

**LENOIR COUNTY BOARD OF COMMISSIONERS REGULAR MEETING: AGENDA**  
**MONDAY, MAY 2, 2011 – TIME: 9:00 A.M.**  
**COMMISSIONERS' MEETING ROOM, LENOIR COUNTY COURTHOUSE**  
**130 S. QUEEN ST., KINSTON, N.C.**

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

**PUBLIC INFORMATION:** Eastern Carolina Vocational Center: Presentation of Certificate  
Mr. Bob Jones, President and Mr. John Coward, Operations Manager

- |  |                  |
|--|------------------|
| 1. <b>Items from Chairman/Commissioners: 5 Min.</b>  | Board            |
| 2. <b>Items from County Manager: 5 Min.</b>  | Jarman           |
| <b>CONSENT AGENDA: 10 Min.</b>   | <b>ACTION</b>    |
| 3. Approval of Minutes: Regular Board Meeting: April 18, 2011  | Hall/Jarman      |
| 4. Resolution Approving the Releases and Refunds to the Individuals Listed Herein  | Parrish/Martin   |
| <b>PROCLAMATIONS/BUDGET AMENDMENTS/RESOLUTIONS: 30 Min.</b>  |                  |
| 5. Proclamation for "Emergency Medical Services Week"  | Dail/Board       |
| 6. Proclamation: "Vulnerable Adults and Elder Abuse Awareness"   | Moore/Board      |
| 7. Budget Ordinance Amendment: General Fund: Process Funds: \$17,811: Increase   | Jarman/Martin    |
| 8. Budget Ordinance Amendment: General Fund: Court Facility: \$20,000: Increase  | Hollowell/Martin |
| 9. Resolution Approving Acceptance of Proposal and Execution of Contract for Independent Audit Services: Pittard, Perry & Crone, Inc., LaGrange, NC                                    | Hollowell/Martin |
| 10. Resolution Approving "Program Policies and Administrative Guidelines" for Community Development Block Grant Programs   | Hollowell/Martin |
| 11. Addendum to Agreement for Professional Services  | Hollowell/Martin |
| 12. Resolution by the Board of Commissioners of the County of Lenoir Authorizing Execution of CDBG Documents   | Hollowell/Martin |
| 13. Resolution: Financial Management: Scattered Site Housing Project – Contingency Grant   | Hollowell/Martin |
| 14. Grant Project Budget Ordinance: 2009 Community Development Block Grant Program   | Hollowell/Martin |
| 15. Resolution Approving the Department of Juvenile Justice and Delinquency Prevention's FY 2011-2012 Grant Funding for the Lenoir County Juvenile Crime Prevention Council: \$206,571 | Jarman/Martin    |

**APPOINTMENTS: 5 Min.**

16. Resolution Approving Citizens to Boards, Commissioners, Etc. **5 Min.**
17. **Items from County Manager / County Attorney / Commissioners Public Comments/Closed Session (if necessary)**

**RECESS –**

**BUDGET WORK SESSION IMMEDIATELY FOLLOWING REGULARLY SCHEDULED MEETING.**

**TO:** Chairman and Members of the Board  
**FROM:** Mike Jarman, County Manager  
**DATE:** May 2, 2011  
**SUBJECT:** Items of Interest

1. Letter: April 19, 2011 from NCDOT re: Traffic Signal at J. P. Harrison and Tower Hill Road
2. Letter: April 25, 2011 from Mayor BJ Murphy re: Queen Street Bridges and Skinner's Bypass



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE  
GOVERNOR

APRIL 19, 2011

EUGENE A. CONTI, JR.  
SECRETARY

Michael W. Jarman  
County Manager  
PO Box 3289  
Kinston, NC 28502

Dear Mr. Jarman;

I am writing to advise that we have completed our evaluation of Commissioner Jackie Brown's request to investigate the need for a traffic signal at the intersection of J. P. Harrison (SR 1845) and Tower Hill (SR 1810). As you indicated we have previously investigated this location in 2003.

Results of the turning movement counts done on March 17, 2011 at this intersection shows that between 6:00 AM and 7:00 PM there are 926 vehicles entering this intersection from the north on Harrison Blvd, 1,014 entering from east on Tower Hill, 642 entering from south on Secrest, and 1,035 entering from west on Washington. Signal Warrant analysis of these volumes indicated that none of the warrants were met and that the Peak Hour Volume was only about 20% of the volume needed to meet that warrant. These signal warrants are established by the Federal Highway Administration and at least one of the warrants must be met to consider installation of a traffic signal. We also retrieved crash reports from the Division of Motor Vehicles' data base for this location. During the 5 year period from February 1, 2006 through January 31, 2011 there were two reported crashes at this intersection with the last reported crash occurring in March 2010. Based on this information, this location does not meet any of the warrants to consider installation of a traffic signal. Therefore, we do not recommend installation of a traffic signal.

We then conducted an evaluation to determine if installation of a multi-way Stop was justified based on the turning

MAILING ADDRESS:  
NC DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
POST OFFICE BOX 1587  
GREENVILLE, NORTH CAROLINA 27835-1587

TELEPHONE: (252) 830-3490  
FAX: (252) 830-3352  
WEBSITE: WWW.NCDOT.GOV

LOCATION:  
105 PACTOLUS HIGHWAY (NC HIGHWAY 33)  
GREENVILLE, NORTH CAROLINA

movement volumes. None of the multi-way warrant criteria were met at this location, and therefore the use of muti-way stop is not recommended.

The third option that staff reviewed was possibly reversing the stop sign condition since the volume on Washington Ave and Tower Hill Road was slightly higher than on Harrison Blvd and Secrest Street. Given the existing geometric conditions and possible sight distance restrictions, it was determined that the existing stop conditions provided the safest conditions (which is confirmed by the very low crash history). Therefore, we do not recommend switching the stop condition.

Your concern for safety along North Carolina's roadways is appreciated. Should you have any questions regarding other highway matters, please feel free to contact us.

Sincerely,



C. E. Lassiter Jr., PE  
Division Engineer

CEL/SJH

cc: Ms. Leigh H. McNairy  
Mr. Hugh Overholt  
Commissioner Jackie Brown  
Lenoir County Transportation Committee  
Scott A. Stephens

# CITY OF KINSTON

Office of the Mayor



April 25, 2011

NCDOT Division II  
Attn: Neil Lassister

Dear Neil,

Thank you for hosting a Public Informational Meeting on the South Queen Street bridges on Thursday, April 28<sup>th</sup> from 4:30-7:30PM at the Visitors Center. Our community's partnership with NCDOT is critical to the success and safety of locally preferred routes of commerce for our citizens and visitors.

Considering the safety and mobility of this main north/south corridor in our community, and the strategic role Skinner's Bypass will play in that project, I urge your division to consider completing the Skinner's Bypass Square-Loop design before the South Queen Street bridges are replaced. Improving Skinner's Bypass with the Square Loop prior to replacing the Bridges will make the detour route far safer for the citizens of this city. I urge all of our partners in transportation, including our State Legislators, DOT board members, City and County elected officials, Lenoir County Transportation Committee and the US 70 Corridor Commission, to work in unison to find the appropriate funding sources to hasten this necessary project.

This intersection has a high volume of traffic congestion and produces a hazardous condition for our citizens and visitors. The safety and mobility of this intersection plays a vital role for commerce in our community. Thank you for considering this request. I look forward to hearing from you soon.

Sincerely,

BJ Murphy

**MINUTES  
LENOIR COUNTY BOARD OF COMMISSIONERS  
April 18, 2011**

The Lenoir County Board of Commissioners met in open session at 4:00 pm on Monday, April 18, 2011 in the Board 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.

Members Absent: None

Also present were: Michael Jarman, County Manager, Martha Martin, Finance Officer, Robert Griffin, County Attorney, Lashanda A. Hall, Clerk to the Board, and members of the general public and news media.

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

**PUBLIC INFORMATION**

Mr. Roger Dail, Emergency Services Director, updated the Board on the recovery of 10-year-old, Henry Javregui, who drowned near Hardy Bridge. The child's body was discovered around 10:30 a.m. on April 17, 2011. Mr. Dail asked the entire community to keep the family in their prayers as they travel to Mexico for funeral services. Mr. Dail stated 20-30 people per day helped in the search and should be commended for their hard work. Craven, Johnston, Alamance and Duplin Counties assisted in search efforts. Mr. Daughety stated he was very proud of the assistance given from local emergency service personnel and outside agencies during the crisis. Mr. Dail updated the Board on the tornadoes that tore through neighboring counties. Mr. Dail stated Lenoir County was very fortunate in dodging the major storm system that affected the area on April 17<sup>th</sup>. Lenoir County received minor damage reports. Greene County was hit hard by the storm and Lenoir County personnel have stepped in to help the county; Greene County has been declared a state of emergency by the Federal Government. The Board thanked Mr. Dail and his entire department for their assistance in both matters.

**ITEMS FROM THE CHAIRMAN/COMMISSIONERS**

Item No. 1 was a Resolution Expressing Concern Regarding the North Carolina Department of Transportation Highway Safety Improvement Program to Construct a Median along US 70 in Lenoir County from West of US 258 at Queen Street to NC 58. Mr. Daughety, who serves as the Interim Transportation Committee Chairman, introduced the resolution on behalf of the committee. Mr. Daughety stated the Board of Commissioners has postponed making a decision regarding the median until the Lenoir County Transportation Committee came back with their recommendation. There were two (2) meetings to allow for public comment regarding the median project; public comment was limited during the second meeting to allow transportation members the opportunity to debate the matter at length. The Transportation Committee has approved the resolution as presented today.

Mr. Rouse stated he has drafted a resolution concerning the median project with wording from the Chamber of Commerce; Mr. Rouse stated the Board of Commissioners should have a resolution opposing the project as well.

Mr. Graham stated the resolution drafted by Mr. Rouse has not been reviewed by the Transportation Committee and goes against the order of operations of the Board of Commissioners. Mr. Daughety concurred with Mr. Graham's statement; Mr. Daughety stated the Transportation Committee is a very active Board and did not draft the resolution without thought. Mr. Pharo stated it has been reported in The Free Press the data used to initiate the median project may have been flawed. Mr. Pharo stated Mr. Russel Rhodes had brought this information to the attention of the public and North Carolina Department of Transportation (NCDOT) officials on several occasions, but was dismissed. Mr. Pharo stated Mr. Rhodes should be offered an apology from NCDOT officials. Mr. Graham stated the Board of Commissioners had enough on their plate dealing with local issues. Ms. Sutton asked if the resolution could be amended making the resolution from the Board of Commissioners as well as the Transportation Committee. Mr. Rouse stated he did not see the problem with approving a resolution including the Chamber of Commerce and the Board of Commissioners. Upon a motion by Mr. Daughety and a second by Ms. Sutton, the Board did agree to the amendment and unanimous approval of the resolution.

Ms. Lucy Marston, Tourism Director, addressed the Board regarding the Governor's Volunteer Service Awards. Ms. Marston stated this is the 32<sup>nd</sup> year of the awards in various categories and Lenoir County has been awarded three (3) honorees. Mr. Stephen J. Jefferson was recognized in the "Individual Category," Mr. Richard A. King was recognized in the "Paid Director Volunteer Category," and Mr. Nicholas Wooten was recognized in the "Youth Volunteer Category." The Board thanked each recipient for the volunteer services they provide Lenoir County every day.

### **ITEMS FROM THE COUNTY MANAGER**

Item No. 2 was items from the County Manager; Mr. Jarman recommended the Board accept the following bid: 211 Washington Street, LaGrange, NC (\$12,000). Upon a motion by Ms. Sutton and a second by Ms. Brown the Board unanimously approved the request. Mr. Jarman informed the Board of the North Carolina Association of County Commissioners (NCACC) District Meeting on April 27, 2011 in Martin County. Mr. Jarman stated he would like to know who is attending so travel arrangements can be made. Ms. Sutton stated she would be attending. Mr. Jarman stated the House has sent out its budget information which would impact Lenoir County by \$2 million; lottery funds have been taken; and the State is passing the responsibility of housing misdemeanants' to counties. Mr. Jarman informed the Board of a Budget Work Session on May 2<sup>nd</sup>, immediately following the regularly scheduled Board meeting. The Board will be hearing from outside agencies who want to discuss funding matters. The Festival on the Neuse will be held May 6-7, 2011; the Chamber of Commerce would like the Chairman to make opening remarks. County Administration is still working on a date and time for a joint meeting with the City of Kinston.

### **CONSENT AGENDA**

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

3. Approval of Minutes: Regular Board Meeting: April 4, 2011

## **BUDGET ORDINANCE/RESOLUTIONS**

Item No. 4 was a Budget Ordinance Amendment: School Capital Fund: School Building: \$114,738: Increase. Ms. Martin stated the amendment appropriates additional funds from the Fund Balance of the Public School Building Capital Fund (School Sales Tax) to assist in the purchase of two (2) new buses. Buses are an allowable expenditure in this fund. Upon a motion by Mr. Davis and a second by Ms. Sutton, Item No 4 was unanimously approved.

Item No. 5 was a Budget Ordinance Amendment: General Fund: Finance/Jail: \$115,000: Increase. Ms. Martin stated the amendment is to appropriate additional funds to cover the housing expense of sending inmates to another county due to overcrowding in the county jail. Upon a motion by Mr. Daughety and a second by Ms. Sutton, Item No. 5 was unanimously approved.

Item No. 6 was a Resolution Approving Lenoir County Fund Balance Management Plan. Mr. Hollowell stated in February 2009, the Government Accounting Standards Board (GASB) issued Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions. Fiscal Year 2010-2011 is the first year the County must implement GASB 54. A hierarchy of fund balance classifications has been created by GASB 54. The County Manager/Budget Officer should continue to be the authority to assign fund balances for specific purposes. Upon a motion by Mr. Pharo and a second by Ms. Sutton, Item No. 6 was unanimously approved.

## **APPOINTMENTS**

Item No. 7 as a Resolution Approving Citizens to Boards, Commissions, Etc. The following reflects existing vacancies and appointments. Upon a motion by Ms. Brown and a second by Mr. Daughety, **Kendall Huffman** was appointed at the April 4, 2011 Board Meeting; the Board formally approved **Ashley Keffer to the Pink Hill Planning Board** on April 18, 2011 who was omitted from the resolution as a second appearance.

<b><u>BOARD/COMMITTEE/COMMISSION</u></b>	<b><u>APPLICANT/ CURRENT MEMBER</u></b>	<b><u>TERM EXPIRATION</u></b>
<b>Parks and Recreation Board 2nd Appearance</b>	Kendall W. Huffman (Appointment)	March 2014
<b>Lenoir County Board of Health 1st Appearance</b>	Cliff Miller (Re-Appointment)	January 2014
<b>Regional Aging and Advisory Committee 1st Appearance</b>	Audrey Tyson Elaine Patterson (Re-Appointment)	May 2014
<b>Board of Social Services 1st Appearance</b>	Jackie Brown (Re-Appointment)	June 2014
<b>Lenoir Community College Board of Trustees</b>	Earl Heath (Re-Appointment)	June 2015

**CURRENT VACANCIES:**

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

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

**Grifton Planning Board – One (1) Vacancy**

**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 5:05 p.m.

Respectfully submitted,

Reviewed By



Lashanda A. Hall

Clerk to the Board



Michael W. Jarman

County Manager

RESOLUTION APPROVING THE RELEASES AND REFUNDS  
TO THE INDIVIDUALS LISTED HEREIN

**SUBJECT AREA:** Finance

**ACTION REQUESTED:** Approval of Releases and Refunds as Prepared

**HISTORY/BACKGROUND:**

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

**EVALUATION:**

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

**RELEASES OVER \$100**

Year	Name	Account	Amount	Reason
2004	Bobby Mountcastle	48970	\$480.60	Double Listed
2009	Margie Harrell	52452	172.68	Corrected Listing
2010	Margie Harrell	52452	184.02	Corrected Listing
2010	Theodore McNeal	19437	228.49	Adjusted Value
2010	Regions Bank	54866	171.11	Legal Exemption
2010	Louvenia Martell	66927	181.40	Adjusted Value
2010	George Ginn	70496	151.40	Adjusted Value
2010	Nelson Alcock	45954	362.64	Adjusted Value
2010	B & R Trailer Rental	59341	277.20	Correct Situs

**Refunds**

Year	Name	Account	Amount	Reason
2010	Charles Whitfield	2049	\$535.28	Correct Status
2010	Glennie Sanderson	25314	135.89	Legal Exemption

**MANAGER'S RECOMMENDATION:**

Approval of releases as set out above.

\_\_\_\_\_  
Initials

**AMENDMENTS:**

MOVED \_\_\_\_\_ SECOND \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS \_\_\_\_\_

YEA VOTES: Brown \_\_\_\_\_ Daughety \_\_\_\_\_ Davis \_\_\_\_\_ Graham \_\_\_\_\_  
Pharo \_\_\_\_\_ Rouse \_\_\_\_\_ Sutton \_\_\_\_\_

\_\_\_\_\_  
George W. Graham Jr., Chairman      \_\_\_\_\_  
Date

\_\_\_\_\_  
ATTEST

\_\_\_\_\_  
Date

**A PROCLAMATION FOR  
EMERGENCY MEDICAL SERVICES WEEK**

**2011**

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, medical dispatchers, firefighters, educators, administrators, and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

NOW, THEREFORE, WE, THE BOARD OF COMMISSIONERS OF LENOIR COUNTY, NC, do hereby proclaim May 15 – 21, 2011, as “**EMERGENCY MEDICAL SERVICES WEEK**” in Lenoir County and urge our citizens to acknowledge the contributions of these loyal public servants and encourage the community to observe this week with appropriate programs, ceremonies, and activities.

05/02/11  
Date

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

05/02/11  
Date

\_\_\_\_\_  
Attested by: Lashanda Hall, Clerk, Lenoir County Board of Commissioners

# Proclamation

Item No. 6

## Vulnerable Adults and Elder Abuse Awareness

WHEREAS, Lenoir County and the State of North Carolina joins the world in recognizing World Elder Abuse Day on June 15<sup>th</sup>, 2011; and

WHEREAS, national and international research shows that abuse, neglect and exploitation of vulnerable and older adults are grossly unreported; and

WHEREAS, the State of North Carolina enacted the nation's first elder abuse law in 1973, aimed at protecting older adults and vulnerable adults ages eighteen and older, and recognized the need for a comprehensive system of protection; and

WHEREAS, between 2008-2009 North Carolina ranked 10<sup>th</sup> in the nation with the fastest growing population for ages 65 and over, and

WHEREAS, in fiscal year 2010, more than 18,000 reports of abuse, neglect and exploitation of vulnerable and older adults were made to North Carolina's 100 county Department of Social Services; and

WHEREAS, the Division of Aging and Adult Services partners with county Departments of Social Services to offer a statewide Adult Protective Services Program and with area agencies on aging to increase awareness about elder abuse through its Long Term Care Ombudsman Program and with the State Attorney General's Office to assist victims of telemarketing scams; and

WHEREAS, protecting Lenoir County and North Carolina's vulnerable and older adults is a community responsibility and it is imperative that communities work together to help reduce and prevent abuse, neglect and exploitation; and

WHEREAS, by 2030, 71 of North Carolina's 100 counties are projected to have more citizens age 60 and over than citizens 17 and under, and 1 in 4 North Carolinians will be age 60 and older; and

NOW, THEREFORE, I, GEORGE GRAHAM, Chairman of the Lenoir County Board of Commissioners, do hereby proclaim May 6, 2011, to June 20, 2011, in recognition of "VULNERABLE ADULTS AND ELDER ABUSE AWARENESS" in Lenoir County, and encourage our citizens to participate in community efforts to support and improve the safety and well-being of vulnerable and older adults and secure their right to live free of abuse, neglect and exploitation.

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Mr. George Graham, Chairman  
Lenoir County Board of Commissioners

May 2, 2011  
Date

Item No. 7

BUDGET ORDINANCE AMENDMENT: GENERAL FUND: PROCESS FUNDS: \$17,811. INCREASE



**LENOIR COUNTY, NORTH CAROLINA  
BUDGET AMENDMENT REQUEST**

FY 2010 -2011  
Appropriations

Budget Amendment # \_\_\_\_\_  
Date Approved \_\_\_\_\_

Distribution - Finance Office:

FUND		DEPARTMENT		LINE ITEM DESCRIPTION	
GENERAL FUND		PROCESS FUNDS		VARIOUS	
<b>Check One Box</b> New Appropriation: <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/> <b>REVENUES</b>			<b>Check One Box</b> New Appropriation: <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/> <b>EXPENDITURES</b>		
Account # and Title		Amount	Account # and Title		Amount
<u>INCREASE</u>			<u>INCREASE</u>		
10-3329-8901	GRANT-REIMB-EMERGENCY MGM	2,327.00	10-4201-6403	EMPG SUPPLEMENTAL	17,811.00
10-3329-8920	EMPG SUPPLEMENTAL	17,811.00			
<u>DECREASE</u>					
10-3991-9910	FUND BALANCE APPROPRIATED	-2,327.00			
Total		17,811.00	Total		17,811.00

**Reason and Justification for Request:**

TO BUDGET FUNDS FROM THE EMPG SUPPLEMENTAL 2010 GRANT FROM THE NC DEPT. OF CRIME CONTROL AND PUBLIC SAFETY. THIS GRANT IN THE AMOUNT OF \$17,810.94, WAS RECEIVED ON APRIL 25, 2011 AND THE PROCEEDS ARE RESTRICTED FOR USE BY EMERGENCY MANAGEMENT TO IMPROVE CAPABILITIES OF THE LOCAL EMERGENCY MANAGEMENT PROGRAM. THESE FUNDS WILL BE USED TO IMPROVE THE CAPABILITIES OF THE EMERGENCY OPERATIONS CENTER. THIS BUDGET ALSO INCREASES THE EMERGENCY MANAGEMENT PERFORMANCE GRANT TO \$19,327., AN INCREASE OF \$2,327.00 FROM THE ORIGINAL BUDGETED AMOUNT. THIS GRANT IS TO ASSIST THE COUNTY IN DEVELOPING AND MAINTAINING A COMPREHENSIVE EMERGENCY MANAGEMENT PROGRAM.

Department Head Approval	Date	Finance Officer Approval	Date
<i>Maisha H. Maite</i>	4/26/2011	<i>Maisha H. Maite</i>	4/26/2011
Budget Officer Approval	Date		
<i>Michael W. [Signature]</i>	4/28/11		
Board Approval ( When Applicable)	Date	Date of Minutes	

Finance Office - Copy

Department - Copy

Administration - Copy

Item No. 8

BUDGET ORDINANCE AMENDMENT: GENERAL FUND: COURT FACILITY: \$20,000: INCREASE



**LENOIR COUNTY, NORTH CAROLINA**  
**BUDGET AMENDMENT REQUEST**

FY 2010 - 2011  
 Appropriations

Budget Amendment # \_\_\_\_\_  
 Date Approved \_\_\_\_\_

Distribution - Finance Office:

FUND		DEPARTMENT		LINE ITEM DESCRIPTION	
GENERAL		COURT FACILITY		VARIOUS	
Check One Box New Appropriation: <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/>			Check One Box New Appropriation: <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/>		
<b>REVENUES</b>			<b>EXPENDITURES</b>		
Account # and Title		Amount	Account # and Title		Amount
<u>INCREASE</u>			<u>INCREASE</u>		
10-3991-9910	FUND BALANCE APPROPRIATED	20,000.00	10-4160-3991	JUVENILE DETENTION	20,000.00
Total		20,000.00	Total		20,000.00

**Reason and Justification for Request:**  
 TO APPROPRIATE ADDITIONAL UNANTICIPATED FUNDING FOR THE HOUSING OF JUVENILES. PER NCGS 143B-503 (STATE SUBSIDY TO COUNTY DETENTION FACILITIES), COUNTIES MUST PAY THE STATE OF NC A SUBSIDY FOR THE HOUSING OF JUVENILES. THE STATE IN-TURN REMITS A PER DIEM TO COUNTIES THAT PROVIDE JUVENILE DETENTION SERVICES AND MEET STATE STANDARDS.

Department Head Approval	Date	Finance Officer Approval	Date
<i>Martha H. Martin</i>	4/18/2011	<i>Martha H. Martin</i>	4/18/2011

Budget Officer Approval	Date
<i>Michael W. Jarman</i>	4/18/11

Board Approval (When Applicable)	Date	Date of Minutes

Resolution Approving Acceptance of Proposal and Execution of Contract for Independent Audit Services: Pittard, Perry & Crone, Inc., LaGrange, NC

**SUBJECT AREA:** Financial

**ACTION REQUESTED:** The Board is requested to authorize the acceptance of a proposal from Pittard Perry & Crone, Inc., of LaGrange, NC, to perform independent audit services for FY 2010-11, FY 2011-12 and FY 2012-13 and also authorize the Finance Officer and the Chairman of the Board of Commissioners to execute the contract for Fiscal Year 2010-2011 in the amount of \$41,800.

**HISTORY/BACKGROUND:** A Request for Proposal (RFP) for independent auditing services was advertised in the Kinston Free Press on Sunday, March 27, 2011. Of the three firms that responded, one stated they were unable to complete the proposal because of their workload, but would like to be kept on our list for future requests. Two firms submitted proposals:

Pittard, Perry, & Crone, Inc.  
LaGrange, N.C.

Martin Starnes & Associates, P.A.  
Hickory, N.C.

Both firms submitting a proposal complied with the conditions set forth by the County in the Request for Proposal.

**EVALUATION:** The County is required to complete an annual audit of its financial statements and practices. An RFP was advertised on March 27, 2011. Of the three (3) firms responding to the RFP, two (2) firms submitted proposals. The RFP requested proposals for independent audit services for three fiscal years. A new contract must be executed each year and submitted to the Local Government Commission for their approval. Pittard, Perry, & Crone, Inc., has been the County's auditor for seventeen (17) years and is well qualified to conduct the County's audit in compliance with all governmental accounting standards. Pittard, Perry, & Crone, Inc. submitted a proposal with the lowest cost to the County.

	<u>FY 2010-2011</u>	<u>FY 2011-2012</u>	<u>FY 2012-2013</u>
Pittard Perry & Crone, Inc.	\$41,800.00	\$43,100.00	\$44,400.00
Martin Starnes & Assoc.	\$43,500.00	\$43,500.00	\$44,800.00

**MANAGER'S RECOMMENDATION:**

Respectfully recommend approval.

  
Initials

**RESOLUTION: NOW THEREFORE BE IT RESOLVED** that the Board authorizes acceptance of a proposal dated April 18, 2011 from Pittard, Perry & Crone, Inc., of LaGrange NC for independent audit services for fiscal years 2010-11, 2011-12 and 2012-13, and be it further resolved that the Finance Officer and the Chairman of the Board are authorized to execute the contract for Fiscal Year 2010-11 in the amount of \$41,800.

**AMENDMENTS:**

MOVED \_\_\_\_\_ SECOND \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS \_\_\_\_\_

YEA VOTES: Brown \_\_\_\_\_ Daughety \_\_\_\_\_ Davis \_\_\_\_\_ Graham \_\_\_\_\_

Pharo \_\_\_\_\_ Rouse \_\_\_\_\_ Sutton \_\_\_\_\_

\_\_\_\_\_  
George W. Graham Jr., Chairman      05/02/11  
Date

\_\_\_\_\_  
ATTEST                      05/02/11  
Date

INTRODUCED BY: Michael W. Jarman, County Manager DATE: 5/02/11 ITEM: 10

RESOLUTION APPROVING "PROGRAM POLICIES AND ADMINISTRATIVE GUIDELINES"  
FOR:  
Community Development Block Grant Programs

SUBJECT AREA: Administrative

**ACTION REQUESTED:**

The Board is requested to approve the "Program Policies and Administrative Guidelines for the current Community Development Block Grant programs.

**HISTORY/BACKGROUND:**

Lenoir County has been involved in Community Development Block Grant projects with the State for a number of years. As each cycle of grant funding is awarded, there are certain policies and guidelines that have to be adopted. The "Policies and Guidelines" are amended and refined with each new cycle of projects. The Board must adopt these amended "Policies and Guidelines" to participate in the projects and insure compliance with all applicable rules and regulations.

**EVALUATION:**

The current "Program Policies and Administrative Guidelines" needs to be approved in order to meet the requirements of the Community Development Block Grant programs.

**MANAGER'S RECOMMENDATION:**  
Respectfully recommend approval.

*mg*  
Initials

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

The County adopt the current "Program Policies and Administrative Guidelines" as directed by the Community Development Block Grant programs, which are incorporated and made part of this resolution by reference.

**AMENDMENTS:**

MOVED \_\_\_\_\_                      SECONDED \_\_\_\_\_

APPROVED \_\_\_\_\_      DENIED \_\_\_\_\_      UNANIMOUS \_\_\_\_\_

YEA VOTES: GRAHAM \_\_\_\_\_      DAVIS \_\_\_\_\_      BROWN \_\_\_\_\_      DAUGHETY \_\_\_\_\_

PHARO \_\_\_\_\_      ROUSE \_\_\_\_\_      SUTTON \_\_\_\_\_

\_\_\_\_\_  
George W. Graham, Jr., Chairman

\_\_\_\_\_  
ATTEST

\_\_\_\_\_  
DATE

# COUNTY OF LENOIR

## *Program Policies And Administrative Guidelines*

for the

## Community Development Block Grant Program

*Adopted this 2nd day of May, 2011 by the Lenoir County Board of Commissioners.*

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George W. Graham, Jr.  
Chairman

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## **SECTION I**

### **PURPOSE**

The policies contained in this document will serve as administrative guidelines and as the framework for the implementation of various project activities of the Community Development Block Grant Program (CDBG). These policies and any subsequent changes are to be reviewed by the CDBG Project Advisory Committee and approved by the local Board. The policies have been developed in accordance with the conditions stipulated in the CDBG application for financial assistance submitted previously to the Division of Community Investment and Assistance (DCIA). All policies and guidelines will be consistent with the DCIA CDBG Program Regulations.

## SECTION II CITIZEN PARTICIPATION PLAN

The County will provide citizens with an adequate opportunity for meaningful involvement on a continuing basis and for participation in the planning, implementation and assessment of the CDBG program. The County will provide adequate information to citizens, hold a public hearing prior to submission of the application, and hold a public hearing prior to the County's CDBG program close out to review program performance. The County Board will hold all public hearings.

### I. Objectives of Citizen Participation Plan

The objectives of the Citizen Participation Plan are to:

- A. Provide for and encourage citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blight areas, and provide for participation of residents in low and moderate income neighborhoods.
- B. Provide citizens with reasonable and timely access to local meetings, information, and records relating to the County's proposed use of funds.
- C. Provide for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals.
- D. Provide for public hearings to obtain citizen views and to respond to proposals and question at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped.
- E. Provide for a timely written answer to written complaints and grievances, within 10 calendar days.
- F. Identify how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

### II. Citizen Participation in the Application Process

The County will conduct the following activities to provide for adequate citizen participation.

- A. Solicit and respond in a timely manner to views and proposals of citizens, particularly low- and moderate-income persons, members of minority groups, and residents of blighted areas where activities are proposed. The County will respond in writing to written citizen comments. Responses will be made within 10 calendar days of receipt of the citizen comment.
- B. Provide technical assistance to facilitate citizen participation, where requested, such as explanation of program requirements and someone to respond to questions. Technical assistance will be provided to groups representative of persons of low and moderate income that request such assistance in developing proposals. Technical assistance may include furnishing information regarding application or proposal requirements, assisting in the scheduling of necessary meetings or hearings, reviewing completed written proposals and providing suggestions or comments.
- C. Provide adequate notices of public hearing in a timely manner and in such a way as to make them accessible and understandable to all citizens. A notice of the public hearing will be published at least once in the non-legal section of a newspaper having general circulation in the County. The notice will be published not less than 10 days and no more than 25 days before the date fixed for the hearing. The notice of public hearing to obtain citizens views after the application has been prepared, but prior to the submission of the application to DCA, will contain a description of the proposed project(s) including the proposed project location, activities to be carried out, and total costs of activities. Notices of hearings may also be circulated to groups representing persons of low and moderate income and to low and moderate income residents of proposed project areas.
- D. Schedule hearings to obtain citizen views and to respond to citizen proposals at times and locations which permit broad participation, particularly by low- and moderate-income persons, members of minority groups, handicapped persons, and residents of blighted neighborhoods and project areas.

- E. Conduct one public hearing the planning process to allow citizens the opportunity to express views and proposals prior to the formulation of the application.
- F. Conduct one public hearing after the application has been prepared but prior to submission of the application to DCIA.
- G. Additional meetings may be scheduled at churches, community centers or other places in or adjacent to proposed project areas to provide low and moderate income persons with information and opportunity to participate in the process.
- H. The Community Development Project Advisory Committee will be composed of representatives of existing and proposed areas and will be provided the opportunity to comment on proposals and to provide input into the proposal process.
- I. Persons wishing to object to the approval of an application by DCIA must make such objection in writing. DCIA will consider objections made only on the following grounds:
  - 1. The County's description of the needs and objectives is plainly inconsistent with available facts and data.
  - 2. The activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the County.
  - 3. The application does not comply with the requirements of the CDBG Program or other applicable laws.

All objections must include an identification of the requirements not met. In the case of objections made on the grounds that the description of needs and objectives is plainly inconsistent with significant generally available facts and data, an objection must include the date upon which the objection is based.

### III. Citizen Participation in the Program Amendment Process

- A. The County will conduct one public hearing regarding proposed amendments requiring prior DCIA approval in accordance with the procedures outlined in Section I.
- B. The County will provide for citizen involvement and will respond to citizen objections and comments in the same manner as in Section I - Application Process.
- C. Persons wishing to object to the approval of an amendment by DCIA must make such objection in writing. DCIA will consider objections made only on the following grounds.
  - 1. The County's description of needs and objectives is plainly inconsistent with available facts and data.
  - 2. The activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the County.
  - 3. The amendment does not comply with the requirements of the CDBG Program or other applicable laws and regulations.

Such objections must include an identification of the requirements not met. In the case of objections made on the grounds that the description of needs and objectives is plainly inconsistent with significant generally available facts and data, the objection must include the date upon with the objection is based.

### IV. Citizen Participation in the Program Close Out Process

- A. The County will conduct one public hearing to assess program performance during the grant close out process and prior to the actual close out of the grant.
- B. The County will continue to solicit and respond to citizen comment pursuant to Section I until such time as the grant program is closed.

### V. Citizen Participation During Program Implementation

- A. Citizens will have the opportunity to comment on the implementation of a Community Development Program throughout the term of the program. The County will solicit and respond to views and proposals of citizens in accordance with Section I.
- B. The County will appoint a Project Advisory Committee to provide input into the administration of the program and establish the duties and responsibilities of the Committee.

- VI. Written Complaints and Grievances.  
The County will respond in writing to all written complaints and grievances within 10 calendar days. Such response and appeals process will be in accordance with the County's written Grievance Procedure.
- VII. Objections to Citizens Participation Plan  
Persons may submit written comments to DCIA at any time concerning the County's failure to comply with the requirements contained in this plan.
- VIII. Record-keeping  
All records of public hearings, citizens' comments, responses comments and other relevant documents and papers will be kept in accordance with DCIA Regulations. All Community Development Program records that are public under G.S. 132 will be made accessible to interested individuals during normal working hours at the County Courthouse.
- IX. Expanding Citizen Participation  
The County may undertake additional activities that it deems appropriate to increase the level of citizen participation or to insure compliance with changing CDBG citizen participation requirements.
- X. Accessibility for Handicapped and Non-English Speaking Residents  
The County will take steps to accommodate the needs of handicapped and non-English speaking persons by holding meetings in public places that are accessible to the handicapped. If the County is notified at least 2 days before a public hearing that an interpreter is needed by a deaf or non-English speaking person, then an interpreter will be provided at the hearing.  
In the event that deaf or non-English speaking residents can be reasonably expected to participate in a public hearing, the County will arrange to provide an interpreter at the hearing to ensure the participation of and the dissemination of information to the deaf or non-English speaking persons.

*Adopted this 2<sup>nd</sup> day of May, 2011 by the Lenoir County Board of Commissioners.*

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George W. Graham, Jr.  
Chairman

## SECTION III PROJECT ADVISORY COMMITTEE

### I. Background

In order for a Community Development Block Grant (CDBG) Program to be successful, the people who are affected directly by the project's activities should be participants in the administration and implementation of the program. A Project Advisory Committee (PAC) provides a means whereby residents of the CDBG Project Area can provide input into administrative and policy decisions and make recommendations to the local Board regarding program matters. The PAC is composed of representatives of the neighborhood affected by the CDBG Program and serves as a sounding board for residents in the neighborhood and a place to air suggestions, and complaints.

### II. Purpose

The purpose of the PAC is to provide residents affected by CDBG program activities a means by which they can have input into administrative and policy making decisions. The Committee also provides a means by which the CDBG Program Administrators can provide information regarding the status of the many project activities.

### III. Organization

The members of the PAC will be appointed by the local Board and will serve in an advisory capacity to the Board. The PAC will be composed of 3 - 5 members who live in the current CDBG neighborhood project area, proposed projects areas, or the community at-large. The members will serve until the close out the CDBG Program (approximately two years). The CDBG Project Manager will be an ex-officio member of the PAC and will serve as a staff assistant to the PAC.

### IV. Duties

The duties of the PAC are as follows:

- Review and comment on CDBG Program policies and guidelines.
- Provide coordination and contact between project area residents and administrative personnel.
- Conduct periodic meetings to review the progress of the program
- Participate in a public hearing prior to the close out of the program to obtain public comment on the success of the project.
- Review and comment on all community development program and/or budget amendments.
- Provide input into the preparation of subsequent CDBG applications.
- Perform other duties as assigned to assist in implementation of CDBG Program activities.

### V. Officers

The PAC will appoint a Chairperson, Vice-Chairperson, and Secretary from among its members. The Chairperson will preside at the meetings and serve as the spokesperson for the PAC. The Vice-Chairperson will serve in the absence of the Chairperson. The Secretary will be responsible for notification of meetings and minutes of the proceedings.

### VI. Meetings

The PAC will meet as needed at a time and place convenient for the members. All meetings will open to the other project area residents and the general public. Minutes will be prepared of all PAC meetings.

## SECTION IV COMPLAINT PROCEDURE

### I. Purpose

Whenever a complain arises at any point in the CDBG Program including planning, implementation of project activities, and close out, citizens should follow the established complaint procedure for proper resolution. All complaints must be made in writing and will be responded to within 10 calendar days from the date of receipt.

### II. Complaint Procedures

The following steps should be followed in resolving complaints:

1. The citizen should submit the complaint in writing to the County Clerk at County Hall. The County Clerk will consult with the Community Development Program Administrator, review the complaint, gather information, make a determination, and issue a written response to the complaint within 10 calendar days.
2. If the citizen is not satisfied with the response received, the issue may be forwarded to the Project Advisory Committee. The PAC will meet with the complainant and the CD Program Administrator, review the facts, and issue a written response within 10 working days of the meeting.
3. If the issue is still not resolved, the complainant may appeal the decision to the Local Board. The Board, at the earliest possible regularly scheduled meeting, will review the circumstances and reach a determination on the resolution of the problem. After making a decision, the Board will issue a written statement to the complainant within 10 calendar days.
4. If the citizen is dissatisfied with the local response, the person may write to the North Carolina Division of Community Investment and Assistance, 4313 Mail Service Center, 100 E. Six Forks Road, Raleigh, North Carolina 27699-4313. DCIA will respond only to written comments within 10 calendar days of the receipt of the comments.

The complaint procedure will be posted at the County Courthouse in order to inform all citizens of the process to follow in submitting complaints.

## SECTION V HOUSING REHABILITATION POLICIES

### I. Purpose

These policies and guidelines will serve as the framework for implementation of the residential property rehabilitation elements of the Community Development Program. Administration of housing rehabilitation activities will be in accordance with the application for CDBG assistance and with DCIA CDBG regulations.

### II. Rehabilitation Standards

The program will provide rehabilitation assistance to bring substandard housing up to the NC CDBG Property Rehabilitation Standards and the HUD Section 8 Existing Standards. In special circumstances, the program may provide certain improvements not specifically included in the Property Rehabilitation Standards but determined to be essential to protect occupant health or safety and to insure basic livability. The County will also employ code enforcement to insure comprehensive improvement of housing within the project area.

### III. Type of Assistance

Housing rehabilitation assistance will be in the form of grants or loans depending on the following factors:

1. Occupancy - owner or rental
2. Household income - owner, tenant, and landlord
3. Amount of monthly rent

Housing rehabilitation grants will be made subject to terms and conditions designed to protect program benefits for low/moderate income persons, prevent speculation and windfall benefits for investor/owners, and sustain program benefits. The specific design of the grant/loan program as it was described in the CDBG application

### IV. Conditions on Rehabilitation Assistance

Whenever CDBG funds are used for rehabilitation, the following rent freeze and recapture provisions will apply:

#### A. Rent and Eviction Controls

1. Rent Freeze - A base rent is established on the CDBG application due date or one year prior to the approval of the rehabilitation application, whichever date is later. If this base rent is above the level of affordability for the tenant (greater than 30% of gross family income), the rent shall be frozen until it becomes affordable for the tenant. Then rent increases, as defined in No. 2 below, are permitted.
2. Rent Increases - Rents for all units receiving CDBG assistance shall be controlled with allowable rent increases not to exceed 10% of the base rent per year. As the level of CDBG assistance increases, the rent control period lengthens as is indicated by the following schedule:

Ranges of CDBG contribution per unit	Percent of CDBG Direct Grant		
	0% but less than 80%	80% but less than 90%	90% or Greater
	<u>Number of years for rent control</u>		
Up to \$12,000	5 years	6 years	7 years
\$12,001 - 16,000	6 years	6 years	7 years
\$16,001 - 19,999	7 years	7 years	7 years
\$20,000 or more	8 years	8 years	8 years

3. The tenant shall repair all damage maliciously or negligently caused by himself or his guests within 30 days. The investor/owner may make repairs and recoup the cost in a rent increase evenly spread monthly over a period of one year.
4. The tenant may only be evicted for nonpayment of rent over a prolonged period or failure to repair damage in accordance with No. 3, above.
5. The investor/owner shall submit a copy of the property lease agreement on an annual basis and provide notification of any rent increases.

#### B. Recapture Provisions

1. Grants - Grants are technically considered as temporary deferred loans due to the recapture provision. The Investor-Owner shall be required to repay the program a portion of the CDBG grant funds in the property is sold during the recapture period (which extends for the length of the rent control period, but not less than 5 years or more than 8 years). The recapture period lengthens as the level of CDBG assistance increases. As long as the property and dwelling unit remains in the hands of the Investor-Owner or Owner who was the Owner at the time of rehabilitation, an equal percentage of the grant

amount will be “forgiven” each year. If the property is sold within the recapture period, the Investor-Owner or Owner will repay the grant funds in accordance with the following schedule:

Ranges of CDBG contribution per unit	Percent of CDBG Direct Grant		
	0% but less than 80%	80% but less than 90%	90% or Greater
	<b>Number of years for recapture (repayment)</b>		
Up to \$12,000	5 years	6 years	7 years
\$12,001 - 16,000	6 years	6 years	7 years
\$16,001 - 19,999	7 years	7 years	7 years
\$20,000 or more	8 years	8 years	8 years

2. The recapture provision does not apply when the property is transferred but not sold to the Owner’s heirs because there are no proceeds. However, the original recapture period will still exist and will apply to the heir until the period elapses.
3. Loans - The Owner-Occupant or Investor-Owner will repay the entire outstanding loan balance at the time of sale. A note and a deed of trust will secure all loans. The loan period will be for up to 10 years and the fixed interest rate will be set at the beginning of the period in accordance with the financial assistance guidelines.

V. Amount of Assistance

A. Maximum Grant/Loan Amount

Maximum rehabilitation assistance for a housing unit in the form of a grant or loan is \$40,000. The total CDBG funds expended on rehabilitating a unit should not exceed the projected market value of the house and lot after rehabilitation.

B. Options for Rehabilitation Exceeding Limitations

In the event rehabilitation costs exceed the maximum allowable grant or loan assistance or the costs exceed the market value after rehabilitation, the following options exist.

1. Demolish the structure due to its dilapidated state.
2. Pay additional expenses through funds provided by Owner.
3. Rehabilitate structure to minimum HUD Section 8 standards using the following priorities for repairs:
  - a. Provisions of a safe, sanitary water supply and adequate sewage disposal to include provision of indoor plumbing, to include hot water service.
  - b. Elimination of major structural defects which are creating hazardous conditions; to include unsafe electrical systems, roofing, and floor systems.
  - c. Weatherization of dwelling units.
  - d. Control of insects, rodents and infestations.
  - e. Elimination of minor structural defects.
  - f. Landscaping to eliminate health hazards, i.e., provision of adequate drainage.

VI. Rehabilitation Priorities

In general, the priority for selecting housing for assistance shall follow the following priorities:

1. Owner-occupied grant financing
2. Tenant-occupied grant financing
3. Owner-occupied loan financing
4. Tenant-occupied loan financing
5. Vacant units

Within each of the above categories, the elderly, handicapped or most underprivileged with lowest income levels will receive priority. The County may deviate from these priorities, however, if it is in the best interests of the CDBG Program and results in achieving other Program objectives. In the event that applications for rehabilitation assistance exceed the amount of funds available, the priority for award will follow the same priorities listed above.

VII. Income Requirements

There are income guidelines for determining grant and loan financing and low/moderate benefit levels are established. These figures are revised yearly by DCA and are based on Section 8 Income Limits. The most current figures will apply. Income will be based on total verified gross household income of all people over 18 years of age. This will include social security and or government benefits program payments and all income required to be reported to the U.S. Internal Revenue Service.

VIII. Eligibility for Rehabilitation Assistance

In addition to the income limitations for receiving grants or loans, the following criteria must be met:

1. The dwelling unit must be classified as deteriorated on the results of the inspection report.
2. The unit must be owner-occupied or a rental unit occupied by an eligible applicant for a period of at least three months prior to the date of submission of an application for rehabilitation assistance.
3. Vacant rental units can receive assistance if the owner agrees to rent the unit to a low/moderate income family and set a rent level that does not exceed 30% of the tenant's income and is affordable as defined by HUD through its Section 8 Program. Eligibility for grant or loan assistance will depend on the income and rent factors identified in the design of the grant/loan program.
4. The dwelling unit must be located in a designated Community Development Project Area as specified in the CDBG Program application.

IX. Rehabilitation Procedures

- A. Rent and Eviction Controls. The following efforts will be made to make affected property owners, tenants, and contractors aware of this program of residential property rehabilitation:
1. Owners and tenants will be informed of public meetings on this program through notices distributed in a variety of ways, including delivery to homes in the area, mailing to owners and/or neighborhood organizations, posting in public places, and publication.
  2. Owners and/or tenants will be made aware of the program during inspections of residential structures.
  3. Members of the Project Advisory Committee will be informed of the rehabilitation activities and will provide information to residents of the area.
  4. Area contractors will be contacted to advise them of the work to be done in this program and will be invited to qualify for inclusion on the list of approved contractors for performing housing rehabilitation work. The County will encourage participation by minority contractors and will provide assistance to them in qualifying to perform rehabilitation work.
- B. Preliminary Inspections. A thorough inspection will be made of all residential properties in the program area, will identify any deficiencies under the Property Rehabilitation Standards, and will make an initial finding that the structures fit one of three categories listed below. The categories of classification are:
1. Standard. The structure has few or no significant standards deficiencies or needs only minor cosmetic repairs. No rehabilitation assistance is required. Energy conservation and minor assistance may be provided if funds are available after all other rehabilitation needs have been met.
  2. Deteriorated. The structure has significant standards deficiencies, but can be substantially rehabilitated within the resources, conditions, and priorities of the program. The County will proceed to offer rehabilitation assistance.
  3. Dilapidated. The structure has major standards deficiencies and is not practical to rehabilitate or cannot be rehabilitated within the resources of this program. The County will undertake action to relocate the occupants, if any, and remove the structure.  
In exceptional cases where rehabilitation of a dwelling may not be cost-effective or within program limits, but where relocation of the occupants may not be practical, possible, or desirable, the County may consider the existing dwelling "housing of last resort" and may use program funds to improve the dwelling in accordance with the established rehabilitation priorities and guidelines.
- C. Initial Conference. Following the preliminary inspection, the owner and/or occupant will be advised of the findings and the consequences. If the structure is found to be capable of rehabilitation, the owner will be invited to apply for program assistance. Owners will be advised that nonparticipation in the rehabilitation program will not relieve them of responsibility for compliance with the County's Minimum Housing Code.
- D. Applications. Applications for housing rehabilitation assistance must be made on forms provided by the County and will include income, demographic, and other information needed to determine eligibility, priorities, and program impact. After receipt and review of the housing inspection report and the application for assistance, a determination will be made whether the dwelling and owner are eligible for assistance. If the property and owner are approved for assistance, the owner and occupants must enter a grant agreement with the County, which sets forth the terms of the grant.
- E. Work Write-Up. If a dwelling unit is found to be eligible for assistance, a detailed work write-up will be prepared specifying the improvements needed to make the unit comply with the Property Rehabilitation Standards. This work write-up may require further detailed inspection and may include consultation with local building inspectors. The work write-up will consist of a detailed description of all repairs needed for the unit and a confidential estimate of the estimated costs.  
If the owner desires to have additional work performed beyond grant-eligible improvements, the County will provide technical assistance upon request, but such additional work shall be covered by a separate contract between the owner and the contractor and shall not affect the grant or this program.

X. Contracting and Construction Procedures

All procurement and contract procedures will be completed in accordance with 24 CFR 85 and applicable state and local purchasing and bidding procedures.

- A. Eligible Contractors. Bid documents will be sent to contractors who have previously qualified for inclusion on a bidders list and bids will also be solicited by published notice. The County may disqualify any contractor with a known record of discriminatory employment practices, and contractors will be expected to comply with applicable equal opportunity and civil rights laws and regulations.
- B. Bid Awards. Sealed bids will be received and reviewed by the CD Program Director and staff, who will make recommendations for award. Bids will be awarded by the local Board under purchasing and bidding policies established by County administrative policy and state statute. Consideration may be given to such factors as past contract performance, time of performance, and apparent capacity to carry out the work as well as the bid amount. The number of bids to be awarded to a single contractor may be limited to provide opportunity for greater participation by local contractors and to complete the rehabilitation work in a shorter amount of time.
- C. Contracts. All rehabilitation contracts will be executed between the contractor, the County and the owner.
- D. Pre-construction Conference. Prior to commencement of work, a pre-construction conference will be conducted with the contractor to review work specifications and contract requirements.
- E. Inspections. During construction, the Community Development staff and the local building inspectors will periodically inspect the work to insure compliance with contract work specifications and applicable building codes.
- F. Payments. The County will make all contract payments directly to the contractor. Contractors may receive progress payments prior to contract completion, but progress payments will be subject to a 20% retention requirement and payments shall not exceed 80% of the total contract prior to contract closeout. Contract payments may be made only after timely submission of estimates/invoices and review and approval of the work.
- G. Change Orders. Changes in work that may become necessary during construction will be negotiated and approved in accordance with County bidding/purchasing policies. Owners will be consulted concerning proposed change orders. The contractor will make no changes in the work nor seek payment for changes or additional work without prior issuance of a written change order.
- H. Final Inspections. Upon completion of the work, a final inspection will be performed to insure that all work complies with the contract and applicable building codes. The owner may accompany the inspection and/or be consulted prior to contract closeout. The contractor will submit a final invoice, release of liens, and any warranty documents. Following receipt of required documents, approval of the work, and a signed owner's acceptance of the work, final payment will be authorized and the rehab project will be closed out.
- I. Coordination With Property Owners. At a minimum, the following items will be reviewed with property owners except in the case of unforeseen circumstances.
  - 1. All housing code or rehabilitation standards deficiencies.
  - 2. The proposed financing arrangement, grant or loan.
  - 3. Decisions on rehabilitation, delay or demolition of the unit.
  - 4. Procedures concerning bidding, contracts and construction.
  - 5. Contract completion and closeout.
  - 6. If the property owner disagrees with any of the information and decisions presented, appeal of the decision can be processed through the complaint procedure.
- J. Information to Contractors. Rehabilitation contractors will be furnished contracting rules, procedures and forms to assist them in participating in the Housing Rehabilitation Program.

- XI. Regulations Pertaining to Accessory Buildings - Nonresidential accessory buildings located on the same lot as a dwelling unit approved for a rehabilitation grant are ineligible for rehabilitation. Grant monies may be applied to the demolition of such substandard structures, but in no instance for their rehabilitation. An accessory building for the purpose of the Rehabilitation Grant Program Guidelines is defined as follows: A detached subordinate structure operated and maintained under the same ownership and located on the same lot as the main building. No such building may be inhabited or sued by other than the owners, lessee or tenant of the premises or their employees. The owner of any accessory building determined substandard may request the demolition of the accessory building as a part of the rehabilitation sponsored by the grant. Grant monies, if the owner's application is approved, may be used to rehabilitate the dwelling unit and demolish all substandard accessory buildings at the same time.

## SECTION VI OPTIONAL COVERAGE RELOCATION PLAN

### I. Purpose

The purpose of this optional coverage relocation assistance plan is to provide relocation assistance and payments to individuals and families displaced as a result of Community Development housing code enforcement or other Community Development Activities that are not otherwise covered by the Uniform Relocation Assistance and Real Property Acquisition Policies Act, hereinafter referred to as the Uniform Act.

### II. Eligibility

Individuals and families residing in the Community Development Block Grant Project Area, that are displaced as a result of housing activities or other community development activities and which have unmet, long-term, relocation needs are eligible to receive assistance. In addition, eligibility of the individual or family must have been established and documented prior to the provision of financial assistance under this plan. Families who are permanently displaced due to unanticipated events, such as fires, floods, or other man-made or natural disasters may also be eligible if they resided in the Community Development Block Grant Project Area identified in the application for grant assistance at the time of the disaster.

### III. Authority

Optional relocation benefits are authorized by Section 105(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act and Sections 570.496a(d) and 570.606(d) of the interim rule which describes the "Act". This policy is promulgated in accordance therewith.

### IV. Assistance to be Provided

The following optional coverage relocation policy is to be used during the implementation of the Community Development Block Grant Program. All persons displaced in accordance with this policy shall be provided relocation assistance in accordance with guidelines outlined under 49 CFR 24, "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs", except as outlined below:

1. Displaced Person. The term "displaced person", as defined under 49 CFR 24, shall be expanded to include any person who occupies a primary legal residence on the effective date of the initiation of negotiations, and who permanently moves from a primary legal residence as a direct result of a voluntary acquisition, voluntary demolition agreement, code enforcement demolition, or rehabilitation grant award. Families permanently displaced due to man-made or natural disasters are also defined as "displaced persons."
2. Initiation of Negotiations. The term "initiation of negotiations", shall be defined under this policy to mean the date the Notice of Relocation Eligibility is issued to the occupant.
3. Comparable Replacement Dwelling. The term "comparable replacement dwelling", as defined under 49 CFR 24, shall be redefined under this policy to mean a dwelling which is (1) decent, safe, and sanitary, as defined in 49 CFR 24.2(f); (2) functionally equivalent to displacement dwelling (3) adequate in size to accommodate the occupants; (4) on a site not subject to adverse environmental conditions; (5) in a location general not less desirable than the location of the displaced person's dwelling with respect to public utilities, commercial and public facilities, and reasonably accessible to the person's place of employment; (6) on a site that is typical in size for residential development with normal site improvements, including customary landscaping. The site need not include special improvements such as outbuildings, swimming pools, or greenhouses (7) currently available to the displaced person in the private market; however, a government subsidized dwelling unit will be considered comparable if it meets standards (1) through (6) above, and the displacement dwelling is government subsidized and (8) within the financial means of the displaced person, as defined under 49 CFR 24.2(d)8. Circumstances permitting temporary relocation and basic conditions of emergency move will be followed in accordance with 49 CFR 24.203(c)(4) and 49 CFR 24.204(b) and (c).
4. Relocation Notices. A "Notice of Relocation Eligibility" outlining all information described under 49 CFR 24.203 (a) and (b) will be sent by certified mail or hand-delivered to all displaced individuals concurrently with any letter or document initiating negotiations for the displacement dwelling. Additionally, the CD Administrator will, in all cases, precede the initiation of negotiations with a documented personal interview with the individual to be displaced. Ninety-day notices shall be prepared and issued in accordance with 49 CFR 24.203(c).
5. Levels and amounts of CDBG assistance to eligible individuals and families shall include the following limits:
  - A. Homeowner Replacement Housing Payment - eligible homeowners, as defined by 49 CFR 24.401(a), may receive a replacement housing payment, as computed in accordance with 49 CFR 24.401. Housing

replacement assistance will be in the form of a promissory note and will be secured with a 10-year self amortizing deed of trust.

- B. Down-payment Assistance – down-payment assistance for eligible tenants or homeowners as defined by 49 CFR 24.402(a) may be received in an amount equal to the relocation benefits as computed for a tenant or homeowner.
  - C. Rental Assistance - eligible tenants as defined by 49 CFR 24.402(a) may receive an amount for rental assistance as computed in accordance with 49 CFR 24.402(b).
  - D. Moving Expenses - an eligible individual or family may receive moving and related expenses as calculated in accordance with 49 CFR 24.302.
  - E. Eligible tenants may elect assistance as described in Section 104(d) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act and further described in Sections 570.496.a(b) and 570.606(b) of the interim rule. The rental assistance provided for relocation under this section is as follows:
    - (1) A choice between (I) actual reasonable moving expenses as described in 24 CFR 42.301 or (ii) a fixed expense as described in 24 CFR 42.302.
    - (2) Advisory Services as described in 24 CFR Part 42, Subpart C.
    - (3) Reimbursement for reasonable and necessary security deposit and credit checks.
    - (4) Replacement Housing Assistance - A person choosing to rent must be offered either (I) a Section 8 housing voucher/certificate (through the housing authority) and referrals to comparable replacement dwelling units where the owner agrees to participate in the Section 8 Program or (ii) cash rental assistance to reduce the rent and utility costs to 30% of his/her income (adjusted, as determined by grantee/recipient) for a 5-year period and appropriate referrals to comparable replacement dwelling units.
6. To prevent “windfall”, rental assistance payments to tenants who pay little or no rent, the following procedure will be utilized:
- A. Prior to computing a rental assistance payment, the CD Administrator will determine the fair market rent determined for the displacement dwelling, then the fair market rent shall be utilized to compute the rental assistance payment. If the existing rent is above 75% of the fair market rent, the existing rent shall be utilized to compute the rental assistance payment.
  - B. If the existing rent for the displacement dwelling is less than 75% of the fair market rent determined for the displacement dwelling, then the fair market rent shall be utilized to compute the rental assistance payment. If the existing rent is above 75% of the fair market rent, the existing rent shall be utilized to compute the rental assistance payment.
  - C. In situations where fair market rent is utilized to compute the rental assistance payment, and the tenant’s non-subsidized total monthly housing cost is not affordable after relocation, the rental assistance payment shall be increased to the extent necessary to insure an affordable monthly housing cost (i.e., total non-subsidized housing costs less than 30% of gross income).
  - D. Actual rent may be used for tenants paying little or now rent if the use of fair market rent would create an undue hardship and prevent the person from obtaining comparable, standard replacement housing.
7. Owner-occupants of displacement mobile homes situated on a rented site are eligible for down-payment assistance for purchase of a new mobile home site in lieu of a rental assistance payment, in addition to a replacement housing payment, if a comparable rental site cannot be located on a timely or cost-effective basis.
8. If such assistance, as prescribed in the above sections, is not sufficient to completely relocate a household in accordance with the Uniform Relocation Assistance and Real Property Acquisition Regulations (49 CFR 24), the Agency may provide additional assistance as outlined in 49 CFR 24.404, Replacement Housing of Last Resort.

V. Affirmative Action For Low Income and Minority Persons

All relocation assistance provided under this plan will be undertaken in a non-discriminatory manner. Any low-income or minority individual or family assisted under this plan shall not be required to move to an area of low-income and/or minority concentration as a condition of receiving relocation assistance, unless they have been given opportunities to relocate to a comparable replacement dwelling that is not located in an area of low-income and/or minority concentration, if such opportunities are available.

VI. Relocation Record-keeping

Complete records, documents, and justification for payment made pursuant to this plan shall be maintained in accordance with the guidelines under 49 CFR 24.9 of the “Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs”.

*Adopted this 2<sup>nd</sup> day of May, 2011 by the Lenoir County Board of Commissioners.*

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George W. Graham, Jr.  
Chairman

## SECTION VII PROPERTY ACQUISITION, DEMOLITION AND DISPOSAL POLICY

### I. Purpose

The purpose of this policy is to provide guidelines for the acquisition and disposition of real property utilizing the resources of the Community Development Program. All property acquisition shall be undertaken in compliance with the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" as amended and applicable N.C. General Statutes.

### II. Standards for Acquisition

Eligible real properties in the following categories may be acquired.

#### A. Easements and Rights-of-Way

Easements or rights-of-way needed for public improvements (such as public utilities, streets, storm drainage, or sidewalks) included in community development activities may be acquired.

#### B. Dilapidated and Unsafe Structures

Eligible properties containing structures that are determined to be unfit for human habitation, dilapidated, unsafe, or contributors to blight may be acquired for clearance and/or disposition.

#### C. Rehabilitation

Eligible properties containing structures suitable for adaptive reuse and/or rehabilitation under existing local policies may be acquired for rehabilitation and subsequent disposition. (See Section C.1 of Commercial Rehabilitation Policy.)

#### D. Redevelopment

Eligible properties designated for redevelopment under a legally adopted redevelopment plan may be acquired for the purposes specified and subsequently disposed of as provided in the redevelopment plan.

#### E. Public-Use

Properties may be acquired to provide land or facilities as sites for community services, including activities of government and semi-public agencies, such as for parks and utility system improvements.

### III. Acquisition of Dilapidated Structures

The following general guidelines will apply to acquisition of dilapidated structures for purposes of code enforcement or for meeting program objectives for eliminating slums and blighting conditions. These guidelines may be varied by the local Board due to the broad nature of acquisition, relocation, and rehabilitation activities and the need to meet CDBG Program objectives.

A. A structure may be acquired and demolished when it is determined to be economically beyond repair.

B. A structure may be acquired and demolished if it is an imminent threat to health and safety.

C. A structure may be acquired and demolished if the proposed rehabilitation cost is clearly more than the after rehabilitation market value. To salvage an existing structure, property owners may contribute directly to the rehabilitation costs in order for the structure to be eligible for rehabilitation assistance.

### IV. Process for Demolition of Structures

When it has been determined that a structure must be acquired and demolished, one of the following two methods may be used:

A. The property owner may execute a voluntary demolition and clearance agreement. With this agreement the owner gives permission to the County to enter onto the property, demolish the structure, clear the lot of all debris, and reseed the lot. The County will provide an indirect grant to the owner whereby it will hire the contractor to perform the demolition services and pay the cost of demolition with CDBG Program funds. The property owner will not have to repay the County for the cost of demolition and will retain full ownership of the lot.

- B. If the property owner does not wish to execute a voluntary demolition agreement, then a formal acquisition procedure will be followed to purchase the structure and the parcel of land. CDBG Program funds will then be utilized to demolish the structure. The County will retain ownership of the land until such time as it deems necessary to dispose of the property to accomplish CDBG Program objectives.

V. Acquisition Procedure

- A. The steps necessary for acquisition of any property in the CDBG Program are as follows:
  - 1. Title certification.
  - 2. Land survey.
  - 3. Appraisal of the property - property owner must be invited to accompany the appraiser.
  - 4. Review appraisal of the property - property owners must be invited to accompany the review appraiser.
  - 5. Establishment of Just Compensation by the local Board.
  - 6. Written offer to purchase to the property owner.
  - 7. Negotiation with the property owner.
  - 8. Upon agreement, the property is purchased.
  - 9. If agreement cannot be reached, the matter is referred to the attorney for condemnation through code enforcement.

VI. Disposition of Property

- A. The County may dispose of properties acquired under this program in order to further the objective of its Community Development Program.
- B. Properties will be disposed of in accordance with the CDBG Program regulations and the N.C. General Statutes regarding disposition of governmental property and disposition of property for community development.
- C. Property may be disposed of to meet the community development objective of increasing housing opportunities for low/moderate income people. When acquired property is offered for sale, it may be advertised and offered for sale to low/moderate income individuals and construction of a residential unit must start within 12 months.

## SECTION VIII CODE OF CONDUCT

### I. Purpose

As a recipient of federal community development block grant funds, the County is required to have a written code or standards of conduct that govern the performance of the local elected officials, employees, and agents engaged in the award and administration of contracts supported by federal funds. This code of conduct is intended to fulfill that requirement.

### II. Standards of Conduct

1. No official, employee, or agent of the County shall participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:
  - a. The employee, official, or agent;
  - b. Any member of his immediate family;
  - c. His or her partner; or
  - d. An organization that employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.
2. The County's officials, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.
3. The County's officials, employees or agents shall comply with the provisions of the N.C. General Statutes that relate to standards of conduct and ethics for public officials.

### III. Penalty for Violation

Penalties, sanctions or other disciplinary actions for violations of these standards by the County's officials, employees, or agents,, or by contractors or their agents shall be in accordance with penalties established under the N.C. General Statutes governing conduct of public officials.

### IV. Evidence of Policy

As evidence of this code of conduct, the following conflict of interest clause shall be inserted in each contract, which is supported by federal community development block grant funds:

Interest of Members, Officers, or Employees of the Recipient, Members of Local Governing Body, or Other Public Officials. No member, officer, or employee of the recipient, or its agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the program during his tenure or for one year thereafter, shall have any financial interest, either direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this agreement. Immediate family members of said members, officers, employees, and officials are similarly barred from having any financial interest in the program.

**SECTION IX**  
**SECTION 3 PLAN - TRAINING, EMPLOYMENT AND BUSINESS OPPORTUNITIES**

I. POLICY STATEMENT

The County is committed to a policy that, to the greatest extent feasible, opportunities for training and employment to be given lower income residents of the community development project area and contracts for work in connection with the federally assisted community development project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

II. LEGAL BASIS

The County will comply with all applicable provisions of Section 3 of the Housing and Urban Development Act of 1968, as amended (24 CFR Part 135), all regulations issued pursuant thereto by the Secretary of Housing and Urban Development and all applicable rules and orders of the Department issued thereunder.

III. APPLICATION AND COVERAGE OF POLICY

The policy will apply directly to residents and businesses within the County's federally assisted community development project areas and to residents and businesses within the County's jurisdiction. Consideration will also be given to low income residents and businesses within the County as well. The entire County will be considered a project area and covered under this policy if suppliers and businesses are not available in the designated project areas.

IV. IMPLEMENTATION OF POLICY

In order to implement the County's policy of encouraging local resident and business participation in undertaking community development activities, the County will adopt this Section 3 Plan which describes the steps to be taken to provide increased opportunities for local residents and businesses.

V. ADMINISTRATION OF SECTION 3 PLAN

The County Manager will be responsible for implementation and administration of the Section 3 Plan. County Board members, other staff and administrators of the Community Development Project will provide assistance.

IV. DISSEMINATION OF PLAN

The County will post the Section 3 Plan at the County Courthouse and make it available for all contractors, subcontractors, and businesses interested in participating in the Community Development Program. In addition, the County will include the following Section 3 clause in every applicable contract for a major public improvement or building construction job; thereby, encouraging participation in the policy by parties involved in community development activities:

"Section 3" Compliance in the Provision of Training, Employment, and Business Opportunities.

- a. The work to be performed under the contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and the contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
- b. The parties to this Agreement will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development and all applicable rules and orders of the Department issued thereunder prior to the execution of this Agreement. The parties to this Agreement certify and agree that they are under no contractual or other disability, which would prevent them from complying with these requirements.
- c. The Contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising

the said labor organization or workers' representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

- d. The Contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The Contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135 and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.
- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135 and all applicable rules and orders of the Department issued hereunder prior to the execution of the contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its Engineers and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to sanctions as are specified by CFR Part 135.

## VII. AFFIRMATIVE ACTIONS FOR RESIDENT AND BUSINESS PARTICIPATION

- A. The County will take the following steps to assure that low income residents and businesses within the community development project area and within the County are used whenever possible:
  - 1. Place qualified residents and businesses on solicitation lists.
  - 2. Assure that residents and businesses are solicited whenever they are potential sources of contracts, services, or supplies.
  - 3. Divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by residents and businesses.
  - 4. Establish delivery schedule, where the requirements permits, which encourages participation by area residents and businesses.
- B. At the beginning of each CDBG Project, the County will place a display advertisement in the local paper containing the following information:
  - 1. A brief description of the project.
  - 2. A listing of jobs, contracts and supplies likely to be utilized in carrying out the project.
  - 3. An acknowledgment that under Section 3 of the Housing and Community Development Act, local persons and businesses will be utilized for jobs, contracts and supplies in carrying out the CDBG project to the greatest extent feasible.
  - 4. A location where individuals interested in jobs or contracts can register for consideration for jobs and contracts.
  - 5. A statement that all jobs will be listed through and hiring will be done through the local office of the North Carolina Employment Security Commission; a statement that all contracts will be listed with the North Carolina Division of Purchases and Contracts; and a statement that potential employees and businesses may seek development and training assistance through various state and local agencies, or which the County will maintain a list for individuals and business concerns inquiring.
- C. Training and technical assistance will be provided by the local community college for low-income residents requiring skills to participate in community development project activities. Referrals will be made to the community college, local Private Industry Councils, JTPA Programs, and job training programs provided by local community action agencies as appropriate. Residents and businesses will be encouraged to participate in state and/or federal job training programs that may be offered in the area.
- D. Low-income residents and businesses will be informed and educated regarding employment and procurement opportunities in the following ways:
  - 1. Advertisement in the local newspaper.
  - 2. Posting of Section 3 Plan at County Courthouse.

3. County Board meetings when project activities and schedules are discussed.
4. Open meetings of Project Advisory Committee when everyone in neighborhood is invited.
5. Notification to other agencies that provide services to low-income people.

VIII. UTILIZATION OF AREA RESIDENTS AND BUSINESSES

- A. The County will, to the greatest extent feasible, utilize lower income area residents as trainees and employees.

Goals

1. Encourage small local contractors to perform rehabilitation and demolition activities.
2. Encourage rehabilitation contractors to hire local residents.
3. Encourage public works contractors to hire local area residents.
4. Advertise through the Employment Security Commission for any employees to be hired to implement project activities.

- B. The County will, to the greatest extent feasible, utilize businesses located in or owned in substantial part by persons residing in the area.

Goals

1. Encourage all contractors to purchase supplies and materials from the local hardware and supply stores.
2. Encourage employees of contractors to purchase food and drinks from local convenience stores.
3. Contract with local contractors to perform demolition activities, and housing rehabilitation activities.
4. Encourage public improvement contractors to hire local residents for site clearance work, hauling materials, and performing other site improvements.

- C. The County will solicit referrals from appropriate local, state, and federal agencies in identifying individuals and businesses that will be able to assist the County in achieving its goals and completing the community development activities. Resources for identifying suppliers and Contractors may include the "Minority Business Directory" published by the NC Department of Commerce, local directories, and the Small Business Administration local office.

IX. MONITORING COMPLIANCE

The County may require each applicable contractor to provide a copy of the Section 3 Plan and will monitor compliance during the performance of the contract. Copies of all advertisements, notices, and published information will be kept to document the implementation of the Plan.

X. RECORDS AND REPORTS

The County will maintain such records and accounts and furnish such information and reports as are required under these Section 3 regulations, and permit authorized representatives of state and federal agencies access to books, records, and premises for purposes of investigation in connection with a grievance or to ascertain compliance with these regulations or the rules and orders issued thereunder.

XI. COMPLAINT PROCEDURE

Any lower income resident of the project area or business concern located in or owned in part by persons residing within the project area may file a grievance alleging noncompliance with Section 3 requirements in accordance with the procedures established under 24 CFR Part 135, Subpart F. Said grievance is to be filed with the Secretary of Housing and Urban Development within the required format and time period. A resident or business may also appeal to the County Board in accordance with the established CDBG Program Grievance Procedure. The County will maintain a record of all complaints and resolutions.

*Adopted this 2<sup>nd</sup> day of May, 2011 by the Lenoir County Board of Commissioners.*

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George W. Graham, Jr.  
Chairman

## SECTION X POLICY FOR EQUAL OPPORTUNITY

- I. Purpose  
The County declares and affirms that is an official policy of the County to foster, maintain, and promote equal opportunity among persons in its employment, in the letting and monitoring of all contracts, in providing County services, and in the administration of local, state, and federal programs.
- II. Adoption of Policy  
Following is the resolution adopted by the local Board:

### RESOLUTION AFFIRMING A POLICY FOR EQUAL OPPORTUNITY IN EMPLOYMENT, CONTRACTING, PROGRAM ADMINISTRATION, AND SERVICE DELIVERY

WHEREAS, the County of Lenoir must submit certification to various departments of the United States Government assuring that:

The County's federally funded programs will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964; Title VIII of the Civil Rights Act of 1968; Section 109 of the Housing and Community Development Act of 1974; Section 3 of the Housing and Urban Development Act of 1968; Executive Order 11246; Executive Order 11063, and any other regulations issued to implement these authorities; and

WHEREAS, Title VI of the Civil Rights Act of 1964 requires that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance; and

WHEREAS, Executive Order 11246 as amended by Executive Order 11475 requires federal contractors to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, sex, or national origin; and

WHEREAS, consistent with the County's established rules, regulations and policies, no person shall be refused employment, given preference or otherwise discriminated against on account of race, sex, religion, age, physical handicap, political affiliation, or national origin; and

WHEREAS, it is further pronounced that among the practices prohibited in employment with the County and by business contracted by the County are: (1) Discrimination in regard to tenure, term, promotion, salaries, and other conditions of employment; and (2) Discrimination in the selection of personnel for training and temporary/permanent employment;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF LENOIR COUNTY:

1. That it is declared and affirmed to be an official policy of the County of Lenoir to foster, maintain, and promote equal opportunity among persons in its employment, in the letting and monitoring of all contracts, in providing County services, and in the administration of local, state, and federal programs.
2. That the County will take steps to assure that contractors performing work for the County shall select candidates for employment on the basis of the candidates' qualifications for the jobs and extend equal opportunities with respect to compensation, training, and advancement, including upgrading and promotion, without regard to race, sex, color, religion, or national origin, and to ensure that equality in such opportunities continue to be the basis of the contractors' policies.
3. That as a matter of policy, the Board will comply with the following equal opportunity provisions, laws, and regulations:
  - a. Title VI of the Civil Rights Act of 1964
  - b. Title VIII of the Civil Rights Act of 1968
  - c. Age Discrimination Act of 1975
  - d. Section 504 of the Rehabilitation Act of 1973
  - e. Executive Order 11063 - Nondiscrimination and Equal Opportunity in Housing (24 CFR 107)
  - f. Section 3 of the Housing and Urban Development Act of 1968 (24 CFR Part 135)
  - g. Executive Order 11246 - Part II, Nondiscrimination In Employment by Government Contractors and Subcontractors
  - h. Section 109 of the Housing and Community Development Act of 1974 as Amended
4. That as a method of implementing this equal opportunity policy, the Board will implement an affirmative action plan and a Section 3 plan to provide equal opportunities in training, employment and contracting.

## SECTION XI PROCUREMENT POLICY

### I. Purpose

The purpose of this policy is to establish procurement procedures for the use of CDBG funds in purchasing and contracting for services. All procurement transactions will be conducted in a manner providing full and open competition consistent with Federal and State regulations and obtaining the most cost-effective price for goods and services.

### II. Applicable Laws

The procurement procedures reflect the following Federal and State laws and regulations. When procurement policies are different, the more restrictive policies will apply. If a specific circumstance should arise not covered by the procedures, then the applicable Federal or State regulation will be followed.

- A. Administrative Requirements for Grants and Cooperative Agreements to State, Local, and Federally Recognized Indian Tribal Governments (24 CFR 85). (Previously identified as OMB Circular A-102).
- B. Cost Principles for State and Local Governments (OMB Circular A-87).
- C. N.C. Community Development Block Grant Regulations, Section .0908 - Procurement Standards (Amended Effective August 1, 1988) (15 NCAC 13L).
- D. NCGS Chapter 143, Article 8, Public Building Contracts and other applicable sections related to purchasing and contracting by public bodies.

### III. Methods of Procurement

The following methods of procurement will be used in obtaining goods and services. The procurement method will be based on the specific need and the nature of the service required.

- A. Small Purchase (Informal Procedure) - This method of procurement is used to purchase supplies, equipment, services, or other property with a cost of not more than \$20,000. Procedures for the procurement of small purchases are relatively simple and informal. Even so, competition in all cases will be sought by obtaining oral or written price quotations from more than one bidder. When competition is obtained orally, supportive documentation will be maintained.
- B. Competitive Sealed Bids (Formal Advertising) - This method of procurement is used when the following conditions exist: (a) A complete, adequate and realistic specification or purchase description is available; (b) two or more responsible suppliers are willing and able to compete effectively for the business; and (c) the procurement lends itself to a firm fixed-price contract (a specified price to be paid when the items or services are delivered), and selection of a successful bidder can appropriately be made principally on the basis of price. Bids will be solicited in publications and kept in confidence until there is a public bid opening. A firm-fixed price contract will be awarded to the responsible contractor whose bid is responsive and lowest in price. When using formal advertising, the following requirements will apply:
  1. The invitation will be publicly advertised in sufficient time prior to the opening of bids (at least 10 days). Bids will be solicited from an adequate number of known suppliers.
  2. The invitation, including specifications and attachments, will clearly describe the goods or scope of services required in order to permit bidders to be responsive to the invitation.
  3. All bids will be opened publicly at the time and place stated in the invitation for bids.
  4. A firm-fixed price contract award will be made in writing to the responsive bidder whose bid is lowest and who satisfies all other bid requirements.
  5. Any and all bids may be rejected if it is determined to be in the best interest of the governing body.
- C. Competitive Negotiation - This method of procurement may be used if conditions are not appropriate for the use of formal advertising. This type of procurement may be used when the selection could be based on factors other than price, such as experience and capacity. Procurement of architectural/engineering professional services falls under this latter category. Only fixed price (a specified price to be paid when the items or service are delivered and accepted) or cost-reimbursement (price is usually reimbursed as costs are incurred) may be awarded. When using competitive negotiation, the following requirements will apply:
  1. Proposals will be solicited from two or more qualified sources to permit reasonable competition consistent with the nature and requirements of the procurement.
  2. A Request for Proposal will be issued and publicized which identifies all the factors that will be used to evaluate submissions, including the importance that price or cost will play in the selection.

3. All proposals received will be evaluated; negotiations will be conducted normally with more than one of the bidders submitting offers. A written method for evaluation, which includes the significant factors to be used to determine the contract selection award, will be prepared and publicized along with the Request for Proposal.
  4. The award may be made to the offerer whose proposal will be most advantageous, considering prices and other factors identified in the Request for Proposal.
  5. Unsuccessful offerers should be notified promptly.
- D. Noncompetitive Negotiation - This method of procurement is through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate. Circumstances under which a contract may be awarded by non competitive negotiation are limited to the following: (a) after solicitation from a number of sources, competition is determined inadequate; (b) the items or services required are available only from one source; (c) if DCIA authorizes the noncompetitive method; (d) public exigency or emergency is such that the urgency will not permit a delay beyond the time needed to employ one of the other methods described above.

IV. Review and Record keeping

- A. Review of Procurement - Both an authorized local official and the CDBG Project Manager will review proposed procurements to avoid purchase of unnecessary or duplicative items. Consideration will be given to consolidating or breaking out procurements to obtain a more economical purchase. Invoices for goods and services received will be approved and signed by both the Project Manager and authorized local official.
- B. Records - Records will be maintained in sufficient detail to provide a history of the procurement and may include, but are not necessarily limited to the following:
1. Rationale for the method of procurement.
  2. Selection of contract type.
  3. Contractor selection or rejection.
  4. Basis for the contract price.

V. Protest Procedure

Any contractor or supplier who protests the process followed or selection decision made must file a written statement of the protest to the County Manager who will respond within 10 calendar days of receipt. If the protestor is not satisfied, then an appeal can be made to the governing board for a final decision within 10 days also. Any appeal past the governing board will go to DCIA for resolution.

VI. Contracting with Small, Minority, and Women's Business Enterprises

The following affirmative steps may be undertaken to assure that small businesses, minority firms, and women's business enterprises will be used when possible:

1. Placing qualified small, minority, and women's business enterprises on solicitation lists.
2. Assuring that small, minority, and women's businesses are solicited whenever they are potential sources.
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation.
4. Establishing delivery schedules, where the requirement permits, which encourages participation by small, minority, and women's businesses.
5. Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce.
6. Requiring prime contractors, if subcontracts are to be let, to take the same affirmative steps identified in this section.

VII. Bonding Requirements

Bonding requirements for purchasing and construction contracts will be the same as required by NCGS 143-129 and 44A, Art. 3.

VIII. Contract Provisions

Contracts will include all applicable provisions that are required by Section 85.36(I) of the Federal Administrative Requirements (24 CFR 85).

## SECTION XII FAIR HOUSING POLICY

### I. Purpose

As a recipient of Community Development Block Grant funds and as a service provider for housing rehabilitation assistance, the County has an obligation to affirmatively further fair housing opportunities and to increase housing choices among its residents. Adoption of a Fair Housing Policy demonstrates the County's intent to encourage non-discriminatory fair housing practices in the sale, exchange, rental or lease of real property.

### II. Authority

The Fair Housing Policy is based on both federal state fair housing laws. In Title VIII of the Civil Rights Act of 1968 (42 USC 3601 and 42 USC 5308 b. as amended), known as the Fair Housing Law, congress declared a national policy of providing fair housing throughout the United States. This law makes discrimination based on race, color, religion, sex, national origin, handicapping condition, or familial status illegal in connection with the sale, rental, or lease of most housing and any vacant land offered for residential construction or use.

The North Carolina State Fair Housing Act (NCGS Chapter 41A) was adopted on October 1, 1983 and prohibits discrimination in most housing on the basis of race, color, religion, sex or national origin.

### III. Policy

In accordance with federal and state fair housing laws, the County hereby adopts a policy of fair housing and supports the Federal Fair Housing Law and the State Fair Housing Act that prohibit the following discriminatory housing practices on the basis of race, color, sex, religion, national origin, handicapping condition, or familial status.

- A. It is unlawful in a sale, exchange, rental or lease of real property for any person to:
1. Refuse to engage in a transaction
  2. Discriminate in terms, conditions or privileges or in the furnishings of facilities or services, particularly as they relate to a handicapped person
  3. Refuse to receive or fail to transmit a bona fide offer
  4. Refuse to negotiate
  5. Represent to a person that property is not available for inspection, sale, rental or lease when it is available, or fail to bring a property listing to a person's attention or refuse to permit inspection of property
  6. Advertise property for sale, rent or lease with indication of discrimination
  7. Offer or accept a property listing with the understanding that person may be discriminated against
  8. Make unavailable or deny housing in any way
  9. Engage in "blockbusting" tactics leading to panic selling
    - a. by representing that a change has occurred or may or will occur in the composition of a neighborhood with respect to race, color, religion, sex or national origin of the owners or occupants.
    - b. by representing that a change has resulted or may or will result in the lowering of property values, an increase in criminal or antisocial behavior or a decline in the quality of schools.
- B. It is unlawful for a financial institution to:
1. Discriminate against an applicant because of race, color, religion, sex, national origin, handicapping condition, or familial status

2. Use a form of application or keep a record of inquiry which indicates an intent to make limitation, specification or discrimination as to race, color, religion, sex, national origin, handicapping condition, or familial status
- C. It is unlawful to discriminate in membership in any real estate brokers' organization, multiple listing service, or other service, organization or facility relating to the business of engaging in real estate transactions.

#### IV. Information to the Public

The County will carry out program designed to inform property owners, realtors, buyers, renters, and the general public of their rights and responsibilities under the Federal Fair Housing Law (Title VIII of the Civil Rights Act of 1978) and the N.C. State Fair Housing Act. This effort may include, but is not necessarily limited to, preparation of public notices, distribution of information, in printed materials, speaking engagements and other personal contacts, advertising, press releases and interviews for media use, and other appropriate methods.

The County may also participate with realtors, lending institutions and development agencies in promoting local compliance activities, encouraging voluntary fair housing agreements, and providing housing counseling services to low and moderate income families.

#### V. Complaint Procedures

Title VIII of the Civil Rights Act of 1968 and the North Carolina State Fair Housing Act prohibits housing discrimination. In an effort to promote fair housing and to ensure that the rights of housing discrimination victims are protected, the County has adopted the following procedures for receiving and resolving housing discrimination complaints.

- A. Any person or persons wishing to file a complaint of housing discrimination in the County may do so by informing the County Manager of the facts and circumstances of the alleged discriminatory act or practices.
- B. The County Manager will acknowledge the complaint with ten (10) days after receipt and will inform the North Carolina Human Relations Commission (Commission) about the complaint. The County Manager will then assist the Commission and the complainant in filing an official written housing discrimination complaint with the Commission, pursuant to the State Fair Housing Act and Title VIII of the Civil Rights Act of 1986.
- C. The County Manager will offer assistance to the Commission in the investigation and conciliation of all housing discrimination complaints, which are based upon events occurring in the County.
- D. The County Manager will publicize within the local paper a notice regarding the local official to contact with housing discrimination complaints. A notice will also be posted on the bulletin board at County Courthouse.

## SECTION XIII

### COUNTY OF LENOIR 2009 CDBG-SS PROGRAM – CONTINGENCY GRANT

#### Residential Anti-Displacement and Relocation Assistance Plan

- I. Purpose

The purpose of this plan is to identify the steps and procedures the County will follow in order to comply with the requirements of Section 104 (d) of the Housing and Community Development Act of 1974, as amended, regarding replacement of demolished or converted dwelling units and level of relocation assistance.
- II. Legal Basis

The County will comply with all applicable provisions of Section 104 (d) of the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.
- III. Application and Coverage

This plan will apply to activities to be implemented under the County's 2009 CDBG Scattered Site Program.
- IV. Residential Anti-displacement Objectives

The County will replace all occupied low/moderate income dwelling units demolished or converted to a use other than as low/moderate income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.606(b)(1). All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion.
- V. Implementation
  - A. Description of Proposed Activities

The Scattered Site Contingency Project involves 1 relocation. A total of \$80,000 in CDBG funds has been received, representing 100% of total project costs.
  - B. Description of Units to be Demolished or Converted

In the Scattered Site Contingency Project, 1 owner will be relocated into decent, safe, and sanitary dwelling units.
  - C. Schedule for Demolition or Conversion

Demolition of the dwelling unit is a part of the 2009 CDBG-SS Project will be completed in the third quarter of 2011.
  - D. Description of Replacement of Dwelling Units

One owner-occupied dwelling unit to be demolished will be replaced. The owner will be provided a standard, comparable replacement-housing unit on the same site as the unit to be demolished and with the same number of bedrooms.
  - E. Schedule for Replacement and Source of Funding

The replacement dwelling unit for the owner-occupant will be provided within 30 days of demolition of the dilapidated dwelling unit as part of the family's relocation assistance. The replacement housing (relocation assistance) will be provided by CDBG funds. Relocation activities will be completed in the fourth quarter of 2011.
  - F. Basis for Units to Remain a Low/Moderate Income Dwelling Unit

Each replacement dwelling unit is designed to remain a low/moderate income dwelling unit for at least ten (10) years from the date of initial occupancy as a result of the following factors:

    1. The dwelling units will be located in CDBG Project areas that have an extremely high concentration of low/moderate income people. The areas have historically been low/moderate income and area expected to remain low/moderate income for an indefinite amount of time in the future.
    2. The occupants of the replacement dwelling units are low/moderate income households and are expected to reside in the units indefinitely.

3. Any vacant occupiable dwelling units that are rehabilitated will be subject to rent controls for a 3 - 10 year period, depending on the level of CDBG assistance. These rent controls provide that housing will remain affordable and available to low/moderate income people for at least 3 - 10 years and in most cases longer.
4. Historically, rent levels in the CDBG Project areas have remained low relative to market rents in surrounding areas. These low rents provide affordable housing for low/moderate income people. This historical characteristic is expected to continue indefinitely in the future (for more than just ten years). Low/moderate income families will continue to rent and to reside in the units because they can not afford the rents in neighborhoods with higher income families.

VI. Efforts to Minimize Displacement

Consistent with the goals and objectives of activities assisted under the Housing and Community Development Act of 1974, the County will take the following steps to minimize the displacement of persons from their homes:

- A. Every effort will be made to rehabilitate the occupied substandard dwelling units for occupancy by low/moderate income people. Rehabilitation work will be scheduled in such a manner that occupants will not be temporarily or permanently displaced.
- B. The location and placement of public improvements will be undertaken in such a manner to try to avoid demolition of any occupied or vacant occupiable dwelling unit, provided that other feasible alternatives exist.
- C. Every effort will be made to pursue options other than those resulting in displacement in order to avoid the expense required by the relocation assistance provisions and to make the funds available to more of the residents in the Project Areas.
- D. Activities such as rehabilitation, acquisition, or demolition that could possibly result in displacement of families will be analyzed to determine if alternative schedules, construction methods, or activities could achieve the same purpose and at the same time minimize displacement.

VII. Replacement Housing Alternatives

A. Standards for Replacement Dwelling Units

All dwellings to be used as replacement low/moderate income dwelling units will comply with the following standards:

1. Will be provided within one year of the commencement of the demolition or the rehabilitation related to the conversion.
2. Will be located within the County's jurisdiction.
3. Will be sufficient in number and size to house at least the number of occupants that could have been housed in the units demolished or converted, as determined in accordance with applicable housing occupancy codes.
4. Will be provided in standard condition.
5. Will be designed to remain low/moderate income dwelling units for at least ten years from the date of initial occupancy.

B. Replacement Dwelling Unit Alternatives

The County recognizes that efforts are continuously underway by other groups in the community to provide additional housing opportunities for low/moderate income people. The activities of other governmental agencies, private developers, charitable organizations, religious groups, and individuals often result in replacement dwelling units becoming available without County or CDBG assistance. In addition to the specific replacement dwelling units to be provided to the displaced families under the current CDBG Program, the County will also utilize other replacement units to be provided by other groups if the need arises for additional replacement units.

1. Occupied and vacant occupiable substandard dwelling units in the CDBG Project Area will be rehabilitated with CDBG funds and provided in standard condition. The rehabilitated units are designed to remain low/moderate income dwelling units due to the rent control provisions.
2. Dwelling units that are constructed or placed by individuals in low/moderate income neighborhoods will be identified as replacement dwelling units.

3. Dwelling units that are constructed as part of federally assisted housing developments such as Farmers Home Administration, HUD Section 8, or HUD public housing with affordable rents that are designed for low/moderate income people will be identified as replacement dwelling units.
4. Rental units that are rehabilitated and brought up to standard by groups or individuals through HUD Section 8 Program, Rental Rehabilitation Program, NC Housing Finance Agency assistance or similar programs with affordable rents that are designed for low/moderate income people will be identified as replacement dwelling units.

*Adopted this 2<sup>nd</sup> day of May, 2011 by the Lenoir County Board of Commissioners.*

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George W. Graham, Jr.  
Chairman

## SECTION XIV

### RESOLUTION BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LENOIR ADOPTING POLICY PROHIBITING EXCESSIVE FORCE

**WHEREAS**, the County of Lenoir has applied for funds under the 2009 Small Cities Community Development Block Grant Program – Contingency Category and;

**WHEREAS**, the County of Lenoir has received notification from the North Carolina Division of Community Investment and Assistance that the County has received 2009 CDBG Contingency funding and;

**WHEREAS**, the North Carolina Division of Community Investment and Assistance requires the County to adopt a policy concerning Section 519 of Public Law 101-144 (1990 HUD Appropriations Act) in order to receive CDBG funding;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the County of Lenoir that the following policy is hereby adopted:

The County of Lenoir prohibits the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations.

The County of Lenoir will enforce applicable state and local laws against physical barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.

*Adopted this 2<sup>nd</sup> day of May, 2011 by the Lenoir County Board of Commissioners.*

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George W. Graham, Jr.  
Chairman

**SECTION XV**  
**EQUAL EMPLOYMENT AND PROCUREMENT OPPORTUNITY PLAN**

I. POLICY STATEMENT

The County is committed to a policy of equal employment and procurement opportunity. The County certifies that it will comply with all nondiscrimination laws and regulations in employment and will take actions in the areas of enforcement, education, and removal of barriers and impediments that affirmatively further equal access in procurement.

II. LEGAL BASIS

As a recipient of federal community development block grant funds, the County is required to prepare an Equal Employment and Procurement Opportunity Plan that identifies the affirmative actions that it will take in assuring participation in contracting and provision of services by small, minority and/or female-owned firms in the implementation of community development activities.

III. APPLICATION AND COVERAGE OF POLICY

The policy will apply directly to solicitation, procurement, contracting, major purchases, and hiring for contracts, supplies or services, used or furnished in the implementation of community development project activities.

IV. IMPLEMENTATION OF POLICY

In order to implement the County's policy of encouraging participation by small, minority and/or female-owned firms in undertaking community development activities, the County will adopt this "Equal Employment and Procurement Opportunity Plan" which describes the steps to be taken to take affirmative actions and provide increased opportunities for minority and female-owned firms.

In addition, the County will adopt a "Policy for Equal Opportunity in Employment, Contracting, Program Administration, and Service Delivery" that states, among other things, that no person shall be refused employment or contracts, given preference or otherwise discriminated against on account of race, sex religion, age, handicap, political affiliation or national origin. A copy is attached and made a part of this Plan.

V. ADMINISTRATION OF PLAN

The County Manager will be responsible for implementation and administration of this Plan. County Board members, other staff and administrators of the Community Development Project will provide assistance.

IV. DISSEMINATION OF PLAN AND POLICY

This Plan will be posted at the County Courthouse and made available for all contractors, subcontractors, and businesses interested in participating in the community development activities. The County will include in all solicitations for contracts, supplies and services the following statement:

"The County is an Equal Opportunity Employer and Service Provider and encourages participation by small, minority, and/or female-owned firms."

VII. AFFIRMATIVE ACTIONS FOR ASSURING EQUAL OPPORTUNITY

A. The County will take the following steps to assure that small businesses, minority firms, women's business enterprises, etc. are used when possible:

1. Place qualified, small and minority businesses and women's business enterprises on solicitation lists;
2. Assure that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
3. Divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business enterprises;
4. Establish delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises.

VIII. EQUAL OPPORTUNITY ADVERTISING

A. The County will notify potential employees, contractors and suppliers, solicit targeted persons and businesses through the following types of advertisements:

1. Local Business and Employment. The County will adopt a Section 3 Plan. Proper advertising and action on the responses to advertisements implements the requirements of the Section 3 Plan. Prior to any contracting, major purchases or hiring, the County will develop a listing of jobs, supplies and contracts likely to be utilized during the community development project. The County will advertise in a local newspaper (a newspaper which has a general circulation covering the entire project area and most of the County and which is considered the primary source for local news). This advertisement will be placed prominently in the newspaper as a non-legal display advertisement and will contain the following information;
  - a. A brief description of the project.
  - b. A listing of jobs contracts and supplies likely to be utilized in carrying out the project.
  - c. An acknowledgment that under Section 3 of the Housing and Community Development Act, local persons and businesses will be utilized for jobs, contracts and supplies in carrying out the CDBG project to the greatest extent feasible.
  - d. A location where individuals interested in jobs or contracts can register for consideration for jobs and contracts.
  - e. A statement that all jobs will be listed through and hiring will be done through the local office of the North Carolina Employment Security Commission; a statement that all contracts will be listed with the North Carolina Division of Purchases and Contracts; and a statement that potential employees and businesses may seek development and training assistance through various state and local agencies, or which the County will maintain a list for individuals and business concerns inquiring.
2. Minority and Female Owned Businesses. The County will advertise in a regional newspaper to solicit minority and female-owned businesses. (A regional newspaper is defined as daily newspaper circulation coverage of at least three counties. To be considered a regional newspaper, a newspaper must have an annual average daily paid circulation of 15,000.) The advertisement will be in the form of a legal advertisement and will contain the following information:
  - a. A brief description of the project.
  - b. A listing of contracts and supplies likely to be utilized in carrying out the project.
  - c. A statement that the County is soliciting female and minority owned businesses for participation in the project.
  - d. A statement of where and how firms interested in contracts may register locally; a statement that all contracts and supplies are listed with the Division of Purchase and Contract, NC Department of Administration at 116 W. Lenoir Street, Raleigh, NC 27603-8003, telephone number 919-733-3581.

IX. MONITORING COMPLIANCE

The County will maintain copies of all advertisements, notices, and published information to document implementation of the Plan. Copies of the "Minority Business Directory" published through the NC Department of Commerce as well as similar directories and mailing lists from other state and federal agencies will also be maintained. As part of its Annual Performance Report, the County will maintain a list of the contracts and services provided by small, minority, and/or female-owned firms

X. RECORDS AND REPORTS

The County will maintain such records and accounts and furnish such information and reports as are required under these regulations, and permit authorized representatives of state and federal agencies access to books, records, and premises for purposes of investigation in connection with a grievance or to ascertain compliance with these regulations or the rules and orders issued thereunder.

XI. COMPLAINT PROCEDURE

Any small, minority, and/or female-owned business concern may file a grievance alleging noncompliance with these requirements in accordance with the procedures established under 24 CFR Part 135, Subpart F for Section 3 Plans. Said grievance is to be filed with the Secretary of Housing and Urban Development within the required format and time period. A business may also appeal to the County Board in accordance with the established CDBG Program Grievance Procedure. A record of all complaints and resolutions will be maintained by the County.

*Adopted this 2<sup>nd</sup> day of May, 2011 by the Lenoir County Board of Commissioners.*

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George W. Graham, Jr.  
Chairman

**SECTION XVI  
COUNTY OF LENOIR**

**SECTION 504 SELF EVALUATION AND TRANSITION PLAN**

SELF EVALUATION

A. Organization & Administration

Section 504 Compliance Officer:

Michael W. Jarman  
County Manager  
P.O. 3289  
Kinston, NC 28502  
Phone (252) 559-6450

1. The County has a County Courthouse in a centrally located area that is accessible by handicapped persons. The County Building has been made readily accessible by handicapped persons through the installation of a ramp and parking. Bathroom facilities are not readily accessible to people in wheelchairs. Larger bathrooms are needed, including stalls and accessible sinks.  
The County uses newspaper advertisements and posts information on a publicly accessible bulletin board to notify all persons including handicapped of their rights under all County funded or directed governmental projects. The County informs all job applicants that the County is an Equal Opportunity Employer and does not discriminate against anyone for any reason including handicapped in considering the applicant for employment.
2. The County will work with organizations representing handicapped persons located within the County or the immediate area. The County will establish contact with organizations of this type that may serve the area in the future. The County has established citizen participation plans that have been used with past and current CDBG projects in County.
3. When the County hires employees, it assures that no person, handicapped or otherwise, will be discriminated against when being considered for employment by the County.
4. The County makes special efforts to continue uninterrupted utility services to households with handicapped, elderly and young (under 18 months) that are faced with hardships that require water service to prevent health and medical problems.
5. The County requires that any person, agency or organization who is associated with the County in any manner to have a policy of non discrimination against any person or persons for any reason, especially handicapped persons.
6. The County has a County Courthouse, accessible to handicapped persons, where all committees and advisory boards etc. hold their meetings. The County Board appoints or approves the appointment of all persons to these boards thusly assuring that no discrimination against handicapped persons will be allowed.
7. The County in all future CDBG projects or programs, plans to obtain the services of a consulting firm that has the experience and expertise to properly administer such projects or programs. Such firms prior to being retained by the County, must assure the County that no person, firm or organization involved or receiving benefits from the project or program will not be discriminated against for any reason especially if handicapped persons are involved.

B. Program Accessibility

1. The County has no other public building that it uses to provide CDBG-related services, other than County Courthouse. The entire facility, including parking, entrance and bathrooms were made accessible to the handicapped. Other County buildings are also accessible.
2. County offices are located in the County Courthouse and are accessible to handicapped persons.
3. Since program areas are readily accessible to handicapped persons there has not been any planned rescheduling of activities or redesign of equipment to achieve program accessibility.
4. Other organizations in the area represent the handicapped. The County will continue to involve the handicapped in activities designed to achieve program accessibility. The County has had citizen participation groups in the past and no handicapped persons have been denied participation.

5. The County will retain the services of qualified architects, contractors, etc. in all major renovations to assure all renovation and/or building has and will meet all the requirements for handicapped accessibility.
6. The County will provide translators, people to sign for the hearing impaired, and any other auxiliary and or service if notified prior to meetings or visits to County offices.
7. The County utilizes the State's Relay Number for the Deaf - TDD Number (1-800-735-2908) to make County services available to the hearing impaired.

C. Employment

1. The County does not discriminate on the basis of hiring, promoting, paying, disciplining, or terminating employees, nor does it discriminate in the provision of benefits.
2. The County does not discriminate in the selection of Contractors. Any Contractor who feels they have been discriminated against has the opportunity to appear before the County Board to present the complaint.
3. The County does not use the services of any private employment agency in filling positions of employment for the County. The County is not associated in any way or manner with any type of labor union or organization.

D. Grievance Procedures and Notifications Required

1. By virtue of the position and responsibilities of the County Manager, the County Manager is designated as the person to coordinate efforts to comply with Section 24 CFR Part 8. The County has an established grievance procedure that starts with all grievances being brought to the County Manager and then to the full County Board.
2. Notification of non-discrimination on the basis of handicapped persons is done through newspaper advertisements, holding of public hearings, establishment of citizen committees, etc.

E. Construction and Repair Activities

1. Non-housing New Construction - Any construction under this section will be inspected to insure accessibility by handicapped persons in accordance with the N.C. Building Code.
2. County policy in all major alterations is to use qualified architectural firms and contractors to assure that all design and construction changes are made in a manner to make the premise readily accessible by handicapped persons and to meet all handicapped requirements including doorways, wheelchair ramps, bathroom facilities, etc. This is done in all cases whether federal financial assistance is used or not.
3. The County has no federally funded housing or non-housing project in process at this time, but if and when it does, the same method will be used as mentioned in Section 2 above.
4. New Housing Construction - Plans for any new multi-family housing construction are required to have prior approval by the County Building Inspector and County Board prior to any issuance of permits for construction.
5. Alterations to Existing Housing Facilities - The same requirements are applied to this section as in new housing construction under Section 4 above.
6. Existing Housing Programs - All changes in this situation must meet prior approval of same person or persons as in Section 4 above.

TRANSITION PLAN

A. Improvements for Insuring Better Accessibility

1. The County will continue to work with local handicapped individuals in the provision of County services to meet their special needs. The County will continue to review its programs and services to make any adjustments that are needed in the future to insure continued accessibility by handicapped persons.
2. More facilities for County services, construction and/or renovation will be done in a manner to make the facilities handicapped accessible.

*Adopted this 2<sup>nd</sup> day of May, 2011 by the Lenoir County Board of Commissioners.*

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George W. Graham, Jr.  
Chairman

## GRIEVANCE PROCEDURE

### I. Purpose

Whenever a grievance arises on the basis of handicap or disability regarding employment or County Services, individuals should follow the established grievance procedure for proper resolution. All notice of grievances must be made in writing and will be responded to within 10 working days from the date of receipt.

### II. Grievance Procedures

The following steps should be following in resolving grievances:

1. The individual should submit the grievance complaint in writing to the Department Head responsible for the County service or employment action.
2. If the issue is not resolved, the individual filing the grievance complaint may appeal the Department Head's decision to the County Manager. The County Manager will consult with the HR Director or other involved parties, gather information, make a decision and issue a written response within 10 working days. The County Manager is designated as the final appointed staff person responsible for resolving grievances.
3. If the issue is still not resolved, the individual filing the grievance complaint may appeal the decision to the County Board. The Board, at the earliest possible regularly scheduled meeting, will review the circumstances and reach a determination on the resolution of the grievance. After making a decision, the Board will issue a written statement to the individual within 10 working days.
4. If the individual is not satisfied with the decision, then they may appeal to any appropriate agency or Court with jurisdiction of the matter.
5. This grievance procedure will be made public by posting at the County Courthouse and/or publicizing in the local paper in order to inform all individuals of the process to follow in submitting grievances on the basis of handicap or disability regarding employment or services.

ADDENDUM TO AGREEMENT FOR PROFESSIONAL SERVICES

WHEREAS, the County of Lenoir (County) entered into an Agreement for Professional Services with RSM Harris Associates, Inc. (Harris) on November 12, 2009 for the administration of the 2009 CDBG-Scattered Site Housing Project; and

WHEREAS, Section D. Paragraph 5 of the Agreement provides for additional services; and

WHEREAS, the NC Division of Community Investment and Assistance has provided additional funds to the County in the form of an \$80,000 Contingency Grant; and

WHEREAS, the County desires for Harris to provide additional CDBG-related administrative and technical services during the course of the Contingency Project;

NOW THEREFORE, the County and Harris agree to the following additional services and compensation;

1. Completion of required documents to satisfy conditions necessary to obtain release of funds for the 2009 CDBG-SS Contingency Project - \$3,000.00
2. Completion of administrative services necessary to complete the 2009 CDBG-SS Contingency Project, including relocation of an additional family - \$5,000.

The remaining terms and conditions stated in the Agreement remain the same.

Duly entered this the 2nd day of May 2011.

COUNTY OF LENOIR

RSM HARRIS ASSOCIATES, INC.

By: \_\_\_\_\_  
Michael W. Jarman

By: \_\_\_\_\_  
C. David Harris

Title: County Manager

Title: President

Item No. 12

**RESOLUTION BY THE BOARD OF COMMISSIONERS  
OF THE COUNTY OF LENOIR  
AUTHORIZING EXECUTION OF CDBG DOCUMENTS**

**WHEREAS**, the County of Lenoir has the need for housing improvements within many areas around the County; and

**WHEREAS**, the County of Lenoir has applied for funding from the State of North Carolina under the Small Cities Community Development Block Grant Program; and

**WHEREAS**, the County of Lenoir expects to receive a \$80,000 grant under the Small Cities Community Development Block Grant Program – Scattered Site Contingency Grant Category,

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

**THAT**, The County of Lenoir will accept the State of North Carolina Small Cities Community Development Block Grant of \$80,000 – Scattered Site Category; and

**THAT**, George W. Graham, Jr., Chairman; Michael W. Jarman, County Manager; Thomas L. Hollowell, Assistant County Manager; and Martha H. Martin, Finance Officer, are hereby authorized to accept the grant offer on behalf of the County of Lenoir and execute the Grant Agreement, Funding Approval Form, and related grant documents and documents required by the State of North Carolina during the implementation of the grant project; and

**THAT**, The County of Lenoir has substantially complied with or will substantially comply with all federal, state, and local laws, rules, regulations, and ordinances as applicable to the project.

Adopted this 2nd day of May, 2011 at Lenoir County, North Carolina.

\_\_\_\_\_  
Lashanda A. Hall

\_\_\_\_\_  
Clerk to the Board  
Title

**COUNTY OF LENOIR**  
**FINANCIAL MANAGEMENT RESOLUTION**  
**SCATTERED SITE HOUSING PROJECT - CONTINGENCY GRANT**

WHEREAS, the County of Lenoir expects to receive a 2009 Community Development Block Grant – Contingency Category in the amount of \$80,000; and

WHEREAS, the North Carolina Administrative Code Resolution (4 NCAC 19L) requires that the County of Lenoir designate a Grant Finance Officer, authorized individuals to execute grant requisitions, and a Depository for CDBG revenues;

NOW, THEREFORE, the Board of Commissioners of the County of Lenoir hereby resolves the following:

- (1) Martha Martin will serve as Grant Finance Officer and will be responsible for financial management of the 2009 CDBG Scattered Site Project - Contingency Grant according to the requirements of 4 NCAC 19L.
- (2) First Citizens Bank, North Carolina is hereby designated as the official depository for revenues budgeted for the 2009 CDBG Scattered Site Contingency Grant Project.
- (3) Michael W. Jarman, County Manager; Thomas L. Hollowell, Assistant County Manager; Martha H. Martin, Finance Officer; and Rose T. Fox, Accounting Specialist are hereby designated as individuals certified to sign requisitions for 2009 CDBG Scattered Site Contingency Grant funds.
- (4) That George W. Graham, Jr., Chairman, is hereby directed to sign the "Signatory Forms and Certifications" as the "Certifying Official; and return the forms along with all other materials as necessary to the respective agencies.

Resolved this 2<sup>nd</sup> day of May, 2011 at Lenoir County, North Carolina.

ATTEST: (SEAL)

\_\_\_\_\_  
Lashanda A. Hall

Clerk to the Board  
\_\_\_\_\_  
Title

COUNTY OF LENOIR

GRANT PROJECT BUDGET ORDINANCE

2009 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

BE IT ORDAINED by the Board of Commissioners of the County of Lenoir, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Grant Project Budget Ordinance is hereby adopted:

Section I. The project authorized is the Community Development Project described in the work statement contained in the 2009 CDBG Contingency Application between the County of Lenoir and the Division of Community Investment and Assistance. This project is also referred as the Scattered Site Housing Project – Contingency Grant.

Section II. The officers of the County of Lenoir are hereby directed to proceed with the grant project within the terms of the grant documents, the rules and regulations of the Division of Community Assistance and the budget contained herein.

Section III. The following revenues are anticipated to be available to complete the project.

1. Community Development Block Grant	\$80,000	
TOTAL REVENUES		\$80,000

Section IV. The following amounts are appropriated for the project:

1. Relocation	72,000	
2. Administration	<u>8,000</u>	
TOTAL EXPENDITURES		\$80,000

Section V. The finance officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement and Federal and State Regulations.

Section VI. Funds may be advanced from the general funds for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner. Reimbursement to the general funds should be made in a timely manner.

Section VII. The finance officer is directed to report monthly on the financial status of each project element in Section IV and on the total grant revenues received or claimed.

Section VIII. The budget officer is directed to include an analysis of past and future costs and revenues on this grant project as a part of every budget submission made to this Board.

Section IX. Copies of this Grant Project Ordinance shall be made available to the budget officer for direction in carrying out this project.

Adopted this 2nd day of May at Lenoir County, North Carolina.

\_\_\_\_\_  
Lashanda A. Hall

\_\_\_\_\_  
Clerk to the Board

Title

Resolution Approving the Department of Juvenile Justice and Delinquency Prevention's FY 2011-2012 Grant Funding for the Lenoir County Juvenile Crime Prevention Council: \$206,571

**SUBJECT AREA:** Financial

**ACTION REQUESTED:** Approve the FY 2011-2012 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 11, 2011 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 2011-2012.

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 \$3000, have been supplemented with additional funds of \$2,000. This is being done 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:**

8<sup>th</sup> 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 Juvenile Services. It is a diversion program designed for misdemeanor juvenile offenders (ages 12-18) with no prior court record. Youth make restitution for their offenses through community service and educational opportunities while simultaneously receiving education about the court system, thereby reducing court case loads.

Parenting Matters - Parenting Matters is a parent education program designed to build nurturing skills as an alternative to abusive parenting attitudes and practices. Its long term goal is prevention of juvenile delinquency in at-risk children/families by decreasing the rate of recidivism in families receiving social services, reduce the rate of juvenile delinquency and stop the intergenerational cycle of child abuse by teaching positive parenting behaviors. The curriculum is research based and was developed at A&T State University, by Dr. Jean Baldwin. Parents participate in an 8 week 2 hour session per week parenting matters curriculum. Families are provided a well balanced meal. Nursery is available and school age children are provided prevention programming appropriate to their age group and complete positive activities geared toward identification of alternatives to negative behavior.

Administrative Funds - Use of funds at the discretion of the Lenoir County JCPC. Fund distribution determined via majority membership votes.

**MANAGER'S RECOMMENDATION:**

Respectfully Request Approval.

  
Initials

**RESOLUTION: NOW THEREFORE BE IT RESOLVED** by the Lenoir County Board of Commissioners that the Board authorizes the approval of the FY 2011-2012 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.

**AMENDMENTS:**

MOVED \_\_\_\_\_ SECOND \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS \_\_\_\_\_

YEA VOTES: Brown \_\_\_\_\_ Davis \_\_\_\_\_ Graham \_\_\_\_\_ Rouse \_\_\_\_\_

Pharo \_\_\_\_\_ Daughety \_\_\_\_\_ Sutton \_\_\_\_\_

\_\_\_\_\_  
George W. Graham Jr., Chairman      05/02/11  
Date

\_\_\_\_\_  
ATTEST                      Date

INTRODUCED BY: Michael Jarman, County Manager DATE: 05/02/11 ITEM NO. 16

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>
<b>Lenoir County Board of Health</b> 2 <sup>ND</sup> Appearance	Cliff Miller (Re-Appointment)	January 2014
<b>Regional Aging and Advisory Committee</b> 2 <sup>ND</sup> Appearance	Audrey Tyson Elaine Patterson (Re-Appointment)	May 2014
<b>Board of Social Services</b> 2 <sup>ND</sup> Appearance	Jackie Brown (Re-Appointment)	June 2014
<b>Lenoir Community College Board of Trustees</b> 2 <sup>ND</sup> Appearance	Earl Heath (Re-Appointment)	June 2015
<b>Lenoir County ABC Board</b> 1 <sup>ST</sup> Appearance	Coley Little (Re-Appointment)	June 2014

**CURRENT VACANCIES:**

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

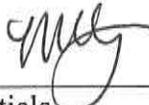
**Lenoir County Planning Board – Districts One (1), Four (4) and Alternate**

**Grifton Planning Board – One (1) Vacancy**

**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>
<b>Lenoir County Board of Health</b> 2ND Appearance	Cliff Miller (Re-Appointment)	January 2014
<b>Regional Aging and Advisory Committee</b> 2ND Appearance	Audrey Tyson Elaine Patterson (Re-Appointment)	May 2014
<b>Board of Social Services</b> 2ND Appearance	Jackie Brown (Re-Appointment)	June 2014
<b>Lenoir Community College Board of Trustees</b> 2ND Appearance	Earl Heath (Re-Appointment)	June 2015
<b>Lenoir County ABC Board</b> 1 <sup>ST</sup> Appearance	Coley Little (Re-Appointment)	June 2014

**AMENDMENTS:**

MOVED \_\_\_\_\_ SECOND \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS \_\_\_\_\_

YEA VOTES: Brown \_\_\_\_\_ Daughety \_\_\_\_\_ Davis \_\_\_\_\_ Graham \_\_\_\_\_  
 Pharo \_\_\_\_\_ Rouse \_\_\_\_\_ Sutton \_\_\_\_\_

\_\_\_\_\_  
 George W. Graham, Jr., Chairman

05/02/11  
 Date

\_\_\_\_\_  
 ATTEST

05/02/11  
 Date

APPLICATION FOR APPOINTMENT  
to  
LENOIR COUNTY ADVISORY BOARDS AND COMMISSIONS

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

Advisory Board/Committee/Commission interested in:

Lenoir County Board of Health

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

Name: Cliff Miller  
Address: 2119 W Pleasant Hill Rd  
City/State/Zip: Pink Hill, NC, 28572  
Telephone: (Home) 521-1345 (Work) 523-8197  
Occupation: Funeral Dir/Embalmer  
Business Address: 1608 W Vernon Ave Kinston NC 28504  
Age: (Optional): 42  
Number hours available per month for this position: Whenever Needed  
Training: \_\_\_\_\_  
Business and Civic Experience/Skills: \_\_\_\_\_

Other County Boards/Committees/Commissions presently serving on: NONE

Expiration date of Term: \_\_\_\_\_

Circle your voting precinct

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

CERTIFICATION

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

Cliff Miller  
Signature of Applicant

4-4-11  
Date

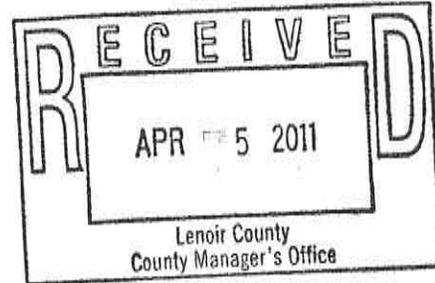


## Eastern Carolina Council

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March 31, 2011

Mr. Michael Jarman  
Lenoir County Manager  
130 South Queen Street  
PO Box 3289  
Kinston NC 28502



Dear Mr. Jarman,

The Regional Aging and Advisory Committee (RAAC) will have two (three year terms) vacancies regarding Lenoir County's representation.

Ms. Audrey Tyson, 734 Dawson Station Road, Kinston, 28504, phone number 252.527.1740, currently serves on the committee and we would like to recommend her reappointment to the RAAC.

Ms. Elaine Patterson, 1277 Patterson Road, Kinston, 28501, phone number 252.527.2837, currently serves on the committee and we would like to recommend her reappointment to the RAAC.

I would like to request that this matter be included on the agenda for discussion at the next Lenoir County Commissioner's meeting.

If you have any questions, please contact me at 252.638.3185 ext. 3009. Thank you for your efforts in regard to this matter.

Sincerely,

*Tonya Cedars*

Tonya Cedars, Director  
Eastern Carolina Council Area Agency on Aging

Cc: RAAC files  
Audrey Tyson  
Elaine Patterson



North Carolina Department of Health and Human Services  
Division of Social Services

2401 Mail Service Center • Raleigh, North Carolina 27699-2401  
Courier # 56-20-25 Fax 919-334-3018

Beverly Eaves Perdue, Governor  
Lanier M. Cansler, Secretary

Sherry S. Bradsher, Director  
(919) 733-3055

March 22, 2011

To: County Commissioner of Lenoir County

From: Belivia Aponte, Staff to the *Belivia S Aponte*  
North Carolina Social Services Commission

Re: County Boards of Social Services  
County Commissioners Member

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According to our records, the term of Jackie Brown, who was appointed to the county board of social services by the county commissioners, expires on June 30, 2011. In making either a new appointment or reappointment, the board should adhere to the following guidelines:

*G.S. 108A-4: "Each member of a county board of social services shall serve for a term of three years. No member may serve more than two consecutive terms. Notwithstanding the previous sentence, the limitation on consecutive terms does not apply if the member of the social services board was a member of the board of county commissioners at any time during the first two consecutive terms, and is a member of the board of county commissioners at the time of reappointment."*

In summary, if a social services board member has served two consecutive terms and is a county commissioner on June 30, 2011, that person may be reappointed.

*G.S. 108A-6: All appointments made to fill vacancies "... shall be for the remainder of the former member's term of office and shall not constitute a term for the purposes of G. S. 108A-4."*

I encourage your board to consider men and women who are representative of all ethnic groups and reflective of the citizens of the county.

The attached application should be completed as soon as possible but no later than August 1, 2011 and returned to me at the Division of Social Services, 2401 Mail Service Center, Raleigh, NC 27699-2401. If you have any questions or need additional information, please contact me at [Belivia.Aponte@dhhs.nc.gov](mailto:Belivia.Aponte@dhhs.nc.gov) or telephone (919) 334-1007.

As always, thank you for your assistance and dedication.

Attachment

c (memo only): Director, Lenoir County Department of Social Services  
Chair, Lenoir County Board of Social Services

NOTICE OF APPOINTMENT BY THE COUNTY COMMISSIONERS  
TO THE  
\_\_\_\_\_ COUNTY BOARD OF SOCIAL SERVICES

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*TERM OF APPOINTMENT*  
*July 1, 2011-June 30, 2014*

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Date: \_\_\_\_\_

This is to notify the NC Department of Health and Human Services, Division of Social Services that the County Commissioners of the above-mentioned county have named as their appointee to the County Board of Social Services the following person:

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ Zip Code \_\_\_\_\_

Race \_\_\_\_\_ County Commissioner:    yes \_\_\_\_\_    no \_\_\_\_\_

Gender \_\_\_\_\_

Signature \_\_\_\_\_, Clerk  
Board of County Commissioners

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*Please see information regarding eligibility for board membership on the reverse of this form.*

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PLEASE RETURN THIS FORM TO:

Belivia Aponte  
NC Division of Social Services  
2401 Mail Service Center  
Raleigh, North Carolina 27699-2401

*Please also forward a copy to your county director of social services. Thank you.*

March 30, 2011

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

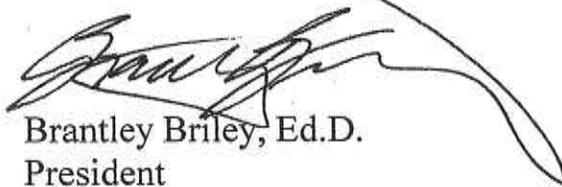
Dear Mr. Graham:

Mr. Earl Heath was appointed to our Board of Trustees by the Lenoir County Commissioners. His term is due to expire on June 30, 2011.

Mr. Heath 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,



Brantley Briley, Ed.D.  
President

BB/lkw

cc: Mr. Grady Bethel, LCC Board Chair  
Mr. Mike Jarman, Lenoir County Manager  
Mr. Earl Heath

*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 Coley Little

Date: 4/19/2011

Dear Commissioners,

The Lenoir County ABC Board wishes to have Coley Little re-appointed to his current position on the ABC Board. Mr. Little's term expires June of 2011. Mr. Little 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. Coley Little's re-appointment.

Sincerely,

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

Brantley Uzzell  
General Manger  
Lenoir County ABC Board