

MINUTES
LENOIR COUNTY BOARD OF COMMISSIONERS
April 19, 2010

The Lenoir County Board of Commissioners met in open session at 4:00 p.m. on Monday, April 19, 2010 in the Board of Commissioners Main Meeting Room in the Lenoir County Courthouse at 130 S. Queen St., Kinston, NC.

Members present: Chairman George Graham, Vice-Chairman Claude Stroud and Commissioners, Reuben Davis, Chris Humphrey, Tommy Pharo and Linda Rouse Sutton.

Members absent: Jackie Brown

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

Upon a motion by Ms. Sutton and a second by Mr. Stroud, the Board excused Ms. Brown from the meeting.

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

PUBLIC INFORMATION

Ms. Laura Lee Sylvester, Director of the Chamber of Commerce, invited the Board to attend the 29th annual Festival on the Neuse. The Festival on the Neuse will take place April 28-May 1, 2010. Ms. Sylvester stated last year over 15,000 people attended the festival. Over 30 partners are expected to participate this year, including 60 plus vendors and over 60 cook teams. Children's activities will be provided at no charge again this year. Commissioners are welcomed to make opening remarks for the festival. Ms. Sylvester stated the Chamber Membership Drive was a success. In two days, with over 100 volunteers, new members were encouraged to join the Chamber. In 5.5 hours 121 new members joined the Chamber. The Board thanked Ms. Sylvester for her report.

Mr. Russell Rhodes, Chairman of the Lenoir County Transportation Committee, addressed the Board. Mr. Rhodes gave an update on Lenoir County transportation issues as follows: The House and Senate Department of Transportation (DOT) Oversight Committees are looking into changing the "Equity Formula." The equity formula is based on population, which could result in a reduction of funding for Lenoir County. DOT reports that they have \$5.40 worth of need for every \$1.05 of funding they have through 2020. The GTP rail spur project has begun; the contractor is Hinkle Construction. Utility relocations are in progress and revisions to signals along the temporary cargo route are in progress. At the location of Murphy Gas and Wal-Mart on Hill Farm Road from US 70 to just north of Joan Drive, a new concrete island is to be installed to address crashes on Hill Farm Road. The US 70 Kinston Median Project from west of Queen Street to NC 58 west of McDonald's is under the design phase. No designs have been displayed to date; construction to start in 2011. US 70 traffic signal at Mt. Vernon Park Road is now in the hand of the City of Kinston for removal. The City is negotiating with DOT to determine what will be the best solution for the community and the traffic location. Sanderson Farms is in need of a temporary light at their US 70 entrance. DOT is viewing both traffic signals as one project. The Transportation Committee views these as two separate and different issues.

Industrial access on Airport Road at Friendly Grocery and Farmgate Road is under construction. A continuous center turn lane is to be constructed and channelized access to Airport Road will be built to ease congestion as the child care and industrial traffic negotiate the area. The center turn lane will go from Academy Heights to Dobbs Farm Road. Bridge Replacement at Queen Street is being considered as well. Based on emergency response vehicles access and the lack of emergency stations on the south side of the river, the Transportation Committee requested an onsite detour. An onsite detour will leave one lane open in each direction on the bridge throughout construction. DOT would like an offsite detour that will put traffic on the King Street Bridge. Right-of-way acquisition should start in 2012 and construction in April 2013. NCDOT has introduced Strategic Planning Office of Transportation (SPOT) Reform. SPOT evaluations are data-driven and justifiable. The SPOT reform is to take the politics out of transportation planning. Projects not found in the five-year work program, will follow a new process that is data-driven, not politically motivated and easy to understand. Cary Road Extension is now listed as #3 on the SPOT ranking. This ranking does not guarantee funding, but with the ranking comes more possibility for funding. DOT will learn within the month if fiscal restraints will allow for the construction of this road in years 6 through 10 of the new system. Harvey Parkway Section A is underway and is reported to be 30% complete. Federal Stimulus funds are building the parkway, but not the cost of paving the road. Estimated completion is scheduled for September 2012.

The Round-a-bout at Martin Luther King and King Street has been funded by DOT and the Golden Leaf Foundation; construction to begin soon. An NC 11 Committee meets the second Tuesday of each month from 2-4 pm at the GTP Education and Training Center. Officials from Pitt County, Ayden, Grifton, Members of the Transportation Committee from Lenoir County and DOT meet to determine if we can make NC 11 an interstate quality road from the Greenville Southwest Bypass at Snow Tractor to NC 55. The goal is to create an Interstate Shield, an important development tool for the GTP and Lenoir County's other Industrial Parks. On NC 11 South, DOT Division 4 in Duplin County will not four-lane NC 11 through the 8 mile swamp area based on the environmental mitigation concerns. RPO staff is working with DOT to consider altering the strategic highway designation at Pink Hill to take NC 241 to NC 24 to I 40 at Warsaw or NC 241 to NC 41 at Wallace as an alternative. The Duplin County transportation committee is supportive and is driving the project.

DOT is placing a right turn lane from Hull Rd. on to Vernon Ave. to be constructed this spring. Mark Pope, Economic Development Director is in contact with the Veterans facility regarding any transportation needs they may have. US 70 Corridor is a big project for Lenoir County. The Skinner's Bypass Square Loop project design has been completed. The Transportation Committee will take up this issue of endorsing the design at the next meeting. Currently we have no say or signatory power on the route selection for the bypass. The concern is there is no infrastructure to support major development along the potential southern routes. Lenoir County has no sewer infrastructure south of the current roadway to support development. The potential northern routes do have such infrastructure; the final route selection will be July 2015.

A Memorandum of Understanding has been unanimously approved by the Transportation Committee, to continue funding for US 70 Corridor Commission of \$25,000 annually. The County began funding this commission five years ago with a \$10,000 contribution and a \$10,000 contribution from the City. After two years the City stopped funding the commission due to budgetary constraints. The County paid \$10,000 for three (3) years; \$20,000 was contributed by the County in FY 09-10. This year the commission is asking the County to contribute \$25,000 on a year to year agreement.

In early April, Wayne County Manager, Lee Smith, and a sub-committee of the US 70 Commission employed Durwood Stephenson as a lobbyist for the organization. His contract is for \$7,500 per month on a month to month bases or \$90,000 a year equivalent. The Lenoir County funds will be spent on the lobbyist and any engineering needed from Kimberly-Horn. Mr. Rhodes stated there were some concerns addressed to the sub-committee about how the lobbyist was hired without any Lenoir County input. Mr. Stroud asked if the county would have input in future discussion regarding US 70 and where the bypass should be located. Mr. Pope stated the location of the bypass will be discussed at a later date, but the sub-committee is aware of the County's concerns about being informed and up to date. Mr. Humphry asked if the county has funds to budget this expenditure. Mr. Jarman stated it would be too early to comment on a potential \$25,000 expenditure at this time.

Mr. Humphrey stated he would like to see the Town of LaGrange and the Town of Pink Hill approached regarding the funding of the commission. Mr. Stroud asked to table the MOU vote until more information could be obtained. Mr. Jarman stated if the item is tabled, a meeting should be held with the Transportation Committee to address all concerns regarding the US 70 Commission. The Transportation Committee reached a unanimous decision and the matter should be re-visited with them. Mr. Graham stated transportation is the key to the future growth of Lenoir County; the county needs to be players if it wants to see continued growth. Mr. Graham stated the county does not need other counties planning around us-the county should be at the table to voice their concerns. Upon a motion by Mr. Stroud and a second by Mr. Pharo, the item was tabled for further discussion.

Mr. Chris Harper, Social Services Program Manager, addressed the Board. Mr. Harper introduced Ms. Tracy Breasure the new Council on Aging Director of Kinston-Lenoir County. The Board welcomed Ms. Breasure to the community.

ITEMS FROM THE CHAIRMAN/COMMISSIONERS

Mr. Pharo asked if there was an ordinance regarding nuisance animals. Mr. Pharo stated he has been receiving phone calls regarding barking dogs. Mr. Joey Huff, Health Director, addressed the Board. Mr. Huff stated in the county's 1992 ordinance, barking dogs is not considered a nuisance. As a courtesy to the public, the animal control officers do address concerns with dog owners if a complaint has been identified. Sheriff Smith stated the 1977 ordinance addressed nuisance animals; there is nothing in the current ordinance to address the issue. Sheriff Smith stated it would be a difficult ordinance to enforce.

Mr. Humphrey asked Mr. Griffin to address the elective abortion coverage from a legal aspect. Mr. Griffin stated there is no statute or case law that applies to local governments' ceasing the coverage of abortions. Representative Paul Stam from Wake County is claiming that the 1981 abortion case stopping federal funding (i.e. Medicaid) from funding abortions, applies to abortion coverage provided by counties. There is and has been no ruling that funding medically un-necessary abortions are illegal. Mr. Griffin concluded by stating only the local government body determines whether to cover abortions as an employee benefit. Mr. Graham asked Mr. Huff to address the Board regarding the issue from a medical perspective. Mr. Huff stated it can become very complicated in determining what is medically necessary and un-necessary for someone else. Mr. Huff stated he feels other individuals should not decide the care of others and opposes any eroding of health insurance benefits. Mr. Huff concluded by stating eliminating this coverage, opens the door for other coverage options to be taken away as well. Mr. Humphrey stated the issue is county tax dollars should not be spent to cover abortions. Ms. Sutton stated the Board has to be careful about what health coverage is kept in the policy and what is taken away; this is not an issue about abortion.

Mr. Humphrey stated it is not about cost it is about the law. After further discussion, upon a motion by Mr. Graham and a second by Ms. Sutton, the item was tabled for further discussion.

ITEMS FROM THE COUNTY MANAGER

Item No. 2 was Items from the County Manager. Mr. Jarman reviewed a slide presentation of properties for bid and discussed the current conditions of each property. Mr. Jarman recommended the Board approve the bids on the following: 307 E. Blount St. Kinston, NC (\$1,200 Bid); 510 Thompson St., Kinston, NC (\$1,000); County Line Rd. LaGrange, NC (1,310); 407 Mitchell St. and 403 Mitchell St. Kinston, NC (\$500 a piece); Georgetown Rd. A 54 Kinston, NC (\$500.00). Upon a motion by Mr. Davis and a second by Ms. Sutton the Board approved the recommendations as presented. Mr. Jarman stated the next Budget Work Session will be held on May 3rd immediately following the regular board meeting.

CONSENT AGENDA

Upon a motion by Mr. Stroud and a second by Mr. Pharo, the Board approved the Consent Agenda.

- 3. Approval of Minutes: Regular Board Meeting: April 15, 2010 Hall/Jarman
Regular Board Meeting: March 15, 2010 (Amended)
- 4. Budget Ordinance Amendment: General Fund: DSS: \$6,576: Decrease Jones/Martin
- 5. Budget Ordinance Amendment: General Fund: DSS: \$210.32: Increase Jones/Martin
- 6. Budget Ordinance Amendment: Transportation Fund: Operations: \$883: Increase Bryan/Martin

BUDGET ORDINANCE AMENDMENTS/RESOLUTIONS

Item No. 7 was a Budget Ordinance Amendment: Capital Improvements Fund: Economic Development: \$75,000: Increase. Ms. Martin stated the amendment sets up the West Pharmaceuticals No. 2 State One NC Grant Funds. This is the second one fourth payment of a \$300,000 grant from the NC Dept. of Commerce One NC Funds that were awarded to West Pharmaceutical on October 26, 2007. The first one fourth payment was received in October 2009. The one half balances will be awarded in one fourth intervals whenever the company reaches its next 25% jobs and investment requirement. This is a pass-through grant – the county will write a check to West Pharmaceutical in the amount of \$75,000. Upon a motion by Mr. Stroud and a second by Mr. Pharo, Item No. 7 was unanimously approved.

Item No. 8 was a Budget Ordinance Amendment: Emergency Telephone Fund: Emergency Telephone: \$286,475: Increase. Ms. Martin stated the amendment appropriates funds from E-911 Telephone Fund Fund Balance to cover resolution #10 approved on February 15, 2010 in the amount of \$122,052.71 and resolution #19 approved on April 5, 2010, in the amount of \$120,000. This will cover anticipated expenditures for the remainder of the fiscal year. Upon a motion by Mr. Stroud and a second by Ms. Sutton, Item No. 8 was unanimously approved.

Item No. 9A was a Budget Ordinance Amendment: Capital Projects Fund: Sanderson Gas Line Project: \$1,000,000: Increase. Ms. Martin stated the amendment appropriates grant funds from the NC Dept. of Commerce – Community Development Block Grant – Economic Development (CDBG-ED) in the amount of \$1,000,000. The county received notice of award of the \$1,000,000 grant on April 7, 2010. These funds will be used to pay a portion of the construction of the Hwy. 70 Industrial Park gas line construction project. Upon a motion by Mr. Davis and a second by Mr. Pharo, Item No. 9A was unanimously approved.

Item No. 9B was a Budget Ordinance Amendment: General/Capital Projects Fund: Sanderson Gas Line Project: \$435,000: Decrease. Ms. Martin stated the amendment un-appropriates General Fund Fund Balance that had been appropriated on March 15, 2010 to allow work to begin on the Hwy. 70 Industrial Park gas line project. Since that resolution was approved, the county has received notification of approval of \$1,000,000 in CDBG-ED Funding. This funding will reimburse any engineering or administrative fees that have been spent thus far on this project. Upon a motion by Mr. Davis and a second by Mr. Pharo, Item No. 9B was unanimously approved.

Item No. 10 was a Resolution Requesting the Establishment of Fees for Rabies Vaccinations. Mr. Huff stated the NCGS 130A-187 requires the local health director to organize and assist other organizations to conduct rabies vaccination clinics at least annually. NCGS 130A-188 requires the board of county commissioners to establish the fee for rabies vaccination at county sponsored vaccination clinics. Rabies Vaccination Clinics have been scheduled for Thursday, May 13, 2010 (Riverbank Animal Hospital, Northside Animal Hospital, Countryview Animal Hospital and Faithful Friends Animal Hospital). The Board is asked to establish the fee for rabies vaccinations at \$8.00 for this event. Upon a motion by Mr. Pharo and a second by Mr. Stroud, Item No. 10 was unanimously approved.

Item No. 11 was a Resolution Authorizing Lenoir County Health Department to Purchase Equipment Using State Funds to CDS Networks and Services: \$3,192. Mr. Huff stated the state is in the process of transitioning to a new health information system, the North Carolina Health Information System (HIS). The new replacement printers will be compatible with the new system recommended by the State. State funding is available to provide needed equipment to accommodate secretarial staff that will be involved with the new system. Upon a motion by Mr. Pharo and a second by Mr. Stroud, Item No. 10 was unanimously approved.

Item No. 12 was a Resolution in Support of North Carolina's Current Public Alcoholic Beverage Control System. Upon a motion by Mr. Davis and a second by Mr. Stroud, Item No. 12 was unanimously approved.

APPOINTMENTS

Item No. 13 was a Resolution Appointing Citizens to Boards, Commissions, Etc. The following reflects existing vacancies and appointments.

<u>BOARD/COMMITTEE/COMMISSION</u>	<u>APPLICANT/ CURRENT MEMBER</u>	<u>TERM EXPIRATION</u>
Lenoir County Home and Community Block Care Committee 2 nd Appearance	Audrey Tyson (Re-Appointment)	June 2013 M: Stroud S: Sutton

CURRENT VACANCIES

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

CLOSED SESSION

Upon a motion by Mr. Stroud and a second by Mr. Pharo, and unanimous approval, closed session was entered at approximately 5:56 p.m. and the following cited: Number four (4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by Lenoir County. Mr. Mark Pope, Economic Development Director addressed the Board regarding an economic development issue. The Board took no action during closed session. Upon a motion by Mr. Pharo and a second by Mr. Stroud, the Board moved out of closed session at 6:15 p.m.

OPEN SESSION AND ADJOURNMENT

Upon a motion by Mr. Pharo and a second by Mr. Stroud Open Session re-convened at 6:15 p.m. Mr. Pope discussed economic development issues with the Board; no action was taken. The Board adjourned at 6:16 p.m.

Respectfully submitted,

Reviewed By

Lashanda A. Hall
Clerk to the Board

Michael W. Jarman
County Manager