

MINUTES
LENOIR COUNTY BOARD OF COMMISSIONERS
July 21, 2008

The Lenoir County Board of Commissioners met in special session at 4:00 p.m. on Monday, July 20, 2008 in the Board of Commissioners Main Meeting Room in the Lenoir County Courthouse at 130 S. Queen St., Kinston, NC.

Members present: Chairman Paul Taylor; Vice-Chairman George Graham and Commissioners, Jackie Brown, Claude Davis, Earl Harper, Chris Humphrey and Claude Stroud.

Members absent: None

Also present were: Michael W. Jarman, County Manager; Tommy Hollowell, Assistant County Manager; Robert Griffin, County Attorney; Lashanda Aytch, Clerk to the Board; and members of the general public and the news media.

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

PUBLIC INFORMATION

Mr. Ken Jones, Director of Eastpointe Mental Health addressed the Board. Mr. Jones stated Eastpointe serves a population of 293,000 in Duplin, Sampson, Lenoir and Wayne Counties. Eastpointe's role has changed from providing services to a manager of services. Eastpointe has 100 service providers and monitors them very closely. Lenoir County has allocated \$246,342 to Eastpointe; the break down of funds are as follows: Medical Administration \$30,000 servicing 3,000 clients for medication, Medical doctor \$100,000, Indigent Care \$26,342, Transportation for clients \$20,000, Day Reporting Center \$20,000, and Family Drug Court \$50,000. Eastpointe's total budget is \$21,354,119. Eastpointe has received a Housing Grant for Lenoir County in the amount of \$385,000; the grant will provide shelter for up to 12 families. \$150,000 has been budgeted for a walk-in crisis center for Lenoir County. Mr. Jones concluded his presentation by reviewing pie charts and other month to month data. Mr. Jones thanked the Eastpointe Board members for their service to the clients and the community. The Board thanked Mr. Jones for his presentation.

ITEMS FOR THE COUNTY MANAGER

Item No. 2 was Items from the County Manager. Mr. Jarman stated the junkyard issues affecting Lenoir County will be discussed at the August 4th meeting. A letter was addressed from the Lenoir County SPCA, Inc. Mr. Jarman stated funding was increased for FY 08-09 for the SPCA. The SPCA requested the City/County donate the building to the organization (the building is jointly owned by the City and the County). SPCA would like to own the building in order to do renovations, donations would be more widely received if the SPCA owned the building. Management's concern regarding the request is possible future breakdown of service; which leaves the County responsible for providing the service and a facility. The SPCA has now requested to utilize a 99-year lease of the property. This compromise would effectively provide the SPCA long-term ownership of the facility but allows the governments to regain ownership if the SPCA defaulted on the lease. This option would be a lower cost to the taxpayers and could provide better service to the taxpayers of Lenoir County. Mr. Harper stated that a shorter lease agreement should be considered due to the proximity of the facility to the North Carolina Global Transpark; the land may be needed in the future by the TransPark for future industry. The Board gave the go ahead to draft a lease agreement. A letter from a concerned citizen regarding the City's Pitt Bull Ordinance in Lenoir County was reviewed. A voting delegate for the NCACC Annual Conference must be chosen. The conference will be held August 21-24, 2008. Upon a motion by Mr. Harper and a second by Mr. Stroud, Ms. Brown was chosen as the voting delegate. The Kinston Board of Realtors has invited the Board to their annual Christmas banquet on December 12, 2008.

CONSENT AGENDA

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

- 3. Approval of Minutes: Regular Board Meeting: June 16, 2008 Aytch/Jarman
Special Board Meeting: June 20, 2008
- 4. Resolution Approving the Releases and Refunds to the Individuals Listed Herein Parrish/Martin
- 5. Budget Ordinance Amendment: General Fund: Emergency Management: \$10,000: Dail/Martin
Increase

PUBLIC HEARING

Item No. 6A was a Public Hearing Regarding the Edward Byrne Justice Assistance Grant: FY08-09. The Board opened the public hearing at 4:30 p.m. Major Chris Hill addressed the Board. Mr. Hill stated The Sheriff's Office is expected to receive \$5,396 from the JAG. With these funds the Sheriff intends to purchase (8) Smith & Wesson MP15 rifles. JAG funding will be combined with asset forfeiture funds to complete the purchase. Each rifle has been quoted at \$805. These rifles will be distributed to qualified patrol officers so that each shift has two rifles. The rifles fire a .223 bullet capable of neutralizing a threat at several hundred yards. This type of firepower provides patrol officers with firepower that meets or exceeds the weapons carried by the criminal element. There were no comments made by the public. The public hearing closed at 4:31 p.m.

Item No. 6B was a Resolution Approving Proposed Expenditure of Edward Byrne Memorial Justice Assistance Grant Funds. Upon a motion by Mr. Stroud and second by Mr. Harper, Item No. 6B was unanimously approved.

Item No. 6C was a Resolution Approving the Transfer of Ownership of a Bloodhound. Sheriff Smith stated the bloodhound "Alley" came from a non-profit organization free of charge to the taxpayers. Alley is currently 11 years of age and has been used on a variety of cases such as fleeing criminals and missing children. Alley is currently assigned to Detective Wayne Heath. Detective Wayne Heath has informed the Sheriff that Alley is non-functional in that the animal no longer possesses the drive to work because of her age. The bloodhound is now considered retired as a result. Detective Heath has indicated that he would take possession of the animal and care for it until the animal expires. The Sheriff respectfully requests that the commissioners transfer ownership of the bloodhound to Detective Wayne Heath who will care for the animal until it expires. Upon a motion by Mr. Harper and second by Ms. Brown, Item No. 6C was unanimously approved.

Item No. 6D was a Resolution Approving Purchase of the Nartest Instrument: \$38,000. Sheriff Smith stated the North Carolina State Bureau of Investigation has traditionally carried out Narcotics testing. Over the past few years the return rate for analyzed narcotics has slowed considerably, which inevitably delays these cases for trial. In many instances, the defendants are held in jail until the narcotics were tested, aggravating the issue of an overcrowded jail. The Nartest instrument uses spectrum analysis to determine the identity of a narcotic. Two officers from the Sheriffs Office have been trained on the use of the instrument and are able to analyze narcotics in 20 minutes as opposed to 4 to 6 months. Nartest was introduced to Lenoir County in 2007 and was provided without cost for the first year. Since April 2007 there have been 85 drug tests conducted. Many of these cases have been disposed of because the suspected narcotics have already been tested using the Nartest instrument. The cost of the Nartest instrument is \$30,000 and \$8,000 for annual calibration, maintenance, and rectification for the two analysts. The funds for the Nartest were appropriated in the 2008-2009 fiscal budget. Upon a motion by Mr. Harper and second by Mr. Stroud, Item No. 6D was unanimously approved.

Item No. 7A was Public Hearing: Proposed Rural Operating Assistance Program (ROAP) Applications. Upon a motion by Mr. Taylor and a second by Mr. Harper the Board opened the public hearing at 4:35 p.m. Ms. Sue Powell, Transit Director, addressed the Board. Ms. Powell stated the public hearing is required by state law to allow citizens and agencies the opportunity to provide input regarding the allocation of ROAP funds. An application must be submitted to the North Carolina Department of Transportation/Public Transportation Division in order to receive funding. The County is the only eligible applicant for ROAP funds. Once received, the county is responsible for disbursing the funds and making any sub-allocation determination for such funds at the local level. There were no comments made by the public. Upon a motion by Mr. Taylor and a second by Mr. Harper the public hearing closed at 4:38 p.m.

Item No. 7B was a Resolution Approving the Rural Operating Assistance Program (ROAP) Elderly Disabled Transportation Assistance Program (EDTAP) \$54,076: Supplemental EDTAP Funding \$31,749: Employment Transportation Assistance Program (EMP) \$10,278: Supplemental EMP \$8,223: Rural General Public (RGP) Funding \$57,392: Supplemental RGP Funding \$30,100: Totaling \$191,818. Upon a motion by Mr. Humphrey and a second by Ms. Brown, Item No. 7B was unanimously approved.

Item No. 7C was a Resolution Approving the Transportation Department Request to Increase the Rural General Public Transportation Program Ticket Price, Loop Fares, and the Transit System's Mileage Surcharge Amount. Mr. Bryan stated the primary revenue source for LCT's administrative/operating/capital budget is through grant awards from the N. C. Department of Transportation/Public Transportation Division (DOT/PTD). All such grants require a local match of 15% for administrative/operating, 10% for capital and a minimum of 10% of the fully allocated cost associated with the RGP program. Revenue sources contributing to the local match are RGP ticket sales, Loop Fares, Surcharge, Mobile Advertising, and the sale of Disposed Vehicles. (LCT's fund balance primary revenue source is the \$.04 per mile surcharge charged to agencies using the transit system.) Historically, the surcharge and sale of Disposed Vehicles were implemented to provide the necessary 10% local match for capital as the fleet of vehicles aged. At its July 15, 2008 board meeting, the Lenoir County Transit Advisory Board voted to approve the following recommendations in transit fees/charges subject to the approval of the Lenoir County Board of Commissioners:

- 1) Due to the increase cost and demand associated with the County's sponsored Rural General Public Transportation Program, the transit advisory board recommended increasing the price of the RGP ticket from \$2.50 to \$3.00 effective August 1, 2008.
- 2) An increase of two cents (\$.02) per mile in the surcharge amount charged to agencies from \$.04 to \$.06 per mile for transportation services rendered on and after August 1, 2008. The surcharge collected will be used to offset part of the local match that is required by DOT/PTD for administrative/operating/capital expenditures.
- 3) An increase in Loop Fare from \$1.00 to \$1.50 for the General Public and from \$.50 to \$1.00 for the Senior Citizens to help offset cost to operate the loop and gas that is used to utilize the vehicle.

Upon a motion by Ms. Brown and a second by Mr. Humphrey, Item No. 7C was unanimously approved.

Item No. 8 was a Budget Ordinance Amendment: General/Capital Reserve Fund: Finance: \$538,382: Decrease. Mr. Tommy Hollowell, Finance Director, addressed the Board. The Amendment decreases the budgeted amount of Series 2008 School Bond Interest Payments for FY 08-09. This amount was appropriated from the Fund Balance of the Capital Reserve Fund to be used for school bond debt service. The exact amount of the payment was not known at the time the budget was adopted. Upon a motion by Mr. Harper and a second by Ms. Brown, Item No. 8 was unanimously approved.

Item No. 9A was an Authorizing Resolution by Governing Body of the Applicant: NC Economic Infrastructure Program. Mr. Jarman stated the North Carolina General Assembly passed House Bill 1352 authorizing the making of grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collections systems, and water supply systems, that will result in job creation. Lenoir County has need for and intends to construct a publicly-owned water supply and distribution system project, described as the Highway 70 West Industrial Park-2008 Water Improvements Project. Lenoir County intends to request grant assistance from the Economic Infrastructure Grants Program for the project. Approval of the resolution allows Lenoir County to arrange financing for all remaining costs of the project, if approved for a grant. The City of Kinston will provide for efficient operations and maintenance of the project on completion of construction thereof. Michael W. Jarman, County Manager, and successors so titled, is hereby authorized and directed to furnish such information as the Rural Center may request in connection and such application or the project, to make the assurances as contained above; and to execute such other documents as may be required in connection with the application. Lenoir County has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto. Upon a motion by Ms. Brown and a second by Mr. Stroud, Item No. 9A was unanimously approved.

Item No. 9B was a Budget Ordinance Amendment: Community Development Block Grant: Hwy. 70 Industrial Park Water Project: \$551,268: Increase. The Amendment establishes the Hwy. 70 Industrial Park Water Project. This will use Rural Center Funds, Community Development Block Grant Funds and a Local Match of 5% of the Total Project. Item No. 9B was tabled for further information.

Item No. 10 was a Proclamation Honoring Social Service Employees. Mr. Ken Crossno, Business Officer of the Department of Social Services, addressed the Board. Mr. Crossno invited the Lenoir County Commissioners to attend the Department picnic on Wednesday, July 30, 2008 at the Cooperative Extension Office from 11:30 a.m. to 1:30 p.m. Mr. Taylor read the Proclamation aloud for the Board and the viewing public. Upon a motion by Mr. Harper and a second by Ms. Brown, Item No. 10 was unanimously approved.

Item No. 11 was a Resolution Authorizing Approval and Execution of Lease Agreement: Eastpointe: \$100,000: Annually. Mr. Hollowell stated Lenoir County owns the land and building located at 2901 N. Heritage Street, Kinston, N.C. that has been the home for mental health services in Lenoir County for a number of years. Eastpointe provides mental health services to the citizens of Lenoir County. In an effort to provide a central location for service providers who offer mental health services to the citizens of Lenoir County, Eastpointe wishes to lease the mental health facility from the County of Lenoir. Approval of this lease agreement will provide Eastpointe with a well-known, established location to offer their services to the citizens of Lenoir County and assure the County that the building will only be used as a mental health facility for years to come. Upon a motion by Ms. Brown and a second by Mr. Stroud, Item No. 11 was unanimously approved.

Item No. 12 was a Resolution Approving Mileage Reimbursement for County Employees from \$.505 to \$.585 Per Mile Effective July 1, 2008. The current rate of mileage reimbursement, \$.505 was implemented in January 2008 when prices were approximately \$3.10 for a gallon of regular gas. Today, however, the price of regular gas is approximately \$4.05 per gallon. Many County Employees are required to use their personal vehicles for County Government work and our employees have been adversely affected by the ever-increasing price of gas. Increasing the mileage rate will lessen the burden of increased gas prices on County Employees who are required to use their personal vehicles in the delivery of County Government Services. This will require no additional funding requests for Fiscal Year 08-09. Upon a motion by Ms. Brown and a second by Mr. Mr. Harper, Item No. 12 was unanimously approved.

Item No. 13A was a Resolution Authorizing FY 08-09 Purchase Orders for the Board of Elections: \$24,926. Ms. Dana King, Elections Director, addressed the Board. Ms. King stated PrintElect provides the Board of Elections with printed ballots. Freedom ENC/Kinston Free Press and Weekly Gazette advertise annually for the Board of Elections. A. G. Smith Concrete is responsible for cleaning the office. Executive Leasing provides copier service. Corporate Resources provides office supplies. Upon a motion by Mr. Graham and a second by Ms. Brown, Item No. 13A was unanimously approved.

Item No. 13B was a Resolution Authorizing FY 08-09 Purchase Orders for Board of Elections: Software and Maintenance: \$52,700. Ms. King stated Elections Systems & Software provides the Board of Elections with a contract on Voting Equipment. Software – License for Programming and Election Night Reporting Hardware – Maintenance Agreement to keep up the maintenance and upgrades on 145 iVotronic Machines and 2 M100 Machines. Upon a motion by Ms. Brown and a second by Mr. Stroud, Item No. 13B was unanimously approved.

Item No. 14 was a Resolution Authorizing the Approval FY 08-09 Expenditure of Supplies – R. L. Ballard & Associates: \$5,000. Ms. Margaret Seymour, Register of Deeds Director, addressed the Board. Ms. Seymour stated This line item expenditure is to allow the Register of Deeds to continue to purchase binders/supplies, etc, as needed in order to maintain records in a neat and orderly fashion for the public to be able to review these records as requested. If the amount actually spent is less than \$5,000 then the purchase order will be reduced. Upon a motion by Ms. Brown and a second by Mr. Stroud, Item No. 14 was unanimously approved.

Item No. 15 was a Resolution in Support of Reliance Industries, USA to Locate a Manufacturing Facility in Lenoir County, North Carolina. Mr. Jarman stated the Reliance is working with the North Carolina Department of Transportation to get rail service improved. No county funding is involved. Upon a motion by Mr. Harper and a second by Mr. Graham, Item No. 15 was unanimously approved.

Item No. 16 was a Resolution Requesting the Lenoir County Health Department to Impose Fees for Services Based on Approved Medicaid Rates Effective July 1, 2008-June 30, 2009. Mr. Joey Huff, Health Director addressed the Board. Mr. Huff stated The N.C. Medicaid Program revised rates for services effective July 1, 2008. The program requires that local fees must match or exceed the approved Medicaid rates. Therefore, local fees have to be adjusted to accommodate this requirement. Local fees are higher to absorb subsequent Medicaid rate increases that go into effect after July 1, 2008 and reflect actual costs of providing the services. The approval of revised health department fees for services will bring the department in line with approved Medicaid rates and, therefore, maintain the department's compliance with Medicaid requirements. Local fees charged to non-Medicaid patients are based on a sliding fee scale, which discounts the actual charge. Upon a motion by Mr. Stroud and a second by Mr. Humphrey, Item No. 16 was unanimously approved.

Item No. 17A was a Resolution Approving a Lease Agreement with CopyPro for Emergency Services Department: CopyPro: \$9,480. Mr. Roger Dail, Emergency Services Director, addressed the Board. Mr. Dail stated Lenoir County Emergency Services requires the use of a copy machine/printer/scanner on a daily basis for the four (4) divisions that operate within the department. Emergency Services began the lease with Copypro in 2005. It has been determined with the copier/printer/scanner machine, the department will be able to file and store documents electronically. With the Copypro/Executive Leasing, EMS will be enabled to store documents electronically on the current server Lenoir County has already purchased. Upon a motion by Mr. Stroud and a second by Ms. Brown, Item No. 17A was unanimously approved.

Item No. 17B was a Resolution Approving Service Contract for Physio-Control Defibrillators: \$10,800. Mr. Dail stated In July 2007, eight (8) Zoll Defibrillators were purchased for EMS. These defibrillators were purchased on state contract and have bi-phasic technology. With these defibrillators, blood pressure, temperature, cardiac monitoring as well as shock treatment during cardiac arrest can be administered. The maintenance plan also includes the required calibration for these units. County staff has evaluated contracts and due to the sensitive nature of the equipment it requires continuous maintenance. County staff feels that a maintenance contract with this company should be approved. Upon a motion by Mr. Harper and a second by Ms. Brown, Item No. 17B was unanimously approved.

Item No. 17C was a Resolution Approving Resolution Authorizing the Governing Body of any Municipality/Township in the County of Lenoir to Issue Permits for Pyrotechnics to be Exhibited Used or Discharged Within the Corporate Limits. Mr. Dail stated Past North Carolina General Statutes stated that Commissioners must approve all firework exhibitions in that county. In 2007, the legislation was amended-North Carolina General Statutes 14-413, to allow the Board of Commissioners to authorize the governing body of any city to issue permits for the use of pyrotechnics. Upon a motion by Mr. Harper and a second by Ms. Brown, Item No. 17C was unanimously approved.

Item No. 17D Resolution: Approval by the Lenoir County Board of Commissioners of Tax-Exempt Loan to Volunteer Fire Department by First Citizens Bank and Trust Company. Mr. Dail stated North Lenoir Volunteer Fire Department has applied for a low interest loan for the purchase of a used fire truck through First Citizens Bank. The current tanker is over 20 years old and will be sold to the public. Mr. Graham voiced his concerns about NLVFD falling through on the loan and the responsibility falling back on the county. Upon a motion by Mr. Humphrey and a second by Mr. Graham, Item No. 17D was unanimously approved.

Item No. 17E was a Resolution Authorizing the City of Kinston Fire Division and the City of Kinston Inspections Department to Inspect Lenoir County School Buildings Located within the Corporate City Limits and Authorizes the Lenoir County Fire Marshal or Representative to Conduct Fire Inspections of any Commercial Buildings Located within the Extra-Territorial Jurisdictions. Mr. Dail stated according to General Statutes, 115C-525(b)(2), the Board of Commissioners shall designate the persons to conduct the fire and electrical inspections in the public schools. Lenoir County Board of Commissioners had appointed the county fire marshal and electrical inspector to conduct the fire and electrical inspections. Staff has met with a representative of the City of Kinston, and both parties agree that for the knowledge and safety of our responders, that fire and electrical inspections should be done with regards to response jurisdictions, e.g. buildings located within the city of Kinston, Kinston Fire Division would respond. Anything outside the corporate limits, county fire departments would respond. Upon a motion by Ms. Brown and a second by Mr. Stroud, Item No. 17E was unanimously approved.

Item No. 18A was a Resolution Approving Engineering Services Agreement: Municipal Engineering Services Company, Inc.: NTE \$225,000. Mr. Hollowell stated the existing MSW landfill cell was constructed in 2003 with a five (5) year life expectancy. The estimated remaining life of this cell is approximately two (2) years. The permitting process for a new cell is approximately one (1) year and the construction of a new cell will take approximately one (1) year after the necessary permits are issued by the State; therefore, the permitting process needs to begin now. Municipal Engineering Services Company, Inc. has worked with Lenoir County for many years, fairly exclusively as the "landfill engineer" and continues to provide engineering services to the County for the operation and monitoring of the entire landfill facility. Approval of this resolution will allow Municipal Engineering Services Company, Inc. to obtain, in a timely manner, the necessary environmental permits for the construction of Phase 3 (currently shown on Facility Plan as Phase 2) so that the landfill may continue to operate and grow in an efficient and responsible manner. It is on

eight (8) acres of the existing landfill. Upon a motion by Mr. Stroud and a second by Ms. Brown, Item No. 18A was unanimously approved.

Item No. 18B was a Budget Ordinance Amendment: Solid Waste: Landfill: \$225,000: Increase. The Amendment appropriates funds from the Fund Balance of the Solid Waste Fund for Engineering Services of Municipal Engineering to obtain the necessary environmental permits for the construction of Phase 3 Landfill Cell at the Lenoir County Landfill Facility. Upon a motion by Mr. Graham and a second by Mr. Stroud, Item No. 18B was unanimously approved.

Item No. 18C was a Resolution Authorizing Repair of Terex TA25 Articulated Off-Road Truck: Carraway Truck & Equipment Service: NTE \$22,500. The Terex TA25 articulated off-road truck owned by the landfill is in need of a major overhaul to the engine and brake system. The landfill director investigated replacement with a similar unit or repair to the existing truck. It was determined that engine replacement and an overhaul of the brake system was the most cost effective plan to get the unit back into service in reliable and safe operating condition. Carraway Truck & Equipment Service offered the best proposal to the County to perform the repairs needed. Carraway Truck & Equipment Service has performed major repairs in a timely and professional manner on other heavy equipment owned by the landfill. Approval of this resolution will allow for the encumbrance of funds and payment upon completion of the repairs to the truck. Upon a motion by Mr. Stroud and a second by Mr. Humphrey, Item No. 18C was unanimously approved.

Item No. 19 was a Resolution Approving Request for Abandonment from State Maintained Secondary Road System: SR 1512 Fields Dead End Road. Ms. Ann Paul has requested that NCDOT abandon the last 360' of this road. The NCDOT has no objections with to the request since it is a dead end dirt road and the abandonment stops at her property line. Upon a motion by Mr. Harper and a second by Mr. Stroud, Item No. 19 was unanimously approved.

Item No. 20 was a Resolution Approving Request for Addition to State Maintained Secondary Road System: Erwin Hills Drive and Laurel Ridge Lane in Erwin Hills Subdivision. NCDOT would like to add the roads to the Secondary Road Improvement System. Upon a motion by Mr. Harper and a second by Mr. Stroud, Item No. 20 was unanimously approved.

Item No. 21 was a Resolution Appointing Citizens to Boards, Commissions, Etc. The following reflects existing vacancies and appointments.

<u>BOARD/COMMITTEE/COMMISSION</u>	<u>APPLICANT/ CURRENT MEMBER</u>	<u>TERM EXPIRATION</u>
Kinston Lenoir County Tourism Development Authority 2nd Appearance	Ken Elbertson (Re-Appointment)	June 2011 M: Brown S: Davis
Lenoir County Transit Advisory Board 1st Appearance	Lorraine K. Smith	December 2008
Nursing Home Community Advisory Committee 1st Appearance	Faye Smith	July 2011
Juvenile Crime Prevention Council 1st Appearance	Corey Lawson	June 2010
Regional Aging Advisory Committee (RAAC) 1st Appearance	Audrey Tyson	July 2011