

**LENOIR COUNTY BOARD OF COMMISSIONERS REGULAR MEETING: AGENDA
 MONDAY, MAY 7, 2012 – 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:**
1. Presentation of Badge & Service Weapon to Retiring Lieutenant Bob Miller (Item No. 8)
 2. Preston Hunter - NCDOT
 3. Stephen Mazingo – Lenoir County Schools
 4. Jim McLain- Kinston Elks #740 – Musical Show June 2, 2012
 5. Jim Perry – Resolution Urging Non Passage of Senate Bill 655

- | | | |
|-----|---|-------------------|
| 1. | Items from Chairman/Commissioners: 5 Min. | Board |
| 2. | Items from County Manager: 5 Min. | Jarman |
| | CONSENT AGENDA: 10 Min. | ACTION |
| 3. | Approval of Minutes: Regular Board Meeting: April 16, 2012 | Martin/Jarman |
| 4. | Resolution Approving the Releases and Refunds to the Individuals Listed Herein | Parrish |
| 5. | Budget Ordinance Amendment: Non-Departmental: \$3,079. Increase | Martin |
| | END OF CONSENT AGENDA | |
| | PROCLAMATIONS/BUDGET ORDINANCE/RESOLUTIONS: | 35 Min. |
| 6. | Proclamation Vulnerable Adults and Elder Abuse Awareness | Moore/Harper |
| 7. | Proclamation May as Mental Health Month | Jarman |
| 8. | Resolution Approving Presentation of Badge and Service Weapon to Retiring Lieutenant Bob Miller | Smith/Hill |
| 9. | Resolution Authorizing for the Maintenance of Effort Requirement for the Release of HAVA Funds | King |
| 10. | Resolution Authorizing a Purchase Order to Imaging Specialties for Toner Cartridges for each Voting Precinct and One Stop Sites: Not to Exceed \$3,500.00 | King |
| 11. | Resolution Authorizing a Purchase Order to Advanced Imaging Systems for Scanning Inactive Medical Records for Data Storage: \$15,000.00 | Huff |
| 12. | Resolution Authorizing Emergency Removal of Underground Storage Tank: Central East Services, Inc.: Not to Exceed \$30,000.00 | Wiggins/Hollowell |
| 13. | Budget Ordinance Amendment: Fire Districts: \$125,691.00 | Martin/Hollowell |
| 14. | Resolution Authorizing the Repair of a Terex TC400 Trashmaster Compactor; Road Machinery Services, Inc.: \$24,500.00 | Miller/Hollowell |
| 15. | Resolution Authorizing the Purchase of a Hyundai HL 740-9 Front Loader: Rob's Hydraulics, Inc.: \$132,590.72 | Miller/Hollowell |

- 16. Budget Ordinance Amendment: Solid Waste Mgmt.: \$100,000.00 Increase Miller/Hollowell
- 17. Budget Ordinance Amendment: Hurricane Irene: \$242,988.88 Increase Martin/Hollowell
- 18. Resolution Approving the Execution of a Contract: ABL Management, Inc.: \$366,864 Hill/Smith
- 19. Resolution Authorizing a Purchase Order to Darland Construction : Not to Exceed Ellis
\$1,000,000.00

APPOINTMENTS: 5 Min.

- 20. Resolution Approving Citizens to Boards, Commissions, Etc. **5 Min.** Board

OTHER ITEMS: 10 Min.

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

ADJOURN TO BUDGET WORK SESSION

PI 2.

RESOLUTION

**APPROVING PROPOSED 2011-2012 SECONDARY ROAD
IMPROVEMENT PROGRAM**

LENOIR COUNTY

WHEREAS, the Department of Transportation has submitted to the Lenoir County Board of Commissioners, the proposed 2011-2012 Secondary Road Improvement Program for Lenoir County; and

WHEREAS, the Lenoir County Board of Commissioners is in agreement with the proposed program:

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Lenoir County does hereby approve the proposed 2011-2012 Secondary Road Improvement Program for Lenoir County, as submitted by the Department of Transportation. A copy of the Program, as submitted, is attached and made a part of this Resolution.

Adopted this _____ day of _____, 2012.

LENOIR COUNTY BOARD OF COMMISSIONERS

By _____

Clerk, Board of Commissioners
County of Lenoir

ATTEST:

UNPAVED SECONDARY ROADS

2-May-12 11:02:25

County LENOIR

PR "	SR	Road Name	From	To	Rural -SubDiv	Unpvd Len	Pvd Len	Date Paved	Frozen	Hold List	Date Programmed
1	1721	CANADY ROAD	SR 1720	SR 1722	R	1.40	0		X	N	2-Oct-08
2	1304	HERRING FAMILY ROAD	SR 1389	SR 1303	R	0.30	0		X	N	2-Oct-08
3	1534	HAYWOOD HILL ROAD	SR 1001	GREENE CO.	R	0.50	0		X	N	
* 4	1317	KINSEY GIN ROAD	SR 1318	NC 903	R	1.40	0		X	N	
* 5	1132	REX NOBLE ROAD	SR 1131	SR 1133	R	1.50	0		X	N	
6	1902	BILL SMITH ROAD	US 70	DEAD END	R	1	0		X	N	
7	1340	PRUITT ROAD	US 70	DEAD END	R	1.70	0		X	N	
8	1117	SMITH DEAD END ROAD	SR 1116	DEAD END	R	0.40	0		X	N	
9	1506	HARRISON FARM ROAD	NC 903	SR 1502	R	1.20	0		X	N	
10	1525	MONTGOMERY ROAD	SR 1523	SR 1524	R	0.50	0		X	N	
11	1337	CANAL BANK ROAD	SR 1324	DEAD END	R	0.60	0		X	N	
12	1734	SAVANNAH SCHOOL ROAD	SR 1733	SR 1735	R	0.70	0			N	
13	1719	ODHAM ROAD	SR 1718	NC 11	R	0.80	0			N	
14	1315	EARL KINSEY ROAD	SR 1311	SR 1317	R	1.40	0			N	
15	1702	SCARBOROUGH ROAD	SR 1700	SR 1703	R	1.40	0			N	
16	1302	HARDY MILL ROAD	NC 55	SR 1301	R	0.60	0			N	
17	1512	FIELDS DEAD END ROAD	SR 1504	DEAD END	R	0.30	0			N	
18	1749	PITTMAN LOOP ROAD	SR 1709	SR 1709	R	0.80	0			N	
19	1526	EMMETT JONES ROAD	SR 1519	SR 1524	R	0.60	0			N	
20	1328	CARLYLE ROAD	SR 1327	DEAD END	R	0.70	0			N	
21	1329	FOSS ROAD	SR 1324	SR 1327	R	0.40	0			N	
22	1364	EARL TYNDALL ROAD	NC 11/55	SR 1353	R	0.12	0			N	
23	1718	BROOKS FARM ROAD	PAVE 1718	DEAD END	R	0.30	0			N	
24	1736	ODHAM DEAD END ROAD	SR 1720	DEAD END	R	0.50	0			N	
25	1306	JIM PARROTT ROAD	NC 55	DEAD END	R	0.80	0			N	
26	1355	SLAUGHTER PEN ROAD	SR 1353	DEAD END	R	0.10	0			N	
27	1354	EARL TYNDALL ROAD	SR 1353	DEAD END	R	0.30	0			N	
28	1339	KENNEDY DAIRY ROAD	SR 1339	DEAD END	R	0.50	0			N	
						20.82	0				

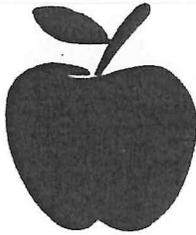
* REMOVE FROM LIST AND ADD TO RIGHT-OF-WAY HOLD LIST.

UNPAVED SECONDARY ROADS WITH RIGHT-OF-WAY UNAVAILABLE

2-May-12 11:02:09

County LENOIR

PR "	SR	Road Name	From	To	Rural -SubDiv	Unpvd Len	Pvd Len	Date Paved	Frozen	Hold	Date
									List	Programmed	
	1115	BOB STROUD ROAD	NC 11	SR 1116	R	0.70	0		X	Y	
	1308	SUTTON SHORTCUT	SR 1307	SR 1324	R	0.60	0		X	Y	
	1333	ROY SUTTON ROAD	SR 1324	SR 1331	R	1.10	0		X	Y	
	1727	JONES FARM ROAD	SR 1700	SR 1004	R	0.30	0		X	Y	
	1540	JOHN HUGH BRYAN ROAD	SR 1532	SR 1536	R	1	0		X	Y	
	1708	HUGO CHURCH ROAD	SR 1091	SR 1004	R	0.80	0		X	Y	
	1517	WATERS MILL ROAD	SR 1603	SR 1518	R	1.30	0		X	Y	
						5.80	0				



Lenoir County Public Schools

A Commitment to Excellence for All Children

MISSION STATEMENT
Preparing all students to be competitive
and productive citizens in a global economy.

PI 3.

L. STEPHEN MAZINGO, Ed.D.
Interim Superintendent

DIANE H. LYNCH
Associate Superintendent

BOARD OF EDUCATION
Rita Hodges, Chair
Giles Stroud, Vice Chair
David J. Fillippeli, Jr.
Bruce Hill
Garland Nobles, Jr.
Billy Davis
C. L. Braxton

April 30, 2012

George Graham, Jr., Chairperson
Lenoir County Board of Commissioners
P. O. Box 3289
Kinston, NC 28502

Dear Mr. Graham:

With expiring ARRA federal funds and a \$450,000 increase from our current year in state reversion, Lenoir County Schools has been faced with a difficult task while planning for the 2012-13 school year. With a loss of both state and federal funds, we are asking that our local allocations remain the same.

On April 25, 2012 the Lenoir County Board of Education voted unanimously to request from the County \$9,900,000, which is the same amount as our current allocation. Unfortunately, we will lose positions for the 2012-13 school year; however, we are not asking for an increase since we know the County is facing tough budget times as well. We do ask that our allocation remain the same so we will not be faced with even further cuts.

Even in these tough budget times, our goal is to do everything within our control to make sure the children of Lenoir County are educated by the best instructors in the best facilities with the best care. With a cooperative effort from both the board of education and county commissioners, we can make this possible.

Thank you for your consideration. It is our hope that you will fully fund our request. Attached are the requested line item budgets for your information. If you have any questions, please don't hesitate to let us know.

Sincerely,

L. Stephen Mazingo, Ed.D.
Superintendent

rmb

Enclosures

cc: Mike Jarman, County Manager
Lisa Davis, Finance Officer

PI 5.

RESOLUTION URGING NON PASSAGE OF SENATE BILL 655

WHEREAS, Lenoir County, North Carolina, is a County that expresses great support and appreciation for all good corporate citizens and local businesses; and

WHEREAS, Lenoir County Commissioners appreciate the community support, and economic development, provided by its local dental community, to include: Dentists, Dental Laboratory Technicians, Dental Hygienists, Dental Assistants, Dental Office Managers and Dentals Service Organizations. Lenoir County recognizes that all of these individuals, or organizations, help to fund numerous services provided to the citizens of the said County, as well as to provide investment for neighborhood improvement, community development, and industrial recruitment efforts that enhance the quality of life for the citizens of Lenoir County; and

WHEREAS, Senate Bill 655(and companion House Bill 698) would potentially cause an irreparable, negative economic impact on a member of our economic community; and therefore Lenoir County. This member of our economic community has been providing its services for over 35 years in our community, and Great State; and

WHEREAS, Lenoir County is a tier one county, and strives to assist local businesses to continue their operation in Lenoir County as well as to thrive and expand within the County, with the effect of keeping jobs within the County as well as creating active business communities that can be useful in efforts to lure new businesses and promote growth within the County; and

WHEREAS, the passage of Senate Bill 655 could/would result in a loss of jobs, and prevent the future economic investment in our community, and our great State by a large employer in our economic community; and

WHEREAS, Lenoir County values each member of our economic community and could not support the formation of new laws which may harm one of its economic community members.

NOW THEREFORE, Be it resolved, that Lenoir County and Board of Lenoir County Commissioners requests that Senate Bill 655 not be passed by the North Carolina General Assembly.

Adopted this _____ day of _____, 2012.

George W. Graham Jr., Chairman Lenoir County
Commissioners

(Official Seal)

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

S

1

SENATE BILL 655

Short Title:	Dentistry Management Arrangements.	(Public)
Sponsors:	Senators Pate, Brunstetter, Allran; Apodaca, D. Berger, Brock, Purcell, and Stevens.	
Referred to:	Health Care.	

April 20, 2011

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT DENTIST AGREEMENTS WITH MANAGEMENT COMPANIES DO NOT COMPROMISE THE FUNDAMENTAL PUBLIC PURPOSE OF THE DENTAL PRACTICE ACT, WHICH IS ENSURING THAT CITIZENS HAVE ACCESS TO HIGH QUALITY DENTAL CARE THAT IS OWNED, CONTROLLED, AND SUPERVISED BY LICENSED AND PROFESSIONAL DENTISTS WITH DEMONSTRATED CLINICAL SKILLS AND WHO ARE ACCOUNTABLE FOR THEIR DENTAL DECISIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 2 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-40.2. Management arrangements.

(a) No dentist, professional entity, or management company shall enter into a management arrangement unless the management arrangement meets the requirements of subsections (b) through (h) of this section.

(b) The following definitions apply in this section:

- (1) Clinical. – Of or relating to the activities of a dentist as described in G. S. 90-29(b) (1) through (10).
- (2) Management arrangement. – Any one or more contractual agreements, stipulations, understandings, arrangements, or other binding legal instruments or arrangements, by whatever name, whether written or oral, between a dentist or professional entity and a management company whereby the management company does any of the following:
 - a. Regularly provides services for the clinical-related business of a dentist or professional entity.
 - b. Exercises supervision, management, or control over the clinical, professional, or business aspects of a dentist or professional entity or the employees or contractors of the dental practice.
 - c. Provides control of business activities of the clinical or professional services of the dentist or professional entity.
- (3) Management company. – Any individual, business corporation, nonprofit corporation, partnership, limited liability company, limited partnership, or other legal entity, by whatever name, other than a dentist licensed in this State or registered professional entity authorized to provide clinical dental services under this Article, that provides to a dentist or professional entity services described in subdivisions (b)(2)a. through c. of this section.

- (4) Professional entity. – A professional corporation, nonprofit corporation, partnership, professional limited liability company, professional limited partnership, or other entity or aggregation of individuals, by whatever name, that is licensed, certified, or otherwise authorized to provide clinical dental services under this Article.
- (5) Unlicensed person. – Any person or entity, other than a dentist licensed in this State or registered professional entity authorized to provide dental services under this Article.

(c) All management arrangements shall meet the following requirements:

- (1) Be submitted to the Board for a review and a determination of compliance with this section and other provisions under this Article.
- (2) Be evidenced by a written agreement that satisfies each of the following:
 - a. Is signed by all parties to the agreement.
 - b. Sets forth all material terms of the arrangement between or among the parties to the agreement.
 - c. Describes all of the types of services to be provided by the management company and the time periods during which those services will be provided.
 - d. Sets forth the precise methodology for calculating the compensation to be paid to the management company by the dentist or professional entity and, whenever possible, the aggregate compensation to be paid under the management arrangement.
 - e. Is implemented, administered, or carried out between the parties to the agreement consistent with the terms of the writing.

(d) No management arrangement shall provide for or permit any provision, which alone or in combination with others, (i) has a potential negative impact on patient care, (ii) affects the provision of dental services, the professional decision-making of the dentist, or other personnel of the dentist or professional entity, (iii) assigns control of the dental practice to a management company or unlicensed person, or (iv) gives the entity or unlicensed person actual or effective ownership of the dental practice.

(e) No management arrangement shall provide for or permit any of the following:

- (1) Control over the distribution of a revenue stream or control over a line of business of the professional entity, except for the sale of fixed assets of a dentist or professional entity permitted under the laws of this State.
- (2) Ownership or exclusive control of patient records of the dental practice.
- (3) Direct or indirect control over, or input into, the clinical practices of the professional entity or its dentists or clinical personnel.
- (4) Direct or indirect control over the employment or termination of dentists, dental hygienists, or other personnel of the dentist or professional entity by the management company, including the authority to prescribe or limit the material terms of all the personnel's relationship with the dentist or professional entity or the ability to restrict or limit the authority of the dental practice to arrange the work schedule of the personnel. This subdivision shall not be construed to prohibit the use of temporary personnel by a dentist or dental practice for a period not to exceed six months.
- (5) Authority to enter into, approve, or require its input into any contract or other arrangement or material terms of the contract or arrangement between the professional entity and a dentist for the provision of dental services.
- (6) Direct or indirect control over the transfer of ownership interests in the professional entity including, without limitation, any agreement or arrangement limiting or requiring in whole or in part the transfer of ownership interests in a professional entity.
- (7) Payment of compensation or anything of value based on or related to an increase or decrease in collections, profits, gross or net revenues, proceeds, earnings, or any other income, however characterized, of the dentist or professional entity.

- (8) Payment of compensation that is likely to or is designed to exceed the profits of the professional entity where such an outcome is foreseeable at the time the management agreement is executed.
- (9) Payment of compensation without specifying the precise methodology by which the dentist or dental practice can determine the increased or decreased management fees due under the agreement based upon an inverse correlation between the change in fees and the increases or decreases in cost to the practice from the management company's performance.
- (10) Payment of compensation without (i) stating precisely all the charges to the dentist or dental practice for all services being provided under the agreement, (ii) identifying the methodology by which the dentist or dental practice can calculate the total amount owed for all services to the management company under the agreement, or (iii) providing access to the dentist or dental practice accurate documentation supporting charges under the agreement and regular audit opportunities for the dentist or dental practice.
- (11) Authority or input into the determination of which patients are seen by the dental practice, including prioritizing the types of patients that should be seen by the dental practice, such as patient selection criteria based on payor source.
- (12) Authority to establish or to limit the hours of operation of the dentist or dental practice or require the management company's or unlicensed person's agreement to hours of operation of the dental practice.
- (13) Power to require a dentist, professional entity, or dental practice to use its services exclusively.
- (14) Exclusive right to provide the dentist or dental practice all supplies, equipment, inventory, or furnishings, including from an affiliate owned or controlled by the management company or unlicensed person.
- (15) Control of a dentist or dental practice's funds, including the use of 'sweep accounts' pursuant to which the management company or unlicensed person sweeps the funds from the accounts of the dentist or dental practice into a master account maintained or controlled by the management company or unlicensed person.
- (16) Decision-making authority over priority of payment to vendors or suppliers of the dentist or dental practice, including for the payment of its fees.
- (17) Authority to require that the dentist or dental practice bill patients in the name of the management company or that patient payments be made directly to the company or an unlicensed person.
- (18) Ownership of all equipment, supplies, or inventory of the practice.
- (19) Authority to lease or sublease office space to be used for the provision of clinical services to a dental practice in which the precise terms of the lease are not clearly delineated or are not on commercially reasonable terms.
- (20) Authority to lease or sublease dental equipment used to provide clinical services to a dental practice in which the precise terms of the lease are not clearly delineated or are not on commercially reasonable terms.
- (21) Authority to require the licensee or professional entity to lease, sublease, or finance equipment used by a dental practice, which fails to provide for the continued use of the equipment by the dental practice on commercially reasonable terms after termination of the arrangement.
- (22) Authority to lease or sublease office space for the provision of clinical services to a dental practice, which does not provide for the continued lease of the space on commercially reasonable terms after termination of the arrangement.
- (23) Power to limit the ability of dentists who own or are employed by the dental practice to practice dentistry or provide clinical services other than in a dental practice

associated with the management company or unlicensed person, such as a restrictive covenant or noncompetition clause.

(f) The provisions of subsection (e) of this section do not constitute an exhaustive list of management arrangement provisions which violate this section or other sections of this Article. The Board may, by rule or otherwise, identify other management arrangement provisions that violate this section or other provisions of this Article.

(g) Notwithstanding subdivisions (e)(7) and (e)(8) of this section, a management arrangement may do either of the following:

(1) Include a schedule of additional compensation to be paid to the management company during the term of a management agreement based upon the lowering of costs to the professional entity or dentist so long as any additional compensation is based upon a specified schedule or method of computing the additional compensation and is set forth in the management agreement.

(2) Include a schedule of decreased compensation to the management company during the term of the management agreement based upon increases in costs to the professional entity or dentist so long as any decreased compensation is based upon a specified schedule or method of computing the decreased compensation and is set forth in the management agreement.

(h) No dentist, professional entity, management company, or unlicensed person shall enter into an oral or written arrangement or scheme that the dentist or professional entity knows or should know has a material purpose of creating an indirect arrangement that, if entered into directly, would violate the provisions of this section.

(i) Upon submission for review, the Board shall issue a written advisory opinion concerning the compliance or noncompliance of a management agreement with this section. The Board may define by rule or otherwise the timing of and procedure for the review of management agreements required by this section.

(j) Any licensee or management company which is dissatisfied with the Board's advisory opinion that a proposed or existing management agreement violates any provision of this section or this Article shall be afforded notice of the opportunity to request a hearing before the Board. The proceedings shall be conducted pursuant to Article 3A of Chapter 150B of the General Statutes. In connection with the proceedings, the Board is hereby authorized and empowered to issue any orders, commissions, notices, subpoenas, or other process as might be necessary or proper to effect the purposes of this subsection. However, no member of the Board shall be subject to examination in connection with the proceedings.

(k) Anyone who enters into or renews any management arrangement before completion of the Board's review process or a hearing under Article 3A of Chapter 150B of the General Statutes, when applicable, does so subject to possible action by the Board if an executed management arrangement violates any provision of this Article. A licensed dentist is subject to possible disciplinary action pursuant to G.S. 90-41 and a management company or unlicensed person is subject to possible injunctive action pursuant to G.S. 90-40.1 for any noncompliant management arrangement that is executed or in operation before the Board makes a final determination about its compliance or noncompliance under this Article.

(l) All records, papers, investigative files, investigative reports, other investigative information, and other documents containing information in the possession of, gathered by, or reviewed by the Board in connection with the review of a management arrangement as required by this section shall not be considered public records within the meaning of Chapter 132 of the General Statutes and are privileged, confidential, and not subject to discovery, subpoena, or other means of legal compulsion for release to any person other than the Board, its employees, agents, or consultants except as provided in subsection (m) of this section. For purposes of this subsection, investigative information includes information relating to the identify of, and a report made by, a licensee or other person performing an expert review

for the Board of a management arrangement and transcripts of any deposition taken by Board counsel in preparation for or in anticipation of a hearing requested pursuant to this section, but not admitted into evidence at the hearing. However, any notice or statement of charges against any licensee, any notice to any licensee of a hearing in any proceeding, or any notice of hearing to a management company or unlicensed person issued pursuant to subsection (j) of this section, shall be a public record within the meaning of Chapter 132 of the General Statutes even if it may contain information collected and compiled as a result of any investigation, inquiry, or interview. If any record, paper, or other document containing information collected and compiled by the Board is received and admitted into evidence in any hearing before the Board pursuant to this section, it shall then be a public record within the meaning of Chapter 132 of the General Statutes.

(m) The Board shall provide a management company or licensee access to all information in its possession that the Board intends to offer into evidence in presenting its case in chief in a contested case hearing requested by the management company or licensee pursuant to subsection (j) of this section, subject to any privilege or restriction set forth by rule, statute, or legal precedent, upon written request from a licensee who, or management company which, is a party to the contested case hearing. However, the Board is not required to provide any of the following:

- (1) A Board investigative report.
- (2) The identity of a nontestifying complainant.
- (3) Attorney-client communications, attorney work product, or other materials covered by a privilege recognized by the North Carolina Rules of Civil Procedure or the North Carolina Rules of Evidence.
- (4) Any communications between the Board and its staff or among Board staff.

(n) The provisions of G.S. 90-29(b)(11) shall apply to this section and an individual or entity shall be considered to be engaged in the practice of dentistry when obtaining or exercising ownership, management, supervision, or control through or with a management company or unlicensed person under a management arrangement.

(o) The venue for actions brought under G.S. 90-40.1 shall be the superior court of any county in which acts constituting unlicensed or unlawful practice of dentistry are alleged to have been committed or in which there appear reasonable grounds to believe that they will be committed, in the county where at least one defendant in the action resides, or in Wake County.

(p) The Board shall have the power before filing a complaint and before trial to initiate investigations or inquiries, conduct interviews, administer oaths, and issue subpoenas requiring the attendance of persons and the production of papers and records before the Board to determine whether any person or entity is or may be in violation of G.S. 90-40.1(a).

(q) If investigative information in the possession of the Board, its employees, or agents indicates that a crime may have been committed, the Board may report the information to the appropriate law enforcement agency or district attorney of the district in which the offense was committed.

(r) The Board shall cooperate with and assist a law enforcement agency or district attorney conducting a criminal investigation or prosecution of a licensee or person engaged in the unauthorized practice of dentistry, including a management company, by providing information that is relevant to the criminal investigation or prosecution to the investigating agency or district attorney. Information disclosed by the Board to an investigative agency or district attorney remains confidential and may not be disclosed by the investigating agency except as necessary to further the investigation.

(s) The Board is authorized to conduct random audits, inspections, and investigations of the management arrangements and the books and records of any management company which enters into a management arrangement with a licensed dentist or professional entity, for the purposes of ensuring that the management company and licensee or entity are complying with this Article and rules adopted by the Board. Where the Board determines that a management company or licensee is not complying with the provisions of this Article as related to a management arrangement, the Board is authorized to

conduct periodic audits, inspections, and investigations to help ensure ongoing compliance with the provisions of this Article, to be on a schedule and for a duration to be determined by the Board. In such cases, the management company and licensee or entity shall be jointly responsible to reimburse the Board for the reasonable costs of the periodic audits, inspections, and investigations, including the reasonable costs of attorneys, accountants, or other professional consultants employed or retained by the Board to conduct or assist in the process.

(i) The Board, in its discretion, shall be entitled to assess against the other party its reasonable costs, including the Board's reasonable attorneys' fees, related to the following matters:

- (1) A hearing pursuant to subsection (j) of this section in which the respondent is found to have violated the provisions of this Article or rules adopted by the Board.
- (2) An action for injunctive relief pursuant to G.S. 90-40.1 in which the Board prevails."

SECTION 2. This act becomes effective July 1, 2011, and applies to any dentistry management arrangement, as defined under G.S. 90-40.2, enacted by Section 1 of this act, entered into or renewed on or after that date.

Cell Phone Policy

Cell phone use will be prohibited, and must be turned off, five minutes prior to any/all Lenoir County Commissioners meetings, up to and only until the Chairman calls the meeting over. Cell phones will be turned off, and under no circumstances will be used by any individual with the following exceptions only.

- 1. Any Paid, and or, volunteer EMS personal.
- 2. The County Manager and or the Deputy County Manager If they so choose.
- 3. The Press, but only one individual from any individual organization. For example if there are three members from the Kinston Free Press present only one of them may have a cell phone on.

These will be the only exceptions to the above rule, and their respective cell phones will be set on silent. If they receive an urgent call they must excuse themselves immediately and exit the Chambers. Any of these exempted individuals will be allowed to excuse themselves only once during any given Commissioners meeting.

If any individual is requested by the Board of Commissioners to turn of their cell phone, and refuses to turn if off they will be removed from the Chamber immediately and not allowed back in until further notice by the board.

Cell phones include, but are not limited to, the following: cell phones/smart phones/I-phones/I-pads/Nook/etc., any device that sends or receives calls and/or can be connected to the Internet is included.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

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

George Graham, Chairman 05/07/12
Date

ATTEST 05/07/12
Date

TO: Chairman and Members of the Board

FROM: Mike Jarman, County Manager

DATE: May 7 2012

SUBJECT: Items of Interest

1. Upcoming Road Construction and Detour Route- CF Harvey Parkway

From: "Stroud, Jeremy D" <jdstroud@ncdot.gov>
To: "Mark.Sizemore@hinklecontracting.com"
Copies to: "wilsonconst@live.com" <wilsonconst@live.com>
Subject: NCDOT - Road Closing Information Attached - Kinston, NC
Date sent: Tue, 24 Apr 2012 17:39:22 +0000

Please find the attached Traffic Information Management System Report and Detour Route Map for the upcoming road construction on C.F. Harvey Parkway in Kinston, NC.

Please review the attached information for more details.

Please feel free to contact me with any questions concerning the attached information.

Thanks

Jeremy Stroud, PE
Assistant Resident Engineer
Division 2
Greenville Construction Office

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law (GS 132) and may be disclosed to third parties by an authorized state official.

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

Beverly Perdue
GOVERNOR

4/24/2012

Gene Conti
SECRETARY

TIMS Incident Report

To: _____

From: Jeremy Stroud Phone: (252) 830-3495

Division: 2 District: 3 County: Lenoir

Road: SR-2010 Both Directions Near Kinston

Expected Backup: High

Start Time: 05/07/12 06:00 AM

End Time: 06/04/12 06:00 PM

Construction Days and Times: C.F. Harvey Parkway (NC-148) will be closed to traffic starting
May 7, 2012 and will reopen to traffic on June 4, 2012.

TIP/Contract #: C202402

Incident Type: Construction

Detour: The Detour Route will consist of: Rouse Road (SR 1572), Dobbs Farm Road (SR 1573)
and US-258.

Reason: Road Closed with Detour: The Department of Transportation will be installing the Railroad
Crossing on C.F. Harvey Parkway (NC-148) as a part of the ongoing railroad spur project in Kinston,
NC. C.F. Harvey Parkway will be closed to traffic in both directions and an off site detour will be
provided.

This information is also available on our website <http://www.ncsmartlink.org>

DIVISION OF INFORMATION TECHNOLOGY

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
INFORMATION TECHNOLOGY
1521 MAIL SERVICE CENTER
RALEIGH, NC 27699-1521

TELEPHONE: 919-707-2000
FAX: 919-707-2214
WEBSITE: WWW.NCDOT.ORG

DELIVERY ADDRESS:
INFORMATION TECHNOLOGY
NEW HOPE CENTER
4101 CAPITAL BLVD.
RALEIGH, NC 27604

Item No. 3.

MINUTES

LENOIR COUNTY BOARD OF COMMISSIONERS

April 16, 2012

The Lenoir County Board of Commissioners met in open session at 4:00 P.M. on Monday, April 16, 2012 in the Board of Commissioner Main Meeting Room in the Lenoir County Courthouse at 130 S. Queen St., Kinston, NC.

Members present: Chairman, George Graham, Vice-Chairman Reuben Davis and Commissioners, Jackie Brown, Mac Daughety, Tommy Pharo, Eric Rouse, and Linda Rouse Sutton.

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

Chairman Graham called the meeting to order at approximately 4:00 P.M. Ms. Brown offered the invocation and Mr. Graham led the audience in the Pledge of Allegiance.

PUBLIC INFORMATION

Ms. Lucy Marston, Tourism Director presented two 2012 Governor Volunteer Service Awards. The first recipient was Ms. Belinda Huggins, who volunteers countless hours at the Cooperative Extension office as a SHIP advisor. The second recipient was Ms. Debbie Chused, a volunteer on the Caswell Center Foundation Board, Lenoir Memorial Hospital Relay for Life, Boys and Girls Clubs and various other community organizations. Each recipient was presented with a letter from the Governor, a certificate and lapel pin.

Mr. Bill Ellis, Parks and Recreation Director introduced Mr. Joel Smith, Chairman of the Parks and Recreation Commission. Mr. Smith discussed the possibility of using the flood buyout property off of Hwy 70, behind the old Sports Lanes, as a disc golf location. Currently the Disc Golf Association is using Barnett Park for their activities. Because of the success of disc golf and the probability of holding tournaments, they are seeking another location. The use of the flood buyout property would allow the expansion of disc golf, and would also serve to keep the area clean, since it has been used as a dumping ground since its purchase. The Board agreed to the use of the property as described by Mr. Smith.

Ms. Sandy Landis, Arts Center Director, addressed the Board and thanked them for their support. She confirmed the value of the support they have received in the past by addressing four key areas of benefit and asked for their continued support.

Mr. Jerry Henderson with the SPCA addressed the Board and thanked them for the maintenance work that was completed at their site. Mr. Henderson gave statistics as to the

number of animals serviced at the current site, and the alternatives the animals face. Mr. Henderson stated the shelter is running out of space, the SPCA and the County were going to have to work together to find other means of housing the animals. Mr. Daughety asked if the facility that has been donated to the SPCA in the old Massey Motor Company building would be available for use as a shelter. Mr. Henderson stated due to State requirements about disinfecting the facility daily, the renovations that would be required to bring the building to code would be more than building a new building.

Ms. Susan Moore, DSS Director, addressed the Board and recognized two individuals in her department that were heading up a Community Carnival; the goal of the carnival is to raise awareness for Child Abuse Prevention Month. Ms. Monica Williams and Ms. Barbara Williams gave details of the Community Carnival that will be held on Saturday, April 21, 2012. This event will be free to the public and will provide food, and information pertinent to Child Abuse Prevention. Many sponsors, both public and private are involved with the project.

ITEMS FROM THE CHAIRMAN/COMMISSIONERS

Mr. Graham reminded everyone of the grand opening of the Farmers' Market for this season. This will take place on Tuesday, April 17, 2012, beginning at 11:00 A.M. There will be a brief ceremony followed by a complimentary lunch and homemade strawberry ice cream.

Mr. Rouse mentioned that other counties were preparing resolutions in support of the Marriage Amendment Act. After much discussion, it was decided to just urge everyone to vote, since the voters will determine the outcome. Mr. Pharo stated he wanted the viewing public to know he is in favor of the Marriage Amendment Act.

ITEMS FROM THE COUNTY MANAGER

Mr. Jarman reminded the Board on behalf of Mr. Pope, of the C100's celebration to be held on April 26th. The Board was asked to contact Mr. Pope's office to register. Mr. Jarman informed the Board of a DOT citizen workshop to be held April 24, 2012 from 5:00 P.M. to 7:00 P.M. at the LaGrange Town Hall to discuss the possible closing of a crossing and a roadway improvement project. NCACC is holding district meetings in the month of April. Mr. Jarman asked the Board to notify him they were interested in attending. The next Budget Work Session will be held on May 7, 2012 immediately following the Commissioners' meeting. Mr. Jarman informed the Board of an invitation to attend a tea at the City of Kinston on April, 19, 2012 at 4:00 P.M. This tea is to commemorate the 250th anniversary of Kinston losing the "g" from Kingston.

CONSENT AGENDA

Upon a motion by Ms. Brown and a second by Mr. Davis, the Board unanimously approved the following Consent Agenda items:

3. Approval of Minutes: Regular Board Meeting: April 2, 2012
4. Budget Ordinance Amendment: General Fund: Process Funds: \$3,500.: Increase

PUBLIC HEARINGS

Item No. 5 was a Public Hearing on the Exchange of Real Property between Lenoir County and C.S.S. Neuse Foundation. Upon a motion by Ms. Sutton and a second by Mr. Daughety, the public hearing opened at 4:59 P.M.

Item No. 5-A, was a Resolution Approving the Exchange of Property between Lenoir County and C.S.S. Neuse Foundation. Mr. Griffin, County Attorney, stated that whenever the County was deeded the land adjacent to the Farmer's Market, by the Harvey family, it was discovered that the building encroaches on the C.S.S. Neuse Foundation's property. In researching those boundary lines where the CSS Neuse replica was built, it encroaches on property owned by Lenoir County. Mr. John Nix, a local surveyor, and member of the C.S.S. Neuse Foundation, volunteered to look at all parcels involved and come up with a fair way trading of property to straighten property lines. Mr. Anthony Hall from the audience addressed the Board and stated he felt it was inappropriate to display the Confederate flag on property owned by the County. Mr. Griffin showed Mr. Hall a map defining the new property lines and assured him the CSS Neuse, which displays the Confederate flag, is not on County owned property. Upon a motion by Ms. Sutton and second by Mr. Daughety, Item No. 5-A was unanimously approved. Upon a motion by Ms. Brown and a second by Mr. Daughety, the Public Hearing closed at 5:02 P.M.

Item No. 6 was a Public Hearing regarding the 2011 North Carolina Community Development Block Grant: Catalyst Category. Upon a motion by Mr. Daughety and second by Ms. Sutton, the Public Hearing opened at 5:03 P.M.

Item No. 6-A was a Resolution Authorizing the Filing of an Application for Community Development Block Grant Funds: Catalyst Category. Mr. David Harris, RSM Harris Associates, addressed the Board regarding the application. Mr. Harris stated that the funding available for this grant is money left over from a prior year, and would be a highly competitive process. The project area is located just outside the city limits of LaGrange and encompasses a portion of Spring Drive. The Town of LaGrange has agreed to supply water and sewer to the area involved if the grant is approved. The project would consist of renovating or replacing current owner occupied dwellings and the demolition of other unoccupied dwellings. This is currently a slum and blight area, and the renovations would greatly enhance the area. The grant would also provide funding to allow DOT to pave the street, which is currently no more than a path. Mr. Harris is suggesting a \$30,000 contribution from the County. Upon a motion by Ms. Sutton and a second by Ms. Brown, to approve the resolution, much discussion followed. Mr. Daughety questioned whether or not the County would need to obligate \$30,000 toward the project considering the current economic outlook of the County. Mr. Jarman told the Board that the

money would have to come from General Fund Fund Balance, but had not been incorporated into the upcoming budget for FY 12-13. Mr. Davis asked what had been done in the past; Mr. Jarman stated 5% had been the County's contribution in past transactions. Mr. Graham told the Board that in the past the projects have been in predominantly African American neighborhoods, and that the County's contribution of \$30,000 might actually increase the tax base by as much as \$500,000 considering the improvements. After much discussion, it was decided that the majority of the Board would agree to a contribution of \$25,000 toward the grant. Mr. Graham made a motion to amend the Resolution to state a \$25,000 County contribution, followed by a second from Mr. Daughety with unanimous approval from the Board. Ms. Sutton then made a motion to amend her original motion to approve \$25,000 request, upon a second by Mr. Daughety, Item No. 6-A was unanimously approved. Upon a motion by Mr. Daughety and a second from Ms. Sutton, the Public Hearing closed at 5:20 P.M.

BUDGET ORDINANCES/RESOLUTIONS

Item No. 7 was a Resolution Approving a Purchase Order with Brinson Home Repairs for Remodeling of the Front Lobby at DSS: \$17,050. Ms. Moore stated the money was in her budget to renovate the front lobby of DSS to allow more privacy for clients completing application for services. The project had been postponed due to the Hurricane Irene event and the OSHA visit. Mr. Rouse asked how the contractors were selected, and asked if this needed to be tabled until this job was posted on the County's website. Mr. Joey Bryan, MIS Director, stated project had been posted on the website. Mr. Daughety wanted to confirm that there was enough money in the current DSS budget to cover the cost; Ms. Moore assured the Board there was enough funding to cover the renovation. Upon a motion by Ms. Brown and second by Mr. Davis, Item No. 7 was unanimously approved.

Item No. 8 was a Resolution Approving a Purchase Order with COECO Office Systems for Purchase of Alchemy Software: \$22,655. Ms. Moore asked permission to purchase two extra modules and 15 additional licenses, making this the final step before the entire agency goes paperless. Ms. Moore stated it would take approximately two (2) years in order to transfer every department over to the paperless system. She was asked if that would include everything, and she stated that back files would not be included in that two year time frame – that was a separate issue. Upon a motion by Mr. Davis and a second by Ms. Brown, Item No. 8 was unanimously approved.

Item No. 9 was a Budget Ordinance Amendment: General Fund: Health Dept.: \$7,982.: Increase. Mr. Hollowell stated funds that were placed in the Health Department's budget for the maintenance and repairs at the Animal Shelter were not completely expended in FY 10-11. The balance of unexpended funds is being rolled forward to be used as necessary for the upkeep of the Animal Shelter. Any funds unspent at the end of this fiscal year will roll forward into FY 12-13 as well. Upon a motion by Ms. Sutton and second by Ms. Brown, Item No. 9 was unanimously approved.

Item No. 10 was a Resolution Approving the Eastpointe Local Management Entity Personnel System being made Equivalent to that of the State of North Carolina. Mr. Ken Jones, Eastpointe Director addressed the Board and explained that new State regulations required the merging of several LME's, including Eastpointe, creating a twelve county region. The resolution will allow Eastpointe to petition the State Personnel Commission to allow Eastpointe to establish an internal system that will be substantially equivalent to the system used by the Office of State Personnel. Ms. Sutton asked if all of the employees would be able to keep their jobs. Mr. Jones explained that there would actually be more jobs available, than currently filled, but that all employees would have to go through the process of applying for their position. He said he was hopeful that all of the employees would be able to obtain employment with Eastpointe. He was also asked if the benefits would remain the same, and he said that the benefits should be equivalent to what they currently had. Mr. Graham asked if Lenoir County would still have someone in the County from Eastpointe, to which Mr. Jones said there would be one dedicated employee in Lenoir County. Upon a motion by Mr. Daughety and a second from Mr. Rouse, Item No. 10 was unanimously approved.

Item No. 11 was a Plan of Merger and Agreement Between and Among the Beacon Center, Eastpointe Human Services, and Southeastern Regional Mental Health, Developmental Disabilities and Substance Abuse Services. Upon a motion by Mr. Daughety and a second by Mr. Davis, Item No. 11 was unanimously approved.

Item No. 12 was a Resolution Authorizing the Purchase of Navigator Software from Geospatial Technologies: \$4,140. Mr. Roger Dail, Emergency Services Director addressed the Board and explained that this is the last phase in the process of implementing software that is customized to fit the needs of the County in providing specific and direct route information to EMS units. Mr. Dail stated that funding had been included in this year's budget. Upon a motion by Mr. Davis and a second by Mr. Daughety, Item No. 12 was unanimously approved.

Item No. 13 was a Budget Ordinance Amendment: Emergency Telephone System Fund: \$35,210.: Increase. Mr. Hollowell stated when Lenoir County and Jones County hired a consultant to study the consolidation of both communication systems each county was responsible for one half of the cost. Jones County's total portion of the bill will be \$35,210, and this will allow Lenoir County to receive Jones County's portion of the expense, and reimburse the consultant. Upon a motion by Mr. Daughety and a second by Ms. Brown, Item No. 13 was unanimously approved.

Item No. 14 was a Resolution Authorizing the Lease of 150 Desktop Computers from Dell Computer Corp., Inc. from the North Carolina State Contract NTE \$32,000. Mr. Bryan addressed the Board and explained that in April of 2008, the Commissioners approved the four year Technology Refresh Program. This program allows the County's computers to be changed out every four years, thereby allowing the operating costs to be covered under warranty for the entire four year period. This also allows the County's computers to keep up with the ever

changing technological environment. Upon a motion by Mr. Davis and a second by Ms. Sutton, Item No. 14 was unanimously approved.

Item No. 15 was a Resolution Approving Acceptance of a Camera System Provided by the North Carolina Department of Transportation with both State and American Reinvestment and Recovery Act Funds. Mr. Bryan, Transportation Director addressed the Board and explained that NCDOT has offered to install a camera system on all of the Lenoir County Transit (LCT) vehicles, at no cost to the County. This action will provide additional safety and security to both the drivers and passengers of LCT vans. The County will need to sign a Memorandum of Understanding agreeing to maintain and protect these assets for a seven year period. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 15 was unanimously approved.

Item No. 16 was a Resolution Approving the Department of Juvenile Justice and Delinquency Prevention's (DJJDP) FY2012-13 Grant Funding for Lenoir County Juvenile Crime Prevention Council (JCPC): \$206,571. Mr. Hollowell stated each year the County is required to approve the application for Juvenile Crime Prevention Council (JCPC) funding. The Lenoir County JCPC met in regular session on April 9, 2012, and approved recommending to the Lenoir County Commissioners that available DJJDP funds in the amount of \$206,571 be approved for the JCPC and be allocated in FY 12-13 for the following: Structured Day Reporting Center and Restitution Program \$133,348, Parenting Matters \$35,194, Teen Court \$33,029, and Administrative \$5,000. Mr. Hollowell also explained that these are just pass through funds. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 16 was unanimously approved.

Item No. 17 was a Resolution Approving Citizens to Boards, Commissions, Etc. Upon a motion by Ms. Brown and a second by Mr. Daughety, the following second appearances were approved.

<u>BOARD/COMMITTEE/COMMISSION</u>	<u>APPLICANT/CURRENT MEMBER</u>	<u>TERM EXPIRATION</u>
Lenoir Community College Trustee 2 nd Appearance	Jim Hardison (re-appointment)	June 30, 2012
Lenoir County ABC Board 2 nd Appearance	Emmette Taylor (re-appointment)	June 2012

CURRENT VACANCIES:

Lenoir County Health Board – (1) Veterinarian, (1) Optometrist, (1) Pharmacist
Lenoir County Planning Board – Districts One (1), Four (4)

CJPP – Three (3) Vacancies

Kinston Board of Adjustment – Two (2) ETJ Members; (1) Primary – (1) Alternate

Mr. Graham adjourned the meeting at approximately 5:59 P.M.

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 5/7/12 **ITEM NO.:** 4

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
2010	Shirley Styron	28068	\$116.25	Corrected Listing
2011	Christy Teachey	62516	231.31	Corrected Listing
2012	Colony Tires Inc	973	211.57	Corrected Listing
2011	Louis Lopez	70824	110.25	Double Listed
2011	Maxine Waters	19074	442.23	Legal Exemption

Refunds

Year	Name	Account	Amount	Reason
2011	Jeffrey Mills	19990	\$375.62	Corrected Listing
2011	Frederick Mason	18920	239.07	Corrected Listing

MANAGER'S RECOMMENDATION:

Approval of releases as set out above.

Initials

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Rouse _____ Sutton _____ Davis _____ Graham _____

Pharo _____ Brown _____ Daughety _____

George Graham, Chairman

5/7/12
Date

ATTEST

5/7/12
Date

Item No. 5.

BUDGET ORDINANCE AMENDMENT: GENERAL FUND: NON-DEPARTMENTAL: \$3,079.: INCREASE



LENOIR COUNTY, NORTH CAROLINA
BUDGET AMENDMENT REQUEST

FY 2011 - 2012
 Appropriations

Budget Amendment # _____
 Date Approved _____

Distribution - Finance Office:

FUND	DEPARTMENT	LINE ITEM DESCRIPTION	
GENERAL	NON-DEPARTMENTAL	VARIOUS	
Check One Box New Appropriation: <input type="checkbox"/> Line Item Transfer: <input type="checkbox"/>		Check One Box New Appropriation: <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/>	
REVENUES		EXPENDITURES	
Account # and Title	Amount	Account # and Title	Amount
<u>INCREASE</u>		<u>INCREASE</u>	
10-3211-1100 2011 TAX LEVY	3,079.00	10-4200-1913 PROF SVCS-BUS PER PROP AUDIT	3,079.00
Total		Total	
3,079.00		3,079.00	

Reason and Justification for Request:

To appropriate additional property tax revenue received by the County as a result of a business personal property tax audit being conducted by County Tax Services, Inc. The County contracted with County Tax Services, Inc. in May of 2010 to conduct the audit. County Tax Services, Inc. receives a 30% commission on all business personal property discoveries found as a result of the audit. The County pays this commission only after the taxpayer pays the discovery tax bill. The Board approved the contract with County Tax Services, Inc. on May 17, 2010, Item #8.

Department Head Approval	Date	Finance Officer Approval	Date
<i>Martha H. Martin</i>	4/24/2012	<i>Martha H. Martin</i>	4/24/2012
Budget Officer Approval	Date		
<i>Mike [Signature]</i>	4/30/12		
Board Approval (When Applicable)	Date	Date of Minutes	

Finance Office - Copy

Department - Copy

Administration - Copy

Item NO. 6.

VULNERABLE ADULTS AND ELDER ABUSE AWARENESS 2012

A PROCLAMATION

WHEREAS, the County of Lenoir recognizes **World Elder Abuse Awareness Day on June 15, 2012**; and

WHEREAS, Lenoir County's vulnerable and older adults of all socio-economic, racial, and ethnic backgrounds may be targets of abuse, neglect or exploitation which occurs in families, long-term care facilities and communities; and

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

WHEREAS, in fiscal year 2011, more than 20,000 reports of abuse, neglect or exploitation of vulnerable and older adults were made to North Carolina's 100 county Departments of Social Services; and

WHEREAS, in fiscal year 2011, 140 reports of abuse, neglect or exploitation of vulnerable and older adults were made to Lenoir County Department of Social Services; and

WHEREAS, the North Carolina 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'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, 12.9% of Lenoir County's population in 2010 was over 65 years of age and the U. S. Census Bureau predicts that percentage will double to 25% by 2030, and

NOW, THEREFORE, I, George Graham, Chairman of the Lenoir County Board of Commissioners, do hereby proclaim **May 2012 as Older Americans Month** and also proclaim May 11, 2012, to June 18, 2012, 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.

05/07/2012

George Graham, Chairman
Lenoir County Board of Commissioners

Date

PROCLAMATION

WHEREAS, mental health is essential to everyone's overall physical health and emotional well-being and caring for your mind as well as your body is good for your overall health and vital for success in personal life, at work, and at school; and

WHEREAS, mental illness will strike nearly one in four adults and children in a given year, regardless of age, gender, race, ethnicity, religion, or economic status; and

WHEREAS, mental health problems are as treatable as many physical illnesses, and people who have mental illnesses can recover and lead full, productive lives; and

WHEREAS, an estimated two-thirds of adults and young people who have mental health disorders are not receiving the help they need; and

WHEREAS, the cost of untreated and mistreated mental illnesses and addictive disorders to American businesses, governments, and families has grown to \$100 billion annually; and

WHEREAS, community-based services that respond to individual and family needs are cost-effective and beneficial to consumers and the community; and

WHEREAS, Eastpointe Human Services is engaged in helping people to achieve healthy minds and healthy lives; and

WHEREAS, Eastpointe Human Services has observed May as "*Mental Health Month*" to raise awareness and understanding of mental illness and mental health.

NOW, THEREFORE, the Eastpointe Board of Directors, does hereby proclaim the month of May, 2012 as

"MENTAL HEALTH MONTH"

and calls upon the citizens, government agencies, public and private institutions, businesses and schools in Duplin, Lenoir, Sampson and Wayne Counties to recognize the importance of mental, as well as physical health, and to commit our communities to increasing awareness and understanding of mental health, and the need for appropriate and accessible services for all people who have mental illnesses.

This the 24th of April, 2012.


Eastpointe Board Chair

INTRODUCED BY: Michael Jarman, County Manager DATE 05/07/2012 ITEM NO. 8

Resolution Approving Presentation of Badge and Service Weapon To
Retiring Lieutenant Bob N. Miller.

SUBJECT AREA: PERSONNEL

ACTION REQUESTED:

The Board is requested to authorize the Sheriff to present to retiring Lieutenant Bob Miller his Lenoir County Sheriff's Office badge and Glock .45 caliber service weapon pursuant to state law and past county practices.

HISTORY / BACKGROUND:

Lieutenant Bob Miller began his law enforcement employment with the Lenoir County Sheriff's Office on September 20, 1993. North Carolina retirement rules state that an officer must have 30 years of credible service or be age 55 with at least 15 years of credible service to retire. Lieutenant Miller had the appropriate amount of time to retire, which became effective May 1, 2012.

North Carolina General Statute 20-187.2 provides for the presentation of an officer's badge upon his retirement and also provides for the governing body, in its discretion, to present the retiring officer with his service weapon after he receives a permit. Lieutenant Miller received a handgun permit in May of 2012, which was made part of his personnel file.

A number of law enforcement officers retire each year in various state and local jurisdictions within North Carolina. In these instances, the officers have been presented with their badge and service weapon.

EVALUATION:

In keeping with the North Carolina General Statutes and local government practices, it is recommended that Lieutenant Miller be presented with his badge and service weapon (Glock .45 caliber, serial number NMA060).

MANAGER'S RECOMMENDATION:

Respectfully Request Approval.


Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners authorize the Sheriff to present to Lieutenant Bob Miller his Lenoir County Sheriff's Office badge and Glock .45 caliber service weapon.

Funding Account #:

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

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

George Graham, Chairman _____
Date

ATTEST _____
Date

INTRODUCED BY: Michael W. Jarman, County Manager DATE 5/7/12 ITEM NO. 9

Resolution of the Election Boards Association of North Carolina to the Honorable Governor Beverly Perdue and Members of the North Carolina General Assembly

WHEREAS, the members of the Election Boards Association of North Carolina met on April 4, 2012 and request that an appropriation be included in the Governor's budget and in the General Assembly's budget to meet the "maintenance of effort" requirement for the release of HAVA Funds; and

WHEREAS:

- A. The HAVA Funds are vital to county budgets to administer elections; and
- B. The HAVA Funds are needed to maintain voting equipment; and
- C. The HAVA Funds are needed to be used as operation funds to operate absentee voting;

NOW, THEREFORE BE IT RESOLVED, that the Election Boards of Association of North Carolina request that the HAVA Funds be included in this year's budgets and that said funds be provided to the State Board of Elections for the counties to improve the elections process.

ADOPTED this 7th day of May, 2012

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Graham _____ Davis _____ Brown _____ Daughety _____

Pharo _____ Rouse _____ Sutton _____

Chairman 05/07/2012
Date

ATTEST 05/07/2012
Date

INTRODUCED BY: Mike Jarman, County Manager **DATE** 5/7/12 **ITEM NO.** 10

RESOLUTION Authorizing the Purchase from Imaging Specialties of 48 Toner Cartridges for Precincts and One Stop Sites at a Cost Not to Exceed: \$3,500.00

SUBJECT AREA: Purchases – Bids

ACTION REQUESTED:

The Board is requested to authorize the purchase of 48 toner cartridges for each of the printers at the 22 voting precincts and 4 One Stop Sites.

HISTORY / BACKGROUND:

The Board approved the purchase of printers for each polling site on May 16, 2011. This process at the precincts allows for quicker voting. The MIS Department orders the toner cartridges at the best price available.

EVALUATION:

Board of Elections is able to provide a more cost efficient and time saving process for the voters of Lenoir County with the aid of the printers at each precinct and One Stop Site and the toner cartridges are needed to keep this process going.

MANAGER'S RECOMMENDATION:

Respectfully Request Approval.

Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that Board of Elections be authorized to purchase from Imaging Specialties 48 toner cartridges at a cost not to exceed: \$3,500.00.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Graham _____ Davis _____ Brown _____ Daughety _____

Pharo _____ Rouse _____ Sutton _____

Chairman

05/07/2012
Date

ATTEST

05/07/2012
Date

INTRODUCED BY: Michael Jarman, County Manager **DATE:** 5/7/2012 **ITEM NO.** 11

Resolution Authorizing Lenoir County Health Department to execute a purchase order to Advanced Imaging Systems for scanning inactive medical records for data storage not to exceed \$15,000.00.

SUBJECT AREA: Financial

ACTION REQUESTED:

The Board is asked to grant permission to Lenoir County Health Department to utilize Aid to County funds- Essential Services for departmental supplies

Aid to County Funds:
Essential Services- Dept. Supplies- 10-5110-2900-\$15,000.00

HISTORY / BACKGROUND:

This is necessary to provide more efficient research of patient information. This will provide Lenoir County Health Department more space and enable future electronic admissions.

EVALUATION:

To assure patient confidentiality and compliance with HIPAA requirements and to improve patient registration efficiency. This action is necessary to prove sufficient accounting of expenditures and to comply with applicable laws.

MANAGER'S RECOMMENDATION:

Respectfully Request Approval.

Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners to execute a purchase order to Advanced Imaging Systems for scanning inactive medical records for data storage not to exceed \$15,000.00.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

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

George W. Graham, Jr. Chairman 05/07/12
Date

ATTEST 05/07/12
Date

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 5/07/12 **ITEM NO.** 12

RESOLUTION: Authorizing Emergency Removal of Underground Oil Storage Tank (UST) and Environmental Testing & Clean-up: Central East Services, Inc.; Henry Nemargut Engineering Services: Not to Exceed \$30,000.

SUBJECT AREA: Administrative

ACTION REQUESTED: The Board is requested to authorize the emergency removal of an underground oil storage tank (UST) and environmental testing and clean-up by Central East Services, Inc. and Henry Nemargut Engineering Services at a cost not to exceed \$30,000.

HISTORY/BACKGROUND: In an effort to eliminate security concerns and provide pedestrian access to the Courthouse from the County owned parking lot on S. McLewean Street, the County recently purchased properties located at 105, 105A, and 107 S. McLewean Street. The County contracted with a local demolition contractor to tear down the buildings situated on these properties. On the last day of demolition, while the contractor was removing the concrete slabs and leveling the lots, he struck a fill-pipe to an underground oil storage tank (UST). The top of the fill-pipe for this tank was buried under approximately 8 inches of concrete, which had served as the front entrance patio to 107 S. McLewean Street. County maintenance contacted Central East Services, Inc., a certified UST removal company to evaluate the condition of the tank and the site. Representatives from Central East Services obtained a permit to remove the tank, pumped out the contents, and assessed the condition of the soil. It was discovered that the tank was badly corroded and had been leaking for many years. Due to the soil contamination, Central East Services contacted Henry Nemargut, Geologist and owner of Henry Nemargut Engineering Services, to test the soil and groundwater. Approximately 130 tons of contaminated soil were removed from the site and properly disposed of at a site certified to receive contaminated soil. A monitoring well was installed to test the condition of the ground water. Numerous samples of soil and groundwater were examined for contamination. Reports were sent to NCDENR for their inspection and record keeping. **Mr. Nemargut informed the County of a State monitored Trust Fund set up to assist owners of properties where leaking undocumented underground storage tanks are discovered. Mr. Nemargut, on behalf of the County, completed the necessary paperwork with the State to apply for reimbursement of the costs associated with this clean-up operation.**

EVALUATION: An underground oil storage tank (UST) was discovered during demolition of the concrete slab at 107 S. McLewean Street. Central East Services, Inc. was contacted to pump out the contents, remove the tank, and evaluate the condition of the soil. Soil contamination was found and abated. Soil and groundwater samples were taken by Henry Nemargut Engineering Services. The County has applied to a State monitored Trust Fund for reimbursement of the costs associated with this clean-up operation.

MANAGER'S RECOMMENDATION:

Respectfully recommend approval. _____

RESOLUTION: NOW THEREFORE BE IT RESOLVED that the Board authorizes the emergency removal of an underground oil storage tank (UST) and environmental testing and clean-up by Central East Services, Inc., and Henry Nemargut Engineering Services in an amount not to exceed \$30,000.

Funding Source: General Fund
 UST-Environmental 10-4200-4996

AMENDMENTS:

MOVED _____ **SECONDED** _____

APPROVED _____ **DENIED** _____ **UNANIMOUS**

Yea Votes: Graham ___ **Davis** ___ **Brown** ___ **Daughety** ___ **Pharo** ___

Rouse ___ **Sutton** ___

George W. Graham, Jr., Chairman

Date

Attest

Date

BUDGET ORDINANCE AMENDMENT: FIRE DISTRICTS: FIRE PROTECTION: \$125,691. INCREASE



LENOIR COUNTY, NORTH CAROLINA
BUDGET AMENDMENT REQUEST

FY 2011 - 2012
Appropriations

Budget Amendment # _____
Date Approved _____

Distribution - Finance Office:

FUND	DEPARTMENT	LINE ITEM DESCRIPTION	
FIRE DISTRICTS	FIRE PROTECTION	Various	
Check One Box New Appropriation: <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/> REVENUES		Check One Box New Appropriation: <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/> EXPENDITURES	
Account # and Title		Account # and Title	Amount
<u>INCREASE</u>		<u>INCREASE</u>	
50-3400-0000	REVENUE ADJUSTMENT FY10-11	28,235.00	50-4340-6990 CONTRACTED SERVICES 28,235.00
51-3400-0000	REVENUE ADJUSTMENT FY10-11	17,926.00	51-4340-6990 CONTRACTED SERVICES 17,926.00
52-3400-0000	REVENUE ADJUSTMENT FY10-11	13,167.00	52-4340-6990 CONTRACTED SERVICES 13,167.00
53-3400-0000	REVENUE ADJUSTMENT FY10-11	12,214.00	53-4340-6990 CONTRACTED SERVICES 12,214.00
54-3400-0000	REVENUE ADJUSTMENT FY10-11	4,556.00	54-4340-6990 CONTRACTED SERVICES 4,556.00
55-3400-0000	REVENUE ADJUSTMENT FY10-11	16,686.00	55-4340-6990 CONTRACTED SERVICES 16,686.00
56-3400-0000	REVENUE ADJUSTMENT FY10-11	8,407.00	56-4340-6990 CONTRACTED SERVICES 8,407.00
57-3400-0000	REVENUE ADJUSTMENT FY10-11	8,145.00	57-4340-6990 CONTRACTED SERVICES 8,145.00
58-3400-0000	REVENUE ADJUSTMENT FY10-11	11,308.00	58-4340-6990 CONTRACTED SERVICES 11,308.00
59-3400-0000	REVENUE ADJUSTMENT FY10-11	4,430.00	59-4340-6990 CONTRACTED SERVICES 4,430.00
60-3400-0000	REVENUE ADJUSTMENT FY10-11	617.00	60-4340-6990 CONTRACTED SERVICES 617.00
62-3400-0000	REVENUE ADJUSTMENT FY10-11	0.00	62-4340-6990 CONTRACTED SERVICES 0.00
Total		125,691.00	Total 125,691.00
Reason and Justification for Request: TO APPROPRIATE FUNDS TO COVER ESTIMATED REVENUES AND EXPENDITURES FOR ALL FIRE DISTRICTS FOR THE REMAINDER OF FY 11-12.			
Department Head Approval		Date	Finance Officer Approval
<i>Martha H. Martin</i>		<i>4/30/12</i>	<i>Martha H. Martin</i>
Budget Officer Approval		Date	
<i>Michael W. Farman</i>		<i>4/30/12</i>	
Board Approval (When Applicable)		Date	Date of Minutes

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 5/07/12 **ITEM NO.** 14

RESOLUTION: Authorizing Repair of TEREX TC400 Trashmaster Compactor: Road Machinery Services, Inc.: \$24,500.

SUBJECT AREA: Purchases - Bids

ACTION REQUESTED: The Board is requested to authorize the repair of a TEREX TC400 Trashmaster Compactor by Road Machinery Services, Inc., of Statesville, N.C, in the amount of \$24,500.

HISTORY/BACKGROUND: The TEREX TC400 compactor owned by the landfill is constantly moving and compacting C & D waste. In May 2010, the compactor broke-down and needed emergency repairs. The landfill operations must continue; therefore, it was necessary to diagnose and repair the equipment as soon as possible. This unit was purchased in 2007 from Road Machinery Services, Inc. at a cost of \$434,331. This is a specialized piece of equipment designed exclusively for landfill operations; therefore, the dealer was contacted to repair the unit as soon as possible. After several days of tests, the problem was determined to be in the transmission and parts were ordered from the factory to repair the unit. After (5) five years of packing construction and demolition debris, the cleats on the packing wheels have been worn down to "nubs". The packing wheels need to be replaced to achieve proper compaction of the debris and prevent downtime and costs to extract the compactor when it becomes stuck due to lack of traction on the debris hill.

EVALUATION: Road Machinery Services, Inc. of Statesville, N.C, is the only authorized TEREX sales and repair facility in the state. This specialized piece of equipment was purchased in June of 2007. After (5) five years of packing construction and demolition debris, the cleats on the packing wheels have been worn down to "nubs" and need to be replaced. In an effort to reduce downtime for the compactor, Road Machinery Services will come to the Lenoir County Landfill and replace the packing wheels and cleats on site. Approval of this resolution will allow for the repair of the TEREX TC400 compactor, the encumbrance of funds, and the payment of the repair bill.

MANAGER'S RECOMMENDATION:

Respectfully recommend approval.



RESOLUTION: NOW THEREFORE BE IT RESOLVED that

The Board authorizes the repair of the landfill TEREX TC400 Trashmaster Compactor by Road Machinery Services, Inc. of Statesville, N.C. in the amount of \$24,500.

Funding Source: Landfill Fund
Maintenance / Repairs 66-4720-3520

AMENDMENTS:

MOVED _____ **SECONDED** _____

APPROVED _____ **DENIED** _____ **UNANIMOUS**

Yea Votes: Graham ___ Davis ___ Brown ___ Daughety ___ Pharo ___
Rouse ___ Sutton ___

George W. Graham, Jr., Chairman

Date

Attest

Date

INTRODUCED BY: Mike Jarman, County Manager **DATE:** 5/07/12 **ITEM NO.** 15

RESOLUTION: Authorizing Purchase of a Hyundai HL 740-9 Front Loader: Rob's Hydraulics, Inc. (RHI): Grimesland, NC: State Purchasing Contract Price \$132,590.72.

SUBJECT AREA: Purchases - Bids

ACTION REQUESTED: The Board is requested to authorize the purchase of a 2012 Hyundai HL 740-9 Front Loader from Rob's Hydraulics, Inc. (RHI) of Grimesland, NC, at a price of \$132,590.72.

HISTORY/BACKGROUND: The Lenoir County Landfill operates and maintains its own heavy equipment. In January 1998, the County purchased a new Case 621 Front Loader for \$108,000. This loader currently has over 13,000 operational hours registering on its meter. This piece of equipment is used 6 days a week to push garbage and move appliances and dirt. Maintenance issues and costs have become a serious concern with this piece of equipment. The Landfill Director solicited prices for the purchase of a used front loader. The best price he obtained for a comparable used unit with the same 4 in 1 bucket, ACS quick coupler connection system, and interchangeable tires and rims was a 1999 Case 621 for \$54,030. Upon further investigation, the Landfill Director found that the State Contract price for a new 2012 Hyundai HL 740-9 Front Loader with the ACS quick coupler connection system, and solid rubber tires is \$132,590.72. The new Hyundai unit has a 3 year 3000 hour Full Machine Warranty, rearview camera for safety, and a set of scales. Rob's Hydraulics, Inc. (RHI) of Grimesland, NC was awarded the State Contract for this unit.

EVALUATION: The Lenoir County Landfill operates a fleet of heavy equipment that runs 6 days a week. The 1998 Case 621 Front Loader is rapidly wearing out and is in constant need of expensive repairs. The Landfill Director has investigated the purchase of a used front loader and a new front loader. The new front loader with a Full Machine Warranty appears to be the best option to continue the landfill operations at the least amount of operational cost. In an effort to keep the landfill operating smoothly, the 1998 Case 621 Front Loader will be moved over to the metal pad at the landfill and will be used to move metal and appliances on a less regular basis (approximately one day a week) and serve as a back-up for the new Hyundai Loader.

Approval of this resolution will allow for the encumbrance of funds and the payment to Rob's Hydraulics (RHI) of Grimesland, N.C.

MANAGER'S RECOMMENDATION:

Respectfully recommend approval. _____

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that the purchase of a 2012 Hyundai 740-9 Front Loader from Rob's Hydraulics, Inc. (RHI) of Grimesland, NC, at the State Purchasing Contract price of \$132,590.72 be approved and be it further resolved the Lenoir County Landfill Director is authorized to execute the necessary paperwork on behalf of the County for the purchase.

Funding Source: Landfill Fund
 Capital Outlay-Equipment 66-4720-5100

AMENDMENTS:

MOVED _____ **SECONDED** _____

APPROVED _____ **DENIED** _____ **UNANIMOUS**

Yea Votes: **Graham** ___ **Davis** ___ **Brown** ___ **Daughety** ___ **Pharo** ___

Rouse ___ **Sutton** ___

George W. Graham, Jr., Chairman

Date

Attest

Date



LENOIR COUNTY, NORTH CAROLINA
BUDGET AMENDMENT REQUEST

FY 2011-12
 Appropriations

Budget Amendment # _____
 Date Approved _____

Distribution - Finance Office:

FUND	DEPARTMENT	LINE ITEM DESCRIPTION	
SOLID WASTE MANAGEMENT	LANDFILL	VARIOUS	
Check One Box New Appropriation: <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/> REVENUES		Check One Box New Appropriation: <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/> EXPENDITURES	
Account # and Title	Amount	Account # and Title	Amount
INCREASE		INCREASE	
66-3991-9910 FUND BALANCE APPROPRIATED	100,000.00	66-4720-3520 MAINTENANCE / REPAIRS	30,000.00
		66-4720-5100 CAPITAL OUTLAY-EQUIPMENT	70,000.00
Total	100,000.00	Total	100,000.00

Reason and Justification for Request:

TO BUDGET FUNDS FROM THE FUND BALANCE OF THE LANDFILL FUND TO APPLY TOWARD THE PURCHASE OF A NEW 2012 HYUNDAI 740-9 FRONT LOADER FROM ROB'S HYDRAULICS, INC., OF GRIMESLAND, NC. THE STATE CONTRACT PURCHASE PRICE FOR THE LOADER IS \$132,590.72. THIS AMENDMENT ALSO APPROPRIATES FUND BALANCE TO COVER THE COST OF REPAIRS TO REPLACE THE WHEELS AND CLEATS ON A TEREX TC400 TRASHMASTER COMPACTOR.

Department Head Approval	Date	Finance Officer Approval	Date
<i>Tom Hill</i>	4/19/12	<i>Marta H. Martin</i>	4/19/12
Budget Officer Approval	Date		
<i>Michelle W. James</i>	5/3/12		
Board Approval (When Applicable)	Date	Date of Minutes	

Item NO. 17.

BUDGET ORDINANCE AMENDMENT: GENERAL FUND: HURRICANE IRENE INSURANCE REIMB: \$242,988.88: INCREASE



LENOIR COUNTY, NORTH CAROLINA
BUDGET AMENDMENT REQUEST

FY 2011 - 2012
 Appropriations

Budget Amendment # _____
 Date Approved _____

Distribution - Finance Office:

FUND		DEPARTMENT		LINE ITEM DESCRIPTION	
GENERAL		HURRICANE IRENE		Various	
Check One Box New Appropriation: <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/> REVENUES			Check One Box New Appropriation: <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/> EXPENDITURES		
Account # and Title		Amount	Account # and Title		Amount
<u>INCREASE</u>			<u>INCREASE</u>		
10-3330-1013	FEMA REIMBURSEMENT-HURRICANE IREN	242,988.88	10-4336-6900	CONTRACTED SERVICES	242,988.88
Total		242,988.88	Total		242,988.88

Reason and Justification for Request:

BUDGET AMENDMENT TO APPROPRIATE REIMBURSEMENT RECEIVED FROM FEMA ON APRIL 16, 2012 IN THE AMOUNT OF \$242,988.88. THIS IS PART OF THE 75% REIMBURSEMENT OF PW-01486, THE COST OF DEBRIS CLEANUP, FOLLOWING HURRICANE IRENE. THE OTHER 25% OF PW-01486, WILL BE REIMBURSED AFTER NCDEM HAS MADE A FINAL AUDIT OF ALL OF THE PAPERWORK RELATED TO HURRICANE IRENE, AND CLOSED OUT THE PROJECT.

Department Head Approval	Date	Finance Officer Approval	Date
<i>Martha H. Martin</i>	4/30/12	<i>Martha H. Martin</i>	4/30/12
Budget Officer Approval	Date		
<i>Michael J. ...</i>	4/30/12		
Board Approval (When Applicable)	Date	Date of Minutes	

Finance Office - Copy

Department - Copy

Administration - Copy

INTRODUCED BY: Michael Jarman, County Manager DATE 04/07/2012 ITEM NO. 18

Resolution Approving the Execution of a Contract with ABL Management, Inc.: \$366,864

SUBJECT AREA: FINANCIAL

ACTION REQUESTED:

The Board is requested to authorize the Sheriff to execute a contract with ABL Management Inc., to provide inmate food services.

HISTORY / BACKGROUND:

For over 30 years the Lenoir County jail has been preparing food for inmates on site, utilizing two civilian cooks. These cooks have provided three meals every day of the year with the assistance of the detention staff. Currently, each inmate is provided a meal at a cost of \$1.54 (per meal) when the jail has a population of about 137 inmates. The new jail will house 200 more inmates and has a kitchen designed to feed up to 500 inmates, three times a day. It is anticipated that the jail will open with an inmate population of about 150 inmates. Within just a few months the inmate population is expected to exceed 200 inmates. In addition, the jail will be taking on additional inmates from the State Misdemeanant Program and the Federal Government, pushing the inmate population to 250.

EVALUATION:

In an effort to explore cost cutting alternatives, a Request for Proposal (RFP) was created and published on the Lenoir County Government website. Three major inmate food service vendors provided proposals. After careful review it was decided that ABL Management would be the best fit for Lenoir County and provide substantial savings. ABL will provide all of the small wares to operate the new kitchen, which means Lenoir County will not have to expend any funds to do so. In addition, Lenoir County will retain its two cooks, but these employees will work under the management of ABL. In return, ABL will reimburse the County for these two employees' salaries and benefits (\$69,017). ABL will also supply a food service director, pay for all permits, licenses, and insurance, provide uniforms, and purchase all food products and supplies. ABL will provide all of the meals to inmates at a cost of \$1.1923 per meal (\$366,864 annually) to the jail which is at full capacity (281 inmates). This means that the County will save \$177,136 on food for inmates when comparing it to the traditional manner of cooking and providing these meals exclusively by the County.

The Sheriff respectfully requests that he be permitted to execute a contract with ABL Management to provide meals to Lenoir County inmates, effective once the new jail opens.

MANAGER'S RECOMMENDATION:

Respectfully Request Approval.


_____ Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that the Sheriff is permitted to execute a contract with ABL Management to provide inmate food services to the Lenoir County jail.

ABL Management Inc.----- \$ 366,864

Funding Account #:

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

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

George W. Graham, Jr. Chairman Date

ATTEST Date

INTRODUCED BY: Michael W. Jarman, County Manager **DATE** 5/7/12 **ITEM NO.** 19

Resolution Authorizing: A Purchase Order Not to Exceed One Million Dollars to Darland Construction Company

SUBJECT AREA: Community Development

ACTION REQUESTED: The Board is requested to authorize a purchase order not to exceed one (1) millions dollars for the construction of the Woodmen of the World Community Center and waterpark. This expenditure has been approved and a contract has been signed between Lenoir County and the Woodmen Fraternal Foundation for the construction of the Woodmen Community Center and Lions Adventure Water Park.

HISTORY/BACKGROUND: The Board of Commissioners approved a \$500,000 expenditure and received a \$500,000 matching PARTF grant for this project. The Woodmen Foundation has committed 7 million dollars, Golden Leaf, \$350,000 and local donations of 2.5 million dollars.

EVALUATION: Darland Construction Company is the contractor for the WOW Community Center and water park. They are using 24 local subs for this project and have an estimated completion date of July 16, 2012. The funds for this project are budgeted.

MANAGER'S RECOMMENDATION:

Respectfully Recommend Approval.

Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that the board authorize a purchase order not to exceed one (1) million dollars to Darland Construction Company for the Woodmen of the World Community Center and Lions Adventure Water Park.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

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

Chairman

05/07/2012
Date

ATTEST

05/07/2012
Date

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 5/07/12 **ITEM NO.:** 20

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>
East Pointe Mental Health 1 st Appearance	Rita Hodges Eric Rouse (Re-Appointment)	May 2015
East Carolina Workforce Development 1 st Appearance	Dr. Brantley Briley (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)

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>
East Pointe Mental Health 1 st Appearance	Rita Hodges Eric Rouse (Re-Appointment)	May 2015
East Carolina Workforce Development 1 st Appearance	Dr. Brantley Briley (Re-Appointment)	June 2014

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Daughety _____ Davis _____ Graham _____

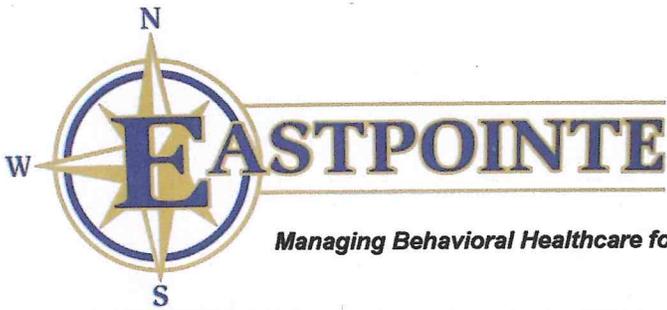
Pharo _____ Rouse _____ Sutton _____

George W. Graham, Jr., Chairman

5/7/12
Date

ATTEST

5/7/12
Date



Administration: 800-513-4002
Access to Care: 800-913-6109
TTY Service: 888-819-5112

Managing Behavioral Healthcare for the citizens of Duplin, Lenoir, Sampson and Wayne Counties

100 South James Street
Goldsboro, NC 27530
Fax: (910) 298-7180

2901 North Heritage Street
Kinston, NC 28501
Fax: (252) 523-3262

PO Box 369
Beulaville, NC 28518
Fax: (910) 298-7180

TO: Mike Jarman
Lenoir County Manager

FROM: Ken Jones
Eastpointe CEO

DATE: April 25, 2012

RE: Appointment of New Board Members

Effective June 30, 2012, the terms of all Eastpointe current Board members will end. During the next month it will be important for the Lenoir County Board of Commissioners to identify two (2) individuals to serve on the new Eastpointe LME/MCO Board of Directors. Please send your letters of appointment for the Lenoir County representatives to the Eastpointe Goldsboro address shown above. If you have any questions concerning this request, please give me a call at 919-587-0377 or 910-290-2518. Thank you.

Kenneth E. Jones, MPA
Area Director/CEO

An Equal Opportunity/Affirmative Action Employer

Lee Smith
Board Chairman

"Renewing the mind, restoring the spirit"

www.eastpointe.net

From: "Eric S. Rouse" <eric@ericrouse.com>
To: <mjarman@co.lenoir.nc.us>
Subject: **FW: Scan Image**
Date sent: **Wed, 25 Apr 2012 08:09:30 -0400**

Please forward to the commission the attachment. Eastpointe received more than any other agency in the state for homeless assistance.

Also we will need to fill/appoint two positions to the new Eastpointe Board. The commission will need to give some thought as to whether they would like a commissioner to continue as one of those representatives or select someone to serve for us?

Rita Hodges has indicated that she would like to continue to serve on the new board. She is a logical choice based on her experience and dedication. She has formally served as the previous board's chair and is always on top of what is transpiring. She would be my first choice. That leaves one position open to be filled by a commissioner or an appointee. I am assuming that if we appoint a commissioner I will continue to serve in that capacity unless someone else on the board would like it? If not then I think Emily Moore would be a good second. I have not contacted her yet, and will wait until after we make our decision if we go that route. Please let me know your thoughts on this?

One way or the other we will need to make a decision by the next commissioners meeting to ensure proper representation going forward.

Thanks,

Eric S. Rouse

Commissioner Lenoir County
District 2
eric@ericrouse.com
(252) 526-8876

-----Original Message-----

From: reception@tripler.com [<mailto:reception@tripler.com>]
Sent: Wednesday, April 25, 2012 7:53 AM
To: eric@modularsinc.com
Subject: Scan Image

KM-4050
[00:c0:ee:1e:b9:7d]



April 10, 2012

George W. Graham, Chairman
Lenoir County Chief Elected Official
419 Duggins Drive
Kinston, NC 28501

Dear Mr. Graham:

As you are aware, chief elected officials continue to have a central role in the administration of workforce investment activities. Specifically, chief elected officials are responsible for appointing members to the local Workforce Development Board to represent their counties' workforce needs.

We are requesting that the Lenoir County Board of Commissioners consider the reappointment Dr. Brantley Briley, President of Lenoir Community, whose term expires on June 30th to represent the **Education Sector** for a two-year term beginning July 1, 2012 and expiring June 30, 2014. Dr. Briley has been an active member of the Board since 2004 serving on the JobLink Chartering Committee and has agreed to serve another term.

Please feel free to call me at (252) 636-6901 if you have questions. Thank you for your support.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Tammy Childers'.

Tammy Childers
Executive Director

cc: Michael Jarman, County Manager
Dr. Brantley Briley

1341 South Glenburnie Road • New Bern, NC 28562
(252)636-6901 voice (252)638-3569 fax email: admin@ecwdb.org
An Equal Opportunity/Affirmative Action Employer