

MINUTES
LENOIR COUNTY BOARD OF COMMISSIONERS
April 2, 2012

The Lenoir County Board of Commissioners met in open session at 9:00 A.M. on Monday, April 2, 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, and members of the general public and news media.

Chairman Graham called the meeting to order at approximately 9:00 a.m. A moment of silence was observed and Mr. Graham led the audience in the pledge of allegiance.

PUBLIC INFORMATION

Item No. 8 was a Resolution Approving the Presentation of Badge and Service Weapon to Retiring Lieutenant Gregg Ellis Ogren. Sheriff Smith introduced Officer Gregg Ogren of the Sheriff's Department who has retired with 30 years of service to Lenoir County. Mr. Clayton Ogren addressed the Board and stated his son decided in his senior year of high school that he wanted to pursue a career in law enforcement. Mr. Ogren stated he was very proud of his son's accomplishments within the Sheriff's Department. Officer Ogren stated he thanks the Lord for the many blessings He has bestowed upon him. Secondly, Officer Ogren thanked his wife, daughter and family for supporting him throughout his career. He then thanked Sheriff Smith, retired Sheriff Leo Harper and his fellow deputies for the many opportunities and working along-side him daily. Officer Ogren concluded his statements by reminding citizens on 9/11, when people were running away from the tragedy, his fellow law enforcement officers and fire fighters were running toward the tragedy. Mr. Rouse read the resolution aloud for the Board and the viewing public. Sheriff Smith presented Mr. Ogren with his badge and gun. Mr. Daughety commended the Sheriff and the community watch program for their quick response to break-ins in the Jackson Heights area, and encouraged other communities to get involved in their programs.

Mr. Graham asked for a moment of silence to remember the passing of Mr. Charles Buchanan, who has photographed the life and times of Lenoir County through his lens. Mr. Davis asked everyone to also recognize the passing of Mr. Graham Mallard, a well-known educator and supporter of Lenoir County Public Schools.

Ms. Colleen Kosinski, Guardian At-Litem Director, presented a proclamation recognizing Child Abuse Prevention Month. She also stated it was Volunteer Awareness Month, and encouraged everyone to take an active part in the community to better protect children. She then stated there would be a flag-raising at Pearson Park today at 4:00 for Child Abuse Prevention Month. Upon a motion by Ms. Brown and a second by Ms. Sutton, the Proclamation for Child Abuse Prevention Month was unanimously approved.

Mr. Carl Early, Day Reporting Center Director, updated the Board regarding the changes to the Criminal Justice Partnership Program (CJPP). In the past, CJPP has been a function of the County, but will now be bid out, with outside agencies having the opportunity to bid for the program. Mr. Early requested permission to apply for the grant to fund the program NTE \$190,000. Upon a motion by Ms. Sutton and a second by Ms. Brown, the Board unanimously approved the

request. Ms. Brown commended Mr. Early on the success of the County program, which has a success rate greater than the State's average. Mr. Early stated the application must be submitted by April 10, 2012, and they should hear something by June 4, 2012.

Mr. Adrian King, Pride of Kinston Director, addressed the Board. He spoke of the many Pride of Kinston projects that have been completed in the past and their monetary value to the community. Projects mentioned are as follows: Chef-N-Farmer, the Harvey-Brody Building, Run for the River, Sand in the Streets, Holly Day Celebration and the BBQ Festival. He strongly believes the work done by the Pride is vital to the entire County, and they are requesting a \$25,000 contribution to replace benches and trash cans downtown, landscaping and to replace/place signage. Mr. Graham reminded the Board that Pride was once a City/County initiative, but whenever the County took over Economic Development, the Pride became a function of the City. He also reminded the Board that The Pride has its own taxing district. Mr. Graham informed Mr. King of the current budget work that is taking place and would respond to the request at a later date.

Ms. Ann Davis addressed the Board regarding the 250th Anniversary of the City of Kinston. She stated there are many events scheduled to commemorate this anniversary. One of the events is the Musical Extravaganza involving many past residents of Kinston-Lenoir County who are now professional musicians all over the world. Ms. Davis encouraged all citizens to go online at Kinston250.org to request tickets. The Anniversary Committee is searching for satellite locations to accommodate the overflow of people. Ms. Davis recognized Ms. Isabelle Fletcher Perry who is also actively involved in the festivities.

Mr. Roger Dail, Emergency Services Director addressed the Board. Mr. Dail stated the grant application for the E-911 Grant to be used for the consolidation of Jones and Lenoir County's E-911 Communications Centers has been sent to the State E-911 Board for their review.

ITEMS FROM THE COMMISSIONERS

Mr. Daughety updated the Board on Lenoir County Transportation activities. Part "A" of Harvey Parkway is almost complete. NCDOT paving contracts should be let in June. There will be a Highway 70 Corridor Committee meeting on Thursday, April 5, 2012 at 2:00 at the Spirit Training Center. A feasibility study has been approved for the Pink Hill Bypass, and Part "C" of the Harvey Parkway. The Carey Road Extension project is moving to the planning stages.

ITEMS FROM THE COUNTY MANAGER

Mr. Jarman informed the Board of a road closure by the North Carolina Department of Transportation. 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. There will be a joint meeting between the Board of Commissioners and Lenoir Community College on April 10, 2012 at 4:00 p.m. in the Waller Building. Budget meetings will be scheduled with other entities in the future.

Mr. Jarman presented a Proclamation for National Library Week. National Library Week will be held the week of April 8-15, 2012. All citizens are urged to reaffirm their commitment to the public library by recognizing the critical role it plays in the lives of all residents. Upon a motion by Mr. Pharo and a second by Ms. Sutton, the proclamation was unanimously approved.

CONSENT AGENDA

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

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 Amendments: Process Funds: \$539: Increase Martin
6. Budget Ordinance Amendment: Finance/Sheriff: \$2,718: Increase Martin

BUDGET ORDINACE/RESOULTIONS

Item No. 7 was a Proclamation Celebrating Public Safety Telecommunicator's Week. Mr. Roger Dail, Emergency Services Director introduced Commander Jack Moye of Lenoir County Communications. Mr. Moye stated telecommunicators are a great group of hard working professionals; Mr. Moye thanked the Board for the recognition on behalf of the entire department. Ms. Brown read the proclamation aloud for the Board and the viewing public. Upon a motion by Mr. Davis and a second by Mr. Daughety, Item No. 7 was unanimously approved.

Item No. 9 was a Budget Ordinance Amendment: General Fund: Non-Departmental: \$7,815: Increase. Mr. Darrel Parrish, Tax Administrator, addressed the Board. Mr. Parrish stated the amendment appropriates additional property tax revenue received by the County as a result of a business personal property tax audit being conducted by the 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. Upon a motion by Ms. Sutton and a second by Mr. Daughety, Item No. 9 was unanimously approved.

Item No. 10 was a Resolution Authorizing a Purchase Order to Hewlett Packard for Lenoir County's portion of 20 Leased Computers for the Parks and Recreation Department: \$3,153.45. Mr. Bill Ellis, Parks and Recreation Director, addressed the Board. Mr. Ellis stated the Kinston-Lenoir County Parks and Recreation Department is leasing 20 computers for four (4) years, which began July 1, 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. The computers will be compatible with the City's computers, so they can be maintained by the City's MIS Department. Upon a motion by Ms. Sutton and a second by Mr. Pharo, Item No. 10 was unanimously approved.

Item No. 11 was a Resolution Authorizing a Purchase Order to E.B. Sports, Inc. in the amount of \$4,761 for Baseball/Softball Athletic Equipment for County Athletic Programs. Mr. Ellis stated the Parks and Recreation Department is requesting the approval to purchase new baseball/softball equipment. This equipment will be used at all County parks and facilities throughout the spring and summer. Upon a motion by Ms. Sutton and a second by Mr. Pharo, Item No. 11 was unanimously approved.

Item No. 12 was a Resolution Approving Purchase Order Execution for an Actuarial Valuation Study of the Health Care Plan of Lenoir County: Cavanaugh Macdonald Consulting, LLC: \$5,000. Mr. Tommy Hollowell, Assistant County Manager addressed the Board. Mr. Hollowell stated an actuarial study of Lenoir County's post-employment benefits is required to be conducted under GASB Statements 43 and 45. 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. Upon a motion by Mr. Davis and a second by Ms. Sutton, Item No. 12 was approved.

Item No. 13 was a Resolution Approving Purchase Order Execution for a Cost Allocation Plan and EMS Medicaid Reimbursement Report: Maximus, Inc.: \$5,750. Mr. Hollowell stated the Central Cost Allocation Plan is very important to the Department of Social Services. The EMS Medicaid Reimbursement Report is also vital to the Emergency Services Department. Emergency and non-emergency Medicaid trips are considered in this report and the reimbursement the County receives is based on the average cost per trip of all EMS systems in the State. The proposal submitted by Maximus last year for FY10-11, included the option to renew the contract for the next two years at the same cost. Upon a motion by Ms. Sutton and a second by Mr. Brown, Item No. 13 was unanimously approved.

Item No. 14 was a Resolution Authorizing the Award of a Contract for Rehabilitation Services related to the 2010 Single Family Rehabilitation Project: \$19,445. Mr. Hollowell stated the contract had originally been approved in September, 2011, but the homeowners had decided against having all of the work done, so as not to have such a large repayment amount. Brendan Nolan, Project Supervisor, with the Wooten Company worked with the three contractors that had previously submitted bids to negotiate a satisfactory rehab amount for the homeowner. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 14 was unanimously approved.

Item No. 15 was a Resolution Declaring Property as Surplus. Mr. Hollowell stated in accordance with procedures set forth in G.S. 153-A-176, the County Manager's office is requesting to declare two ambulance chassis as surplus and the approval of using these vehicles for parts, since the boxes of these ambulances have been moved to the chassis of two new ambulances. Upon a motion by Mr. Davis and a second by Ms. Sutton, Item No. 15 was unanimously approved.

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

Item No. 16 was a Resolution Authorizing the Execution of an Addendum to the Sales Tax Audit Contract Dated October 18, 2004 with Tax Reduction Specialists: Sales Tax Re-allocation Audit. Mr. Hollowell stated the Board is requested to authorize the County Manager to execute an addendum to the contract with Tax Reduction Specialists (a division of Utilities Reduction Specialists, Inc.) to conduct a sales tax re-allocation audit of sales and use tax refund claims for Lenoir County for tax filing periods from December 31, 2011 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. 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. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 16 was unanimously approved.

Item No. 17A was a Resolution Approving the Purchase of a 2012 Ford E350 Van: \$23,900. Chief Deputy Chris Hill stated 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 within any prison in the State. Inmates are also transported for medical, dental or psychiatric services, or court hearings in other jurisdictions. 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. Upon a motion by Mr. Davis and a second by Ms. Brown, Item No. 17A was unanimously approved.

Item No. 17B was a Resolution Approving the Purchase of a Vancell from Bob Barker: \$10,526.84. Chief Deputy Hill stated that inmates are transported for various reasons, such as incarceration in a state prison, which could be in any prison within the State. Inmates are also transported for medical, dental, psychiatric services or court hearings in other jurisdictions. Because of the number of inmate transports it is logical to confine the transports to specific days and to combine inmates needing to be transported. This Vancell can be inserted in an extended length van, and is designed to seat as many as 10 inmates. The Vancell was demonstrated to the Sheriff and was found to be a high quality product offering the best protection for the deputies who are operating the van. The Vancell to be inserted in the 2012 Ford E350 Van will be purchased using SCAAP funds. No funds derived from property taxes will be expended. Upon a motion by Mr. Davis and a second by Ms. Brown, Item No. 17B was unanimously approved.

Item No. 18 was a Resolution Approving a Purchase Order with Lenoir County Transit: \$3,000. Mr. Joey Huff, Health Director asked permission to execute a purchase order with Lenoir County Transit to renew a previous contract and continue to display ads on two LCT vans. Federal funding in the amount of \$9,700 was awarded to the Adult Health Program, but part of the criteria for receiving this funding, was that it be used in Media Outreach. The Commissioners had previously approved the contents of the ad on October 18, 2010. Upon a motion by Ms. Sutton and a second by Mr. Daughety, Item No. 18 was unanimously approved.

Item No. 19 was a Resolution Approving a Purchase Order with Positive Promotions: \$3,277. Mr. Huff asked permission to execute a purchase order with Positive Promotions to cover the cost of incentives. Federal funding in the amount of \$9,700 was awarded to the Adult Health Program, but part of the criteria for receiving the funding, was that it be used in Media Outreach. This part of the funds will be used as incentives for patients. Upon a motion by Ms. Sutton and a second by Mr. Daughety, Item No. 19 was unanimously approved.

Item No. 20 was a Resolution Requesting the Establishment of Fees for Rabies Vaccinations. Mr. Huff stated NCGS 130A-187 requires the local Health Director to conduct rabies vaccination clinics annually. NCGA 130A-188 requires the Board of County Commissioners to establish the fee (\$7.00) for rabies vaccination at County sponsored vaccination clinics. The clinics are conducted with local vets in the spring at a discount to citizens. Mr. Huff stated the clinic will be held Tuesday, April 3, 2012 at Riverbank Animal Hospital, Northside Animal Hospital, Countryview Animal Hospital and LaGrange Faithful Friends Animal Hospital. This action is necessary to comply with applicable laws. Mr. Huff stated this will save the County money, and it is done in the spring and fall with a great response. Upon a motion by Ms. Brown and a second by Mr. Daughety, Item No. 20 was unanimously approved.

Item No. 21 was a Resolution Authorizing the Emergency Replacement of a 5 Ton Heat Pump at the Lenoir County Health Department: Ed Phillips, Inc.: \$6,400. Mr. Mike Wiggins, Maintenance Director, stated that on March 19, 2012, he was notified that the HVAC system at the Health Department was not operating properly. Upon investigation, it was found that one of the heating/air conditioning units on top of the building had ceased to function. In order to keep the building as comfortable as possible for clients, as well as employees, maintenance contacted Ed Phillips, Inc. It was then determined that the defective unit had been purchased in 1984, and it would be more cost effective for the County to replace the unit. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 21 was unanimously approved.

Item No. 22 was a Resolution Authorizing the Demolition of County Owned Buildings at 105, 105-A and 107 S. McLewean Street: Rick Bostic Construction Company: \$13,125. Mr. Wiggins stated that by demolishing the buildings identified, some of the safety and security concerns expressed by the Sheriff about the proximity of these buildings to the new jail would be alleviated. Also, this demolition would give an additional access to the Courthouse from the County owned parking lot on S. McLewean Street. Bids from local contractors were obtained, with Rick Bostic Construction & Demolition, Inc., having the lowest bid. Upon a motion by Ms Sutton and a second by Ms. Brown, Item No. 22 was approved by a six to one vote, with Mr. Rouse dissenting.

Item No. 23 was a Resolution Approving a Rail Spur Easement No. 3 to MB BP Portfolio II, LLC. Mr. Mark Pope, Economic Development Director, stated that the new easement will allow the construction of an additional rail spur to the Dopaco site. Dopaco announced they were locating in Lenoir County in August of 1993. In 1995 they expanded their 150,000 sf facility to a 300,000 sf facility. A rail spur was needed for the delivery of their paper products, and rail spur easement No. 1 was completed. In September 2007, Dopaco announced a \$2.35 million new capital investment and the addition of 10 new jobs. In September 2008, they announced another addition of \$2.53 million capital investment and the addition of 123 jobs. The County will accrue economic benefits from the further development of the County's industrial park. Dopaco will install the second rail spur at their own expense, allowing dual tracks to serve the facility. Upon a motion by Ms. Sutton and a second by Mr. Daughety, Item No. 23 was unanimously approved.

Item No. 24 was a Resolution Authorizing the Transfer of the Elementary School Properties back to the Lenoir County Board of Education. The County and Board of Education entered into a joint agency agreement setting forth the responsibilities of the County and the School Board concerning the County's issuance of General Obligation School Bonds for construction and renovations of the County's elementary schools. Since the work on the schools is now complete,

ownership of the schools will revert back to the Board of Education. Upon a motion by Ms. Sutton and a second by Mr. Davis, Item No. 24 was unanimously approved.

APPOINTMENTS

Item No. 25 was a Resolution Approving Citizens to Boards, Commissions, Etc. Upon a motion by Ms. Brown and a second by Ms. Sutton, the following second appearances were approved.

BOARD/COMMITTEE/COMMISSION	APPLICANT/ CURRENT MEMBER	TERM EXPIRATION
Kinston-Lenoir County Library Board 2 nd Appearance	Vicki B. Myers	March 2018

CURRENT VACANCIES

- Lenoir County Health Board – (1) Veterinarian, (1) Optometrist, (2) Public Members
- 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

Upon a motion by Mr. Graham and a second by Mr. Davis, the meeting adjourned at 10:23 A.M.

Respectfully submitted,



Martha H. Martin
Deputy Clerk to the Board

Reviewed By



Michael W. Jarman
County Manager