

**LENOIR COUNTY BOARD OF COMMISSIONERS REGULAR MEETING: AGENDA
 MONDAY, APRIL 16, 2012 – TIME: 4:00 P.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. Mr. Bill Ellis – Parks and Recreation
 2. Ms. Sandy Landis – Arts Council
 3. Mr. Jerry Henderson – SPCA
 4. Ms. Susan Moore: Carnival Invitation

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

CONSENT AGENDA: 10 Min.

- | | |
|---|-------------------------|
| 3. Approval of Minutes: April 2, 2012 | ACTION
Jarman |
| 4. Budget Ordinance Amendment: General Fund: Process Funds: \$3,500: Increase | Martin |

END OF CONSENT AGENDA

PUBLIC HEARINGS: 35 Min.

- | | |
|--|---------------|
| 5. Public Hearing: Exchange of Real property between Lenoir County and C.S.S. Neuse Foundation
A. Resolution Approving the Exchange of Property between Lenoir County and C.S.S. Neuse Foundation | Jarman |
| 6. Public Hearing: 2011 North Carolina Community Development Block Grant Program: Catalyst Category
A. Resolution Authorizing the Filing of an Application for Community Development Block Grant Funds: Catalyst Category | Martin/Harris |

PROCLAMATION/BUDGET ORDINANCE/RESOLUTIONS: 35 Min.

- | | |
|---|-----------|
| 7. Resolution Approving Purchase Order with Brinson Home Repairs for Remodeling of the Front Lobby at DSS: \$17,050 | Moore |
| 8. Resolution Approving Purchase Order with COECO Office Systems for Purchase of Alchemy Software: \$22,655 | Moore |
| 9. Budget Ordinance Amendment: General Fund: Finance/Health Dept.: \$7,982. Increase | Martin |
| 10. Resolution for Approval of Eastpointe Local Management Entity Personnel System Equivalent to that of the State of North Carolina | Ken Jones |
| 11. Plan of Merger and Agreement Between and Among the Beacon Center, Eastpointe Human Services, and Southeastern Regional Mental Health, Developmental Disabilities and Substance Abuse Services | Ken Jones |
| 12. Resolution Authorizing the Purchase of Navigator Software from Geospatial Technologies: \$4,140 | Dail |

- | | | |
|-----|---|------------|
| 13. | Budget Ordinance Amendment: Finance/Emergency Telephone System Fund:
Emergency Telephone System: \$35,210: Increase | Dail |
| 14. | Resolution Authorizing the Lease of 150 Desktop Computers from Dell Computer Corp., Inc. from North Carolina State Contract NTE \$32,000 | Bryan |
| 15. | Resolution Approving the Acceptance of a Camera System Provided by the North Carolina Department of Transportation with both State and American Reinvestment and Recovery Act Funds | Bryan |
| 16. | Resolution Approving the Department of Juvenile Justice and Delinquency Prevention's FY2012-2012 Grant Funding for Lenoir County Juvenile Crime Prevention Council: \$206,571 | Nix/Martin |

APPOINTMENTS: 5 Min.

- | | | |
|-----|--|-------|
| 17. | Resolution Approving Citizens to Boards, Commissions, Etc. 5 Min. | Board |
|-----|--|-------|

OTHER ITEMS: 10 Min.

- | | | |
|-----|--|--|
| 18. | Items from County Manager / County Attorney / Commissioners Public Comments/Closed Session (if necessary) | |
|-----|--|--|

Community Carnival

The Lenoir County Department of Social Services would like to invite you to a Community Carnival to raise awareness for Child Abuse Prevention. It will be held in the Fairfield Park Gymnasium. We have LMH, The Gate, La Voz, NC Fields, Migrant Education, Lenoir County Parks & Recreation, Lenoir County Agricultural Extension, Dixon Human Services, Kinston Community Health Center, Precision Health Care, Guardian Ad Litem, Lenoir County Sheriff's Office, Kinston Public Safety, Fire Department, and Department of Juvenile Justice all agreeing to be vendors for our event.

Dixon Human Services have donated hot dogs for the event. We will be requesting donations from other vendors and community businesses within the following week(s) to come. We will be providing families with hot dogs, drinks, and chips for free. Cathy Davis has agreed to donate shaved ice for the event as well. This again will be free to the public.

Each vendor will provide activities for children, as well as information about their respective program.

We look forward to providing our community with information on preventing child abuse, as well as what services our community has to offer to ensure that families remain healthy.

TO: Chairman and Members of the Board
FROM: Mike Jarman, County Manager
DATE: April 16, 2012
SUBJECT: Items of Interest

1. Financial Performance Summary 2011-12 – March 31, 2012
2. Lenoir County Inspections Permit/Inspection Report – March 2012
3. Registrations for April District Meetings
4. DOT Road Closing – Waters Mill Rd, LaGrange

LENOIR COUNTY
FINANCIAL PERFORMANCE SUMMARY - 2011-12
MARCH 31, 2012

EXPENDITURES

75.00%

DESCRIPTION	BUDGET FOR YEAR	EXPENDITURES TO DATE	ENCUMBRANCE	UNENCUMBERED BALANCE	% EXPEND/ENCUMBR
GENERAL FUND:					
Governing Body	230,255	154,660	0	75,595	67.2%
County Manager	273,381	194,801	0	78,580	71.3%
Finance	199,058	136,379	0	62,679	68.5%
Human Resources	242,784	145,511	1,430	95,843	60.5%
Tax Office	829,528	562,066	1,074	266,388	67.9%
Legal	62,500	33,243	0	29,257	53.2%
Court Facility	520,387	282,849	57,751	179,787	65.5%
Elections	390,399	196,849	42,896	150,654	61.4%
Register of Deeds	296,134	197,477	20,193	78,464	73.5%
Non-Departmental	1,219,800	758,657	0	461,143	62.2%
Process Funds	1,188,972	711,165	1,956	475,851	60.0%
Outside Agencies	132,000	64,370	0	67,630	48.8%
Management Info Systems	894,568	663,299	36,477	194,792	78.2%
Public Buildings	526,856	310,048	9,973	206,835	60.7%
Sheriff	4,594,459	3,008,415	51,070	1,534,974	66.6%
Central Communications	1,205,999	866,681	14,369	324,949	73.1%
Jail	2,667,483	1,845,531	51,443	770,509	71.1%
Emergency Management	396,336	288,562	6,376	101,398	74.4%
Emergency Medical Services	3,831,129	2,570,118	154,431	1,106,580	71.1%
Non-Emergency Services	492,522	312,481	25,143	154,898	68.6%
Hurricane Irene Expenditures	1,806,830	2,627,273	0	-820,443	145.4%
Fire Protection	48,340	36,255	0	12,085	75.0%
Inspections	216,153	148,297	0	67,856	68.6%
Medical Examiner	40,000	25,050	0	14,950	62.6%
Economic Development	319,769	172,728	1,526	145,515	54.5%
Veterans Service Office	33,241	16,565	349	16,327	50.9%
Cooperative Extension	390,212	265,219	2,668	122,325	68.7%
JCPC - Parenting Matters	35,194	24,968	0	10,226	70.9%
Cooperative Ext-Grants	65,626	39,241	0	26,385	0.0%
Soil Conservation	121,488	78,361	0	43,127	64.5%
Health Department	3,895,972	2,420,383	129,777	1,345,812	65.5%
BioTerrorism - Health	48,808	30,474	0	18,334	62.4%
M. Health Department	245,715	184,286	0	61,429	75.0%
CJPP - Day Reporting Center	125,382	92,071	0	33,311	73.4%
Public Assistance (DSS)	15,411,056	8,881,298	126,451	6,403,307	58.4%
Education	9,900,000	7,425,000	0	2,475,000	75.0%
Community College	2,185,000	1,638,750	0	546,250	75.0%
Cultural	740,500	555,375	0	185,125	75.0%
Recreation	760,000	570,000	0	190,000	75.0%
Debt Service	8,406,900	8,406,900	0	0	100.0%
Transfer to Other Funds	2,640,199	114,267	0	2,525,932	4.3%
Contingency	50,000	0	0	50,000	0.0%
TOTAL GENERAL	67,680,935	47,055,923	735,353	19,889,659	70.6%
OTHER FUNDS:					
Employee Insurance Fund	4,030,000	3,024,246	0	1,005,754	75.0%
Vehicle Replacement Fund	364,200	297,634	27,350	39,216	89.2%
Fed Seized Property Fund	111,000	17,182	5,629	88,189	20.6%
State Controlled Substance Fund	30,000	0	0	30,000	0.0%
School Capital Fund	1,904,067	1,500,000	0	404,067	78.8%
Transportation Fund	1,293,026	923,203	128,112	241,711	81.3%
Scrap Tire Disposal Fund	138,550	86,022	0	52,528	62.1%
Emergency Telephone Fund	867,650	193,893	165,394	508,363	41.4%
Revaluation Fund	54,460	35,716	0	18,744	65.6%
Automation-Preservation Fund	24,000	0	0	24,000	0.0%
MSW Landfill-Debt Service	0	0	0	0	
Capital Improvements Fund	4,769,881	2,140,745	11,429	2,617,707	45.1%
Solid Waste Management	3,422,563	1,949,680	63,945	1,408,938	58.8%
Trust & Agency Fund					
Family & Caregiver-Smart Start	101,152	71,052	0	30,100	70.2%
Fire Districts	1,290,299	974,658	0	315,641	75.5%
TOTAL OTHER FUNDS	18,400,848	11,214,031	401,859	6,784,958	63.1%
GRAND TOTAL	86,081,783	58,269,954	1,137,212	26,674,617	69.0%

LENOIR COUNTY
FINANCIAL PERFORMANCE SUMMARY-2011-12
MARCH 31, 2012

REVENUES

75.00%

DESCRIPTION	BUDGET FOR YEAR	REVENUES TO DATE	REMAINING BALANCE	% REC'D
GENERAL FUND:				
Health Department	1,816,071	1,309,593	506,478	72.11%
Public Assistance (DSS)	11,376,912	5,838,371	5,538,541	51.32%
Property Taxes	31,031,377	30,734,538	296,839	99.04%
Sales Taxes	5,717,000	3,242,131	2,474,869	56.71%
Other General	17,739,575	8,372,812	9,366,763	47.20%
TOTAL GENERAL	67,680,935	49,497,445	18,183,490	73.13%
OTHER FUNDS:				
Employee Insurance	4,030,000	1,639,008	2,390,992	40.67%
Vehicle Replacement	364,200	9,109	355,091	2.50%
Fed Seized Property	111,000	114,726	-3,726	103.36%
State Controlled Substance	30,000	24,146	5,854	80.49%
School Capital Fund	1,904,067	740,154	1,163,913	38.87%
Transportation Fund	1,293,026	903,972	389,054	69.91%
Scrap Tire Disposal	138,550	83,644	54,906	60.37%
Emergency Telephone	867,650	223,134	644,516	25.72%
Revaluation Fund	54,460	0	54,460	0.00%
Automation-Preservation Fnd	24,000	16,479	7,521	68.66%
MSW Landfill-Debt Service	0	38	-38	
Capital Improve Fund	4,769,881	125,600	4,644,281	2.63%
Solid Waste Management	3,422,563	2,630,548	792,015	76.86%
Trust and Agency Fund:				
Smart Start Program	101,152	53,437	47,715	52.83%
Fire Districts	1,290,299	1,183,239	107,060	91.70%
TOTAL OTHER FUNDS	18,400,848	7,747,234	10,653,614	42.10%
GRAND TOTAL	86,081,783	57,244,679	28,837,104	66.50%

Project Based Revenues:	BUDGET	TO DATE	REMAINING	% REC
SCHOOL CONSTRUCTION FUND	72,623,867	72,623,867	0	100.00%
CAPITAL PROJECTS FUND	28,279,806	28,308,856	-29,050	100.10%
CDBG RELATED PROJECTS	3,058,688	2,741,363	317,325	89.63%
Total Project Based	103,962,361	103,674,086	288,275	

* **Bold** area represents "Project Based" funds in which Revenues to date includes revenues from prior years since the beginning of the project

Project Based Expenditures:	BUDGET	EXPENDED TO DATE	ENCUMBERED	REMAINING
SCHOOL CONSTRUCTION FUND	72,623,867	72,623,867	0	0
CAPITAL PROJECTS FUND	28,279,806	21,769,670	0	6,510,136
CDBG RELATED PROJECTS	3,058,688	2,742,503	0	316,185
Total Project Based	103,962,361	97,136,040	0	6,826,321

* **Bold** area represents "Project Based" funds in which Expenditures to date includes expenditures from prior years since the beginning of the project



**LENOIR COUNTY
PLANNING & INSPECTIONS DEPARTMENT**
PO BOX 3289
101 NORTH QUEEN STREET
KINSTON, NC 28502
PHONE: 252-559-2260
FAX: 252-559-2261



**LENOIR COUNTY INSPECTIONS
PERMIT/INSPECTION REPORT**

MARCH 2012

PERMITS ISSUED: 131

PERMITS VALUE: \$ 4,049,542

PERMIT FEES: \$ 16,329

SINGLE FAMILY DWELLINGS: 2

MOBILE HOMES: 9

COMMERCIAL: 2

ADDITIONS: 9

ELECTRICAL: 44

PLUMBING: 17

MECHANICAL: 30

OTHER: 18

TOTAL INSPECTIONS: 202

Lenoir County
 PERIODIC REPORT OF ISSUED PERMITS (GROUPED BY REPORT CODE)

Printed: 04-04-2012

	Code	Prms	Designated period: 03/01/12 to 03/31/12]		[Prior period: 03/01/11 to 03/31/11]				
			Valuation	Fees Paid	Units	Prms	Valuation	Fees Paid	Units
NEW RES. HOUSEKEEPING - LENOIR COUNTY									
* Single Family Houses Detached	101B	1	150,000.00	393.00	1	1	400,000.00	772.00	1
* Single Family Houses Attached	102B		.00	.00	0	0	.00	.00	0
* 2 Family Building	103B		.00	.00	0	0	.00	.00	0
* 3 and 4 Family Buildings	104B		.00	.00	0	0	.00	.00	0
* 5 or More Family Buildings	105B		.00	.00	0	0	.00	.00	0
*TOTAL INFORMATION 101-105	109B		.00	.00	0	0	.00	.00	0
NEW RESIDENTIAL NON-HOUSEKEEPING BL:									
* Hotels, Motels & Tourist Cabins	213B		.00	.00	0	0	.00	.00	0
* Other Non-Housekeeping Shelter	214B		.00	.00	0	0	.00	.00	0
NEW NON-RESIDENTIAL BUILDINGS:									
* Amusement, Social, & Recreational	318B		.00	.00	0	0	.00	.00	0
* Churches & Other Religious	319B		.00	.00	0	0	.00	.00	0
* Industrial	320B		.00	.00	0	0	.00	.00	0
* Prking Garages (Blds & Open Decked)	321B		.00	.00	0	0	.00	.00	0
* Service Stations & Repair Garages	322B		.00	.00	0	0	.00	.00	0
* Hospitals & Institutional	323B		.00	.00	0	0	.00	.00	0
* Offices, Banks, & Professional	324B		.00	.00	0	0	.00	.00	0
* Public Works & Utilities	325B		.00	.00	0	0	.00	.00	0
* Schools & Other Educational	326B		.00	.00	0	0	.00	.00	0
* Stores & Customer Services	327B		.00	.00	0	0	.00	.00	0
* Other Non-Residential Bldgs	328B		.00	.00	0	0	.00	.00	0
* Structures Other than Buildings	329B	1	400,000.00	.00	1	1	120,000.00	1,300.00	1
ADDITIONS, ALTERATIONS, & CONVERSION									
* Residential	434B	8	257,000.00	699.00	8	3	132,800.00	409.00	3
* Non-Residential & Non-Housekeeping	437B	1	1,100,000.00	2,750.00	1	0	.00	.00	0
* Adds of Res. CP/Garages (Atch/Detc)	438B	1	10,000.00	50.00	1	1	21,000.00	50.00	1
DEMOLITIONS AND RAZING OF BUILDINGS:									
* Single Family Houses (Atch/Detach)	645B		.00	.00	0	0	.00	.00	0
* 2 Family Buildings	646B		.00	.00	0	0	.00	.00	0
* 3 & 4 Family Buildings	647B		.00	.00	0	0	.00	.00	0
* 5 or More Family Buildings	648B		.00	.00	0	0	.00	.00	0
* All Other Buildings and Structures	649B		.00	.00	0	0	.00	.00	0

TOTALS FOR PERMITS THIS PAGE 12 1,917,000.00 3,892.00 12 6 673,800.00 2,531.00 6

Lenoir County
 PERIODIC REPORT OF ISSUED PERMITS (GROUPED BY REPORT CODE)

Printed: 04-04-2012

Designated period: 03/01/12 to 03/31/12] [Prior period: 03/01/11 to 03/31/11]
 Code Prms Valuation Fees Paid Units Prms Valuation Fees Paid Units

MOBILE/MODULAR OFFICE/CLASSROOM	740B	750B	730B	800B	810B	820B	830B	840B	900B	910B	920B	930B	940B	950B	960B	966B	970B	980B	985B	990B	995B	700B	710B	720B
*MOBILE OFFICE	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00
*MODULAR CLASSROOM	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00
*MODULAR OFFICE	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00
ELECT./PLUMB/HEAT/A/C/INS/TEMP POLE:																								
*ELECTRICAL	800B	810B	820B	830B	840B																			
*PLUMBING	44	17	30	5	4																			
*HEATING/ AIR CONDITIONING	819,625.00	133,709.00	790,905.00	13,151.00	2,350.00																			
*INSULATION	4,437.00	1,303.00	3,831.00	372.00	175.00																			
*TEMPORARY POLE	186,600.00	36,000.00	102,693.00	27,700.00	3,100.00																			
RESIDENTIAL ACCESSORY STRUCTURES																								
*STORAGE/PORCHES/PATIOS/DECKS	900B																							
MISCELLANEOUS:																								
*CHANGE OF OCCUPANCY	910B																							
*INSPECT DWELLING	1																							
*TENTS	920B																							
*SATELLITE DISH	930B																							
*AWNING	940B																							
*EXTRA INSPECTIONS	950B																							
*FIRE PROTECTION SPRINKLER SYSTEM	8																							
*MOVING DWELLING ONLY	960B																							
*SIGN	966B																							
*FIREWORKS	970B																							
*SWIMMING POOL	980B																							
*TANKS	985B																							
MOBILE HOMES	990B																							
*SINGLE WIDE MOBILE HOME	995B																							
*DOUBLE WIDE MOBILE HOME	700B																							
*MODULAR HOME	710B																							
	720B																							

TOTALS FOR PERMITS ABOVE (incl. pg 1) 131 4,049,542.00 16,329.00 130 142 1,230,933.00 12,319.00 142
 Totals of other permits in the period .00 .00 0 1 8,500.00 50.00 1

TOTAL FOR ALL PERMITS IN THE PERIOD 131 4,049,542.00 16,329.00 130 143 1,239,433.00 12,369.00 143

Item Totals for Inspector ID

GO 51
 VW 148
 VW/DR 2
 VMS 1

202 Entries for Inspector ID

- STATISTICAL REPORT -

ACTIVITIES	INSPECTIONS	PASSED	CORRECTIONS	RE-INSPECTIONS	PASSED	CORRECTIONS	RE-INSPECTIONS	REQUIRED
%INSPECTIONS	%PASSED	%CORRECTIONS	%RE-INSPECTIONS	%PASSED	%CORRECTIONS	%RE-INSPECTIONS	REQUIRED	
202	189	167	22	13	13		22	
	94	88	12	6	100		11	

<----- Inspections -----> <----- Re-Inspections -----> Based On # Activities



NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS

- Home
- What is the NCACC
- Current Issues
- Legislative Information
- Legislative Bulletin
- Risk Management
- Report A Claim (members)
- Projects
- Research and Survey
- Links to Counties
- Classifieds
- Staff
- Publications and Lists
- Links
- Recent Mailings
- Calendar of Events
- Annual Conference

NCACC
 P.O. Box 1488
 Raleigh, NC 27602-1488
 Tel: (919) 715-2893
 Fax: (919) 733-1065
 E-mail:
ncacc@ncacc.org

NCACC April district meetings

The Association has announced locations for its series of six district meetings to be held this April. The tentative times for each meeting are 5:30 - 8 p.m. Dinner will be included.

There is no registration fee to attend the meeting, but county officials are asked to register in advance so the Association will have accurate meals counts. You must [register on-line](#) for the meetings.

Dates and venues

Date (s)	Day	County	Venue
April 11	Wednesday	Buncombe	<u>Doubletree Biltmore</u> , Asheville
April 12	Thursday	Wilkes	<u>Holiday Inn Express</u> , Wilkesboro
April 19	Thursday	Cabarrus	<u>Embassy Suites</u> , Concord
April 24	Tuesday	Person	<u>Piedmont Community College</u> , 1715 College Drive, Roxboro (Room D120)
April 25	Wednesday	Duplin	Mad Boar Restaurant, Wallace
April 26	Thursday	Martin	<u>Bob Martin Eastern Ag Center</u> , Williamston

Attendees will earn three credits toward the Practitioner, Master or Mentor recognition levels through the Local Elected Leaders Academy (LELA) Recognition Program. To learn more about LELA, click [here](#).



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

April 2, 2012

Mr. Michael W. Jarman, County Manager
County of Lenoir
Post Office Box 3289
Kinston, NC 28502

Subject: **Waters Mill Road (SR 1517) at-grade railroad crossing closure** in the Town of La Grange, Lenoir County, S.T.I.P. No. Y-4802C, WBS 40325.1.15, FA STP-000S(507)

Dear Mr. Jarmon:

The North Carolina Department of Transportation (NCDOT) Rail Division is evaluating the closure of the Waters Mill Road at-grade crossing of the Norfolk Southern/North Carolina Railroad (NS/NCRR) rail line in the Town of La Grange, Lenoir County (see attached Figure). The proposed project includes the extension of East Washington Street (SR 1603) to Willie Measley Road (SR 1690) north of US 70. Other local roadway improvements include the closure of the median at the intersection of Washington Street (SR 1603) and US Highway 70 and a driveway extension from US Highway 70 to the new Washington Street extension.

The Waters Mill Road Crossing (#722 837V at Railroad Milepost NS/EC 15.21) serves rural agricultural properties. With the closure of this crossing, alternative access will be provided to these properties by existing streets to the east and west of the project area.

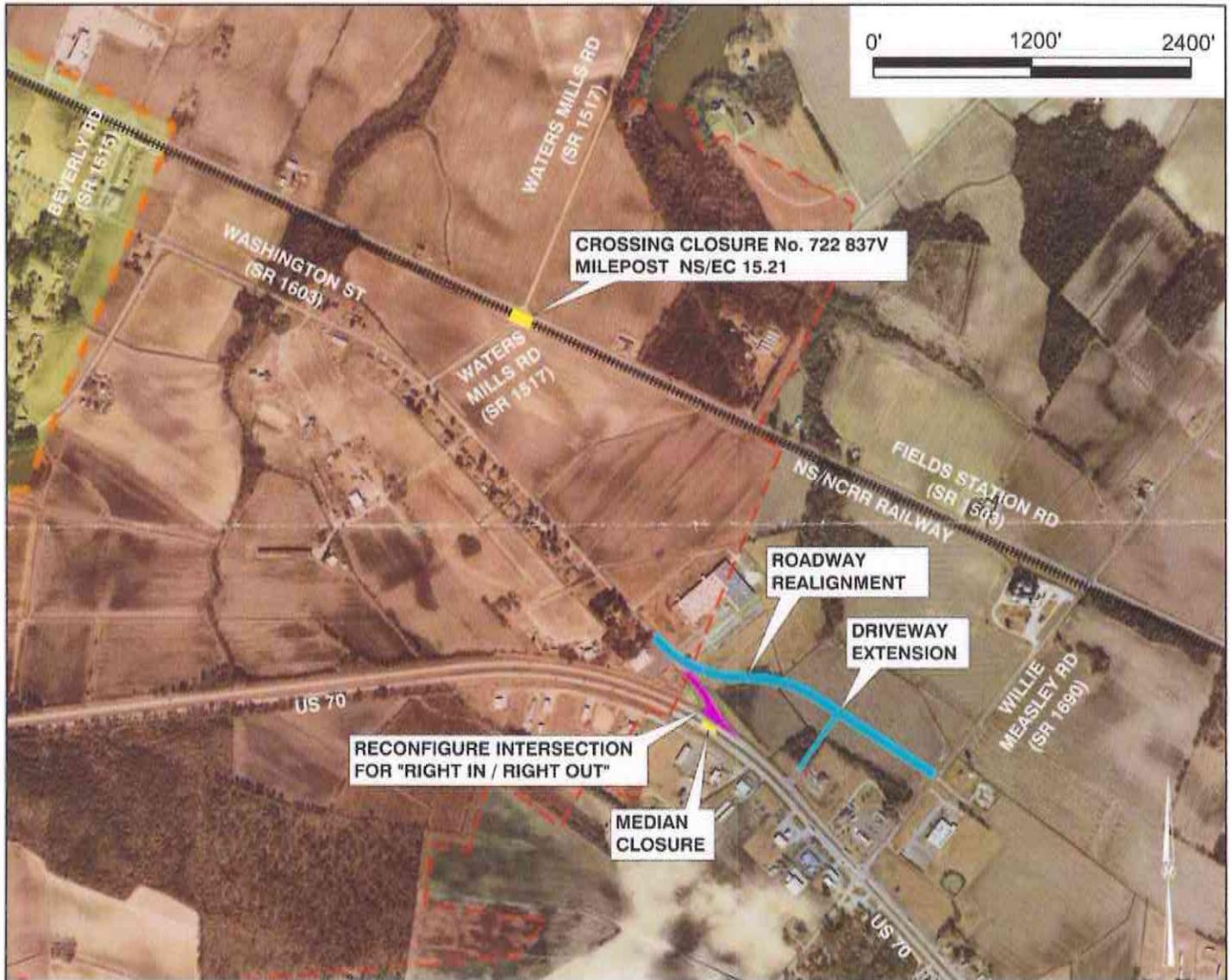
A Citizen's Information Workshop is scheduled for April 24, 2012. The workshop will start at 5:00 pm and finish at 7:00 pm at the La Grange Town Hall (Council Chambers). The Council Chambers are located at 203 South Center Street, La Grange, North Carolina 28551.

We would appreciate any information you have that would be helpful in evaluating potential community and environmental impacts for this project. If applicable, please identify any permits and/or approvals required by your agency.

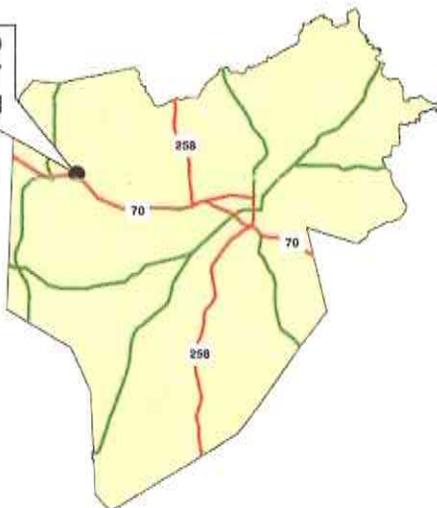
MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
RAIL DIVISION
1553 MAIL SERVICE CENTER
RALEIGH NC 27699-1553

TELEPHONE: 919-707-4700
FAX: 919-715-6580
WEBSITE: www.bytrain.org

LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH NC



PROPOSED PROJECT LOCATION



LEGEND:

- LAGRANGE INCORPORATED LIMITS
- LAGRANGE ETJ BOUNDARY
- PROPOSED ROADWAY CONNECTOR
- PROPOSED INTERSECTION MODIFICATION
- PROPOSED CROSSING CLOSURE / PAVEMENT REMOVAL



PREPARED FOR:



PREPARED BY:



FIGURE 1 - LOCATION MAP

PROPOSED WATERS MILL RD (SR 1517) AT-GRADE CROSSING CLOSURE AND ROADWAY IMPROVEMENTS PROJECT

CROSSING No. 722 837V, MP NS/EC 15.21

STIP No. Y-4802C

APRIL 2012

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.

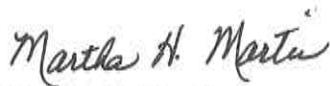
BOARD/COMMITTEE/COMMISSION	APPLICANT/ CURRENT MEMBER	TERM EXPIRATION
Kinston-Lenoir County Library Board 2 nd Appearance	Vicki B. Myers	March 2018

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

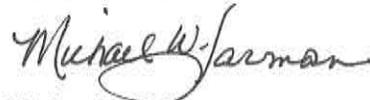
Upon a motion by Mr. Graham and a second by Mr. Davis, the meeting adjourned at 10:23 A.M.

Respectfully submitted,



Martha H. Martin
Deputy Clerk to the Board

Reviewed By



Michael W. Jarman
County Manager

Item # 4

BUDGET ORDINANCE AMENDMENT: GENERAL FUND: PROCESS FUNDS: \$3,500. 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	PROCESS FUNDS	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>
10-3402-3637 GRANT-8TH JUDICIAL DISTR COMMUN INTERV PF	3,500.00	10-4201-6363 8TH JUDICIAL DISTR COMMUN INTERV GRANT 3,500.00
Total	3,500.00	Total 3,500.00

Reason and Justification for Request:
 BUDGET AMENDMENT TO APPROPRIATE ADDITIONAL FUNDS FROM THE NC DEPT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (DJJDP). THIS GRANT WILL PROVIDE FUNDING FOR THE PROGRAM PROVIDERS IN THE 8TH JUDICIAL DISTRICT TO ATTEND THE UPCOMING TRAINING PLANNED FOR JUNE 2012 - "EFFECTIVE PROGRAMMING WHEN WORKING WITH LEVEL II YOUTH". THE COMMISSIONERS VOTED TO ACCEPT THE ORIGINAL GRANT AT THE NOVEMBER 7, 2011 MEETING - ITEM #12 IN THE AMOUNT OF \$117,000. THIS IS A PASS THROUGH GRANT.

Department Head Approval	Date	Finance Officer Approval	Date
<i>Martha H. Martin</i>	4/4/2012	<i>Martha H. Martin</i>	4/4/2012

Budget Officer Approval	Date
<i>Michael W. Farman</i>	4/11/12

Board Approval (When Applicable)	Date	Date of Minutes
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NOTICE OF PUBLIC HEARING
Exchange of Real Property between Lenoir County and C.S.S. Neuse Foundation

The Lenoir County Board of Commissioners will hold an open public hearing some time during its regular meeting, which is scheduled as follows:

TIME: 4:00 PM
DAY AND DATE: Monday, April 16, 2012
PLACE: Lenoir County Commissioners First Floor Main Meeting Room, Lenoir County Courthouse, 130 S. Queen St., Kinston, NC 28501.
PURPOSE: To receive any comments from the public for or against the proposed exchange.

DESCRIPTION OF EXCHANGE: Lenoir County owns a lot of land on N. Herritage Street, Kinston, NC adjacent to the Farmers Market donated to it in 2011 by the Harvey family. The land contains a metal building which encroaches on its back side onto land owned by the C.S.S. Neuse Foundation. The C.S.S. Neuse Foundation owns an adjacent lot of land at the corner of N. Herritage Street and W. Gordon Street on which is built the Civil War replica C.S.S. Neuse II. The bow of the boat encroaches onto the land owned by Lenoir County.

Lenoir County proposes to exchange with the C.S.S. Neuse Foundation equal sized 0.053 acre lots of land in order to straighten the property lines so that there will be no encroachments. The proposed exchange is an even exchange, each party exchanging 0.053 acre lots of land worth approximately \$3,000.00. Lenoir County intends to authorize the proposed exchange at this meeting following the public hearing, unless presented with sufficient reason not to do so.

Questions regarding the proposed exchange may be directed to Robert Griffin, Lenoir County Attorney at (252) 523-5145.

Michael Jarman
Lenoir County Manager

Publish April 3, 2012

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 4/16/12 **ITEM NO.** 5-A

Resolution: Approving the Exchange of Property between Lenoir County and C.S.S. Neuse Foundation

SUBJECT AREA: Administrative

ACTION REQUESTED:

The Board is requested to approve the exchange of property between Lenoir County and C.S.S Neuse Foundation.

HISTORY/BACKGROUND:

Lenoir County owns a lot of land on N. Herritage Street, Kinston, NC adjacent to the Farmers Market donated to it in 2011 by the Harvey family. The land contains a metal building which encroaches on its back side onto land owned by the C.S.S. Neuse Foundation. The C.S.S. Neuse Foundation owns an adjacent lot of land at the corner of N. Herritage Street and W. Gordon Street on which is built the Civil War replica C.S.S. Neuse II. The bow of the boat encroaches onto the land owned by Lenoir County.

Lenoir County proposes to exchange with the C.S.S. Neuse Foundation equal sized 0.053 acre lots of land in order to straighten the property lines so that there will be no encroachments. The proposed exchange is an even exchange, each party exchanging 0.053 acre lots of land worth approximately \$3,000.00. Lenoir County intends to authorize the proposed exchange at this meeting following the public hearing, unless presented with sufficient reason not to do so.

The attached map and aerial photo from the property tax records show the encroachment and the areas to be exchanged. Lot A1 is proposed to be exchanged for Lot B1, so that upon completion of the exchange, Lenoir County will own all of Lot B and B1 and C.S.S. Neuse Foundation will own all of Lot A and A1.

EVALUATION:

This is a mutually beneficial exchange for the county and the landowner.

MANAGER'S RECOMMENDATION:

Respectfully request approval.



RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that real property owned by Lenoir County shall be exchanged with real property owned by C.S.S. Neuse Foundation as follows:

Lenoir County shall convey the following land to C.S.S. Neuse Foundation:

Kinston Township, Lenoir County, North Carolina:

BEING all of Lot A1, containing 0.053 acres more or less, as shown on a map entitled "Revised Recombination/Redivision, Map for Record, Survey for CSS NEUSE FOUNDATION AND LENOIR COUNTY" dated May 21, 2011, prepared by Matrix East, PLLC, recorded in Plat Cabinet 13, Page 13, Lenoir County Registry.

Such conveyance is conditioned on the simultaneous receipt of marketable fee simple title from C.S.S. Neuse Foundation to Lenoir County of the following land:

Kinston Township, Lenoir County, North Carolina:

BEING all of Lot B1, containing 0.053 acres more or less, as shown on a map entitled "Revised Recombination/Redivision, Map for Record, Survey for CSS NEUSE FOUNDATION AND LENOIR COUNTY" dated May 21, 2011, prepared by Matrix East, PLLC, recorded in Plat Cabinet 13, Page 13, Lenoir County Registry.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

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

George W. Graham, Jr. Chairman

Date

ATTEST

DATE



NOTICE OF PUBLIC HEARING
Exchange of Real Property between
Lenoir County and
C.S.S. Neuse Foundation

The Lenoir County Board of Commissioners will hold an open public hearing some time during its regular meeting, which is scheduled as follows:

TIME: 4:00 P.M.
DAY AND DATE: Monday, April 16, 2012
PLACE: Lenoir County Commissioners First Floor Main Meeting Room, Lenoir County Courthouse, 130 S. Queen St., Kinston, NC 28501
PURPOSE: To receive any comments from the public for or against the proposed exchange.

DESCRIPTION OF EXCHANGE: Lenoir County owns a lot of land on N. Heritage Street, Kinston, NC adjacent to the Farmers Market donated to it in 2011 by the Harvey family. The land contains a metal building which encroaches on its back side onto land owned by the C.S.S. Neuse Foundation. The C.S.S. Neuse Foundation owns an adjacent lot of land at the corner of N. Heritage Street and W. Gordon Street on which is built the Civil War replica C.S.S. Neuse II. The bow of the boat encroaches onto the land owned by Lenoir County.

Lenoir County proposes to exchange with the C.S.S. Neuse Foundation equal sized 0.053 acre lots of land in order to straighten the property lines so that there will be no encroachments. The proposed exchange is an even exchange, each party exchanging 0.053 acre lots of land worth approximately \$3,000.00. Lenoir County intends to authorize the proposed exchange at this meeting following the public hearing, unless presented with sufficient reason not to do so.

Questions regarding the proposed exchange may be directed to Robert Griffin, Lenoir County Attorney at (252) 523-5145.

Michael Jarman
Lenoir County Manager

Kinston Free Press
April 3, 2012



1:54 feet

Excise Tax Recording Time, Book and Page
Tax Lot No. Parcel Identifier No. **Out of 4525 63 22 9936**

Verified by.....County on the day of, 20
by.....

Mail after recording to: C.S.S. Neuse Foundation,
P O Box 251, Kinston, NC 28502

DRAFT

This instrument was prepared by: Robert W. Griffin, Attorney

Brief description for the Index **Lot A1, N. Herritage St., Kinston**

NORTH CAROLINA GENERAL WARRANTY DEED

THIS EXCHANGE DEED made this **2nd day of April, 2012**, by and between

GRANTOR

GRANTEE

**LENOIR COUNTY,
a body politic and one of the counties
of the State of North Carolina
P O Drawer 3289
Kinston, NC 28502**

**C.S.S. NEUSE FOUNDATION
a North Carolina nonprofit corporation
P O Box 251
Kinston, NC 28502**

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, THAT WHEREAS, Grantor and Grantee are the owners of adjacent tracts on N. Herritage Street, Kinston, NC 28501; and

WHEREAS, the tract owned by Grantor (Lenoir County) contains a metal building which encroaches on its back side onto the land owned by Grantee; and

WHEREAS, the tract owned by Grantee (C.S.S. Neuse Foundation) contains a boat whose bow encroaches onto the land owned by Grantor; and

WHEREAS, both the Grantor and the Grantee desire to adjust the property line by exchanging equal sized 0.053 acre lots of land so that there are no more encroachments; and

WHEREAS, this exchange of property is necessary in order to comply with restrictive covenants imposed by Pride of Kinston in a deed dated September 28, 2006, recorded in Book 1482, Page 72, Lenoir County Registry, that the C.S.S. Neuse Foundation property be used only for a nonprofit historically accurate full scale replica of the C.S.S. Neuse, as it is not possible to comply with the restrictive covenants if the bow of the boat is on property belonging to another:

NOW, THEREFORE, the Grantor, in consideration of the property being simultaneously conveyed to it by Exchange Deed from the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in **Kinston Township, Lenoir County, North Carolina** and more particularly described as follows:

BEING all of Lot A1, containing 0.053 acres more or less, as shown on a map entitled "Revised Recombination/Redivision, Map for Record, Survey for CSS NEUSE FOUNDATION AND LENOIR COUNTY" dated May 21, 2011, prepared by Matrix East, PLLC, recorded in Plat Cabinet 13, Page 13, Lenoir County Registry.

It is the intention of this deed that upon the completion of the exchange transaction that Lot A and Lot A1 shall be recombined and become Lot A as shown on Plat Cabinet 12, Page 303, and that the C.S.S. Neuse Foundation shall be the owner in fee simple of all of Lot A.

The property hereinabove described was acquired by Grantor by instrument recorded in **Book 1647, Page 235, Lenoir County Registry.**

A map showing the above described property is recorded in **Plat Cabinet 13, Page 13, Lenoir County Registry.**

The property conveyed does not include the primary residence of Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

This conveyance is subject to all valid and enforceable easements, rights of way, and restrictions of record, if any.

Grantor hereby cites the following items which are relevant to the transfer of the subject property from Lenoir County to a third party to evidence that it has proper authority to make this conveyance:

This conveyance is made pursuant to a resolution approved by the Lenoir County Board of Commissioners at a duly called meeting on April 16, 2012, whereby this property was exchanged for a piece of property of equal size and value following ten days public notice published in the Kinston Free Press. The Board of County Commissioners acted pursuant to North Carolina General Statute §160A-271.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

LENOIR COUNTY

By: (SEAL)
George W. Graham, Jr.
Chairman, Board of County Commissioners

ATTEST: (SEAL)

..... (SEAL)
April L. Banks, Clerk to the Board

(County Seal)

SEAL-STAMP

NORTH CAROLINA,County.
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.
My commission expires:.....Notary Public

Excise Tax

Recording Time, Book and Page

Tax Lot No.

Parcel Identifier No. **Out of 4525 63 23 8075**

Verified by.....County on the day of, 20
by.....

Mail after recording to: Lenoir County Manager
P O Drawer 3289, Kinston, NC 28502

This instrument was prepared by: Robert W. Griffin, Attorney

Brief description for the Index **Lot B1, N. Herritage St., Kinston**

NORTH CAROLINA GENERAL WARRANTY DEED

THIS EXCHANGE DEED made this **2nd day of April, 2012**, by and between

GRANTOR

GRANTEE

**C.S.S. NEUSE FOUNDATION
a North Carolina nonprofit corporation
P O Box 251
Kinston, NC 28502**

**LENOIR COUNTY,
a body politic and one of the counties
of the State of North Carolina
P O Drawer 3289
Kinston, NC 28502**

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, THAT WHEREAS, Grantor and Grantee are the owners of adjacent tracts on N. Herritage Street, Kinston, NC 28501; and

WHEREAS, the tract owned by Grantee (Lenoir County) contains a metal building which encroaches on its back side onto the land owned by Grantor; and

WHEREAS, the tract owned by Grantor (C.S.S. Neuse Foundation) contains a boat whose bow encroaches onto the land owned by Grantee; and

WHEREAS, both the Grantor and the Grantee desire to adjust the property line by exchanging equal sized 0.053 acre lots of land so that there are no more encroachments; and

WHEREAS, this exchange of property is necessary in order to comply with restrictive covenants imposed by Pride of Kinston in a deed dated September 28, 2006, recorded in Book 1482, Page 72, Lenoir County Registry, that the C.S.S. Neuse Foundation property be used only for a nonprofit historically accurate full scale replica of the C.S.S. Neuse, as it is not possible to comply with the restrictive covenants if the bow of the boat is on property belonging to another:

NOW, THEREFORE, the Grantor, in consideration of the property being simultaneously conveyed to it by Exchange Deed from the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in **Kinston Township, Lenoir County, North Carolina** and more particularly described as follows:

BEING all of Lot B1, containing 0.053 acres more or less, as shown on a map entitled "Revised Recombination/Redivision, Map for Record, Survey for CSS NEUSE FOUNDATION AND LENOIR COUNTY" dated May 21, 2011, prepared by Matrix East, PLLC, recorded in Plat Cabinet 13, Page 13, Lenoir County Registry.

It is the intention of this deed that upon the completion of the exchange transaction that Lot B and Lot B1 shall be recombined and become Lot B as shown on Plat Cabinet 12, Page 303, and that Lenoir County shall be the owner in fee simple of all Lot B.

The property hereinabove described was acquired by Grantor by instrument recorded in **Book 1482, Page 847, Lenoir County Registry.**

A map showing the above described property is recorded in **Plat Cabinet 13, Page 13, Lenoir County Registry.**

The property conveyed does not include the primary residence of Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

This conveyance is subject to all valid and enforceable easements, rights of way, and restrictions of record, if any.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

C.S.S. NEUSE FOUNDATION (SEAL)

By: (SEAL)
John C. Nix, President

ATTEST: (SEAL)

Charles A. Broadway IV
..... (SEAL)
Charles A. Broadway, IV, Secretary-Treasurer



NORTH CAROLINA, *Jones* County.
I, a Notary Public of the County and State aforesaid, certify that **CHARLES A. BROADWAY, IV** personally appeared before me this day and acknowledged that he is Secretary of **C.S.S. NEUSE FOUNDATION**, a North Carolina non-profit corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, and attested by him as its Secretary. Witness my hand and official stamp or seal, this *30th* day of *March*, 2012.
My commission expires: *9-11-2012* *Janice J. Rich* Notary Public

PUBLIC HEARING NOTICE

Notice is hereby given that Lenoir County will hold a public hearing on the requirements of the 2011 North Carolina Community Development Block Grant (CDBG) Program – Catalyst Category on Monday April 16, 2012 at 4:00 pm or thereafter in the Commissioners Board Room at the Lenoir County Courthouse, 130 S. Queen Street, Kinston, NC. The County intends to apply for approximately \$500,000 in CDBG grant assistance under the Catalyst Category to be used for the following proposed activities: housing acquisition, clearance, relocation and rehabilitation assistance, street and drainage improvements, and water and sewer improvements. The activities will be undertaken in the Spring Drive area near the Town of La Grange, NC. The public hearing will also provide information on the County's support of state and federal fair housing requirements. The application will be submitted to the North Carolina Division of Community Investment and Assistance on or before April 30, 2012. Additional information is available from Mr. Michael W. Jarman, County Manager, P.O. Box 3289, Kinston, NC, phone: 252-559-6450. The County of Lenoir is an equal opportunity employer and service provider. This information is available in Spanish or any other language upon request. Please contact Martha Martin, Finance Officer, at 252-559-6464 or at the Lenoir County Courthouse, 130 S. Queen St., Kinston, NC 28502 for accommodations for this request. Esta información está disponible en español o cualquier otra lengua a petición. Entre en contacto con por favor a Martha Martin, oficial de las finanzas, en 252-559-6464 o en Palacio de justicia del condado de Lenoir, 130 S. Queen St, Kinston, NC 28502 para las comodidades para esta petición.

Item # 6-A

**RESOLUTION BY THE BOARD OF COMMISSIONERS
OF THE COUNTY OF LENOIR
AUTHORIZING THE FILING OF AN APPLICATION
FOR
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS**

WHEREAS, the N.C. Division of Community Investment and Assistance has made Community Development Block Grant – Catalyst Category Funds available to counties across the state for the support of housing and neighborhood improvements; and

WHEREAS, the County of Lenoir is authorized to accept Federal and State grants and to appropriate and expend funds for community development programs and activities, including housing and neighborhood improvements; and

WHEREAS, the County of Lenoir desires to undertake certain housing and neighborhood improvements and to prepare an application for 2011 CDBG Catalyst Funds;

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

THAT, the Chairman be authorized and directed to submit an application to the NC Division of Community Investment and Assistance for CDBG Funds under the 2011 Catalyst Category in the amount of \$500,000 and

THAT, if CDBG Funds are received, the County will carry out housing and neighborhood improvements in the Spring Drive Project Area near La Grange, NC, including acquisition, clearance, relocation, replacement, reconstruction and/or rehabilitation as well as street, drainage, sewer and water improvements; and

THAT, if CDBG Funds are received, the County will contribute \$30,000 toward the cost of the housing and neighborhood improvements; and

THAT, the Chairman, County Manager and Finance Officer be authorized and directed to act in connection with the application, to provide the County CDBG grant policies consistent with the application guidelines and to execute any and all documents related to said application; and

THAT, if CDBG Funds are received, the Chairman, County Manager and Finance Officer be authorized and directed to execute the grant agreement, funding approval and subsequent documents during project implementation; and

FINALLY THAT, the County of Lenoir will comply with all applicable federal and state laws, regulations, rules, and Executive Orders related to the CDBG Project.

ADOPTED, this 16th day of April, 2012, at Lenoir County, North Carolina

Martha H. Martin
Deputy Clerk to the Board

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 4/16/12 **ITEM NO.** 7

Resolution: Approving Purchase Order with Brinson Home Repairs for remodeling of the front lobby at Dept of Social Services for FY 11/12: \$ 17,050.00

SUBJECT AREA: Purchasing

ACTION REQUESTED:

The Board is requested to authorize the Social Services Director to execute a purchase order for \$ 17,050.00 with Brinson Home Repairs for the remodeling of the lobby area.

Acct # 10-5310-3500

HISTORY/BACKGROUND:

The lobby area of DSS currently has inadequate lighting and does not have enough working space for the four workers assigned to this work area. With the phones ringing, clients waiting in line to register, and DSS staff calling clients from the lobby, this area is very congested. The current layout makes it very hard for clients and staff to hear each other and creates inefficiencies and interruptions to workflow for the agency receptionists and interpreters and flow of clients. The wallpaper in the lobby is peeling and needs to be replaced. With the much needed renovations, DSS will be able to provide better service to the clients. DSS is planning to remove a partial wall from an inside office, repair a doorway, and install four 18' pod areas for easier client access. The quote includes the installation of 4 lights, installation of trim, paint or staining all new work, and rearranging of cabinets in the staff area. In the lobby the wallpaper will be removed the wallpaper replaced by painting entire lobby area.

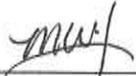
EVALUATION:

This purchase order is necessary in order to assist in the streamlining of staff time and utilization of space as well as allowing us to better serve the clients of Lenoir County. The window will create a vast improvement in the communication between the receptionist and client giving them better access to the services they need. It will also be at a lower level allowing the clients to sit and communicate with the receptionist which will be very beneficial for the disabled elderly clients we are serving. With the new seating and lighting at the window clients will be more comfortable and allow for a clearer understanding of what they are signing and/or services they are requesting assistance with. The following quotes were received:

Company	Price Quote
Brinson Home Repair	\$ 17,050.00
Norstate Contracting, Inc	\$ 22,400.00

MANAGER'S RECOMMENDATION:

Respectfully recommend approval


INITIALS

RESOLUTION: NOW, THEREFORE BE IT RESOLVED that the Lenoir County Board of Commissioners authorizes the Social Services Director to execute a purchase order with Brinson Home Repairs for remodeling the DSS lobby and receptionists area at a cost of \$17,050.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

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

George W. Graham, Jr. Chairman

Date

ATTEST

DATE

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 4/16/12 **ITEM NO.** 8

Resolution: Approving Purchase Order with COECO Office Systems for purchase of Alchemy software: \$ 22,655.00

SUBJECT AREA: Purchasing

ACTION REQUESTED:

The Board is requested to authorize the Social Services Director to execute a purchase order with COECO Office Systems for the purchase of Alchemy Software, installation, maintenance and support.

Acct # 10-5310-2650 - Software purchase: \$22,655

HISTORY/BACKGROUND:

We are requesting approval to purchase 2 additional Alchemy modules of Alchemy software that DSS uses in our digital records management and 15 additional indexing licenses. These software modules will streamline and simplify work within the agency by allowing staff to index electronic documents directly from the worker's desktop computer. This will reduce the number of documents we have to scan. We originally purchased the software last year with 6 indexing licenses to be used by the mail clerk and division clerks. This was sufficient for the back scanning of existing documents and incoming mail, but cumbersome for indexing new documents generated by staff. The 15 additional indexing licenses will be used as a "pool". Each individual license is active for the few seconds that a worker is actually keying the index data and then becomes available for another worker to use. This is the same concept that DSS now uses for incoming and outgoing lines on our telephone system.

The cost will be reimbursable at approximately 50%. We estimate that the County's share of this cost will be about \$11,327.50.

EVALUATION:

The addition of the DIFA and Web Access Alchemy modules and 15 licenses will simplify the routing of documents within the Agency and will allow DSS staff to index new documents generated within the Agency directly from the worker's desktop computer. These purchases are necessary in order to upgrade the DSS 'paperless' document management software and to accomplish the ever changing day to day work activities at DSS. The purchase of the two additional Alchemy modules and the 15 additional software licenses will allow DSS to fully implement a "paper-less" document management system for the entire agency.

MANAGER'S RECOMMENDATION:

Respectfully recommend approval



INITIALS

RESOLUTION: NOW, THEREFORE BE IT RESOLVED that the Lenoir County Board of Commissioners authorizes the Social Services Director to execute a purchase order with COECO Office Systems for \$22,655.

AMENDMENTS

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

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

George W. Graham, Jr. Chairman Date

ATTEST DATE

BUDGET ORDINANCE AMENDMENT; GENERAL FUND:FINANCE/ HEALTH DEPT: \$7,982. 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/HEALTH;ANIMAL CONTROL		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>		
10-3991-9910	FUND BALANCE APPROPRIATED	7,982.00	10-5182-3500	MAINT/REPAIR BLDGS/GRNDS	7,982.00
Total		7,982.00	Total		7,982.00

Reason and Justification for Request:

TO BRING FORWARD UNEXPENDED FUNDS FROM THE HEALTH DEPARTMENT'S LINE FOR MAINTENANCE AND REPAIRS OF THE BUILDINGS AND GROUNDS AT THE SPCA CENTER. A TOTAL OF \$20,000 WAS BUDGETED IN FY 10-11, AND ONLY \$12,017.43 WAS EXPENDED.

Department Head Approval	Date	Finance Officer Approval	Date
<i>Martha H. Martin</i>	<i>3/30/12</i>	<i>Martha H. Martin</i>	<i>3/30/12</i>
Budget Officer Approval	Date		
<i>Melissa W. Farmer</i>	<i>4/2/12</i>		
Board Approval (When Applicable)	Date	Date of Minutes	

NORTH CAROLINA

LENOIR COUNTY

RESOLUTION

Eastpointe Human Services, d/b/a Eastpointe Local Management Entity, is seeking approval from the North Carolina State Personnel Commission to designate that Eastpointe Local Management Entity has a personnel system equivalent to that of the State of North Carolina:

WHEREAS, North Carolina General Statute Section 126-11 allows local Area Mental Health Authorities to petition the State Personnel Commission to allow the authority to establish an internal system that is "substantially equivalent" to the system used by the Office of State Personnel; and

WHEREAS, the Board of Eastpointe Local Management Entity may petition the State Personnel Commission to determine whether any portion of its personnel system meets the requirement of Chapter 126 of the State Personnel System of the North Carolina General Statutes; and

WHEREAS, said Eastpointe Local Management Entity personnel system and any substantial changes to the system shall be approved by the State Personnel Commission as substantially equivalent to the standards established under G.S. Section 126 for employees of Mental Health Programs; and

WHEREAS, the staff and resources are available to Eastpointe Local Management Entity to maintain a substantially equivalent personnel system in the areas of: **System Portion I - Recruitment, Selection and Advancement**; and **System Portion II - Classification and Compensation**; and

WHEREAS, Eastpointe Local Management Entity seeks a determination of substantial equivalency in the areas of:

System Portion I - Recruitment, Selection, and Advancement
System Portion II - Classification and Compensation

WHEREAS, upon such determination, Eastpointe Local Management Entity employees shall be exempt from the provisions of Chapter 126 relating to the approved portions of the Eastpointe Local Management Entity personnel system.

NOW, THEREFORE, BE IT RESOLVED, that the LENOIR COUNTY BOARD OF COMMISSIONERS approves and supports this petition from Eastpointe Local Management Entity to the State Personnel Commission to determine if the Eastpointe Local Management Entity personnel system meets the requirements for substantial equivalency with the State Personnel Act.

Adopted this the ___ day of _____, 2012.

_____, Chair
Lenoir County Board of Commissioners

ATTEST:

Clerk to the Board

**PLAN OF MERGER AND AGREEMENT
BETWEEN AND AMONG**

Item # 11

**THE BEACON CENTER, EASTPOINTE HUMAN SERVICES, AND
SOUTHEASTERN REGIONAL MENTAL HEALTH, DEVELOPMENTAL
DISABILITIES AND SUBSTANCE ABUSE SERVICES**

THIS PLAN OF MERGER AND AGREEMENT (“Agreement”), made and entered into this ___ day of _____, 2012, by and among Edgecombe-Nash Mental Health, Developmental Disabilities and Substance Abuse Services, d/b/a The Beacon Center (“Beacon”), Eastpointe Human Services (“Eastpointe”), and Southeastern Regional Mental Health, Developmental Disabilities and Substance Abuse Services (“Southeastern Regional”) (singly, an “LME,” and collectively, the “LMEs”), and the Counties of Bladen, Columbus, Duplin, Edgecombe, Greene, Lenoir, Nash, Robeson, Sampson, Scotland, Wayne and Wilson.

WHEREAS, Beacon is currently established as a multi-county area mental health, developmental disabilities, substance abuse authority (“area authority”) and local management entity (“LME”) which serves the Counties of Edgecombe, Greene, Nash and Wilson; and

WHEREAS, Eastpointe is currently established as a multi-county area authority and LME which serves the Counties of Duplin, Lenoir, Sampson and Wayne; and

WHEREAS, Southeastern Regional is currently established as a multi-county area authority and LME which serves the Counties of Bladen, Columbus, Robeson and Scotland; and

WHEREAS, these LMEs are committed to continuing their history of supporting equal opportunities in services for consumers and employment possibilities for any applicant regardless of their age, race, religion, color, disability, sex, physical condition, sexual orientation or national origin after merger; and

WHEREAS, House Bill 916, 2011 N.C. Session Laws 264, was enacted by the General Assembly of North Carolina effective June 23, 2011, and requires that the 1915(b)/(c) Medicaid Waiver Program be completed statewide by July 1, 2013, and further requires that all LMEs meet certain deadlines to participate in the waiver by either merging with other LMEs or entering into interlocal agreements with other LMEs; and

WHEREAS, Eastpointe, with merger partners Beacon and Southeastern Regional, has been approved by the State of North Carolina to begin operating as a Local Management Entity (LME) /Managed Care Organization (“MCO”) under North Carolina’s 1915(b)/(c) Medicaid Waiver Program as a single prepaid inpatient health plan for mental health, intellectual/developmental disabilities and substance abuse services beginning no later than January 1, 2013, which will necessitate a merger of Beacon and Southeastern Regional into Eastpointe; and

WHEREAS, each LME’s goals can best be realized by expanding its respective catchment area, as that term is defined by N.C. Gen. Stat. § 122C-3(5), to include the twelve (12) counties served presently by one of the three LMEs; by consolidating operations; and by working toward a merger with Eastpointe as the surviving entity, to be effective on July 1, 2012 (“Merger Date”); and

WHEREAS, in order to further the implementation of certain business operations and plans for governance structure and human resource needs, the three LMEs and all counties participating in said LMEs hereby indicate their intent for the LMEs to merge and their agreement on certain decisions in order to facilitate such merger.

NOW, THEREFORE, in consideration of the mutual promises and considerations set forth in this Agreement, the parties do hereby covenant and agree as follows:

1. **PURPOSE.** The parties intend to merge Beacon and Southeastern Regional into Eastpointe effective on July 1, 2012, in order to operate as an LME/MCO under North Carolina's 1915(b)/(c) Medicaid Waiver Program as a single prepaid inpatient health plan for mental health, developmental disabilities and substance abuse services beginning no later than January 1, 2013, and to continue to manage the provision of high quality, cost-effective behavioral health services to consumers who are citizens of Bladen, Columbus, Duplin, Edgecombe, Greene, Lenoir, Nash, Robeson, Sampson, Scotland, Wayne and Wilson Counties ("New Catchment Area").

2. **SURVIVING ENTITY.** Eastpointe shall be the surviving legal entity. The name and by-laws of Eastpointe may be changed and amended respectively at the time of merger.

3. **NEW AREA BOARD.**

(a) Following the merger, Eastpointe, as the surviving LME/MCO entity shall be governed by the Area Board.

(b) The Area Board shall consist of up to twenty-seven (27) members, with the ability to increase its membership as needed. The number of directors on the Area Board, their qualifications and the Area Board's organization shall be consistent with the provisions of N.C. Gen. Stat. § 122C-118.1, as it may be hereinafter amended, or of any successor statute governing organization and membership of the governing board of an LME.

(c) The parties acknowledge that the three counties in the New Catchment Area with the largest population shall each have three (3) representatives on the Area Board. Each other county in the New Catchment Area shall have two (2) representatives on the Area Board. The identification of the counties which have such population for this purpose shall be re-examined every three (3) years based on any changes in population. The population numbers used will be those published by the N.C. Department of Health and Human Services.

(d) The Merger Committee described below may make other recommendations concerning the organization and membership of the Area Board of the merged entity.

(e) Prior to July 1, 2012, all counties participating in the merger will appoint indicated representatives to the Eastpointe Area Board. The said Eastpointe Area Board will be official effective on the Merger Date. Subject to applicable law, each County may but shall not be required to appoint a County Commissioner as one of their representatives on the Area Board.

(f) The term of office for all Beacon, Eastpointe and Southeastern Regional LME Board Members will end effective on the Merger Date.

4. **MERGER COMMITTEE.** A merger committee shall be established consisting of four (4) members of the Area Board of each of the three (3) LMEs, as appointed by their respective Area Boards (hereinafter the "Merger Committee"). The Merger Committee shall

serve as a planning and transition committee and as a liaison to the current Area Boards of the three (3) LMEs.

(a) The Merger Committee shall meet as it deems necessary and shall be given support from the management of all three (3) LMEs.

(b) The Area Directors of each of the three (3) LMEs shall meet with the Merger Committee as non-voting members, unless the Merger Committee requests otherwise.

(c) The Merger Committee may explore such issues as Area Board organization and membership, Human Resources, Finance, Information Technology, Communications, Consumer Access, Quality Management, Utilization Management, Provider Relations and Network Management. The Merger Committee may appoint work groups to study these or other issues affecting the merger and require them to report their recommendations to the Merger Committee.

(d) The Merger Committee shall report its recommendations to the three (3) LME Boards.

(e) When the three (3) LME boards adopt the recommendation of the Merger Committee, said recommendations shall be binding.

(f) At the date of the merger, the Merger Committee will be dissolved.

5. PRINCIPAL OFFICE AND LOCAL PRESENCE. The principal office of the MCO or merged entity shall be located at 514 East Main Street, Beulaville, NC 28518. Regional offices shall be maintained at 100 South James Street, Goldsboro, NC27530, 500 Nash Medical Arts Mall, Rocky Mount, NC 27804 and 450 Country Club Road, Lumberton, NC 28360. Other current local offices shall be maintained for the time being, and management will determine which functions will best be handled at the principal, regional and other local offices.

6. MANAGEMENT AND ORGANIZATIONAL CHART.

(a) A draft organizational chart of human resource positions for the merged entity is attached as Exhibit A. It is understood and acknowledged that positions, placement and supervisory chains of command may be revised to ensure successful implementation of the 1915(b)/(c) waiver.

(b) It is contemplated that the three (3) current area directors shall be placed in the following positions and should begin work in these positions in addition to carrying out their current duties in order to effect a successful merger:

(i) CEO/Area Director of merged entity – Ken Jones

(ii) Chief of External Operations – Karen Salacki

(iii) Chief of Quality Management – Jeanette Jordan-Huffam

7. EMPLOYEES.

(a) Both new employees and current employees of the three (3) LMEs may be hired for positions with the MCO during merger implementation, after the date of this Agreement but prior to the Merger Date, with the consent of the Area Directors of the three (3) LMEs. If the new employee is not employed by any of the three (3) LMEs at the time of hiring, the cost will be borne by Eastpointe.. If a current LME employee is hired for an MCO position, the cost will continue to be borne by the LME by which they are currently employed. The handling of the employee's current and new MCO duties will be handled on a case-by-case basis.

(b) As of the Merger Date, the CEO/Area Director shall fill all other employee positions with the MCO as currently required by statute, according to the waiver implementation plan proposed by the Merger Committee and as adopted by the new Area Board, which outlines the MCO hiring process over time.

(c) As of the Merger Date, all employees identified as those performing MCO functions will be employees of the LME/MCO and will be governed by the MCO's personnel policies. With respect to said employees, longevity and tenure with one of the three (3) LMEs shall be counted as credit for employment with the MCO, and said employees shall have and enjoy all rights and benefits as set forth in the MCO's personnel policies. Additionally, the probationary status requirement is waived for any employee of Beacon or Southeastern Regional who has already successfully completed a probationary period with his or her prior LME employer. Any employee in a probationary period as of the Merger Date must complete a probationary period in accordance with the LME/MCO's personnel policies. However, nothing contained herein shall constitute a promise or contract by the MCO to any employee for a definite period of time or modify his/her employment status under North Carolina law. All employees hired for positions with the LME/MCO shall enjoy all the rights and benefits as set forth in the LME/MCO's personnel policies and shall be entitled to participate in the MCO's health and other benefit plans in accordance with the terms and conditions of such plans applicable to other employees. The MCO shall not receive assignment of, or assume Beacon's or Southeastern Regional's rights or obligations under, any written employment contract between Beacon or Southeastern Regional and an employee thereof, except upon the New Area Board's prior written consent.

(d) The LME/MCO shall have a limited obligation to pay for, manage and coordinate employment retirement benefits which may be owed to (or on behalf of) individuals employed by one of the three LMEs at any time prior to the Merger Date ("Former Employees"). To the extent that either Beacon, Eastpointe or Southeastern Regional has any obligation to provide retirement benefits on or after the Merger Date to (or on behalf of) any of its Former Employees, said LME shall designate the actuarial amount (the amount indicated by the most recent actuarial study available) of its fund balance and establish a fund for that purpose, or identify a fund previously designated and established for this purpose. If such fund is established, the LME/MCO shall administer the fund and apply the proceeds as directed. The LMEs intend that the LME/MCO shall have no other financial obligation to pay for these benefits. Any excess funds, after all such benefits are paid, shall be converted to the LME/MCO's general fund balance.

8. **FINANCIAL DISCLOSURE.** The LMEs hereby covenant and agree that, to the best of their knowledge, each LME has provided to the other LMEs all requested financial information concerning the operation of such LME and further acknowledges and agrees that it has relied upon said information in agreeing to accept this Agreement. Each LME represents that the financial information provided in this regard is complete and accurate, and does not contain any material misrepresentations, and does not omit any material information concerning the financial status of said LME.

9. **ASSETS.**

(a) **Assets and Fund Balances.** All assets and fund balances, designated or undesignated, currently owned and used by Beacon, Eastpointe or Southeastern Regional will be transferred to the surviving entity on the Merger Date.

(b) **Real Estate Leases.** It is contemplated that any leases between one of the three (3) LMEs and any county or its affiliate in the New Catchment Area will be assigned to the surviving entity on the currently existing terms.

(c) **Personal Property.** All personal property presently belonging to or used by one of the three (3) LMEs, specifically including but not limited to, equipment, vehicles, fixtures and inventory, shall be transferred to the surviving entity pursuant to a Contract of Conveyance/Assignment/Bill of Sale. The Contract of Conveyance/Assignment/Bill of Sale shall be executed by the appropriate officials of the LMEs or the counties as appropriate. If any of such personal property requires a title or other document establishing ownership, said title or other document shall be transferred to the MCO on or before the Merger Date.

(d) **Equipment Leases.** Exhibit B lists all service contracts, office and equipment leases, and standard operating agreements to which each of the LMEs is a party, and current payables and other liabilities of each of the LMEs has incurred in the ordinary course of business, which shall be expressly assumed by the MCO. Each such liability is a legal, valid and binding obligation of such LME, there is no notice or claim of material default by any party thereto, and, except as set forth in Exhibit B, no consent, notice of assignment or other action is required in order to consummate the transactions contemplated by this Agreement. The LME holding said leases or agreements shall, prior to the Merger Date, obtain all necessary consents to assignment required for the MCO to assume said LME's obligations under any such agreements, and the MCO shall cooperate in a reasonable manner with said LME to accomplish such assignments. It is expressly understood and agreed that, except for the obligations of each LME listed in Exhibit B which are expressly assumed by the MCO, the MCO shall not assume any liability or obligation of one of the LMEs that is fixed or contingent, disclosed or undisclosed, as of the Merger Date or otherwise.

10. **FUND BALANCES.** The Parties acknowledge and agree that each LME's fund balance represents one of the most critical assets that will be transferred to the MCO. All debts accruing prior to the Merger Date shall be paid from each LME's fund balance by or on behalf of such LME. The Parties further acknowledge and agree that it is essential to the operation of the MCO, following the merger, that the merged entity begin operation with a fund balance adequate for its needs. The fund balances of each LME, both restricted and unrestricted, as of the Merger Date, shall be transferred to the MCO for its use as of the Merger Date. Between the date of the

execution of this Agreement and the Merger Date, the Parties shall not take any action, outside the regular and ordinary course of business, to deplete their respective fund balances except for providing for existing commitments and liabilities.

11. LIABILITIES

(a) Each LME will have an audit for Fiscal Year ending June 30, 2011, with evidence representing no undisclosed possible claims or assessments. Prior to the merger date, each LME will communicate to all parties any probable claims or assessments.

(b) Any liability of the three (3) LMEs arising prior to the Merger Date, existing at the time of the Merger Date, or coming into existence after the Merger Date shall become the responsibility of the surviving entity; provided, however, this transfer of liabilities shall not impact any possible insurance coverage or any dispute or defense as to the validity of the liability with any third party.

(c) Beacon, Eastpointe and Southeastern Regional specifically affirm and warrant that there are no pending litigation matters or claims, or potential claims or suits, including but not limited to actual or alleged medical malpractice or professional negligence, with the exception of those expressly listed in Exhibit C attached hereto.

12. GENERAL LIABILITY INSURANCE. Each of the three (3) LMEs shall maintain its liability insurance coverage in the ordinary course of business through 12:00 a.m. on the Merger Date. Beacon, Eastpointe and Southeastern Regional shall obtain insurance tail coverage, continued claims-made coverage, or other insurance coverage deemed acceptable by the other LMEs and the MCO covering each LME and its present and former employees for acts and omissions occurring prior to the Merger Date, identified either before or after the Merger Date, and shall provide a certificate of such coverage to the MCO upon request. Said liability coverage shall provide coverage with limits of liability in the amounts not less than one million dollars (\$1,000,000) per occurrence and three million dollars (\$3,000,000) in the aggregate. Effective at 12:01a.m. on that date, the MCO shall have in place the following liability insurance:

(a) Liability insurance to cover and include all personal property transferred to the MCO in connection with this Agreement;

(b) General liability insurance which shall include coverage for, inter alia, bodily injury and property damage caused by its employees, and agents, including its new employees as referenced in Section 8 above;

(c) Workers' compensation insurance covering the employees of each of the three (3) LMEs who become employees of the MCO as of the Merger Date as set forth in Section 8 above;

(d) Professional Liability insurance for all staff, including but not limited to Psychiatrist and Licensed staff.

(e) Tail coverage for Directors and Officers, including Board Members no longer serving on the three LME Boards.

(f) Any and all other insurance maintained in the ordinary course of business.

13. DIRECTORS' AND OFFICERS' INSURANCE. As of the Merger Date, the MCO shall assure that the new Area Board, as reflected in Section 3 above, shall be covered under the MCO's Directors' and Officers' insurance policy. Beacon, Eastpointe and South-eastern Regional shall purchase Directors' and Officers' Insurance to cover the directors and officers of such LME for acts or omissions occurring prior to the consolidation in the form of tail coverage, continued claims-made coverage, or other insurance coverage deemed acceptable by the MCO and provide a certificate of such coverage to the MCO upon request.

14. COUNTY APPROPRIATIONS. The County Commissioners of each of the counties in the New Catchment Area agree to use their best efforts to continue the level of funding currently budgeted, and to fund increases where the Commissioners deem appropriate in order to effectively provide mental health, developmental disability and substance abuse services through the surviving entity. To the extent prohibited by N.C. Gen. Stat. § 122C-115(d), the County Commissioners acknowledge they may not reduce county appropriations and expenditures to the LMEs or the MCO based on the availability of State-allocated funds, fees, capitation amounts or fund balance. Funds allocated by a County to the LME/MCO are to be expended for services for residents of that County alone, and shall be used to supplement those services which would otherwise be provided by the use of state and federal funding. Funds allocated by a County to the LME/MCO shall supplement other expenditures of that County and shall not be used by a County to supplant any portion of that County's contribution of local funds to non-MCO functions performed by the County or others. The LME/MCO's sole role and responsibility as to county funds shall be as a conduit for county funds, administering those funds on behalf of the donor counties as an independent contractor and not as an agent or constituent of the counties. At least annually the LME/MCO and representatives from the twelve counties will meet to review the contribution levels of each County and the services funded by County dollars. Should the MCO or counties making greater contributions to the MCO be held liable to a resident of a county making lesser contributions on the basis that this allocation violates that resident's equal protection or similar rights, the county of the resident, to the extent insurance coverage is not available, shall indemnify, defend, and hold harmless the MCO and/or the other counties for any claim, loss, damage, cost expense or liability, including the fees and costs of defending such a claim, relating to or arising from a claim of the unequal allocation of services. To the extent allowed by applicable law, and to the extent insurance coverage is not available, in the case of any claim based upon the administration of county funds, the county which is the funding source for the program involved shall indemnify, defend, and hold harmless the MCO and/or the other counties for any claim, loss, damage, cost, expense or liability, including the fees and costs of defending such a claim, relating to or arising from the claim.

15. COVENANT OF EASTPOINTE. Eastpointe, as the MCO and surviving entity, will use its best efforts to operate as an MCO under North Carolina's 1915(b)/(c) Medicaid Waiver Program as a single prepaid inpatient health plan for mental health, developmental disabilities and substance abuse services beginning no later than January 1, 2013, and to continue to manage the provision of high quality, cost effective behavioral health services to consumers who are citizens of the New Catchment Area within existing finances after the Merger Date.

16. CONDITIONS PRECEDENT FOR PARTIES TO CLOSE. The obligations of the parties to consummate the transaction described in this Agreement are subject to the following conditions precedent. Upon the nonperformance or breach of said conditions by an LME or agency party, each of the remaining LMEs may, at its option and in its sole discretion, cancel and nullify this Agreement prior to or as of the Merger Date.

(a) All necessary approvals have been obtained from the Area Boards of each of the LMEs, the Boards of County Commissioners of the counties comprising the New Catchment Area, and the Secretary of the N.C. Department of Health and Human Services in accordance with state statutes and administrative rules relating to the consolidation of area authorities or LMEs and approval of LME business plans, including without limitation the requirements of N.C. Gen. Stat. § 122C-115.2.

(b) The representations and warranties of each LME contained in this Agreement shall be true, complete and correct in all material respects as of the Merger Date, including the representations of each LME that all requisite consents and approvals have been obtained.

(c) Each of the covenants, agreements, conditions and obligations to be performed or complied with by each LME on or before the Merger Date pursuant to the terms hereof shall have been duly performed or complied with on or before such date.

(d) Prior to the Merger Date, each LME shall have completed a due diligence review (including review of all internal financial statements, books, records, reports and audits deemed necessary by such LME) and shall have determined that no adverse conditions or matters exist with respect to the assets acquired from Beacon, Eastpointe or Southeastern Regional.

17. COMPLIANCE WITH STATUTORY AND REGULATORY REQUIREMENTS: From the Merger Date, Eastpointe (as reorganized pursuant to this Agreement) shall comply with all statutory and regulatory requirements applicable to multi-county LMEs, including but not limited to the requirements of the provisions of Chapter 122C of the North Carolina General Statutes, the rules of the Commission for Mental Health, Developmental Disabilities and Substance Abuse and the Secretary of the Department of Health and Human Services, and the requirements of House Bill 916, 2011 N.C. Session Laws 264, as they exist as of the Merger Date or may be amended in the future.

18. WAIVER. The failure of a party to insist upon strict adherence to any term of this Agreement on any occasion shall not be considered a future waiver of the term or deprive that party of its right thereafter to insist upon strict adherence to that term or any other term of this Agreement or any subsequent agreement. Any waiver must be in writing, and no waiver of any breach of any provision shall constitute a waiver of any other breach of such provision or of any other provision hereof.

19. SECTION HEADINGS. Section headings contained in this Agreement are included for convenience only and do not define, limit or describe the scope or intent of this Agreement or in any way affect this Agreement.

20. APPLICABLE LAW. This Agreement shall be construed in accordance with, and governed by, the laws of the State of North Carolina.

21. EXECUTION. The Parties agree to execute all documents, instruments or further assurances as may be necessary or required to effectuate and complete all transactions contemplated by this Agreement.

22. **MULTIPLE ORIGINALS.** This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original and it shall not be necessary to make any proof of this Agreement to produce or account for more than one such counterpart.

23. **SEVERABILITY.** If any clause or provision of this Agreement shall to any extent be judged invalid or unenforceable by a court of competent jurisdiction or by operation of applicable law, the validity of any other clause or provision shall not be affected, and the remainder of this Agreement shall remain in full force and effect.

[SIGNATURES TO FOLLOW ON SUCCEEDING PAGES.]

This the _____ day of _____, 2012.

**EDGECOMBE-NASH MENTAL HEALTH,
DEVELOPMENTAL DISABILITIES AND
SUBSTANCE ABUSE SERVICES, D/B/A
THE BEACONCENTER**

By: _____
James Fulghum, Board Chair

By: _____
Karen Salacki, Area Director

Edgecombe County Board of Commissioners

By: _____
_____, Chair

Greene County Board of Commissioners

By: _____
_____, Chair

Nash County Board of Commissioners

By: _____
_____, Chair

Wilson County Board of Commissioners

By: _____
_____, Chair

EASTPOINTE HUMAN SERVICES

By: _____
Lee Smith, Board Chair

By: _____
Kenneth E. Jones, MPA, Area Director

Duplin County Board of Commissioners

By: _____
_____, Chair

Lenoir County Board of Commissioners

By: _____
_____, Chair

Sampson County Board of Commissioners

By: _____
_____, Chair

Wayne County Board of Commissioners

By: _____
_____, Chair

**SOUTHEASTERN REGIONAL MENTAL
HEALTH, DEVELOPMENTAL
DISABILITIES AND SUBSTANCE ABUSE
SERVICES**

By: _____
James Prevatte, Board Chair

By: _____
Jeanette Jordan-Huffam, Area Director

Bladen County Board of Commissioners

By: _____
_____, Chair

Columbus County Board of Commissioners

By: _____
_____, Chair

Robeson County Board of Commissioners

By: _____
_____, Chair

Scotland County Board of Commissioners

By: _____
_____, Chair

This Plan of Merger and Agreement entered into by and among The Beacon Center, Eastpointe Human Services, and Southeastern Regional Mental Health, Developmental Disabilities and Substance Abuse Services, and the Counties of Bladen, Columbus, Duplin, Edgecombe, Greene, Lenoir, Nash, Robeson, Sampson, Scotland, Wayne, and Wilson, , to merge The Beacon Center and Southeastern Regional Mental Health, Developmental Disabilities and Substance Abuse Services into Eastpointe as the surviving LME operating as a managed care organization serving a catchment area of Bladen, Columbus, Duplin, Edgecombe, Greene, Lenoir, Nash, Robeson, Sampson, Scotland, Wayne, and Wilson,, is hereby approved.

This the ___ day of _____, 2012.

**NORTH CAROLINA DEPARTMENT
OF HEALTH AND HUMAN SERVICES**

By: _____

Secretary

EXHIBIT A

DRAFT ORGANIZATIONAL CHART OF EASTPOINTE AFTER MERGER

Eastpointe Organizational Chart

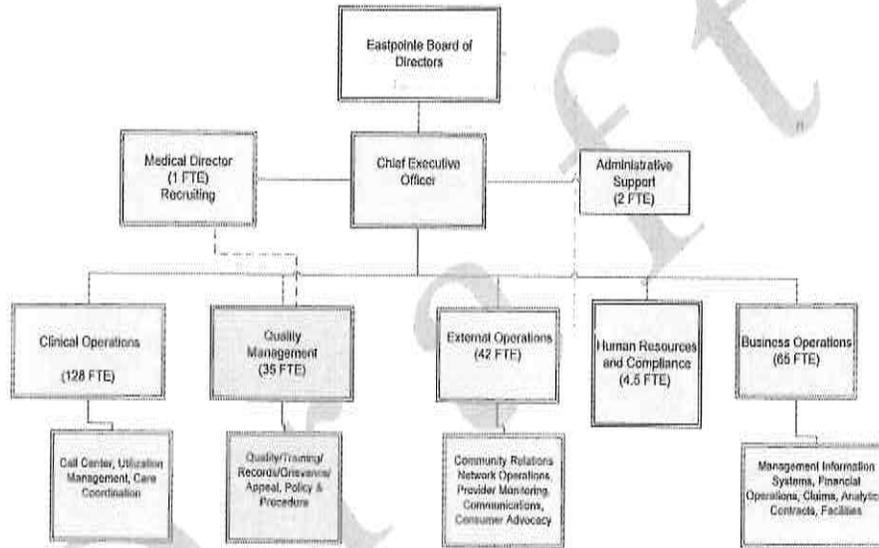


EXHIBIT B EQUIPMENT LEASES

EQUIPMENT LEASES GE Capital (SRMH)	(5) Leased copiers	48 month contract dated 6/25/2008 billed monthly - 6 payments remaining @ \$1785.93 ending July 12, 2012	10,715.58
Pitney Bowes (SRMH)	postage machine	60 month contract dated 2/26/2010 billed quarterly - 13 payments @ \$1137.00	12,507.00
Wells Fargo (SRMH)	(3) Leased copiers	20 months remaining at a rate of \$331.67 ending Nov. 2014	3,980.04
Wells Fargo (SRMH)	(2) Leased copiers	25 months remaining at a rate of \$410.00 ending Jan. 2015	4,920.00
Pitney Bowes/ Postage by Phone (Beacon)	Acct # 30599815	\$3,500.00	Bi-Monthly (Approx)
Pitney Bowes Global Financial Srv PO Box 371887 (Beacon)		\$754.00	Monthly
COECO			
Aficio MP4000	Medicaid UR - B-ville	September-12	48 months 267.7
Ricoh C6000	6th Floor - Goldsboro (Black & Color)	July-12	48 months 585.32
Aficio 7500	UR Administrative - B-ville	2013	60 months
Color 5560	Upstairs copy room (Black & Color)	2013	60 months 1557.14
Aficio 5500	Reimb - B-ville	2013	60 months
Aficio 5500	Accounting Department	2013	60 months
Aficio MP6001	Provider Relations - Kinston	2015	60 months 563.62
Aficio MP4001	Medicaid UR Admin - B-ville	2015	60 months
CAVIN'S			
IR3235	Tammy's Office	2015	48 months 356.31
IR-ADV C5051	Bob's Office		
IR5050	Mailroom	2016	48 months 204.37
PITNEY BOWES			
	Goldsboro (\$471)		
	Beulaville (\$1001)	2014	60 months 1940.00
	Kinston (\$468)		

EXHIBIT C

**LITIGATION, CLAIMS AND CONTINGENT CLAIMS
AGAINST BEACON, EASTPOINTE OR SOUTHEASTERN REGIONAL**

None Noted at This Time

INTRODUCED BY: Michael Jarman, County Manager **DATE:** 04/16/12 **ITEM:** 12

RESOLUTION: AUTHORIZING THE PURCHASE OF NAVIGATOR SOFTWARE FROM
GEOSPATIAL TECHNOLOGIES: \$4,140.00

SUBJECT AREA: Bids/Purchases

ACTION REQUESTED:

Authorize the purchase of “Navigator” mapping software from GeoSpatial Technologies to be used with the existing mapping software on the EMS laptops.

HISTORY/BACKGROUND:

The current mapping software located on all vehicles in the EMS fleet was purchased in the first quarter of 2011. The mapping software was implemented in stages in an effort to eliminate any issues that may arise. During this process many changes were made to the software to customize it to meet Lenoir County’s requirements. The last phase of this process is the Navigator software. This software will provide more specific and direct route information to EMS units.

EVALUATION:

Staff has completed months of testing on the mapping software. At this time, staff is recommending the purchase of the Navigator software for the EMS fleet of vehicles. The software will provide more specific and direct route information to EMS units.

MANAGER'S RECOMMENDATION:

Respectfully recommend approval.


Initials

RESOLUTION: NOW THEREFORE, BE IT RESOLVED by the Lenoir County Board of Commissioners that the purchase of Navigator mapping software from GeoSpatial Technologies is approved at a cost NTE: \$4,140.00.

Funding Source: 10-4332-5999 Capital Items <\$5,000

AMENDMENTS

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

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

George W. Graham, Jr. Chairman Date

ATTEST DATE

BUDGET ORDINANCE AMENDMENT: FINANCE/EMERGENCY TELEPHONE SYSTEM FUND
 EMERGENCY TELEPHONE SYSTEM: \$35,210. INCREASE



LENOIR COUNTY, NORTH CAROLINA
BUDGET AMENDMENT REQUEST

FY 2011 - 2012
 Appropriations

Budget Amendment # _____
 Date Approved _____

Distribution - Finance Office:

FUND		DEPARTMENT		LINE ITEM DESCRIPTION	
EMERGENCY TELEPHONE SYSTEM FUND		FINANCE/EMERGENCY TELEPHONE SYSTEM		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>		
24-3812-3700	REIMB-JONES CNTY GRANT APPLIC	35,210.00	24-4320-1990	CONSULTING SERVICES	35,210.00
Total		35,210.00	Total		35,210.00

Reason and Justification for Request:
 BUDGET AMENDMENT TO APPROPRIATE FUNDS RECEIVED FROM JONES COUNTY FOR THEIR ONE HALF OF THE CONSULTANT HIRED BY LENOIR AND JONES COUNTIES TO SUBMIT A GRANT APPLICATION FOR THE CONSOLIDATION OF LENOIR AND JONES COUNTIES E-911 CENTERS. THE COMMISSIONERS APPROVED LENOIR COUNTY'S PORTION ON JANUARY 17, 2012 - ITEM #12-B.

Department Head Approval	Date	Finance Officer Approval	Date
<i>Martha H. Martin</i>	4/9/2012	<i>Martha H. Martin</i>	4/9/2012
Budget Officer Approval	Date		
<i>Michaela J. ...</i>	4/11/12		
Board Approval (When Applicable)	Date	Date of Minutes	

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 4/16/12 **ITEM NO.:** 14

RESOLUTION: Authorizing the Lease of 150 Desktop Computers from Dell Computer Corp, Inc. From North Carolina State Contract NTE \$32,000 per Year for 4 Years.

SUBJECT ARES: Purchases / Bids

ACTION REQUESTED:

Approval of a Resolution authorizing the lease of 150 Desktop Personal Computers off of the State of North Carolina Purchasing/Lease Contract from Budgeted Funds.

HISTORY/BACKGROUND:

On April 21, 2008 the Lenoir County Commissioners approved a 4 year Technology Refresh Program that allowed Lenoir County to lease its desktop units. It has been very effective in keeping desktop pc's operating in an ever-changing environment. This also allows us to have all of the operating costs covered under warranty for the entire 4 years.

EVALUATION:

We are returning the machines we leased back in 2008 as per the lease agreement. This lease will replace those machines and allow us to have new leased machines with warranty coverage for the entire lease.

MANAGER'S RECOMMENDATION:

Respectfully Recommend Approval


Initials

RESOLUTION: NOW, THEREFORE BE IT RESOLVED By the Lenoir County Board of Commissioners that the County execute a lease NTE \$32,000 to Dell Computer Corp, Inc. for the lease of 150 desktops PCs from budgeted funds.

AMENDMENTS

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Daughety _____ Davis _____ Graham _____

Pharo _____ Rouse _____ Sutton _____

George W. Graham Jr., Chairman

4/16/12
Date

ATTEST

4/16/12
Date

INTRODUCED BY: Michael Jarman, County Manager **DATE:** 4/16/12 **ITEM NO.** 15

RESOLUTION: Approving the Acceptance of a Camera System Provided by the North Carolina Department of Transportation to be Purchased with State and American Reinvestment and Recovery Act Funds.

SUBJECT AREA: Administration

ACTION REQUESTED:

Approve the acceptance of a camera system and agree to maintain and protect this asset for a period of seven (7) years by signing a Memorandum of Understanding with NCDOT.

HISTORY/BACKGROUND:

NCDOT has offered LCT the opportunity to install a camera system on all LCT vehicles. NCDOT will initially provide all equipment, installation, training, and sample management policies and procedures. NCDOT will also make available a statewide contract for procurement of additional system equipment.

EVALUATION:

Approval for the acceptance of the camera system offered to Lenoir County will provide additional safety and security to the drivers and passengers on LCT vehicles.

MANAGER'S RECOMMENDATION:

Respectfully Recommend Approval

mwj
INITIALS

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that the Board Approves the Acceptance of a Camera System provided by the North Carolina Department of Transportation for Installation on Lenoir County Transit Vehicles and **BE IT FUTHER RESOLVED** the Chairman of the Board is authorized to sign a memorandum of understanding with NCDOT regarding maintenance and protection of the asset for a period of seven (7) years.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

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

George W. Graham, Jr., Chairman 4/16/12
Date

ATTEST 4/16/12
Date

ARRA MDVR Camera System Prioritization Certification

System Name: Lenoir County Transit
 Person Completing Form: Sally Durst Phone: 252-559-6457 X7270
 System Type: (check all that apply)

Coordinated and Consolidated Transit Authority
 Single County X Private Non Profit Regional

Criteria	System Y / N	Reason Not Met/Doesn't Apply	NCDOT / PTD ONLY
----------	-----------------	---------------------------------	---------------------

A. Mandatory – Signed Memorandum of Understandings

1. AssetWorks Maintenance Software	Y		Y N
2. MDVR Camera Systems	N		Y N

B. Compliance With Federal Regulations

3. Certifications and Assurances are signed and submitted (ARRA and FY12 grant agreements)	Y		Y N
4. Drug and Alcohol Compliance Review Actions Implented (FY08 – FY11 timeframe)	Y		Y N
5. System Safety Program Plan Reviews (FY08-FY11 timeframe)	Y		Y N

C. State Required Quarterly and Annual Reports

6. On time submission of Quarterly Operating Statistics (All grantees)	Y		Y N
7. On time submission of Annual Operating Statistics (All grantees)	Y		Y N
8. On time submission of Quarterly Incident Report (All grantees)	Y		Y N
9. On time submission of Annual ROAP Report (Applicable entities)	Y		Y N
10. On time submission of Quarterly Training Report (All grantees)	Y		Y N
11. On time submission of Quarterly Grant Progress Report (All grantees)	Y		Y N
12. On time submission of Quarterly Charter Reports (All grantees)	Y		Y N
13. On time submission of 5310, 5316, and 5317 Program Measures Report (Applicable grantees)	Y		Y N
14. On time submission of Quarterly Drug & Alcohol Reports (All grantees)	Y		Y N
15. On time submission of DAMIS Annual Reports (All grantees)	Y		Y N

To be eligible for this project, you must meet the criteria in A and B. Second, all applicable forms for C must be submitted through the end of FY 11.

Transit System: Lenoir County Transit

NCDOT PTD

Name: George W. Graham, Jr., Chairman BOC

Name:

Signature:

Signature:

Date: 04/16/2012

Date:



updated 2/1/2012

Memorandum of Understanding (MOU) Vehicle Camera and Software Project

This MOU is designed to detail expectations of everyone participating so the project starts out with shared expectations.

Lead Funding Agency	North Carolina Department of Transportation, Public Transportation Division
Roles and Responsibilities	<p>Primary funder of the American Recovery and Reinvestment Act Vehicle Camera Project agrees:</p> <ul style="list-style-type: none"> • To provide funding for the implementation and training costs for the approved NC Transit systems with American Reinvestment and Recovery Act (ARRA) and state funds. • To have an implementation team to schedule and provide oversight for the mobile digital video recording camera (MDVR) project. • To schedule implementation by eligible system prioritization and / or region. • To expect as a requirement of funding that each agency will follow the implied and actual intent of this agreement and the requirements stated within. • To issue one or more purchase orders for all equipment, installation and training as specified in the bid for all eligible transit systems. • To process an amendment to Safety and Security Plans and processes. • To provide sample policies and procedures for management, oversight and maintenance of the camera system. • To ensure all installations are completed within 18 months once the bid is awarded. • A statewide contract will be maintained and available for additional and replacement cameras and DVR systems.
Contact	Wayne Rogers, Deputy Director for Financial & Administrative Services



updated 2/1/2012



Participating Agency	Lenoir County Transit
Roles and Responsibilities	<p>User of Vehicle Camera Equipment and Software agrees:</p> <ul style="list-style-type: none"> • To identify a System Champion; this person will also serve as the key system contact and on the Implementation Team. This person must: be technically competent and know the system's operating procedures. • To provide a qualified computer for downloading and storing video. This computer storing video must be included in regular back up processes and procedures. (minimum specifications attached) • To schedule vehicle availability for installation to meet the requirements of the bid and the implementation team. • To participate in periodic system evaluations as well as share success stories. • To adopt and implement policies and practices provided by the Implementation Team. • To incorporate videos, as appropriate, in training and disciplinary actions. • To involve staff in training and implementation. • To maintain and protect this asset for 7 years; this asset should be transferred to replacement vehicles as these vehicles are funded. Cameras disposed of prior to the useful life will be prorated and funding returned to NCDOT. • To set up and maintain a record in AssetWorks FASuite by vehicle for each camera system. • To fully implement the functions and use of the application. • To be responsible for any replacement of cameras due to vandalism or other neglect from lack of good maintenance and oversight practices. • To notify insurance companies that cameras are installed on the vehicles to have rates appropriately adjusted and cameras included in vehicle coverage.
Contact	George W. Graham, Jr., Chairman, Lenoir County Board of Commissioners

We the undersigned agree to participate and cooperate in the development and installation of vehicle camera project.

Wayne Rogers *Date*

George W. Graham, Jr. *Date*



updated 2/1/2012

MINIMUM COMPUTER SPECIFICATION REQUIREMENTS

Recommended Workstation Specifications (vMax Commander™ & vMax View™)		
Component:	Minimum:	Recommended:
Processor	I5-750	I7-870
Memory	4GB	8GB
Video Card	GeForce GTS250 1GB/Radeon HD4850 512MB	GeForce GTX 460 768 MB/ Radeon HD 5850 1 GB

Recommended Server Specifications (vMax Commander™ & vMax View™)		
Component:	Minimum:	Recommended:
Processor	Intel® Core2 Duo (2GHz or higher) or AMD equivalent	
Operating System	Windows XP 32 bit or 64 bit, service pack 3 or higher; Windows VISTA 32 bit or 64 bit; Windows 7 32 bit or 64 bit	
Video Card	32 MB, 16.7 million colors, with support for DirectX® 9.0C	
Memory	2 GB RAM; 30 MB free HD space for installation; 300 GB free HD space for storage	4GB recommended; 1TB storage recommended
Peripherals	2 x USB ports, DVD drive, 10/100 Ethernet	Second 10/100 Ethernet port recommended
Media Player	Microsoft Media Player® version 8.x or higher	

INTRODUCED BY: Michael Jarman, County Manager **DATE:** 04/16/12 **ITEM:** 16

RESOLUTION: Approving the Department of Juvenile Justice and Delinquency Prevention's FY 2012-2013 Grant Funding for the Lenoir County Juvenile Crime Prevention Council: \$206,571

SUBJECT AREA: Financial

ACTION REQUESTED: Approve the FY 2012-2013 Department of Juvenile Justice and Delinquency Prevention's (DJJDP) grant allocation of \$206,571 for the Lenoir County Juvenile Crime Prevention Council and the recommended Program allocations.

HISTORY/BACKGROUND: The 1998 Juvenile Justice Reform Act legislation intent is to prevent at-risk juveniles from delinquency. The primary intent is to develop community-based delinquency alternatives to training schools, provide community-based delinquency and substance abuse prevention strategies and programs. Also, programs should provide non-institutional dispositional alternatives that will protect the community and the juveniles. The Juvenile Justice Crime Prevention Council was appointed by the Board of Commissioners on February 1, 1999 and assumed the responsibilities for assessing the need for sanction delinquency treatment and prevention services for adjudicated youth. Programs target treatment and intervention in group homes, home-based family services, guided growth services, substance abuse programs, structured day programs, restitution/community services, intensive monitoring programs, psychological services, parent responsibility classes, regimented training classes, respite care programs and victim-offender reconciliation services, specialized foster care, temporary shelter care and counseling. The Department of Juvenile Justice and Delinquency Prevention grant requires a 10% cash or in-kind local match. Funds received and expenditures made are included in the Process Funds category.

EVALUATION: The Lenoir County Juvenile Crime Prevention Council (JCPC) met in regular session on April 9, 2012 and unanimously approved recommending to the Lenoir County Board of Commissioners that available DJJDP's grant funds in the amount of \$206,571 are approved for the Juvenile Crime Prevention Council and allocated as follows for FY 2012-2013.

Structured Day Reporting Center and Restitution Program	\$133,348
Parenting Matters	\$ 35,194
Teen Court	\$ 33,029
Administrative Funds*	\$ 5,000
Total	\$ 206,571

*Administrative Funds recommended at \$5000 in order to absorb any monetary reversions requested by DJJDP during the fiscal year and avoid reversion of allocated program dollars. Historically, the JCPC has reverted funds for the past several years.

Program Descriptions:

8th Judicial District Structured Day Reporting Center Program /Restitution Program- The Lenoir County Structured Day Reporting Center offers programs to control and manage juvenile offenders by providing opportunities to perform work or community service restitution. The SDRC targets youth ages 9-17. The operating schedule is Monday – Friday 7:30 – 4:00 pm. Community Service Saturdays (as scheduled) 8:00 – 12:00 noon. The program type is Structured Day and is located at Sampson School. The juvenile services component provides services to primarily adjudicated delinquent youth. It is a multifaceted program that provides short term alternatives to detention services, probation supervision services for high risk youth, a short term daily supervision for juvenile court youth who are suspended from school, youth make \$\$ restitution and transitional services for juveniles returning to the community.

Teen Court - This is a joint effort between Communities in Schools, the District Attorney's Office and

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 4/16/12 **ITEM NO.:** 17

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>
Lenoir Community College Trustee 2 nd Appearance	Jim Hardison (re-appointment)	June 30, 2012
Lenoir County ABC Board 2 nd 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>
Lenoir Community College Trustee 2 nd Appearance	Jim Hardison (re-appointment)	June 30, 2012
Lenoir County ABC Board 2 nd Appearance	Emmette Taylor (re-appointment)	June 2012

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Daughety _____ Davis _____ Graham _____

Pharo _____ Rouse _____ Sutton _____

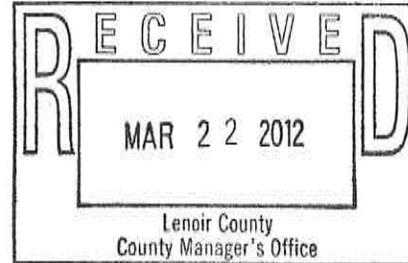
George W. Graham, Jr., Chairman

4/16/12
Date

ATTEST

4/16/12
Date

March 19, 2012



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

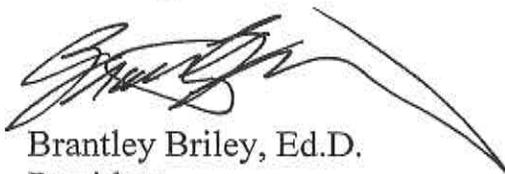
Dear Mr. Graham:

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.

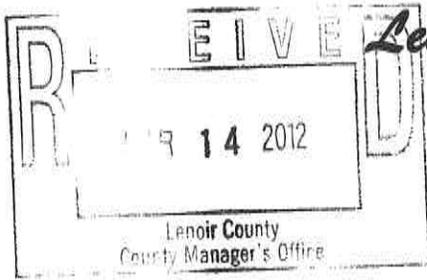
Sincerely,

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,

Brantley Uzzell
General Manger
Lenoir County ABC Board