10-4310-3530	VEHICLES REPAIR/MAINTENANCE
Check One Box New Appropriation: <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/>		Check One Box New Appropriation: <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/>	
REVENUES		EXPENDITURES	
Account # and Title	Amount	Account # and Title	Amount
<u>INCREASE</u>		<u>INCREASE</u>	
10-3842-8500 INSURANCE-MISCELLANEOUS	2,718.00	10-4310-3530 VEHICLES REPAIR/MAINTENANCE	2,718.00
Total		Total	
	2,718.00		2,718.00

Reason and Justification for Request:
 TO BUDGET INSURANCE PROCEEDS RECEIVED FROM TRIDENT INSURANCE COMPANY ON 03/28/2012 IN THE AMOUNT OF \$2,718.01 FOR AN ACCIDENT THAT OCCURRED ON MARCH 28,2011 WHEN A VEHICLE DRIVEN BY THE SHERIFF WAS INVOLVED IN AN ACCIDENT.

Department Head Approval	Date	Finance Officer Approval	Date
<i>Martha H. Martin</i>	<i>3/28/12</i>	<i>Martha H. Martin</i>	<i>3/28/12</i>

Budget Officer Approval	Date
<i>Medina</i>	<i>3/29/12</i>

Board Approval (When Applicable)	Date	Date of Minutes
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PUBLIC SAFETY TELECOMMUNICATORS' WEEK

2012

A PROCLAMATION

WHEREAS, the services and functions performed by public safety telecommunicators are critical to the safety and welfare of the citizens of Lenoir County; and

WHEREAS, public safety telecommunicators provide 24-hour-a-day service as the vital link in the chain of emergency services providers; and

WHEREAS, these dedicated professionals are the initial point of contact for citizens in crisis situations who need emergency services assistance; and

WHEREAS, public safety telecommunicators work long hours answering the public's daily cries for help, and are often instrumental in saving lives and reducing property damage when tragedy strikes;

NOW, THEREFORE, WE, THE BOARD OF COMMISSIONERS OF LENOIR COUNTY, NC, do hereby proclaim April 8-14, 2012, as "**PUBLIC SAFETY TELECOMMUNICATORS' WEEK**" in Lenoir County, and urge our citizens to acknowledge the contributions of these loyal public servants.

Date

By: George W. Graham, Jr., Chairman, Lenoir County Board of Commissioners

Date

Attested by Clerk, Lenoir County Board of Commissioners

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 4/02/12 **ITEM NO.:** 8

RESOLUTION: Approving Presentation of Badge and Service Weapon to Retiring Lieutenant Gregg Ellis Ogren.

SUBJECT AREA: Personnel

ACTION REQUESTED:

The Board is requested to authorize the Sheriff to present to retiring Lieutenant Gregg Ellis Ogren his Lenoir County Sheriff's Office badge and Glock .45 caliber service weapon pursuant to state law and past county practices.

HISTORY / BACKGROUND:

Lieutenant Gregg Ogren began his law enforcement career with the Lenoir County Sheriff's Office on June 1, 1983. 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. Lieutenant Ogren had the appropriate amount of time to retire, which became effective March 31, 2012.

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. Lieutenant Ogren received a handgun permit in March of 2012, 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.

EVALUATION:

In keeping with the North Carolina General Statutes and local government practices, it is recommended that Lieutenant Ogren be presented with his badge and service weapon (Glock .45 caliber, serial number NMA056).

MANAGER'S RECOMMENDATION:

Respectfully Request Approval.

Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners authorize the Sheriff to present to Lieutenant Gregg Ellis Ogren his Lenoir County Sheriff's Office badge and Glock .45 caliber service weapon.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Graham _____ Brown _____ Davis _____ Pharo _____

Sutton _____ Daughety _____ Rouse _____

George W. Graham, Jr., Chairman 04/02/12
Date

ATTEST 04/02/12
Date

BUDGET ORDINANCE AMENDMENT: GENERAL FUND: NON-DEPARTMENTAL: \$7,815.: INCREASE



LENOIR COUNTY, NORTH CAROLINA
BUDGET AMENDMENT REQUEST

FY 2011 - 2012
 Appropriations

Budget Amendment # _____
 Date Approved _____

Distribution - Finance Office:

FUND		DEPARTMENT		LINE ITEM DESCRIPTION	
GENERAL		NON-DEPARTMENTAL		VARIOUS	
Check One Box New Appropriation: <input type="checkbox"/> Line Item Transfer: <input type="checkbox"/> REVENUES			Check One Box New Appropriation: <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/> EXPENDITURES		
Account # and Title	Amount	Account # and Title	Amount		
<u>INCREASE</u>		<u>INCREASE</u>			
10-3211-1100	2011 TAX LEVY	7,815.00	10-4200-1913	PROF SVCS-BUS PER PROP AUDIT	7,815.00
Total		7,815.00	Total		7,815.00

Reason and Justification for Request:
 To appropriate additional property tax revenue received by the County as a result of a business personal property tax audit being conducted by County Tax Services, Inc. The County contracted with County Tax Services, Inc. in May of 2010 to conduct the audit. County Tax Services, Inc. receives a 30% commission on all business personal property discoveries found as a result of the audit. The County pays this commission only after the taxpayer pays the discovery tax bill. The Board approved the contract with County Tax Services, Inc. on May 17, 2010, Item #8.

Department Head Approval	Date	Finance Officer Approval	Date
<i>Martha H. Martin</i>	3/14/12	<i>Martha H. Martin</i>	3/14/12
Budget Officer Approval	Date		
<i>Michael W. Jarman</i>	3/15/12		
Board Approval (When Applicable)	Date	Date of Minutes	

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 4/02/12 **ITEM NO.:** 10

RESOLUTION: Authorizing A Purchase Order to Hewlett Packard for Lenoir County's Portion of 20 Leased Computers for the Parks & Recreation Department in the Amount Of \$3,153.45

SUBJECT AREA: Community Development

ACTION REQUESTED:

The Board is requested to authorize a purchase order to Hewlett Packard in the amount of \$3,153.45 for the 2nd year lease for computers for the Parks & Recreation staff.

HISTORY/BACKGROUND:

The Kinston/Lenoir County Parks & Recreation Department are leasing 20 computers for four (4) years, which began July1, 2011. The county's portion of this lease is \$3,153.45. These computers are being used at the Administrative Office, Mock Gym, Neuseway Nature Center, Planetarium and the Visitor's Center. This is a joint project with the City of Kinston.

EVALUATION:

This lease is copied after Lenoir County's MIS computer lease program and allows the Parks & Recreation Department to keep more modern computers. These computers will be compatible with the city's computers so that they can be maintained by the city's MIS department.

MANAGER'S RECOMMENDATION:

Respectfully Recommend Approval.

Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that the board authorize a purchase order in the amount of \$3,153.45 to Hewlett Packard Company through the City of Kinston.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Daughety _____ Davis _____ Graham _____

Pharo _____ Rouse _____ Sutton _____

George W. Graham Jr., Chairman 4/02/12
Date

ATTEST 4/02/12
Date

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 04/02/12 **ITEM NO.:** 11

RESOLUTION: Authorizing a Purchase Order to E.B. Sports, Inc. In The Amount Of \$4,761.00 for Baseball/Softball Athletic Equipment for County Athletic Programs

SUBJECT AREA: Purchases/Bids

ACTION REQUESTED:

The Board is requested to authorize a purchase order to E.B. Sports in the amount of \$4,761.00 for baseball/softball athletic equipment for county athletic programs.

HISTORY/BACKGROUND:

The Kinston/Lenoir County Parks & Recreation Department is requesting the county approve a purchase order to E.B. Sports in the amount of \$4,761.00 for athletic equipment for county athletic programs.

EVALUATION:

The Kinston/Lenoir County Parks & Recreation Department has to purchase new baseball/softball equipment yearly. This equipment will be used at all county parks and facilities throughout the spring and summer.

MANAGER'S RECOMMENDATION:

Respectfully Recommend Approval.

Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that the board authorize a purchase order in the amount of \$4,761.00 to E.B. Sports for the purchase of baseball/softball athletic equipment for county athletic programs.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Daughety _____ Davis _____ Graham _____

Pharo _____ Rouse _____ Sutton _____

George W. Graham Jr., Chairman

4/02/12
Date

ATTEST

4/02/12
Date

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 04/02/12 **ITEM NO.** 12

RESOLUTION: Approving Purchase Order Execution for Actuarial Valuation of Health Care Plan of Lenoir County: Cavanaugh Macdonald Consulting, LLC: \$5,000.

SUBJECT AREA: Financial

ACTION REQUESTED:

The Board is requested to authorize the Finance Officer to execute a purchase order to Cavanaugh Macdonald Consulting, LLC to prepare an Actuarial Valuation Study of the Lenoir County Health Care Plan in an amount not to exceed \$5,000.

HISTORY/BACKGROUND:

In 2004 the Government Accounting Standards Board (GASB) issued Statements 43 and 45 regarding the accounting and reporting requirements for "Other Post-Employment Benefits" (OPEB). These two statements created issues that management must address beyond the basics of accounting and reporting. Statement 43 established accounting and reporting standards for post-employment benefit plans established as "irrevocable trusts". Statement 45 established the accounting and reporting requirements for an employer's expenses and liabilities related to their post-employment benefit plan regardless of how it is funded. Statement 45 requires the calculation of actuarial liabilities for benefits related to past service and assess to what extent those benefits have been funded. It will provide information for the assessment of future cash needs to fund OPEB Plans.

Other post-employment benefits are defined as those benefits paid at retirement, that are not offered through a pension plan **and** post-employment healthcare regardless of how long it is provided. OPEB can include such items as life insurance, disability insurance, and long-term care insurance for retirees and their dependents. Post-employment healthcare; however, is always classified as a post-employment benefit regardless of whether or not it is included in a pension plan. Statement 45 affects every local government unit that offers post-employment benefits.

EVALUATION:

An actuarial study of Lenoir County's post-employment benefits is **required** to be conducted under GASB Statements 43 and 45. Preparation of the study will be phased in over a three (3) year period based on the size of the unit of government. Lenoir County's first study was completed in FY07-08. The results of these studies will be presented to the Board prior to budget work sessions. The Board can use these studies to assess the future liability of the County's post-employment benefits package and determine if changes need to be made to the plan. The North Carolina Association of County Commissioners and the North Carolina League of Municipalities have entered into a long term arrangement with Cavanaugh Macdonald Consulting, LLC to prepare the actuarial studies at a reduced rate for all units of government in North Carolina. **This study must be updated each year.**

MANAGER'S RECOMMENDATION:

Respectfully recommend approval.

Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED that

The Board authorizes the Finance Officer to execute a purchase order to Cavanaugh Macdonald Consulting, LLC to prepare an Actuarial Valuation Study of the Lenoir County Health Care Plan in an amount not to exceed \$5,000.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Daughety _____ Davis _____ Graham _____

Pharo _____ Rouse _____ Sutton _____

George W. Graham Jr., Chairman

4/02/12
Date

ATTEST

4/02/12
Date

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 4/02/12 **ITEM NO.:** 13

RESOLUTION: Authorizing Purchase Order Execution: Maximus, Inc.: Cost Allocation Plan and EMS Medicaid Reimbursement Report: **\$5,750.**

SUBJECT AREA: Financial

ACTION REQUESTED:

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.

HISTORY/BACKGROUND:

The Board approved acceptance on 4/04/11 of a proposal from Maximus, Inc. for preparation of the Cost Allocation Plan for a three (3) year period (FY 10-11, FY 11-12, and FY 12-13), at a fixed cost of \$5,750 per year.

The indirect cost allocation plan is very important to the Social Services Department because it determines the allowable costs incurred by the County to support and administer Federal programs. These costs are reported and reimbursed to the County on a monthly basis. The allowable annual costs for Social Services proposed by the plan ending June 30, 2010 were \$1,094,937.

The EMS Report is also vital to the Emergency Services Department, since it is the basis of the annual EMS Medicaid Reimbursement. Emergency and non-emergency Medicaid trips are considered in this report and the reimbursement to the County is based on average costs per trip of all EMS systems in the state.

EVALUATION:

Approval of this resolution will allow the encumbrance of funds and eventual payment for services as billed.

MANAGER'S RECOMMENDATION:

Respectfully recommend approval.

Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED that the Lenoir County Board of Commissioners authorizes the Finance Officer to execute a purchase order to Maximus, Inc. for preparation of the Lenoir County Cost Allocation Plan and EMS Medicaid Reimbursement Report, in an amount not to exceed \$5,750, and authorize the County Manager to sign the contract associated with this purchase order.

Funding Source: General Fund
 10-4200-1911 Professional Services – Cost Allocation \$5,000
 10-4200-1915 Professional Services – EMS Plan \$ 750

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Daughety _____ Davis _____ Graham _____

Pharo _____ Rouse _____ Sutton _____

George W. Graham Jr., Chairman 4/02/12
Date

ATTEST 4/02/12
Date

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 4/02/12 **ITEM NO.:** 14

RESOLUTION: Authorizing The Award Of A Contract For Rehabilitation Services Related To The 2010 Single Family Rehabilitation Project: \$19,445.

SUBJECT AREA: Community Development

ACTION REQUESTED:

Award a contract to the bidder for the rehabilitation of one home included in the 2010 Single Family Rehabilitation project, contingent upon clear title work and proof of ownership by legal counsel.

HISTORY/BACKGROUND:

In January of 2010, The Wooten Company applied for Single Family Rehabilitation funds from the North Carolina Housing Finance Agency on behalf of the County. These funds are used for moderate rehabilitation of homes owned by either elderly or disabled persons, with the rehabilitation costs not to exceed \$45,000.00 per unit. In June of 2010, the County was awarded an amount not to exceed \$200,000.00 to rehabilitate up to four units and the funding agreement was signed September 1, 2010. Brendan Nolan, with The Wooten Company submitted requests for rehabilitation proposals to area rehabilitation contractors on properties associated with the 2010 Single Family Rehabilitation project. On September 6, 2011, a contract in the amount of \$29,500 was awarded. Due to concerns of the homeowners of the repayment structure, the homeowners chose to do less work to their home. The contractor that was awarded the bid declined the job once the changes were made. Mr. Nolan then contacted the other two contractors involved in the original bidding, along with the homeowners, and HCR, Inc. has agreed to complete the job at an amount of \$19,445.

EVALUATION:

The County received \$200,000.00 in Single Family Rehabilitation funds from the North Carolina Housing Finance Agency to rehabilitate up to four units in Lenoir County. The Wooten Company was chosen to oversee the SFR10 project. The Wooten Company sent out bid requests on July 14, 2011 to local licensed general contractors asking them to submit bids for the rehabilitation work. The bid opening was held on August 1, 2011, in the boardroom of the County Commissioners, with contracts being awarded after the September 6, 2011 Commissioners meeting. However, due to concerns of the homeowner, and the awarding contractor, it has been necessary to negotiate a lesser amount of work with a different contractor.

MANAGER'S RECOMMENDATION:

Respectfully recommend approval.

Initials

RESOLUTION: NOW THEREFORE, BE IT RESOLVED by the Lenoir County Board of Commissioners that:

The County award a contract for rehabilitation services related to the 2010 Single Family Rehabilitation project (Case #1) to HCR, Inc. in the amount of \$19,445.00.

Funding Source 46-4961-5850

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Daughety _____ Davis _____ Graham _____

Pharo _____ Rouse _____ Sutton _____

George W. Graham Jr., Chairman

4/02/12
Date

ATTEST

4/02/12
Date

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 4/02/12 **ITEM NO.:** 15

RESOLUTION: Declaring Property as Surplus and Authorizing the Sale of the Surplus Property

SUBJECT AREA: Administrative

ACTION REQUESTED:

The Board is requested to declare two ambulances chassis as surplus property and authorize their sale.

HISTORY/BACKGROUND:

The County has two 2008 Chevrolet ambulances with blown motors that are no longer in service. The boxes on these two ambulances were removed and placed onto two new truck chassis. The two surplus ambulances chassis will be parted-out as needed to repair other ambulances, and when no parts of value remain, they will be sold.

EVALUATION:

The County owns two 2008 ambulances with blown motors. The boxes on these ambulances have been removed and placed on two new truck chassis. The two surplus ambulances chassis will be parted-out to repair other ambulances in the fleet. When no parts of value remain, the County will sell the two chassis. In accordance with procedures set forth in G.S. 153A-176, County Administration is requesting the approval of the Board to declare the following ambulance chassis as surplus property.

	<u>Vehicle</u>	<u>Serial Numbers</u>
1.	2008 Chev 3500 Ambulance	1GBJG316581117779
2.	2008 Chev 3500 Ambulance	1GBJG316181118170

MANAGER'S RECOMMENDATION:

Respectfully recommend approval.

Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED By the Lenoir County Board of Commissioners that the two 2008 Chevrolet ambulances chassis listed in this resolution be declared surplus property and authorize their sale by County Administration.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Daughety _____ Davis _____ Graham _____

Pharo _____ Rouse _____ Sutton _____

George W. Graham Jr., Chairman

4/02/12
Date

ATTEST

4/02/12
Date

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 4/2/12 **ITEM NO.** 116

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.

SUBJECT AREA: Financial

ACTION REQUESTED: 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, 2011 through December 31, 2012.

HISTORY/BACKGROUND: Utilities Reduction Specialists, Inc., was established in 1991 in Clemmons, North Carolina, with an objective to audit telecommunication and energy bills for billing errors. Utilities Reduction Specialists, Inc., acquired Tax Reduction Specialists in 2001. Tax Reduction Specialists focuses specifically on minimizing client's tax liabilities, conducting sales tax re-allocation audits, and securing refunds. Utility Reduction Specialists, Inc., has worked with 107 city and county governments in 4 states and has conducted sales tax re-allocation audits for 60 counties in North Carolina. Lenoir County contracted with Tax Reduction Specialists in October 2002 to audit the sales and use tax refund claims for tax filings in 1999 through June 2002. This time frame was significant because a three (3) year statute of limitations applies to requests for tax refunds and Lenoir County would not have been able to apply for any sales tax refunds for filings through June 1999. The County extended the contract with Tax Reduction Specialists on October 18, 2004 to include sales tax filings through December 31, 2003, on February 7, 2005 to include sales tax filings through December 31, 2006, on March 5, 2007 to include sales tax filings through December 31, 2007, on February 18, 2008 to include sales tax filings through December 31, 2008, on October 6, 2008 to include sales tax filings through December 31, 2009, on February 15, 2010 to include sales tax filings through December 31, 2010, and on March 17, 2011 to include sales tax filings through December 2011. The requested addendum will extend the contract with Tax Reduction Specialists to include sales tax filings through December 31, 2012.

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.

EVALUATION: Execution of this agreement will provide Lenoir County with the assurance that it has properly received credit for sales tax re-allocations from the North Carolina Department of Revenue for filings through December 31, 2012 and secure any refunds due to the County for improperly filed or credited sales tax revenues. To date, the audit performed by Tax Reduction Specialists has produced a direct benefit to Lenoir County of \$440,938.10 in additional sales tax revenues that were allocated incorrectly by the State of North Carolina. Tax Reduction Specialists has estimated an additional benefit to the County of \$16,338 through the tax filing period ending December 31, 2011 and additional revenues for filings through December 31, 2012.

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, 2012.

MANAGER'S RECOMMENDATION:

Respectfully recommend approval. _____

RESOLUTION: NOW THEREFORE BE IT RESOLVED that the Board authorizes acceptance of the Addendum to the contract between Lenoir County and Tax Reduction Specialists, a division of Utilities Reduction Specialists, Inc., and be it further resolved that the County Manager is authorized to execute the attached agreement, which is incorporated and made part of this resolution by reference.

AMENDMENTS:

MOVED _____ **SECONDED** _____

APPROVED _____ **DENIED** _____ **UNANIMOUS**

Yea Votes: Graham ___ **Davis** ___ **Brown** ___ **Daughety** ___ **Pharo** ___

Rouse ___ **Sutton** ___

George W. Graham, Jr., Chairman

Date

Attest

Date

**ADDENDUM TO SALES TAX CONTRACT
DATED OCTOBER 18TH, 2004
BETWEEN
LENOIR COUNTY, NORTH CAROLINA
AND
TAX REDUCTION SPECIALISTS
(A division of Utilities Reduction Specialists, Inc.)**

This addendum hereby authorizes Tax Reduction Specialists (TRS) to audit sales and use taxes for Lenoir County through the tax period ending December 31, 2012. TRS will not audit tax periods ending after this date unless it receives written approval by the County. This audit will be conducted under the same terms and conditions as the original contract.

The fee for any tax refunds, credits or additional tax revenues recovered for Lenoir County as a whole for tax periods ending after December 2003, will be 20% of said refunds, credits, or revenues and will be invoiced only after receipt of same by the County.

APPROVED FOR LENOIR COUNTY

(Signature)

_____, 2012

(Title)

ATTEST:

APPROVED FOR TAX REDUCTION SPECIALISTS

Steven D. Mann
Steven D. Mann, President

MARCH 19, 2012

ATTEST:

Shirley J. Baldwin

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 4/02/12 **ITEM NO.:** 17-A

RESOLUTION: Approving Purchase of a 2012 Ford E350 Van: \$23,900

SUBJECT AREA: Financial

ACTION REQUESTED:

The Board is requested to authorize the Sheriff to execute a purchase order with Capital Ford to purchase a 2012 Ford E350 XL van.

HISTORY / BACKGROUND:

The Sheriff's Office is responsible for moving inmates to and from the county jail. This has been done by patrol car, which limits the number of inmates that can be moved at one time. Inmates are moved for various reasons such as incarceration in a state prison, which could be in at any prison within the State. Inmates are also transported for medical, dental or psychiatric services, or court hearings in other jurisdictions. Once the jail begins to hold federal inmates, transportation of federal inmates to and from a federal courthouse will become the responsibility of the Sheriff.

EVALUATION:

Because of the number of inmate transports the Sheriff's Office performs, it is logical to reduce the number of transports by transporting greater numbers of inmates once or twice per week. This keeps the standard patrol car from making repeated trips across the State. To carry out this function a vehicle must be purchased that is capable of moving greater numbers of inmates utilizing a confinement system designed for inmate transportation. With the purchase of a "Vancell" (inserted confinement shell) and a Ford E350 XL van, transporting inmates can be made safely. The State contract for the E350 Ford van has already been negotiated. The cost to purchase this vehicle is \$23,900. Capital Ford is the designated dealer for the sale of this vehicle. The Sheriff intends to use a combination of both SCAAP funding and Federal Asset Forfeiture funds to purchase this vehicle. No funds derived from property taxes will be expended.

The Sheriff respectfully requests that he be permitted to execute a purchase order with Capital Ford for the purchase of a Ford E350 XL van.

MANAGER'S RECOMMENDATION:

Respectfully Request Approval.

Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that the Sheriff is permitted to execute a purchase order with Captial Ford of Raleigh for the purchase of a 2012 Ford E350 XL van.

Capital Ford----- \$ 23,900

Funding Account #:	15-4316-5100	\$ 19,427
	10-4310-3980	\$ 4,473

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Daughety _____ Davis _____ Graham _____

Pharo _____ Rouse _____ Sutton _____

George W. Graham Jr., Chairman

4/02/12
Date

ATTEST 4/02/12
Date

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 4/02/12 **ITEM NO.:** 17-B

RESOLUTION: Approving Purchase of a Vancell from Bob Barker: \$10,526.84

SUBJECT AREA: Financial

ACTION REQUESTED:

The Board is requested to authorize the Sheriff to execute a purchase order with Bob Barker for the purchase of a Vancell.

HISTORY / BACKGROUND:

The Sheriff's Office is responsible for moving inmates to and from the county jail. This has been done by using patrol cars, which limits the number of inmates that can be moved at one time. Inmates are moved for various reasons such as incarceration in a state prison which could be in at any prison within the State. Inmates are also transported for medical, dental, or psychiatric services, or court hearings in other jurisdictions. Once the jail begins to hold federal inmates, transportation of federal inmates to and from a federal courthouse will become the responsibility of the Sheriff. Many Sheriff Offices utilize a transport van, which is equipped with an inmate transportation cell, designed to hold inmates during transportation.

EVALUATION:

Because of the number of inmate transports the Sheriff's Office performs, it is logical to confine the transports to specific days and to combine inmates needing to be transporting. The Bob Barker Co., sells an inmate transport cell that can be inserted in an extended length van. The cell is a metal enclosure designed with seats so that as many as 10 inmates can be transported at one time. Recently, the "Vancell" was demonstrated to the Sheriff and it was found to be a high quality product offering the best protection for the deputies who are operating the van. The Vancell, with installation and an optional cooling and heating system, is \$10,526.84. The cell will be purchased using SCAAP funds. SCAAP funds are a reimbursement from the government for jails who hold criminal aliens. SCAAP funds must be used for detention purposes only. The van cell and transport van are both acceptable uses of the funds.

The Sheriff respectfully requests that he be permitted to execute a purchase order with Bob Barker to purchase and install the Vancell.

MANAGER'S RECOMMENDATION:

Respectfully Request Approval.

Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that the Sheriff is permitted to execute a purchase order Bob Barker for the purchase of a Vancell.

Bob Barker----- \$ 10,526.84

Funding Account #: 10-4310-3980 \$ 10,526.84

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Daughety _____ Davis _____ Graham _____

Pharo _____ Rouse _____ Sutton _____

George W. Graham Jr., Chairman

4/02/12
Date

ATTEST

4/02/12
Date

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 04/02/12 **ITEM NO.:** 18

RESOLUTION: Authorizing Lenoir County Health Department to Execute a Purchase Order Contract to Lenoir County Transit in the amount of \$3,000

SUBJECT AREA: Financial

ACTION REQUESTED:

The Board is asked to grant permission to Lenoir County Health Department to execute a purchase order to Lenoir County Transit to renew previous contract and continue display of ads on two Lenoir County Transit vans.

Expenditure Account:
10-5150-2905 \$3000

HISTORY / BACKGROUND:

Federal funds have been awarded to health department to support the Adult Health Program in the amount of \$9700. As part of the criteria to receive this funding, this must be spent on Media Outreach. Commissioners previously approved content of ads, 10/18/2010.

EVALUATION:

This action is necessary to provide sufficient accounting of expenditures to comply with applicable laws.

MANAGER'S RECOMMENDATION:

Respectfully Request Approval.

Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners to authorize utilization of funds as requested.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Davis _____ Graham _____ Daughety _____
Pharo _____ Rouse _____ Sutton _____

George W. Graham Jr., Chairman 4/02/12
Date

ATTEST 4/02/12
Date

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 4/2/12 **ITEM NO.:** 19

RESOLUTION: Authorizing Lenoir County Health Department to Execute a Purchase Order Contract to Positive Promotions \$3277.00

SUBJECT AREA: Financial

ACTION REQUESTED:

The Board is asked to grant permission to Lenoir County Health Department to execute a purchase order to Positive Promotions, to cover cost of incentives.

Expenditure Account:
10-5150-2905 \$3277.00

HISTORY / BACKGROUND:

Federal funds have been awarded to health department to support the Adult Health Program in the amount of \$9,700 as part of the criteria to receive this funding; this must be spent on Media Outreach. Part of these funds we will be purchasing incentives for our patients.

EVALUATION:

This action is necessary to provide sufficient accounting of expenditures to comply with applicable laws.

MANAGER'S RECOMMENDATION:

Respectfully Request Approval.

Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners to authorize utilization of funds as requested.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Davis _____ Graham _____ Daughety _____

Pharo _____ Rouse _____ Sutton _____

George W. Graham Jr., Chairman

4/02/12
Date

ATTEST

4/02/12
Date

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 4/02/12 **ITEM NO.:** 20

RESOLUTION: Requesting the Establishment of Fees for Rabies Vaccinations

SUBJECT AREA: Financial

ACTION REQUESTED:

The Board is asked to establish the fee for rabies vaccinations at \$7.00 to be administered at the county sponsored Rabies Vaccination Clinics.

HISTORY / BACKGROUND:

NCGS 130A-187 requires the local health director to organize and assist other organizations to conduct rabies vaccination clinics at least annually. NCGS 130A-188 requires the board of county commissioners to establish the fee for rabies vaccination at county sponsored vaccination clinics. Rabies Vaccination Clinics have been scheduled for Tuesday, April 3, 2012 (Riverbank Animal Hospital, Northside Animal Hospital, Countryview Animal Hospital and Animal Hospital of Lenoir County LaGrange/Faithful Friends Animal Hospital).

EVALUATION:

This action is necessary to comply with applicable laws.

MANAGER'S RECOMMENDATION:

Respectfully Request Approval.

Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners to establish the fee for a rabies vaccination to be administered at county sponsored Rabies Vaccination Clinics at the rate of \$7.00.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Graham _____ Brown _____ Davis _____ Pharo _____

Sutton _____ Daughety _____ Rouse _____

George W. Graham, Jr., Chairman 04/02/12
Date

ATTEST 04/02/12
Date

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 4/02/12 **ITEM NO.:** 21

RESOLUTION: Authorizing Emergency Replacement of 5 Ton Heat Pump at the Lenoir County Health Department: Ed Phillip's, Inc.: \$6,400.

SUBJECT AREA: Purchases - Bids

ACTION REQUESTED:

The Board is requested to authorize the emergency replacement of a 5 ton Carrier Heat Pump located on the roof of the Lenoir County Health Department in an amount not to exceed \$6,400.00.

HISTORY/BACKGROUND:

On March 19, 2012, the Lenoir County Maintenance Department was notified that the HVAC system at the Health Department Building was not operating properly. Upon investigation, it was discovered that one of the heating and air conditioning units on top of the building had ceased to function. Lenoir County Maintenance contacted Ed Phillips, Inc., to examine the unit to see if it could be repaired or needed to be replaced. This unit was installed in **1984**. Upon examination by their technicians, it was determined that installing a new unit would be the most cost effective action for the County.

EVALUATION:

One of the 5 ton heat pumps on the roof of the Lenoir County Health Department Building has ceased to function. In an effort to get the unit running again as soon as possible and keep the building comfortable for both employees and clients, the Lenoir County Maintenance Department contacted Ed Phillips, Inc. to diagnose the problem. The existing unit was installed in **1984**. The cost to replace just the compressor on this 28 year old unit is \$2,045. The cost to install a new 5 ton Carrier, 13 Seer R-410A Heat Pump is \$6,400. This cost includes, a one year warranty on parts and labor, a 5 year warranty on the compressor, and the use of a crane to change out the units. Ed Phillips, Inc. is familiar with the system and can replace the unit in a timely manner. Replacement of the unit is recommended by the contractor.

Approval of this resolution will allow the encumbrance of funds and the eventual payment upon completion of the work performed.

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 4/02/12 **ITEM NO.:** 22

RESOLUTION: Authorizing the Demolition of County Owned Buildings: 105 / 105A and 107 S. McLewean Street: Rick Bostic Construction Company: \$13,125.

SUBJECT AREA: Purchases / Bids

ACTION REQUESTED:

The Board is requested to authorize the demolition of County owned buildings located at 105, 105A, and 107 S. McLewean Street by Rick Bostic Construction & Demolition, Inc.: \$13,125.

HISTORY/BACKGROUND:

Lenoir County recently purchased properties located at 105, 105A, and 107 S. McLewean Street. These properties are adjacent to the site of the construction of the new Lenoir County Jail. Due to safety and security concerns expressed by the Sheriff about the proximity of these buildings to the new jail and in an effort by the County to make pedestrian access to the Courthouse from the County owned parking lot on S. McLewean Street more convenient to the citizens utilizing this parking lot, it is in the best interest of the County to demolish the buildings located at 105, 105A, and 107 S. McLewean Street. County Maintenance obtained a demolition permit from the City of Kinston and requested bids for the demolition project from local contractors.

EVALUATION:

The County owned buildings located at 105, 105A, and 107 S. McLewean Street pose a potential safety and security threat because of their proximity to the new jail. The County wishes to make access from the County owned parking lot on S. McLewean Street more convenient for the citizens utilizing this lot while conducting business at the Courthouse. County Maintenance obtained a demolition permit from the City of Kinston and requested bids for the demolition from local contractors. Rick Bostic Construction & Demolition, Inc. of Kinston NC provided the lowest cost to the County for the demolition of the buildings. A summary of the bids received follows:

<u>Contractor</u>	<u>Total Bid</u>
Rick Bostic Construction & Demolition	\$13,125
Manning Masonry	\$14,373.12
Everett's Clearing and Grading	\$14,500

MANAGER'S RECOMMENDATION:

Respectfully recommend approval.

Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners to approve the demolition of the County owned buildings located at 105, 105A, and 107 S. McLewean Street by Rick Bostic Construction & Demolition, Inc. in the amount of \$13,125.

AMENDMENTS

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Graham _____ Brown _____ Davis _____ Pharo _____

Sutton _____ Daughety _____ Rouse _____

George W. Graham, Jr., Chairman 04/02/12
Date

ATTEST 04/02/12
Date

INTRODUCED BY: Michael W. Jarman, County Manager **DATE** 4-2-2012 **ITEM NO.** 23

RESOLUTION: Approval of Rail Spur Easement No. 3 to MB BP Portfolio II, L.L.C.

SUBJECT AREA: Administrative

ACTION REQUESTED:

Approval of an easement in the Lenoir County US 70 Industrial Park and for a rail spur which crosses land owned by Lenoir County. The purpose of the new easement will be to construct an additional rail spur to the Dopaco site as shown in the attached Rail Spur Easement No. 3 between Lenoir County and MB BP Portfolio II, LLC, a Delaware limited liability company, c/o Inland American Industrial Management, L.L.C., whose address is 2901 Butterfield Rd., Oak Brook, IL., (owner of the Dopaco, Inc. site at 1447 Enterprise Blvd., Kinston, NC 28504).

HISTORY / BACKGROUND:

Dopaco, Inc. announced and located in Lenoir County in August 1993. The company began operating in a 30,000 SF temporary facility while constructing a new 150,000 SF building located in the Hwy 70 West Industrial Park. Dopaco is a manufacturer of folding cartons, beverage cups, lids, carriers, nested cartons and dispensers, clamshells, food trays and paper plates for the fast food industry. Major customers are McDonald's, Burger King, Jack in the Box and Wendy's. In 1995, they expanded the 150,000 sf facility to 300,000 sf. A rail spur was needed for delivery of paper products and thus rail easement No. 1 was surveyed and completed by the East Group February 13, 1996 and recorded February 20, 1996, Plat Cabinet 5, Page 187. In August 2004 Cascades, Inc. completed the acquisition of Dopaco from founder Edward Fitts. In September 2007 Dopaco announced the addition \$2.35 million in capital investment and 10 new jobs. September of 2008, Dopaco announced the addition of \$2.53 in capital investment and 123 jobs. With the announcement of this project, the need for an additional rail spur is needed. MB BP Portfolio II, LLC, the current owner of the site and landlord to Dopaco, Inc. (Dopaco) desires to allow Dopaco to install at its own expense a second rail spur to connect to the main line of the North Carolina Railroad Company which will run parallel to easement No. 1, so that there are dual tracks serving the facility.

EVALUATION:

For the consideration of the economic development benefits which will accrue to Lenoir County from the further development of the County's industrial park, to grant to MB BP Portfolio II, LLC, the right for Dopaco to install, at its own expense, a second rail spur to connect to the main line of the North Carolina Railroad Company which will run parallel to Easement No. 1 with centerline of the new track being 14 feet from the centerline of the first track, so there will be dual tracks serving the facility.

MANAGER'S RECOMMENDATION:

Respectfully Request Approval.

Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that it approves the attached Deed of Easement for Rail Spur Easement No. 3 as shown on a map entitled "Rail Spur Easement, Survey for Lenoir County" dated February 3, 2012, prepared by Atlantic Surveying, P.A. recorded in Plat Cabinet 13, Page 18, Lenoir County Registry.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: : GRAHAM _____ DAVIS _____ BROWN _____

DAUGHETY _____ PHARO _____ ROUSE _____ SUTTON _____

Chairman

Date

ATTEST

Date

DRAFT

Mail After Recording To: Lenoir County Manager
P O Drawer 3289
Kinston, NC 28502

This instrument prepared by Robert W. Griffin, Attorney.

Brief Description for the Index

Rail Spur Easement No. 3

NORTH CAROLINA]
]]
LENOIR COUNTY]

THIS EASEMENT, made this 2nd day of April, 2012, by and between LENOIR COUNTY, a body politic and one of the counties of the State of North Carolina, whose address is P O Drawer 3289, Kinston, NC 28502, hereinafter referred to as Grantor; and MB BP PORTFOLIO II, L.L.C., a Delaware limited liability company, c/o Inland American Industrial Management, L.L.C., whose address is 2901 Butterfield Rd., Oak Brook, IL 60523, hereinafter referred to as Grantee. (The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine, or neuter as required by context.)

WITNESSETH:

WHEREAS, MB BP Portfolio, L.L.C. was conveyed property by deed dated June 13, 2007, recorded in Book 1510, Page 245, Lenoir County Registry; and

WHEREAS, MB BP Portfolio, L.L.C. conveyed the property to the present owner, the Grantee, MB BP Portfolio II, L.L.C., by deed dated October 12, 2007, recorded in

DRAFT

Book 1522, Page 689, Lenoir County Registry; and

WHEREAS, the property referred to is the site of the Dopaco plant at 1447 Enterprise Blvd., Kinston, NC 28504; and

WHEREAS, this site is in the Lenoir County US 70 West Industrial Park and is served by a rail spur (Easement No. 1, Plat Cabinet 5, Page 187) which crosses land owned by Lenoir County, the Grantor; and

WHEREAS, Grantee's tenant, Dopaco, Inc. (the "Tenant") desires to install at its own expense a second rail spur to connect to the main line of the North Carolina Railroad Company which will run parallel to Easement No. 1 with the centerline of the new track being 14 feet from the centerline of the first track, so that there are dual tracks serving the facility; and

WHEREAS, in order to install the second rail spur, it is necessary for the Grantor to grant a rail spur easement to the Grantee for that purpose; and

WHEREAS, Grantee and the Tenant requested Grantor to grant the rail spur easement, and Grantor has agreed to do so:

NOW, THEREFORE, Grantor, for and in consideration of the economic development benefits which will accrue to Lenoir County from the further development of the County's industrial park, does grant, bargain, sell and convey unto the Grantee a non-exclusive 14 foot wide ingress-egress easement over and along that property described below for the purpose of constructing, installing, and maintaining a rail spur to connect to the main line of the North Carolina Railroad Company, its successors and assigns, in order to forward and receive shipments to and from its property. The rail spur easement is granted in and across that certain lot or parcel of land, lying and being in Falling Creek Township, Lenoir County, North Carolina, and more particularly described as follows:

BEING all of that property designated as "New 14' Easement, Easement No. 3" as shown on a map entitled "Rail Spur Easement, Survey for Lenoir

County” dated February 3, 2012, prepared by Atlantic Surveying, P.A., recorded in Plat Cabinet 13, Page 18, Lenoir County Registry.

TO HAVE AND TO HOLD the above described right and easement to the Grantee, it being agreed that the right and easement hereby granted is appurtenant to and runs with the land now owned by Grantee and hereinabove referred to.

IN WITNESS WHEREOF, the Grantor has executed and sealed this deed of easement in the manner prescribed by law, the day and year first above written.

LENOIR COUNTY

[Affix County Seal]

By: _____
George W. Graham, Jr., Chairman
Board of County Commissioners

DRAFT

ATTEST:

April L. Banks
Clerk to the Board

NORTH CAROLINA]
COUNTY OF LENOIR]

I, _____, a Notary Public in and for the State and County aforesaid, do hereby certify that April L. Banks personally came before me this day and acknowledged that she is Clerk to the Lenoir County Board of Commissioners and that by authority duly given, the foregoing instrument was signed in the name of Lenoir County, by the Chairman of said Board of Commissioners, sealed with the common seal of Lenoir County, and attested by herself as Clerk to the said Board.

WITNESS my hand and Notarial Seal this _____ day of _____, 2012.

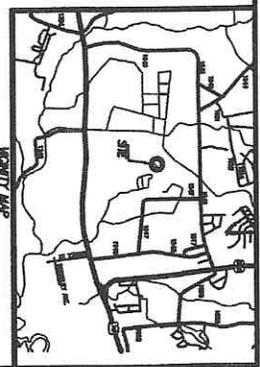
Notary Public

My Commission Expires: _____

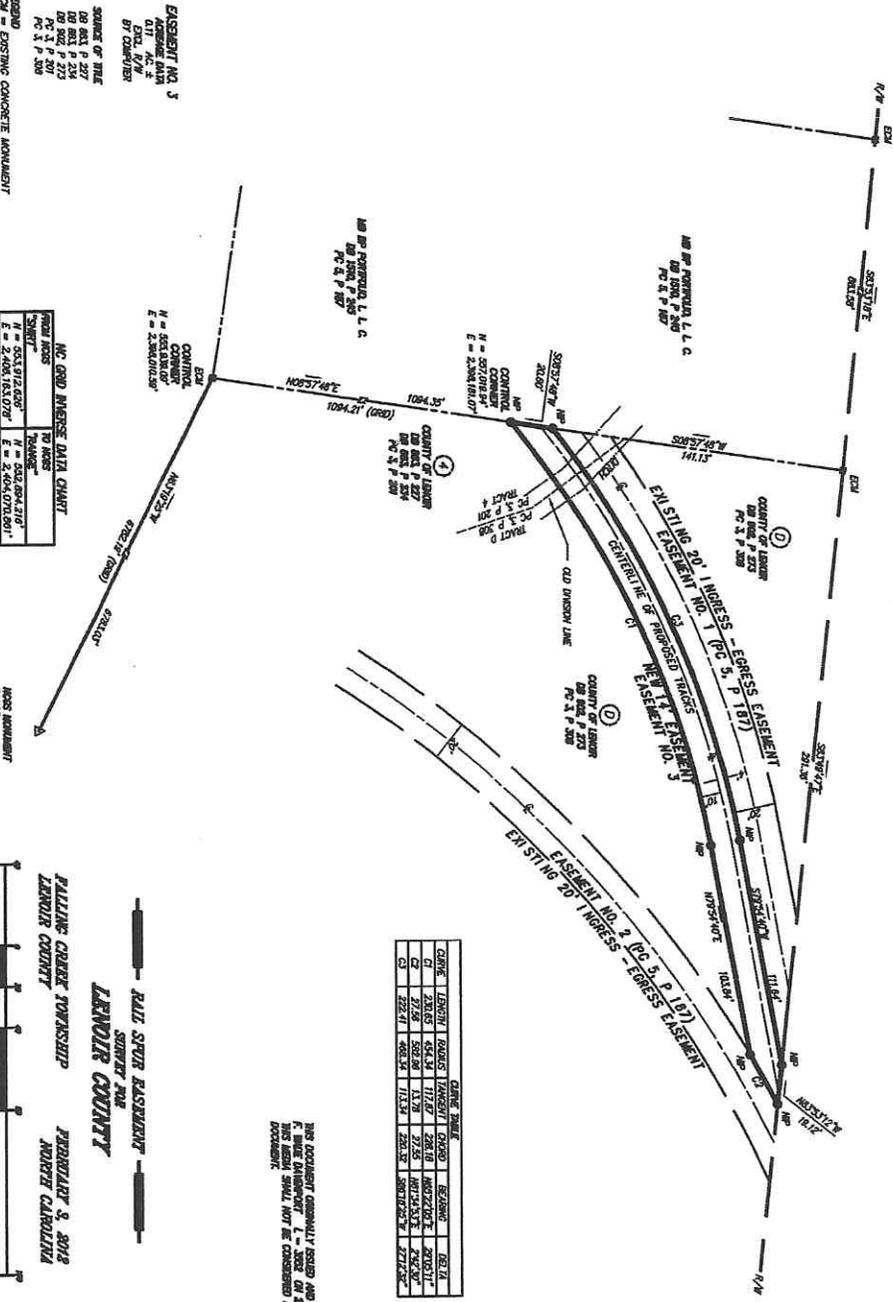
CHANGED SCALE FROM 1" = 100' TO 1" = 200' FOR ALL DIMENSIONS IN FEET AND DIMENSIONS THEREOF UNLESS OTHERWISE NOTED.

NORTH CAROLINA RAILROAD - 200' R/W

THIS PROPERTY IS LOCATED IN TRACT 2 AND IS NOT TO BE CONSIDERED AS A PART OF THE 100' R/W RAILROAD AND GRADING FORMING FROM HERE. DATE MAY 1984 7-3-04 COMBINATION PLAN 2014-2004



1/4" = 100' SCALE. DIMENSIONS, DIMENSIONS, LINE SHOWN AS 1/4" = 100' SCALE. DIMENSIONS, DIMENSIONS, LINE SHOWN AS 1/4" = 100' SCALE. DIMENSIONS, DIMENSIONS, LINE SHOWN AS 1/4" = 100' SCALE.



CHANCE	LENGTH	BEARING	AREA	PERCENT	BEARING	AREA
1	1084.35'	N 57° 09' 54" W	117,121	28.81%	N 57° 09' 54" W	117,121
2	1094.21'	N 57° 09' 54" W	117,121	28.81%	N 57° 09' 54" W	117,121
3	1094.21'	N 57° 09' 54" W	117,121	28.81%	N 57° 09' 54" W	117,121
4	1094.21'	N 57° 09' 54" W	117,121	28.81%	N 57° 09' 54" W	117,121
5	1094.21'	N 57° 09' 54" W	117,121	28.81%	N 57° 09' 54" W	117,121
6	1094.21'	N 57° 09' 54" W	117,121	28.81%	N 57° 09' 54" W	117,121
7	1094.21'	N 57° 09' 54" W	117,121	28.81%	N 57° 09' 54" W	117,121
8	1094.21'	N 57° 09' 54" W	117,121	28.81%	N 57° 09' 54" W	117,121
9	1094.21'	N 57° 09' 54" W	117,121	28.81%	N 57° 09' 54" W	117,121
10	1094.21'	N 57° 09' 54" W	117,121	28.81%	N 57° 09' 54" W	117,121
11	1094.21'	N 57° 09' 54" W	117,121	28.81%	N 57° 09' 54" W	117,121
12	1094.21'	N 57° 09' 54" W	117,121	28.81%	N 57° 09' 54" W	117,121
13	1094.21'	N 57° 09' 54" W	117,121	28.81%	N 57° 09' 54" W	117,121
14	1094.21'	N 57° 09' 54" W	117,121	28.81%	N 57° 09' 54" W	117,121
15	1094.21'	N 57° 09' 54" W	117,121	28.81%	N 57° 09' 54" W	117,121
16	1094.21'	N 57° 09' 54" W	117,121	28.81%	N 57° 09' 54" W	117,121
17	1094.21'	N 57° 09' 54" W	117,121	28.81%	N 57° 09' 54" W	117,121
18	1094.21'	N 57° 09' 54" W	117,121	28.81%	N 57° 09' 54" W	117,121
19	1094.21'	N 57° 09' 54" W	117,121	28.81%	N 57° 09' 54" W	117,121
20	1094.21'	N 57° 09' 54" W	117,121	28.81%	N 57° 09' 54" W	117,121

THIS DOCUMENT ORIGINALLY ISSUED AND SEALED BY THE SURVEYOR ON 05/15/2004. THE SURVEYOR'S SEAL AND SIGNATURE SHALL NOT BE CONSIDERED A CERTIFIED DOCUMENT.

EASEMENT NO. 1
 ASSESSMENT NO. 1
 0.17 AC. ±
 0.17 AC. ±
 0.17 AC. ±
 0.17 AC. ±

MC ROAD INVERSE DATA CHART

STATION	BEARING	DISTANCE
1	N 55.912.606°	552.694.710'
2	N 55.912.606°	552.694.710'
3	N 55.912.606°	552.694.710'
4	N 55.912.606°	552.694.710'
5	N 55.912.606°	552.694.710'
6	N 55.912.606°	552.694.710'
7	N 55.912.606°	552.694.710'
8	N 55.912.606°	552.694.710'
9	N 55.912.606°	552.694.710'
10	N 55.912.606°	552.694.710'
11	N 55.912.606°	552.694.710'
12	N 55.912.606°	552.694.710'
13	N 55.912.606°	552.694.710'
14	N 55.912.606°	552.694.710'
15	N 55.912.606°	552.694.710'
16	N 55.912.606°	552.694.710'
17	N 55.912.606°	552.694.710'
18	N 55.912.606°	552.694.710'
19	N 55.912.606°	552.694.710'
20	N 55.912.606°	552.694.710'



STATE OF NORTH CAROLINA
 COUNTY OF LENOIR
 I, _____, Surveyor, do hereby certify that the copy of this plat is a true and correct copy of the original as shown to me by the owner of the land shown thereon.

ATLANTIC SURVEYING, P.A.
 101 SOUTH QUEEN STREET
 RENOIR, NC 28753-4804
 PHONE: (828) 637-4804
 FAX: (828) 637-4804
 MAIL ADDRESS: BOX 2 - 4442
 RENOIR, NC 28753-4442

LEGEND
 --- EXISTING CONCRETE MONUMENT
 --- NEW IRON PINE
 --- CENTERLINE
 --- NOT TO SCALE

RESOLUTION

WHEREAS, the School Board and the County are authorized to enter into an interlocal agreement pursuant to N.C. General Statute § 160A-461 *et seq.*; and

WHEREAS, pursuant to the above, the County and School Board entered into a joint agency agreement ("The Agreement"), which set forth the responsibilities of the County and the School Board, such Agreement being recorded in Book 1509, Page 167, Lenoir County Registry, the terms of which are incorporated herein by reference; and

WHEREAS, the School Board transferred certain properties described in Book 1509, Page 167; Book 1515, Page 48; Book 1543, Page 175; Book 1554, Page 413; Book 1560, Page 58; and Book 1568, Page 498 of the Lenoir Co. Registry to the County facilitate the above described Agreement between the County and School Board; and

WHEREAS, the School Board has completed its construction and hereby has requested the County to deed the above properties back to the School Board, all as contemplated by the above Agreement.

NOW, THEREFORE, Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has sold, and by these presents, does grant, bargain, sell and convey unto Grantee, his heirs, successors and assigns, those parcels of land lying and being in Lenoir County, North Carolina, and more particularly described as follows:

- **TRACT ONE:** (New Pink Hill Elementary School as described in Deed Book 1509, Page 176) LESS AND EXCEPT THE FOLLOWING TRACTS OR PARCELS: PARCEL ONE, TWO
- **TRACT TWO:** (New Contentnea/Savannah School as described in Deed Book 1515, Page 48)
- **TRACT THREE:** (LaGrange Elementary School as described in Deed Book 1515, Page 48)
- **TRACT FOUR:** (New Northeast Elementary School as described in Deed Book 1543, Page 175)
- **TRACT FIVE:** (Moss Hill Elementary School as described in Deed Book 1554, Page 413)
- **TRACT SIX:** (Banks Elementary School as described in Deed Book 1560, Page 58)
- **TRACT SEVEN:** (Southeast Elementary School as described in Deed Book 1568, Page 498)

TO HAVE AND TO HOLD the aforesaid parcels of land and all privileges and appurtenances thereto belonging to the Grantee, his heirs, successors and assigns in fee simple forever.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereafter stated.

IN WITNESS WHEREOF, the Grantor has caused this deed to be signed in its name by its Chairman, attested by its Clerk to the Board, and its seal to be hereunto affixed by authority of its Board Members.

ADOPTED this the **19th** day of **March 2012**.

COUNTY OF LENOIR

By: _____
George W. Graham, Jr.,
Chairman, Board of County Commissioners

(COUNTY SEAL)

ATTEST:

April L. Banks
Clerk to the Board



Lenoir County Public Schools

A Commitment to Excellence for All Children

MISSION STATEMENT

Preparing all students to be competitive and productive citizens in a global economy.

L. STEPHEN MAZINGO, Ed.D.
Interim Superintendent

DIANE H. LYNCH
Associate Superintendent

BOARD OF EDUCATION

Rita Hodges, Chair
Giles Stroud, Vice Chair
David J. Fillippeli, Jr.
Bruce Hill
Garland Nobles, Jr.
Billy Davis
C. L. Braxton

March 27, 2012

Mr. Mike Jarman
Lenoir County Manager
P. O. Box 3289
Kinston, NC 28502

Dear Mr. Jarman:

Since Lenoir County Public Schools' recent construction and renovation phase is completed, and pursuant to the Inter-Agency Agreement with the county, the Lenoir County Board of Education requests that the Lenoir County Board of Commissioners transfer the following properties back into the school system's legal name.

1. Contentnea-Savannah (new)
2. Northeast Elementary (new)
3. Pink Hill Elementary (new)
4. Southeast Elementary
5. Banks Elementary
6. La Grange Elementary
7. Moss Hill Elementary

If you have any questions or require further information, please let me know.

Sincerely,

L. Stephen Mazingo, Ed.D.
Interim Superintendent

rmb

cc: Lisa Davis, Finance Officer

SWINDELL LAW FIRM

1136 Hwy 258 North
Post Office Box 6373
Kinston, North Carolina 28501

Frank G. Swindell, Jr.
www.fgslaw.com

Telephone: 252-527-1711
Fax: 252-523-8878

March 26, 2012

Ms. April L. Banks, Clerk
County of Lenoir
130 S. Queen Street
Kinston, NC 28501

RE: Lenoir Co. Deed to Lenoir Co. School Board

Dear Ms. Banks:

Please be advised that we have previously submitted to Bob Griffin, Attorney for Lenoir Co., a deed from Lenoir Co. to the Lenoir Co. School Board conveying certain school properties.

Please consider this letter a formal request by the Lenoir Co. School Board for the County to convey the properties back to the School Board.

Should you have any questions, please contact my office.

Sincerely,



Frank G. Swindell, Jr.
Attorney at Law

FGS/jcs

DRAFT

Prepared by: Frank G. Swindell, Jr.

NORTH CAROLINA

SPECIAL WARRANTY DEED

LENOIR COUNTY

THIS DEED made this the _____ day of March, 2012, by and between **COUNTY OF LENOIR (“The County”)**, a body politic and one of the counties of the State of North Carolina with an address of PO Drawer 3289, Kinston, NC 28502, Grantor; and **LENOIR COUNTY BOARD OF EDUCATION (“The School Board”)**, with an address of 2017 W. Vernon Avenue, Kinston, NC 28501, Grantee;

WITNESSETH:

WHEREAS, the School Board and the County are authorized to enter into an interlocal agreement pursuant to N.C. Gen. Stat. § 160A-461 *et seq.*; and

WHEREAS, pursuant to the above, the County and School Board entered into a joint agency agreement (“The Agreement”), which set forth the responsibilities of the County and the School Board, such Agreement being recorded in Book 1509, Page 167, Lenoir County Registry, the terms of which are incorporated herein by reference; and

WHEREAS, the School Board transferred certain properties described in Book 1509, Page 176; Book 1515, Page 48; Book 1543, Page 175; Book 1554, Page 413; Book 1560, Page 58; and Book 1568, Page 498 of the Lenoir Co. Registry to the County to facilitate the above described Agreement between the County and School Board; and

WHEREAS, the School Board has completed its construction and hereby has requested the County to deed the above properties back to the School Board, all as contemplated by the above Agreement.

NOW, THEREFORE, Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has sold, and by these presents, does grant, bargain, sell and convey unto Grantee, his heirs, successors and assigns, those parcels of land lying and being in Lenoir County, North Carolina, and more particularly described as follows:

TRACT ONE: (New Pink Hill Elementary School as described in Deed Book 1509, Page 176)

BEGINNING at an iron stake in the center of the Kinston Carolina Railroad tract at the high water mark on the south side of the south prong of Tuckahoe, and runs as center of said Railroad track S 20 1/2 W 1580 feet to the center of the old Burncoat and Beaver Dam Road; thence as center of said road S 48 1/2 W 22 feet, thence on as center of said road S 44 W 258 feet, thence on as center of said road S 54 W 240 feet, thence on as center of said road S 60 1/2 W 391 feet to the Wash Herring line; thence as it N 67 1/2 W 500 feet to an iron stake; thence N 20 1/2 E 2189 feet to an iron stake at the high water mark on the south side of the south prong of Tuckahoe; thence down said high water mark to the beginning, containing 47 1/2 acres, more or less. This description was made from actual survey made by R. G. Maxwell, Surveyor, on May 24, 1932.

LESS AND EXCEPT THE FOLLOWING TRACTS OR PARCELS:

PARCEL ONE:

BEING Lot C as depicted on a map entitled "Survey for HUGH C. TURNER AND LEIGHTON H. TURNER", dated April 14, 1989, prepared by Coastal Surveying & Engineering, a copy of said map appearing of record in Book 895, at Page 173, Lenoir County Registry, to which map reference is here made for a more accurate description. And being the same lot or parcel of land conveyed to Hugh C. Turner and wife, Janie H. Turner by Warranty Deed dated April 11, 1989, and recorded in Book 895, at Page 171, Lenoir County Registry.

PARCEL TWO:

BEING that certain parcel of land containing 2.0 acres, more or less, including right of way located on the northern side of NCSR 1110 as shown on plat entitled "OWNERS: L. H. TURNER; ADDRESS: N.C.S.R. 1110; TWSP: Pink Hill; COUNTY: Lenoir", dated 2/22/90, prepared by Joey Brochure & Assoc., P.A., a copy of said map appearing of record in Book 914, at Page 812, Lenoir County Registry, to which map reference is here made for a more accurate description. And being the same lot or parcel of land conveyed to David Glenn Howard and wife, Nancy K. Howard, by Warranty Deed dated May 14, 1990, and recorded in Book 914, at Page 812, Lenoir County Registry.

TRACT TWO: (New Contentnea/Savannah School as described in Deed Book 1515, Page 48)

BEING all of that tract of land containing 57.36 acres, more or less, including right of way by computer, as depicted on that certain map for record entitled "SURVEY FOR LENOIR COUNTY BOARD OF EDUCATION" prepared by William C. Butler, Jr., PLS, dated January 8, 2007, and recorded in Plat Cabinet 10, Page 367, Lenoir County Registry, reference to which is hereby made for a more detailed description.

TRACT THREE: (LaGrange Elementary School as described in Deed Book 1515, Page 48)

BEING all of that certain property described in Deed Book 90, Page 257; Book 90, Page 257; Book 97, Page 189; Book 156, Page 305; Book 237, Page 114; Book 475, Page 310; Book 475, Page 467; Book 479, Page 330; and Book 492, Page 499 of the Lenoir County Registry, which description contained therein is incorporated by reference as a material part hereof, and being known as Tax Parcels 355720901259 and 355720806515. This property is commonly known as LaGrange Elementary School.

TRACT FOUR: (New Northeast Elementary School as described in Deed Book 1543, Page 175)

BEING all of Lot 2 containing 32.96 acres, more or less, as shown on that map entitled "SURVEY FOR LENOIR COUNTY BOARD OF EDUCATION" dated March 30, 2007, prepared by F. Wade Davenport, Professional Land Surveyor, which map is recorded in Plat Cabinet 11, Page 72 of the Lenoir County Registry and incorporated herein by reference.

TRACT FIVE: (Moss Hill Elementary School as described in Deed Book 1554, Page 413)

BEING that property known as Moss Hill Elementary School and being all of that property described in deeds recorded in Book 55, Page 24; Book 90, Page 261; and Book 274, Page 166 of the Lenoir Co. Registry, such description being incorporated herein by reference and a material part hereof.

TRACT SIX: (Banks Elementary School as described in Deed Book 1560, Page 58)

BEGINNING at a point in the center line of the public road leading from Hillcrest to Falling Creek at the southwesternmost corner of the lands shown on the map hereinafter mentioned, and runs thence No. 32-10 E. 208.7 feet to a stake; thence N. 84 W. 208.7 feet to a point in the center line of another public road as shown on said map; thence N. 32-10 E. with the center line of the road last above mentioned 1530 feet to the point where the center line of that road intersects the center line of a third public road (and which leads from the Hillcrest-Falling Creek Road first above mentioned to Institute), as shown on said map; thence with the new course of the center line of said third public road S. 33-15 E. 200 feet and S. 24-15 E. 1561 feet to the point where the center line of the new course of said third public road intersects the center line of the public road first above mentioned and which leads from Hillcrest to Falling Creek; thence with the center line of the said Hillcrest-Falling Creek public road No. 86-30 W. 1320 feet, more or less, to the point where the course of said center line changes direction as shown on said map and then N. 84-W. with said center line 137 feet to the point of beginning. And being the southwesternmost portion of the lands shown on "Map of land owned by Bryant Dawson and Forrest Dawson" dated September 28, 1954, made by Meriwether Lewis, Registered Surveyor, and appearing of record in Map Book 5, page 112, Lenoir County Registry, and reference is hereby made to said map as a part of this description; but the new course of the third public road above mentioned is not accurately depicted on said map.

Also included herein is that certain easement described in Book 544, Page 24, Lenoir County Registry.

TRACT SEVEN: (Southeast Elementary School as described in Deed Book 1568, Page 498)

BEGINNING at a stake at the point of junction of the western property line of McDaniel Street with the northern property line of Bright Street, and runs thence N. 84° W. with the northern property line of Bright Street 700 feet to a stake in the northern property line of Bright Street that is located 30 feet from the center line of the main track of the Atlantic & North Carolina Railroad; thence it runs N. 37° 10' W. and parallel to the center line of the main tract of the Atlantic & North Carolina Railroad 606 feet to a stake; thence it runs N. 24° 55' W. 60 feet to a stake in the southern property line of King Street; thence it runs S. 84° E. with the southern property line of King Street 1135 feet to a stake at the point of junction of the southern property line of King Street with the western property line of McDaniel Street; thence it runs S. 6° W. with the western property line of McDaniel Street 500 feet to the point of beginning. This tract contains 10.44-acres, more or less. It is

graphically described on a plat made by Meriwether Lewis, R.S., dated the 14th day of January, 1959, and recorded in Map Book 12, Page 54. This land, and other lands, were conveyed to the said Trustees by a deed from Hines Brothers Lumber Company, dated March 23, 1959, and recorded in Book 459, page 308.

TO HAVE AND TO HOLD the aforesaid parcels of land and all privileges and appurtenances thereto belonging to the Grantee, his heirs, successors and assigns in fee simple forever.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereafter stated.

The designation Grantor and Grantee as used herein shall include said parties, his heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, the Grantor has caused this deed to be signed in its name by its Chairman, attested by its Clerk to the Board, and its seal to be hereunto affixed by authority of its Board Members, the day and year first above written.

COUNTY OF LENOIR

By: _____ (SEAL)

George W. Graham
Chairman, Board of County Commissioners

(COUNTY SEAL)

ATTEST:

April L. Banks
Clerk to the Board

NORTH CAROLINA
LENOIR COUNTY

I, _____, a Notary Public in and for said State and County, do hereby certify that **April L. Banks** personally came before me this day and acknowledged that she is Clerk to the Lenoir County Board of Commissioners and that by authority duly given, the foregoing instrument was signed in its name by its Chairman, and attested by herself as Clerk to the said Board.

Witness my hand and official stamp or seal, this _____ day of March, 2012.

DRAFT

NOTARY PUBLIC

MY COMMISSION EXPIRES:

For Your Reference: 2007 Agreement under which school construction properties were transferred to Lenoir County in order to obtain sales tax refunds on construction materials.



Doc ID: 000543480009 Type: CAP
Recorded: 06/07/2007 at 04:51:05 PM
Fee Amt: \$38.00 Page 1 of 9
Lenoir County, NC
Margaret Seymour Register of Deeds

BK 1509 PG 167-175

INDEXED

AGREEMENT

June 6, 2007

County of Lenoir

and

Lenoir Co. Board of Education

Return:

Prepared by: Frank G. Swindell, Jr.

**NORTH CAROLINA
LENOIR COUNTY**

AGREEMENT

THIS AGREEMENT ("Agreement") is made and entered into this 7th day of May, 2007, by and between Lenoir County and the Lenoir County Board of Education, a county board of education organized and existing pursuant to N.C. Gen. Stat. §115C *et seq.* ("the School Board").

WHEREAS, the Lenoir County Public School System has substantial need for new and improved buildings and equipment;

WHEREAS, it is the intent of Lenoir County to assist the School Board in obtaining these buildings and equipment within the constraints imposed by limited financial resources;

WHEREAS, Lenoir County and the School Board shall be co-developers of identified new school and renovation projects;

WHEREAS, Lenoir County and the School Board seek to co-develop the construction and renovation of some or all schools;

WHEREAS, as part of the co-development of the identified projects, the School Board shall convey identified school sites to Lenoir County in order to enable the County to reclaim sales and use taxes paid by the various contractors and vendors;

WHEREAS, Lenoir County shall transfer the school sites back to the School Board as provided herein;

WHEREAS, Lenoir County desires to designate the School Board as its agent to carry out the construction projects, and the School Board is willing to accept the appointment pursuant to the terms of this Agreement;

WHEREAS, as part of the co-development of the projects, Lenoir County shall provide the funding for the identified projects;

WHEREAS, Lenoir County is authorized by legislation to reclaim sales and use taxes paid to the State of North Carolina, to acquire real and personal property for use by the School Board, and to construct, equip, expand, improve, and renovate property for use by the School Board;

WHEREAS, Lenoir County intends to claim the sales and use tax refunds on the construction projects, and to appropriate the same to the School Board as an additional source of school funding for capital outlay under the terms and conditions set forth herein; and

WHEREAS, the School Board and Lenoir County are authorized to enter into an interlocal agreement pursuant to N.C. Gen. Stat. § 160A-461 *et seq.*;

NOW, THEREFORE, for and in consideration of the mutual promises contained herein, the parties agree as follows:

1. **Agency Created.** Lenoir County irrevocably appoints the School Board as its sole agent to carry out all phases of any construction or renovation project undertaken pursuant to this Agreement. The School Board, as Lenoir County's agent, assumes all of Lenoir County's rights, duties, and responsibilities regarding any construction or renovation project undertaken pursuant to this Agreement. Notwithstanding previous arrangements, this Agency shall govern all phases of any construction or renovation project undertaken pursuant to this Agreement.
 - a. **Negotiate and Execute Contracts.** The School Board, as agent for Lenoir County, shall have sole and exclusive authority to negotiate and execute on behalf of the County all contracts for the construction or renovation of school sites undertaken pursuant to this Agreement.
 - b. **Supervise Construction and Renovation Projects.** The School Board, as agent for Lenoir County, shall be solely responsible for carrying out and maintaining the construction and renovation projects, and the School Board shall have all rights to supervise the construction and renovation projects. The County shall have no supervisory authority for the construction and renovation projects.
 - c. **Administer Contracts.** The School Board, as agent for Lenoir County, shall issue any purchase orders for the identified projects. The School Board shall have authority to approve and enter into any change orders for any and all identified projects. The School Board shall have exclusive control of the content of such contracts. The School Board shall act as Lenoir County's designated representative for administering the contracts, and all contracts shall comply with the public procurement laws and any other State laws applicable to either the School Board or Lenoir County. The School Board shall ensure that all contractors provide applicable sales and use tax certificates. The School Board shall approve all requests for payment and pay the contractors from the funds provided by Lenoir County.
 - d. **Enforce Contracts.** The School Board shall have the right to enforce in its own name or in Lenoir County's name such purchase orders, contracts at law or in equity, or change orders entered into in Lenoir County's name or the School Board's name for the identified construction and renovation projects.
2. **Implementation of Agreement.** The County Manager and Superintendent or their designees shall establish policies and procedures to implement this Agreement not inconsistent with the terms of this Agreement.

3. **Property Affected.** The property or properties to which this Agreement applies shall be identified by written agreement(s) between the County Manager and Superintendent.

4. **Ownership of Property.** The School Board shall convey the property or properties identified pursuant to Paragraph 3 as subject to this Agreement to the County on such date or dates as are agreed upon in writing by the Superintendent and the County Manager. Conveyance by the School Board to the County shall be by special warranty deed, unless counsel for the School Board and counsel for the County agree otherwise. Lenoir County shall retain ownership of the identified site(s) until the project achieves final completion, except as set forth below. Lenoir County shall reconvey the identified school site to the School Board within sixty (60) days of the receipt of a written request from the School Board upon payment of a nominal amount not to exceed one hundred dollars (\$100.00). Reconveyance by Lenoir County to the School Board shall be by special warranty deed.

a. **Easements, Roadway Dedications, and Rights of Way.** Upon written request from the School Board or its duly appointed representative, Lenoir County will promptly review and render a decision with respect to the granting of any easements, roadway dedications, or rights of way.

5. **Obligations and Rights of the School Board.**

a. **Board as Agent.** The School Board shall act as Lenoir County's sole agent for the construction and renovation projects as provided in Paragraph 1 of this Agreement.

b. **Insurance.** The School Board shall ensure that the contractors maintain builders risk and general liability insurance on any identified project during the construction of the project. Notwithstanding any provision of this Agreement, the School Board shall retain the sole power to control and direct the application and distribution of insurance proceeds applicable to the construction projects and affected property.

c. **Use of Site.** During the term of this Agreement, the School Board shall have the exclusive rights to possess, use, occupy, and improve any properties identified pursuant to Paragraph 3 as subject to this Agreement for public school purposes, including without limitation the right to conduct surveys, soil borings and other necessary testing upon the property prior to construction, and the right to use, operate, maintain, and repair said property for such public school purposes until termination as hereinafter provided.

d. **Indemnity.** To the extent allowed by law, the School Board shall indemnify, defend and hold harmless Lenoir County from and against all claims, suits, actions and proceedings whatsoever which may be brought or instituted on account of, growing out of, occurring from, incident to, or resulting from, directly or indirectly, any and all damages, claims or losses arising from any injuries or damages (including without limitation, death) to persons or property arising out of the construction, use, and/or management of any contracts and/or properties under this

Agreement, and the negligent or willful acts and omissions of the School Board and those for whom it is legally liable, and all losses, costs, damages and expenses (including, without limitation, reasonable attorneys' fees), unless and to the extent such injuries or damages (including, without limitation, death) result from, or are claimed to have resulted from the negligent acts or omissions of Lenoir County or those for whom Lenoir County is legally liable. The School Board shall assume, on behalf of Lenoir County, and conduct with due diligence and in good faith, the defense of all such claims, suits, actions and proceedings against Lenoir County whether or not the School Board is joined therein, even if such claims, suits, actions or proceedings be groundless, false or fraudulent, and the School Board shall bear the costs of all judgments and settlements in connection therewith; provided, however, Lenoir County may defend or participate in the defense of any or all of such claims, suits, actions or proceedings.

6. Obligations and Rights of the County.

a. Right to Inspect. Lenoir County and its representatives and agents shall have the right to enter upon the site and inspect any identified construction or renovation project from time to time during construction. Lenoir County and its representatives and agents shall also have the right to review and inspect any change orders or other contract amendments approved by the School Board or its authorized employees.

b. Indemnity. To the extent allowed by law, Lenoir County shall indemnify, defend and hold harmless the School Board from and against all claims, suits, actions and proceedings whatsoever which may be brought or instituted on account of, growing out of, occurring from, incident to or resulting from, directly or indirectly, any and all damages, claims or losses arising from any injuries or damages (including without limitation, death) to persons or property arising out of Lenoir County's use of any of the properties transferred to Lenoir County under this Agreement, and the negligent or willful acts and omissions of Lenoir County and those for whom it is legally liable, and all losses, costs, damages and expenses (including, without limitation, reasonable attorneys' fees), unless and to the extent such injuries or damages (including, without limitation, death) result from, or are claimed to have resulted from the negligent acts or omissions of the School Board.

c. Sales Tax Refunds. Lenoir County shall promptly take all steps to obtain the sales and use tax refund from the State of North Carolina, and shall, upon request, provide the School Board with timely notice of its efforts and receipts. With respect to any sales and use taxes paid by Lenoir County out of any source of funds appropriated or intended for use by the School Board, any sales and use tax refunds received by the County as a result of the construction projects subject to this Agreement shall be appropriated to the School Board to serve as an additional source of school funding for capital outlay. With respect to any sales and use taxes paid by Lenoir County out of funds not appropriated or intended for use by the School Board, however, any sales and use tax refunds received by the County as a result of the construction projects shall rest with the County, provided that in no event shall the disposition of any sales or

use tax refunds result in a reduction in any funding Lenoir County would otherwise provide the School Board.

7. **Amendment.** This Agreement may not be amended without the mutual written consent of both parties.

8. **Consideration.** Lenoir County and the School Board acknowledge that this Agreement is supported by mutual and adequate consideration.

9. **Termination of Agency.** The Agency created by Paragraph 1 shall terminate for each property identified pursuant to Paragraph 3 as subject to this Agreement upon reconveyance of the property to the School Board. The termination of the Agency shall not affect Lenoir County's obligation to obtain and appropriate to the School Board the sales tax refunds.

10. **Severability.** If any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof. In the event any portion of this Agreement is rendered invalid or unenforceable by a court of competent jurisdiction or by an act of the Legislature, or in the event the School Board determines that the County has materially breached the terms of this Agreement, the School Board shall have the right to purchase any identified site transferred to Lenoir County pursuant to this Agreement from Lenoir County for the purchase price of Ten Dollars. The School Board shall notify the County Manager of an occurrence of one of the situations noted above, and within forty-five (45) days of the receipt of such notice, the County shall execute and deliver all necessary documents conveying to the School Board good and marketable title to the identified sites.

11. **Governing Law.** North Carolina law shall govern this Agreement.

12. **Register of Deeds.** This agreement shall be recorded with the Register of Deeds as soon as practicable following its execution.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in their corporate names by their duly authorized officers, all as of the date first above written.



LENOIR COUNTY, NORTH CAROLINA

Robert M. Nitch
Clerk, Board of Commissioners

By: *[Signature]*
Chairman, Board of Commissioners



LENOIR COUNTY BOARD OF EDUCATION

[Signature]
Secretary

By: *Connie N. Mintz*
Chairperson, Board of Education

This instrument has been preaudited in the manner required by The Local Government Budget and Fiscal Control Act.

Thomas L. Yollowell
Finance Officer
Lenoir County, North Carolina

This instrument has been preaudited in the manner required by the School Budget and Fiscal Control Act.

[Signature]
Finance Officer
Lenoir County Board of Education

STATE OF NORTH CAROLINA; LENOIR COUNTY

I, Martha H. Martin, a Notary Public of Said State and County, do hereby certify that George W. Graham, Jr. and Lashanda Aydeh personally came before me this day and acknowledged that they are the Chairman and Clerk, respectively, of the Board of County Commissioners of Lenoir County, North Carolina, and that by authority duly given and as the act of Lenoir County, North Carolina, the foregoing instrument was signed in the County's name by the Chairman of its Board of Commissioners, sealed with its corporate seal and attested by such Clerk.

Witness my hand and official seal this 7th day of May, 2007.



Martha H. Martin
Notary Public

Printed Name: Martha H. Martin

My Commission expires:

3/5/2008

STATE OF NORTH CAROLINA; LENOIR COUNTY.

I, Rebecca M. Berger, a Notary Public of said State and County, do hereby certify that Terry L. Cline, with whom I am personally acquainted, who, being by me duly sworn, says that he is the Secretary of the Lenoir County Board of Education and that Connie N. Mintz is the Chairman of such Board of Education, the Board described in and which executed the foregoing instrument; that he knows the common seal of said Board; that the seal affixed to the foregoing instrument is said common seal, and the name of the Board was subscribed thereto by the said Chairman; and that said Chairman and Secretary subscribed their names thereto, and said common seal was affixed, all by order of the Board and that the said instrument is the act and deed of said Board.

In witness my hand and official seal this 6th day of June, 2007.



Rebecca M. Berger

Notary Public

Printed Name: Rebecca M. Berger

My Commission expires:

11-19-08

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 4/02/12 **ITEM NO.:** 25

RESOLUTION: Approving Citizens to Boards, Commissions, Etc.

SUBJECT AREA: Boards and Commissions

ACTION REQUESTED:

Officially and publicly appoint various applicants to various vacancies on boards, commissions, task forces, etc.

HISTORY / BACKGROUND:

The County Manager/County Clerk advertises vacancies on boards, commissions, committees, task forces, etc. The County Manager/County Clerk serves only clearinghouse functions with respect to the appointment process; no influence is exerted in this role. Commissioners are welcome to recruit applicants, or citizens may apply on their own free will.

EVALUATION:

The following Boards currently have existing vacancies/expiring terms.

<u>BOARD/COMMITTEE/COMMISSION</u>	<u>APPLICANT/ CURRENT MEMBER</u>	<u>TERM EXPIRATION</u>
Kinston-Lenoir County Library Board 2 nd Appearance	Vicki B. Myers	March 2018
Lenoir Community College Trustee 1 st Appearance	Jim Hardison (re-appointment)	June 30, 2012
Lenoir County ABC Board 1 st Appearance	Emmette Taylor (re-appointment)	June 2012

CURRENT VACANCIES:

Lenoir County Health Board – (1) Veterinarian, (1) Optometrist, (1) Pharmacist

Lenoir County Planning Board – Districts One (1), Four (4)

CJPP – Three (3) Vacancies

Kinston Board of Adjustment – Two (2) ETJ Members; (1) Primary – (1) Alternate

MANAGER’S RECOMMENDATION:

Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that the following appointments are made:

<u>BOARD/COMMITTEE/COMMISSION</u>	<u>APPLICANT/ CURRENT MEMBER</u>	<u>TERM EXPIRATION</u>
Kinston-Lenoir County Library Board 2 nd Appearance	Vicki B. Myers	March 2018
Lenoir Community College Trustee 1 st Appearance	Jim Hardison (re-appointment)	June 30, 2012
Lenoir County ABC Board 1 st Appearance	Emmette Taylor (re-appointment)	June 2012

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Daughety _____ Davis _____ Graham _____

Pharo _____ Rouse _____ Sutton _____

George W. Graham, Jr., Chairman

4/02/12
Date

ATTEST

4/02/12
Date

APPLICATION FOR APPOINTMENT to LENOIR COUNTY ADVISORY BOARDS AND COMMISSIONS

The Lenoir County Board of Commissioners believes that all citizens should have the opportunity to participate in governmental decisions. One way of participating is by serving as a citizen member of one of the County's advisory boards. If you want to be considered for appointment to an advisory board, please complete the Application below and mail it to the Lenoir County Clerk to the Board, P.O. Box 3289, Kinston, NC 28502, or fax to (252) 559-6454.

Advisory Board/Committee/Commission interested in:

Kinston-Lenoir County Library Board

(I understand that this application will be kept on the active file for two years only, and I, hereby, authorize Lenoir County to verify all information included in this application.)

* * * * *

Name: Vicki B. Myers
 Address: 110 West Washington Street
 City/State/Zip: La Grange, North Carolina 28551
 Telephone: (Home) 252-566-3732 (Work) 252- 559 7956 (cell)
 Occupation: Retired Teacher
 Business Address: n/a
 Age: (Optional): 59
 Number hours available per month for this position: Open
 Training :BS and MS in Home Economics Education National Board Certified Teacher
 Business and Civic Experience/Skills: Assistant church organist at La Grange Christian Church, former
Worship Committee Chair, Sunday School Teacher
 Other County Boards/Committees/Commissions presently serving on: Friends of the Library Board
 Expiration date of Term: n/a

Circle your voting precinct

- | | |
|---|---|
| K-1 (Carver Court's Recreation Center) | <u>Institute (Institute Methodist Church)</u> |
| K-2 (Old Plummer Daniel's Building) | <u>Moseley Hall (Frink Middle School Gym)</u> |
| K-3 (Fairfield Recreation Center) | Neuse (Agricultural Center) |
| K-4 (Northwest Elementary School) | Pink Hill 1 (Bethel Baptist Church) |
| K-5 (Spillman Baptist Church) | Pink Hill 2 (Pink Hill Rescue Station) |
| K-6 (Teachers Memorial School) | Sand Hill (Sand Hill VF Department) |
| K-7 (Emma Webb Recreation Center) | Southwest (Southwest VF Department) |
| K-8 (Holloway Recreation Center) | Trent 1 (Deep Run VF Department) |
| K-9 (Kinston Number 4 Fire Station) | Trent 2 (Moss Hill Ruitan Building) |
| Contentnea (Contentnea Ruitan Building) | Vance (Army Reserve Center, Airport) |
| Falling Creek (Banks Elementary School Gym) | Woodington (Woodington Middle School) |

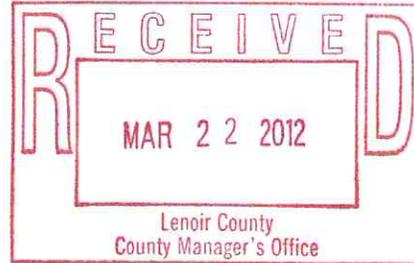
CERTIFICATION

I certify that I have read and understand the 75% attendance requirement established in the Lenoir County Board Appointment Policy. I further certify, that I am aware, if my attendance drops below the 75% attendance requirements that I will be automatically removed from said Board appointment.

Vicki B. Myers

3/8/12

March 19, 2012



Mr. George Graham, Chairperson
Lenoir County Board of Commissioners
419 Duggins Drive
Kinston, NC 28501

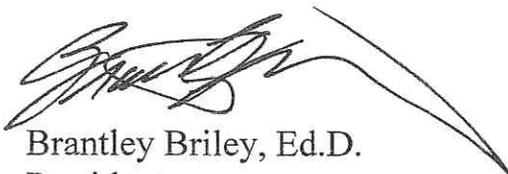
Dear Mr. Graham:

Mr. Jim Hardison was appointed to our Board of Trustees by the Lenoir County Commissioners. His term is due to expire on June 30, 2012.

Mr. Hardison is a good trustee and faithful member of our Board. We would be pleased if he is reappointed for a four-year term.

Please contact me if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Brantley Briley".

Brantley Briley, Ed.D.
President

BB/lkw

cc: Mr. Grady Bethel, LCC Board Chair
Mr. Mike Jarman, Lenoir County Manager
Mr. Jim Hardison



Lenoir County ABC Board

*110 South Heritage Street
Post Office Box 3188
Kinston North Carolina 28502*

To: Appointing Authority
From: The Lenoir County ABC Board

Re: Re-Appointment of Emmette Taylor

Date: 3/15/2012

Dear Commissioners,

The Lenoir County ABC Board wishes to have Emmette Taylor re-appointed to his current position on the ABC Board. Mr. Taylor's term expires June of 2012. Mr. Taylor has been a contributing member to the Board and has expressed interest in continuing to contribute on matters regarding the ABC Board in serving the public. The Board hopes that you will consider this matter and also expresses appreciation for the time spent with regards to Mr. Emmette Taylor's re-appointment.

Sincerely,

A handwritten signature in black ink, appearing to read "Brantley Uzzell".

Brantley Uzzell
General Manger
Lenoir County ABC Board