

**MINUTES
LENOIR COUNTY BOARD OF COMMISSIONERS
April 6, 2009**

The Lenoir County Board of Commissioners met in open session at 9:00 a.m. on Monday, April 6, 2009 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 Claude Stroud and Commissioners, Jackie Brown, Tommy Pharo and Linda Rouse Sutton.

Members absent: Reuben Davis and Chris Humphrey,

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 the news media.

Chairman Graham called the meeting to order at approximately 9:00 a.m. Ms. Brown offered the invocation and Mr. Graham led the audience in the pledge of allegiance. Upon a motion by Ms. Brown and a second by Mr. Pharo the Board excused Mr. Davis and Mr. Humphrey from the meeting.

PUBLIC COMMENTS

The public made no comments.

PUBLIC INFORMATION

None Scheduled.

ITEMS FROM CHAIRMAN/COMMISSIONERS

Item No. 1 was Items for the Chairman and Members of the Board. Mr. Graham stated that Mr. Scott Stevens, City Manager and Mr. Mike Jarman, County Manager represented Kinston/Lenoir County very well during the "Wake up Lenoir" presentation.

ITEMS FROM THE COUNTY MANAGER

Item No. 2 was Items from the County Manager. Mr. Jarman stated the Lenoir County Alcoholic Beverage Control (ABC) Board would like the Board to approve the areas continue to be utilized in the process of appointing members to the ABC Board. The ABC Board will represented as follows: north of the Neuse River appointee, south of the Neuse River appointee, and the City of Kinston appointee. Upon a motion by Ms. Sutton and a second by Mr. Pharo the Board accepted the regions as presented. Mr. Jarman reminded the Board of the Spring 2009 Litter Sweep Roadside Cleanup on April 18-May 2. Mr. Jarman stated that all Commissioners wanting to attend the 2009 NACo Annual Conference in Nashville, TN from July 24-28, 2009 must let Ms. Aytch know quickly.

Mr. Bill Ellis, Director of Parks and Recreation addressed the Board. Mr. Ellis stated due to the increase of residents at the Lenoir County Campgrounds, it is requested that Parks and Recreation move forward with the construction of eight (8) new campground sites. It will cost \$25,000 for the construction of the new campsites; rent collected from the use of these sites will pay for the construction. Currently the campground has the capacity for 18 hookups and ten (10) tent spaces. Upon a motion by Ms. Brown and a second by Ms. Sutton, the Board approved the request.

CONSENT AGENDA

Upon a motion by Ms. Sutton and a second by Ms. Brown, the Board approved the Consent Agenda with the exception of the minutes.

3. Approval of Minutes: Regular Board Meeting: March 2, 2009
Budget Work Session: March 2, 2009 Aytch/Jarman
Aytch/Jarman
4. Budget Ordinance Amendment: General Fund: Board of Elections: \$9,514:
Decrease King/Martin
5. Budget Ordinance Amendment: General Fund: Health (Environmental
Health/Food Lodging): Increase: \$7,804 Huff/Martin
6. Budget Ordinance Amendment: General Fund: DSS: \$223: Increase Jones/Martin
7. Budget Ordinance Amendment: General Fund/Capital Reserve Fund Debt
Service/Trnsf-Other Funds/Bonds Debt Reserve: \$958: Increase Jarman/Martin
8. Budget Ordinance Amendment: General Fund: Health (W.I.C. Program): \$1,836:
Increase Huff/Martin
9. Budget Ordinance Amendment: Finance/Sheriff's Department: \$3,889: Increase Smith/Martin
10. Budget Ordinance Amendment: General Fund: Finance/Tax: \$6,500: Increase Martin/Jarman

PROCLAMATION/BUDGET ORDINANCE AMENDMENTS/RESOLUTIONS

Item No. 11 was a Proclamation: Lenoir County National Library Week during April 12-18, 2009. Upon a motion by Mr. Stroud and a second by Ms. Sutton, Item No. 11 was unanimously approved.

Item No. 12 was a Budget Ordinance Amendment: General Fund: Process Funds: \$13,176.72: Increase. Mr. Hollowell stated the amendment budgets funds from the EMPG Supplemental 2008 Grant from NC Department of Crime and Control and Public Safety. This grant in the amount of \$13,176.72 was received on March 24, 2009 and the proceeds are restricted for use by emergency management to improve capabilities of the local emergency management program. These funds will be used to purchase equipment to improve capabilities of the emergency operations center. Upon a motion by Mr. Stroud and a second by Ms. Sutton, Item No. 12 was unanimously approved.

Item No. 13 was a Budget Ordinance Amendment: Capital Improvements Fund: Economic Development: \$31,818: Increase. Mr. Hollowell stated the amendment is to budget funds received from the State of North Carolina's One NC Fund to be paid to E.I. Dupont Denenours, Inc. As per the grant totaling \$200,000, 25% of the total is to be paid to Dupont based on performance goals attained by the company. In January 2007 a \$50,000 payment was made. A check in the amount of \$31,818 was received from the state on March 20, 2009. Upon a motion by Ms. Sutton and a second by Mr. Stroud, Item No. 13 was unanimously approved.

Item No. 14 was a Budget Ordinance Amendment: General Fund: Finance: \$63,659: Increase. Mr. Hollowell stated the amendment budgets funds from the Fund Balance of the General Fund to reimburse the State of NC for an error in their calculation of the County's Medicaid Hold Harmless to the School's ADM Fund. The County made a Hold Harmless payment of \$301,159.19 to the School Capital Fund in August 2008 to compensate the schools for their loss of ADM funds that resulted from the Medicaid relief to counties. The State withheld the March 2009 distribution of ADM to the schools and is requiring 66 counties to hold the state harmless for their error in calculating the hold harmless reimbursement of August 2008. Upon a motion by Ms. Sutton and a second by Mr. Pharo, Item No. 14 was unanimously approved.

Item No. 15 was a Budget Ordinance Amendment: General Fund: Tax: \$15,000: Increase. Mr. Darrell Parrish, Tax Administrator, addressed the Board. Mr. Parrish stated the amendment budgets additional tax penalties and interest received from foreclosure of real property. Attorney fees are included in penalties and interest, collected on foreclosed property and are paid out to the attorney that handled the foreclosure for the county tax department. Upon a motion by Ms. Sutton and a second by Mr. Stroud, Item No. 15 was unanimously approved. Mr. Parrish stated revaluation notices should be mailed by April 27, 2009. The Board of Equalization and Review will be meeting on May 4, 2009 to discuss the revaluations; this meeting is not open to the public. Citizens will have the right to appeal after the 1st of June.

Item No. 16 was a Budget Ordinance Amendment: Emergency Telephone Fund: Telephone Expense: \$62,158: Increase. Mr. Hollowell stated the amendment appropriates additional funds from the E-911 Fund Balance to cover the cost of purchasing the SQL Server software license and hardware, the Neverfail software, and maintenance and remote installation in the amount of \$45,000, which was approved on January 5, 2009. This amendment will also cover the cost of the Geolynx G7 upgrade in the amount of \$8,825 and the cost of the domain controller in the amount of \$10,000, which was approved on March 16, 2009. Upon a motion by Mr. Pharo and a second by Mr. Stroud, Item No. 16 was unanimously approved.

Item No. 17 was a Resolution Authorizing and Approving the Execution of a Contract between the Town of Pink Hill and Lenoir County for the Collection of Pink Hill Municipal Property Taxes by Lenoir County. Mr. Parrish stated the Lenoir County Tax Department has been collecting municipal taxes for the City of Kinston and the Town of La Grange for several years. In 2008 the Town of Pink Hill inquired about the Tax Department collecting their municipal taxes, and we offered to collect the taxes based on the same agreement by which we collect the Kinston and La Grange taxes. The agreement calls for a 1.5% collection fee, which is a typical fee throughout North Carolina that is charged by County Tax Offices to collect the Municipal taxes for cities or towns. The Pink Hill Town Council formerly approved the agreement at their March 10th, 2009 meeting, and they are now requesting approval from the Lenoir County Commissioners. The Tax Department's software (Bormuth System) is already set up for including municipal taxes along with the Lenoir County taxes, so there will be no programming costs involved in collecting the Town of Pink Hill's taxes. The Tax Department is currently sending tax bills to all of the Pink Hill property owners for Lenoir County taxes, so there will not be an increase in the number of bills printed or mailed. The collection fee of 1.5% will generate approximately \$2,300 per year for Lenoir County. Upon a motion by Mr. Stroud and a second by Ms. Sutton, Item No. 17 was unanimously approved.

Item No. 18 was a Resolution Authorizing the Adoption of the Surplus Computer Purchase Program Policy. Mr. Joey Bryan, MIS Director addressed the Board. Mr. Bryan stated to continue Lenoir County's effort to assist employees and their families in becoming more proficient in the use of computers, the County will make surplus computer equipment available to County employees for home use. This policy applies to all Lenoir County employees. According to the School of Government and the statutes for property disposal (160A-266 - 160A-270) the computers can be sold through surplus with Board approval. Upon a motion by Ms. Sutton and a second by Mr. Pharo, Item No. 18 was unanimously approved.

Item No. 19 was a Resolution Approving the Lenoir County Transit Safety Policy. The Item was pulled from the agenda for further information.

Item No. 20 was a Resolution Approving the Lenoir County Transit (LCT) Vehicle Maintenance Policy. Ms. Sue Powell, Transit Director, addressed the Board. Ms. Powell stated on March 10, 2008, Lenoir County brought Operations in-house operating twelve (12) vehicles. On these twelve (12) vehicles a local vendor has provided the maintenance and repairs. The North Carolina Department of Transportation (NCDOT) has required all Transportation Systems in North Carolina to write a Vehicle Maintenance Policy to provide the required maintenance on each vehicle for not only safety purposes, but for vehicles to last longer and assure the proper maintenance on them. NCDOT has found many systems not providing the proper care for these vehicles through maintenance reviews and that is the purpose for this policy. Lenoir County Transit is putting into place all requirements possible to assure NCDOT that LCT vehicles are following all policies required by NCDOT. Upon a motion by Ms. Sutton and a second by Mr. Pharo, Item No. 20 was unanimously approved.

Item No. 21 was a Resolution Approving Easement to Progress Energy. In May 2006, the citizens of Lenoir County passed a \$69.7 million Bond Referendum approving the construction of three (3) new elementary schools and additions/remodeling at four (4) existing elementary schools. The new elementary schools were to be constructed in Pink Hill, northeastern Lenoir County replacing Contentnea, and in the City of Kinston. This resolution executes an easement to Progress Energy to serve the new elementary school being constructed on a 32-acre site on Highland Avenue and NC 11 Kinston, NC. Upon a motion by Mr. Stroud and a second by Ms. Sutton, Item No. 21 was unanimously approved.

Item No. 22 was a Resolution Authorizing the Approval of an Easement Request for Moss Hill School for the New Underground Primary Extension. The easement specified is required to allow Progress Energy to provide a new underground primary extension to service the ball field at Moss Hill Elementary School. Mr. Griffin noted that a correction on the easement to represent Trent Township must be corrected. Upon a motion by Ms. Brown and a second by Ms. Sutton, the resolution was approved with the correction noted.

Item No. 23 was a Resolution Declaring Property as Surplus and Authorizing the Sale of the Surplus Property by Auction. Mr. Mike Wiggins, Maintenance Director, addressed the Board. Mr. Wiggins stated the County has a small inventory of various vehicles that have outlived their useful life. These vehicles are no longer of use to any County Department and there are no plans to put them back into service.

In accordance with procedures set forth in G.S. 153A-176, the County Manager's Office is requesting the approval of the Board to sell the following vehicles by auction on GovDeals.com within the next 90 days. Proceeds resulting from the sale, less expenses, will be appropriated to the Vehicle Replacement Fund.

	<u>Vehicle</u>	<u>Serial Numbers</u>
1	1992 Ford Ambulance	1FDKE30MXNHB37014
1	1997 Ford Ambulance	1FDKE30F6VHB42518

Upon a motion by Mr. Pharo and a second by Mr. Stroud, Item No. 23 was unanimously approved.

Item No. 24 was a Resolution Authorizing the Award of a Contract for Septic Tank Services for the 2006 CDBG Scatter Site Project: \$3,100. Mr. David Harris of RSM Harris Associates addressed the Board. Mr. Harris stated RSM Harris Associates submitted a request for proposals for installing a septic tank to area septic tank installers on a property associated with the 2006 CDBG Scattered Site project. The recommendation is to award the installation of a septic tank to Tom's Septic Tank Service, who was the lowest qualified bidder. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 24 was unanimously approved.

Item No. 25 was a Resolution Authorizing the Award of Five Contracts for Rehabilitation Services for the 2006 CDBG Concentrated Needs Project: \$182,190. Mr. Harris stated on March 27, 2009, bids were received from five rehabilitation contractors for the rehabilitation of five structures. Due to the number of contracts available, the number of properties to be rehabilitated and the time constraints involved in completing this project, the following contractors are recommended.

Contract #06-13	NS Weeks Construction Inc.	\$46,075.00
Contract #06-14	CA Moore & Son Home Repairs	\$20,785.00
Contract #06-15	NS Weeks Construction Inc.	\$43,035.00
Contract #06-16	All American Contractors	\$28,750.00
Contract #06-17	NS Weeks Construction Inc	\$43,545.00

The recommendation for award is to the lowest qualified bidder, but not more than three structures to be assigned to one contractor. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 25 was unanimously approved.

Item No. 26 was a Resolution Requesting a Revision to the Lenoir County Work First Block Grant Plan for FY 2009-2011. Mr. Jack Jones, DSS Director addressed the Board. Mr. Jones stated the Lenoir County 2009-2011 Work First Electing County plan was reviewed by the North Carolina Department of Health and Human Services (DHHS), the Attorney General's office, and other state agencies. The Department of Health and Human Services and the Attorney General's Office have determined that Supplemental Security Income (SSI) benefits could not be included as countable income in determining eligibility for benefits. Lenoir County, along with four of the other seven Electing Counties in North Carolina included policy provisions in their Work First Plans for counting SSI as income in determining eligibility for benefits. The DHHS has advised us that although the practice of counting SSI as income has been allowed in the past, a County Work First Plan will not be approved with this policy in 2009-2011. An amendment to the Local Work First Plan was submitted to and approved by the Lenoir County Work First Block Grant Planning Committee on Thursday, March 26, 2009. The Plan as amended must also be approved by the Lenoir County Board of Commissioners. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 26 was unanimously approved.

Item No. 27 was a Resolution Approving Contract and Purchase Order with Neuse Enterprises Inc.: \$6,000. Mr. Jones stated DSS would contract with Neuse Enterprises Inc. to assist in evaluating DSS clients who are classified as either ill or incapacitated. The State has identified this population, as one that needs further assessment and Neuse Enterprises will provide functional capacity evaluations. This is done by any number of procedures, including questionnaires and observations that document the person's ability to perform work from a physical, medical, behavioral or mental perspective. The goal of these evaluations is either to determine that a client has work capacity, limited work capacity or no work capacity. For those who have no or limited work capacity this evaluation will help them start the application process of social security or SSI. For those who are deemed work ready this evaluation will facilitate the process of becoming self-sufficient. The contract will be for less than one year and will mature 6-30-2009. This funding will be reimbursed with 100% Federal dollars. Upon a motion by Mr. Stroud and a second by Ms. Sutton, Item No. 27 was unanimously approved.

Item No. 28 Resolution Approving DSS Stucco Repair: \$20,540. Mr. Jones stated in 2006, it was determined that after 17 years of occupancy, the building was in need of repair. Teabo & Sons Stucco Inc. removed the damaged stucco around the entire building from the ground up to a height of eight feet and replaced it with a base coat, fiber mesh and finish coat. This repair has proven to be very satisfactory and has greatly enhanced the appearance of the building. The amount requested will complete the same type of repairs to the remainder of the building as well as repairing any damage to the bottom level. No additional county money is requested as unspent budgeted administrative funds will be used and DSS will be reimbursed approximately \$12,324 of the \$20,540 spent. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 28 was unanimously approved.

Item No. 29 was a Budget Ordinance Amendment: General Fund: DSS: \$105,478: Increase. The amendment is an allocation of available Federal and State funding for sustaining and maintaining childcare services for families and children. Upon a motion by Mr. Stroud and a second by Mr. Pharo, Item No. 29 was unanimously approved.

Item No. 30 was a Resolution Approving Acceptance and Execution of Contract for Independent Audit Services per Proposal dated March 10, 2009: FY 08-09: \$40,635. Mr. Hollowell stated on March 17, 2003, the Board accepted a proposal from the certified public accounting firm of Pittard, Perry, & Crone, Inc. of LaGrange, N.C., to conduct the annual financial audit of Lenoir County for Fiscal Year 02-03 at a cost of \$33,500; Fiscal Year 03-04 at a cost of \$34,500; and Fiscal Year 04-05 at a cost of \$35,500. Pittard, Perry, and Crone's proposal represented the lowest cost to the County of all proposals submitted. The County contracted with Pittard, Perry, & Crone, Inc to conduct the Fiscal Year 05-06 audit at a cost of \$36,600, the Fiscal Year 06-07 audit at a cost of \$37,600, and again to conduct the Fiscal Year 07-08 audit at a cost of \$38,700. A new contract must be executed each year and submitted to the Local Government Commission for their approval. Beginning in 2008, the GFOA (Government Finance Officers Association) imposed more stringent standards of reporting and increased the number of reports that are required. This change in standards, that has to be adhered to, increases the volume of work of the auditors tremendously. Pittard, Perry, & Crone, Inc., has agreed to prepare the annual audit for Fiscal Year 08-09 at a cost of \$40,635. Pittard, Perry, & Crone, Inc. has been the County's auditor for over 15 years and is well qualified to conduct the County's audit in compliance with all of the newly implemented GFOA standards of governmental accounting. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 30 was unanimously approved.

Item No. 31 was a Resolution Awarding Contract: Grinding Services: Vegetative Debris: John A. Powell Contracting: NTE: \$56,000. Mr. Tom Miller, Landfill Director addressed the Board. Mr. Miller stated since the landfill fires, the landfill has taken a different approach to managing vegetative debris, normally carried to the landfill. In short, instead of covering it with dirt (personnel and equipment intensive), they now annually grind the debris where it can be used for cover material or possibly for landscaping. The Landfill Director and the Finance Officer as witnesses publicly opened sealed bids on March 25, 2009 at 3:00 p.m. in the County Manager's Office. John A. Powell Contracting provided the lowest cost per ton (\$7 per ton) to complete the grinding. John A. Powell Contracting was awarded the grinding contract last year and the Landfill Director was very pleased with their services. This charge is intended to cover costs associated with handling and disposal. The Landfill estimates that a total not to exceed 8,000 tons will be accumulated by the time the grinding will begin. Upon a motion by Mr. Stroud and a second by Ms. Sutton, Item No. 31 was unanimously approved.

APPOINTMENTS

Item No. 32 was a Resolution Appointing Citizens to Boards, Commissions, Etc. The following reflects existing vacancies and appointments.

<u>BOARD/COMMITTEE/COMMISSION</u>	<u>APPLICANT/ CURRENT MEMBER</u>	<u>TERM EXPIRATION</u>
Lenoir County Board of Health 2 nd Appearance	Joan Bannerman (Public Member)	March 2012 M: Brown S: Sutton
Criminal Justice Partnership Program (CJPP) 2 nd Appearance	Beverly Alston (Appointment)	March 2011 M: Brown S: Sutton
Criminal Justice Partnership Program (CJPP) 1 st Appearance	Earl Harper Evelin Linton Carla Bass (Re-Appointments)	March 2011
Juvenile Crime Prevention Council 1 st Appearance	Linda Rouse Sutton (Appointment)	March 2011

CURRENT VACANCIES

- Lenoir County Economic Development Board – At-Large Member**
- Lenoir County Health Board – (1) Veterinarian, (1) Optometrist, (2) Public Members**
- Lenoir County Planning Board – Districts One (1) and Four (4)**
- Grifton Planning Board – One (1) Vacancy**
- CJPP – Three (3) Vacancies**
- Kinston Board of Adjustment – Two (2) ETJ Members; (1) Primary – (1) Alternate**

ADDENDUM

Item No. 33 was a Resolution Approving Roof Replacement of Old Fire Station Museum and Gordon Street Storage Facility: Pittman Brothers' Roofing Company: \$10,000. Mr. Wiggins stated due to an aging and deteriorating roof on the Old Fire Station Museum and one half of the Gordon Street building used by the County for storage, roof replacement is strongly recommended to avoid further and future water damage to the interior of the buildings. One half of the roof on the Gordon Street building was replaced several years ago after a tropical storm. Insurance paid for the replacement at that time. Roof replacement encompasses not only the proper removal of the old roofing materials and the installation of a new roofing system, but also flashing all roof vents and pipes, and installation of a termination bar on all walls and edges. Lenoir County Maintenance requested bids from 2 roofing contractors to replace the deteriorating roof on the Old Fire Station with a new EPDM rubber roofing system and to replace one half of the roof area on the Gordon Street Storage Facility with a built up tar roof similar to the original system. Pittman Brothers' Roofing of Albertson, N.C. provided the County with the least costly proposal to replace these roofs. Upon a motion by Mr. Stroud and a second by Ms. Sutton, Item No. 33 was unanimously approved.

Upon a motion by Mr. Graham and a second by Ms. Sutton the meeting adjourned at 10:31 a.m.

Respectfully submitted,



Lashanda Aytch
Clerk to the Board

Reviewed By



Michael W. Jarman
County Manager