LENOIR COUNTY BOARD OF COMMISSIONERS REGULAR MEETING: AGENDA
MONDAY, AUGUST 2, 2010 – 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: Ms. Jan Coley, Partnership Specialist for the 2010 Census
Mr. Jim McLain regarding Kinston Elks Lodge #740

1. **Items from Chairman/Commissioners: 10 Min.** — Board
Resolution of the Lenoir County Board of Commissioners in Support of the State of Arizona Senate Bill 1070

2. **Items from County Manager: 5 Min.** — Jarman

CONSENT AGENDA: 10 Min. — **ACTION**

3. Approval of Minutes: Regular Board Meeting: July 19, 2010 — Hall/Jarman
4. Resolution Approving the Releases and Refunds to the Individuals Listed Herein — Parrish/Martin
5. Budget Ordinance Amendment: General Fund: Process Funds: $1,796.10: Increase — Jarman/Martin

END OF CONSENT AGENDA

PUBLIC HEARING: JAIL – TO BE RESCHEDULED — Board

BUDGET ORDINANCE AMENDMENTS/ RESOLUTIONS: 25 Min.

6. **A.** Resolution Awarding Contract for Construction of a Natural Gas Transmission Pipeline to Sanderson Farms, Inc. and the Hwy. 70 West Industrial Park: A & B Trenching Company: $2,288,857 — Pope/Martin
   B. Budget Ordinance Amendment: Capital Projects Fund: Sanderson Gas Line Project: $1,000,000: Increase
   C. Budget Ordinance Amendment: Capital Projects Fund: Sanderson Gas Line Project: $1,634,366.37: Increase
   D. Resolution Approving Two Deeds of Easement for Utilities Between Lenoir County and The City of Kinston/Progress Energy for Sanderson Farms Hatchery Site
   E. Resolution to Select Contractor for the Construction of the Natural Gas Transmission Pipeline to Sanderson Farms, Inc. in Lenoir County
7. Budget Ordinance Amendment: General Fund: Process Funds: $18,557: Decrease — Jarman/Martin
8. Budget Ordinance Amendment: General Fund: DSS: $4,281: Increase — Jones/Martin
9. Budget Ordinance Amendment: General Fund: Process Funds: $9,091.64: Increase — Jarman/Martin
10. Budget Ordinance Amendment: General Fund: Finance/Sheriff Dept.: $12,250: Increase — Jarman/Martin
11. Budget Ordinance Amendment: General Fund: Finance/Sheriff: $71,091.75: Increase — Jarman/Martin
12. Resolution Approving Presentation of Badge and Service Weapon to Retiring Lieutenant Timothy Chase — Smith/Martin

13. **A.** Budget Ordinance Amendment: Transportation: Administration/ARRA: $369,822: Increase — Bryan/Martin
    B. Resolution to Approve Declaring Three (3) Lenoir County Transit Vehicles as Surplus Vehicles
    C. Resolution Approving the Operator's Manual for Lenoir County Transit Drivers

14. Budget Ordinance Amendment: Capital Improvements: Finance: $1,225,595: Increase — Jarman/Martin

15. **A.** Letter re: Annual Settlement of Property Taxes Collected for FY 09-10 — Parrish/Martin
    B. Resolution Approving 2009-2010 Tax Collectors Annual Settlement
    C. Report of Insolvents
    D. Resolution Approving Insolvent Personal Property Tax List

16. **A.** Resolution Authorizing HIV Social Worker Contract — Huff/Jarman
    B. Budget Ordinance Amendment: General Fund: Health (HIV Social Worker Grant): $36,908
    C. Resolution Authorizing the Lenoir County Health Department to Purchase Equipment Using Building Maintenance Funds: Ed Phillips, Inc. $3,478

17. Resolution Approving the Expansion of Hugo Fire District to Include the Former Grifton Community Fire District — Dail/Martin

APPOINTMENTS: 5 Min.

18. Resolution Approving Citizens to Boards, Commissions, Etc. **5 Min.** — Hall

OTHER ITEMS: 10 Min.

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

A FRATERNAL ORGANIZATION

Kinston Elks Lodge No. 740

BENEVOLENT AND PROTECTIVE ORDER OF ELKS

P.O. Box 2496
Kinston, NC 28502
(252) 527-3111

RECEIVED
JUL 20 2010
Lenoir County
County Manager's Office

July 18, 2010

Mr. Mike Jarman
County Manager
Po Box 3289
Kinston, NC 28502

Dear Mr. Jarman:

I am sorry I missed you at the STEM check presentation on July 8. I would like to address the County Commissioners meeting at the next meeting regarding the Kinston Elks Lodge #740. I was watching the County Commissioners meeting on TV a couple weeks ago and I noticed that some street closings were requested by groups to hold an event downtown. I was thinking maybe the only way that we can get the word out on information about the Benevolent Protective Order of Elks is addressing the County Commissioners meeting. The Elks have a variety of programs geared toward youths and veterans and would like to be involved with a number of groups in town. As an example, the North Carolina Elks has a drug prevention awareness trailer with many brochures to be handed out to our citizens, free of charge. We were fortunate enough to be invited to bring our drug prevention trailer to the Boy and Cub Scout Jamboree held in April. The response we received from the scout masters and the scouts was overwhelmingly positive. Since the Jamboree, this trailer has been parked in a member's field, waiting for another event. While watching the County Commissioners meeting, it came to me that we can utilize the drug prevention trailer as often as possible, by partnering with other groups and activities held in the county. We would like to be invited to various activities the county offers, where we can inform citizens of the many programs the Elks has to offer.

The North Carolina Elks Association has two drug prevention trailers to be used by lodges for public events. I would like to discuss the many tools the Elks have to offer to the citizens of Kinston and Lenoir County at an upcoming County Commissioners meeting. As you know, the Elks lodge is located in downtown Kinston. I would come prepared with various materials and pictures of our drug prevention trailer and explain what the Kinston Elks may do for the citizens of Kinston and Lenoir County.

I have been in contact with Chairman Graham on what the Elks do for veterans nationwide and how we can work together when the new Veterans Home is built in Kinston. I look forward to hearing from you on the next step in communicating with the County Commissioners. Please contact me at home 527-6058.

Sincerely,

Jim McLain

Exalted Ruler

c: Chairman Graham

Item NO. 1

A RESOLUTION OF THE

LENOIR COUNTY BOARD OF COMMISSIONERS

IN SUPPORT OF THE STATE OF ARIZONA SENATE BILL 1070

WHEREAS, on April 23, 2010, the Governor of Arizona signed Senate Bill 1070, which creates sweeping changes into how that State handles illegal immigration within its boundaries; and

WHEREAS, the intent of Senate Bill 1070 is to allow local enforcement of federal immigration laws and to protect the civil rights of our citizens and legal residents; and

WHEREAS, the safety and security of our citizens is first and foremost the responsibility of our government, in whatever capacity and at all levels, to protect our citizens from those persons gaining illegal entry into our great country; and

WHEREAS, little progress has been made nationally to curtail illegal aliens from entering into the United States.

NOW, THEREFORE, BE IT RESOLVED, that the Lenoir County Board of Commissioners fully supports the State of Arizona's Senate Bill 1070 and applauds it for taking action on a grossly overlooked issue that continues to create monumental problems and financial burdens for all legal residents of the United States of America.

BE IT FURTHER RESOLVED that the Lenoir County Board of Commissioners invites the other ninety-nine counties and the NC Association of County Commissioners to join it in supporting Arizona Senate Bill 1070 by sending a resolution of support to the North Carolina General Assembly.

BE IT FURTHER RESOLVED that the Lenoir County Board of Commissioners requests and supports the creation and adoption by the North Carolina General Assembly of a bill identical to Arizona Senate Bill 1070.

ADOPTED this the 2nd day of August, 2010.

LENOIR COUNTY

_____

George W. Graham, Jr., Chairman

ATTEST:

_____

Lashanda Aytch, Clerk to the Board

From: **Chris Humphrey <allstateman@gmail.com>**
Date sent: **Wed, 21 Jul 2010 22:18:29 -0400**
Subject: **Lenoir County Resolution Supporting Arizona Law**
To: **mjarman@co.lenoir.nc.us**
Copies to: **Tommy Pharo <tpharo@suddenlink.net>**

Mike,

Commissioner Pharo and I would like to introduce this resolution in support of the Arizona Immigration Law that was recently passed. New Hanover County Commissioners recently passed a similar resolution. Please place on our August 2, 2010 meeting for the board's consideration and discussion. I will email a copy of the Arizona bill in a separate email

Best regards,

-

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Chris Humphrey

www.ChrisHumphrey.biz
www.facebook.com/Chris.Humphrey.NC

Item No. 2

TO: **Chairman and Members of the Board**

FROM: **Mike Jarman, County Manager**

DATE: **August 2, 2010**

SUBJECT: **Items of Interest**

1. Minutes: Lenoir County Planning Board: April 22, 2010

2. Cancel Public Hearing for Jail; Update on Jail

3. Memorandum from NCACC

County of Lenoir

P.O. Box 3289
101 North Queen Street
Kinston, North Carolina 28502
Telephone 252-559-2260
Planning & Inspections Department

LENOIR COUNTY PLANNING BOARD
APRIL 22, 2010
MINUTES

Regular Meeting
April 22, 2010

Members Present:
Eric Rouse-Chairman District 5
C.L. Braxton-District 3
Russell Hill-Alternate-1
Derrick Carter-At-Large

Members Absent:
Harry Edwards-District 6
Ashley Jarman-Vice-Chairman District 2

1. Call Meeting to Order:

Planning Board Chairman Mr. Eric Rouse called the meeting to order at approximately 6:10 P.M. and Mr. Rouse also provided the Invocation.

2. Approval of Minutes:

July 17, 2008 and January 21, 2010: Lenoir County Planning Board Member Mr. C. L. Braxton made a motion to accept the minutes as written and Board Member Mr. Russell Hill seconded the motion. The vote was unanimous to approve the July 17, 2008 and January 21, 2010 minutes as written.

3. **Discussion and Decision on SUP-10-001 :** is an application requesting the use of a *Manufactured Home Park* as listed in the Lenoir County Zoning Ordinance, specifically for use as three or more single-family housing spaces to be occupied for dwelling purposes. The proposed location of the subject property is on the south side of Gray Branch Church Rd, approximately 400 ft east of intersection with Eric Sparrow Rd. and is situated in Trent Township. The property contains approximately 5.0 acres total. The subject property, which is located within the unincorporated jurisdictional limits of Lenoir County, has a current zoning designation of Rural. The current use of the property is vacant/wooded.

Planning Board Chairman Mr. Eric Rouse asked if anyone wished to speak to the Board regarding this issue. Members of the audience who wished to speak, along with the County staff approached and Chairman Rouse administered the Oath.

Mr. Wayland Humphrey, Lenoir County Planning Assistant, presented the staff report for case # **SUP-10-001** to the Board. He stated according to the Official Zoning Map of Lenoir County, dated October 2, 2004, the entire property is zoned Rural "R". The current use of the property is wooded/vacant and is in proximity to residential development and agriculture property. He advised the Board that the property is located in an area designated as a **"Rural Transition Area"** as shown on the Lenoir County Future Land Use Map, dated July 1, 2004. Mr. Humphrey advised the purpose of the **"Rural Transition Area"** classification is to designate areas for lower intensity development in areas where farming will remain an important element of the landscape. He stated the land in this area generally has few limitations for development. Typical development will include lower density residential subdivisions, manufactured home parks, clusters of homes on large lots, and supporting convenience-type commercial uses. He stated self-contained development, such as golf course retirement communities, is a desirable use in these areas. Mr. Humphrey stated that low intensity industrial and job generating uses are compatible with the purposes of the classification.

Mr. Humphrey proceeded to give the Board background information. He stated the property in question is vacant woodland and it is in proximity to residential development and agriculture property. Mr. Humphrey stated it is located along a public state road with access to NC Hwy 11 commercial corridor. He stated the Gray Branch FWB Church and cemetery are located adjacent to the property.

Mr. Humphrey stated through extensive investigation regarding this application, the Lenoir County Planning and Inspections Department has found that the application is consistent with the intent of the Lenoir County Future Land Use Plan regarding development within a Rural Transition Area. He stated the owner/developer has proposed the use of fence screening between adjacent developed properties. Mr. Humphrey stated the park development will be subject to the Manufactured Housing Park Ordinance of Lenoir County and a driveway permit will be obtained from NCDOT for access to the property. Chairman Rouse asked had there been any comment from adjacent landowners. Mr. Humphrey stated there had not been any calls or comments for or against SUP-**10-001.**

Mr. Jeffrey Deaver approached to address the Board. He stated he lived across the road from his parents and is trying to help them bring in extra income. Mr. Deaver stated he is only interested in putting one mobile home on the property right now and the most he would ever put there would be four.

Chairman Rouse asked Mr. Deaver if they would bring their own mobile home there or would he supply the home. Mr. Deaver stated either one but right now they were going to purchase a mobile home. Chairman Rouse asked if the church had approached him about erecting the fence and Mr. Deaver stated they had not. Mr. Deaver stated it was their idea from the beginning to erect the fence.

Mr. Humphrey advised the Board that the way Mr. Deaver had proposed the location of the fence the mobile home park would be isolated. Chairman Rouse asked Mr. Deaver if he was planning on having singlewide and doublewide mobile homes and Mr. Deaver stated singlewide homes only. Mr. Humphrey advised the Board that when he spoke with Ms. Deaver by phone she stated as much of the wooded area as possible would be left. Board Member Russell Hill asked if there was a sewer system in that area and Mr. Humphrey advised him there was not.

Chairman Rouse asked if anyone was here to represent Gray Branch FWB Church. Mr. Humphey advised the Board that one of the church members had talked with him and given him a letter concerning this issue but when they found out the exact location and that the Deaver family had requested it then they had no problem. He stated they did want the fence erected also.

Board Member Mr. Derrick Carter asked if the mobile homes would have to be underpinned and Mr. Humphrey that they would due to the Lenoir County Ordinance. Board Member Mr. C.L. Braxton asked Mr. Deaver what kind of fence he was proposing. Mr. Deaver stated something similar to a picket fence. He stated they wanted something that looks nice on both sides. Mr. Humphrey stated the property has been well maintained.

Mr. Humphrey stated the condition he would recommend to approving **SUP-10-001** would be that Mr. Deaver erect the fence on the side toward Gray Branch FWB Church and the other side optional. Mr. Humphrey advised the Board that this SUP would run with the property and not with the developer and advised Mr. Deaver that this permit would be null and void if work was not commenced within a year.

With no further questions or comments Chairman Rouse asked the members of the Board if they were ready to make a decision. Board Member Mr.C.L. Braxton made a motion to recommend to the Lenoir County Board of Commissioners approval of **SUP 10-001** with the condition that the fence toward Gray Branch Church be erected and the other side remain optional. The Board voted unanimously to approve **SUP 10-001** with that condition. Chairman Rouse seconded the motion. Chairman Rouse stated the motion was carried.

4. **New Public Road Names:** The Planning Board will receive comments regarding new road names for recommendation to the Lenoir County Board of Commissioners. Two new roads at the Global Transpark and the one new road created by the permanent closing of the north end of Daly Waldrop Rd. due to construction of a new section of C.F. Harvey Pkwy. Mr. Humphrey advised the Board that the final approval of the new road names would come from the Lenoir County Board of Commissioners. He stated that this issue would be a public hearing to hear comments and recommendations. Two members of the audience, Mr. Lester Gray and Mr. Stan Hardison, expressed concerns regarding the changing of the road name involving Daly Waldrop Rd.

   Mr. Humphrey advised the gentlemen that the north end of Daly Waldrop Rd. has been closed. He stated this action has created a duplicate named road and it will be split by the Parkway and will not have any access in that area. Mr. Humphrey stated that the northern section has the least number of residences that would be affected by an address change. Chairman Rouse asked if the house numbers would change as well and Mr. Humphrey advised him that they would not change and he stated that he would guarantee that.

   Mr. Lester Gray and Mr. Stan Hardison expressed concern due to sentimental reasons. After a brief discussion two names were agreed upon. With no further questions or comments Board Member Mr. C.L. Braxton made a motion to recommend to the to Lenoir County Board of Commissioners the name **Waldrop Rd.** as a first choice and **Old Waldrop Rd.** as a second choice, with the same house numbers. Chairman Eric Rouse seconded the motion. The Board voted unanimously to recommend to the Lenoir County Board of Commissioners these two names with the same house numbers and Chairman Rouse stated the motion was carried.

   Mr. Humphrey advised the Board that the next road, Spirit, had already been addressed off of Aero-systems Blvd. He stated that they requested Spirit Way. Mr. Humphrey stated that they will be DOT roads. Board Member Mr.Russell Hill made a motion to accept the names Spirit Way and Aerosystems Blvd. Chairman Eric Rouse seconded the motion. The Board voted unanimously to recommend to the Lenoir County Board of Commissioners these two names and Chairman Rouse stated the motion was carried.

5. **Updates/Discussion**
   Mr. Humphrey stated there would not be a meeting for May 2010. Board Member Mr. C.L. Braxton advised Mr. Humphrey that he would like to recommend Mr. Frank White for the Lenoir County Planning Board Member. Mr. Wayland Humphrey advised the Board that Mr. Barry Seay has been approved by the Lenoir County Commissioners to serve on the Planning Board. He advised that Mr. Seay would serve in the At-Large position.

6. **Adjournment**

   There being no further business to discuss before the Lenoir County Planning Board Chairman Eric Rouse made a motion of adjournment. Member Mr. Russell Hill seconded the motion and the Board voted unanimously to adjourn at 7:00 P.M. It was announced that the next scheduled meeting date is Thursday, **June 18, 2010.**

NORTH CAROLINA
ASSOCIATION OF COUNTY COMMISSIONERS

Memorandum

To: County Managers, Finance Officers, Budget Directors

From: Rebecca Troutman, Intergovernmental Relations Director

Date: July 1, 2010

Subject: County Analysis of N.C. Adopted 2010-11 Budget

General Assembly uses $63 million in county lottery fund growth and county lottery funds for classroom teachers and college scholarships; allocates remaining lottery dollars on per pupil basis and allows counties to spend on classroom teachers; fully restores mental health funding cuts; requires online travel companies to remit sales and occupancy taxes on the full retail room price; recommends minor cuts to county budgets

For the first time in seven years, the General Assembly adopted a budget before the end of the current fiscal year when the Senate and House both gave final approval to the 2010-11 state budget on June 30. Governor Beverly Perdue signed it into law two hours after its ratification. **S897**, "Appropriations Act of 2010," reduces the second year of the biennium's budget by $600 million to just shy of $19 billion. No new revenue sources other than court fee increases are included, and the spending plan relies on an anticipated $519 million in enhanced federal Medicaid dollars yet to be enacted by Congress.

The General Assembly uses all of the projected growth in lottery sales for classroom teachers and scholarships, reducing the county's statutory 40 percent set aside of net lottery receipts for school construction to 25.8 percent. Based on higher lottery sales projections, the 40 percent with its growth would exceed $176.5 million; the General Assembly reduces the county appropriation in school construction lottery funds to $113.7 million. A special provision allows counties to authorize their local school administrative units to use all or part of the remaining county school construction lottery funds for classroom teachers (current statutory language limits these funds to school capital facility expenditures). LEAs must request use of the funds for classroom teachers, and if a county did allow lottery proceeds for classroom teachers, these funds could not supplant existing local current expense funding and would not count toward the charter school current expense allocation. The budget changes the county-by-county allocation to a straight per pupil basis. With 2009-10 lottery sales greatly exceeding appropriated levels, nearly $32 million in excess 2009-10 lottery revenues will go to those counties with effective tax rates below the statewide average. Any excess lottery revenues for 2010-11 above appropriated levels will be distributed to counties for school capital needs on a per pupil basis. The NCACC has posted the county-by-county estimates online at www.ncacc.org/documents/2010-11lotteryproceeds.pdf.

By using county lottery funds, the General Assembly leaves K-12's management flexibility cut at the $305 million already budgeted for 2010-11. A special provision effectuates the Senate's proposal to permit LEAs to furlough school employees with salaries in excess of $32,000 for a maximum of two days to manage the flexibility reduction (Sec. 29.1). The provision prevents counties that have LEAs that implement furloughs from supplanting existing local current expense funds and requires the LEA to hold a public hearing to disclose school finances before implementing the furlough. No furloughs are authorized for state employees outside of university personnel. State agency cuts are largely through line item reductions and the elimination of vacant positions.

S897 fully restores the $40 million in state-funded community mental health services and adds $9 million in additional investments in local in-patient bed capacity. Community colleges will receive $33 million in new equipment investments per COPS funding.

Budget conferees agreed with the Senate's proposal to require online travel companies such as Expedia.com and Hotel.com to collect and remit state and local sales and local occupancy taxes on the retail price of room rentals (Sec. 31.6).

To offset state revenue declines, the budget redirects for one year the grant program funds for the scrap tire and white goods reserves to the general fund (Sec. 2.2). Direct county allocations from the scrap tire and white goods taxes continue as statutorily required. Local beer and wine revenues are fully restored.

The budget contains a contingency plan should the $519 million in enhanced federal Medicaid funding not be realized by Jan. 1, 2011 (Sec.2.3). By order of priority (first taken, last restored), the state budget director will use disaster relief funds, unclaimed lottery prize money and excess receipts realized in 2009-10, other funds' interest, and the remaining General Fund availability. Next in line would be a reduction in Medicaid provider rates, use of some of the $150 million in rainy day reserves, a reduction in the state's retirement contribution ($139 million), and last but not least, a 1 percent across-the-board cut to state agencies ($177.5 million).

Budget conferees compromised on the governor's request to return environmental health services, such as food, lodging and septic inspections, from DENR to DHHS's Division of Public Health by calling for a study on the merger of these services (Sec. 13.2). The budget rejects the governor's proposal to make the jail and detention inspections program receipts-supported, which would have charged counties a $420 per facility plus a $17.50 per bed fee, for a total statewide charge of $417,533.

The budget includes no additional salary enhancements for teachers or state employees and rejects the governor's recommendation for four bonus vacation days for state employees. A special provision (Sec. 29.7) would allow local governments to supplement the salaries of non-elected judicial employees to "attract and retain the best qualified ... employees."

The revenue picture remains largely unchanged from April's revised consensus forecast between the General Assembly's Fiscal Research Division and the N.C. Office of State Budget and Management. Projected revenue growth contained in the second year of the biennium is lowered from 3.3 percent to 2.7 percent (historical growth averages nearly 6 percent). Baseline sales tax growth is reduced to a 1.5 percent increase, which is below the average growth rates but is a much welcome relief after two years of near double digit declines. The overall growth reduction, coupled with a lowered base going into the 2010-11 fiscal year, reduces revenue availability by roughly $700 million.

The budget includes Governor Perdue's North Carolina Mobility Fund (Sec. 28.7), but does not recommend the fee increases to support transportation funding. It redirects remaining funds from the Turnpike Authority in 2010-11 to seed the fund, and like the governor, would gradually redirect the Highway Fund's transfer to the general fund. The Yadkin River Bridge would be the first project completed under the mobility fund concept.

Conferees accepted the House's proposal to create the Joint Broadband Task Force to investigate last mile broadband deployment and review the best way to address the lack of broadband access (Sec. 6.18). The NCACC would have a representative on the task force.

The following highlights those expansion and reduction items of interest to counties. Direct county impacts are set out in bold text.

Education

The budget largely eliminates the Senate's allotment cuts to public education, with a much-stated focus to preserve classroom funding, and $10 million is made available to extend a diagnostic assessment pilot that would purchase hand-held devices for teachers to immediately provide student feedback on science and math skills. A special provision allows probationary teachers leaving via a reduction in force and rehired within three years to be given retirement credit for those three years (Sec. 7.14)

The budget fully funds the unprecedented 15 percent enrollment increase of more than 33,000 community college students, providing $81 million in new state funds. The community college management flexibility reduction is increased by $15 million. The budget accepts the governor's recommendations to increase community college tuition, albeit at a lower level of $6.50 per credit hour, with a higher cost to out of state students. Universities would see a much lower reduction than that proposed by the House, with a $70 million flexibility cut. Senate conferees also rejected the House's limit on university enrollment growth. The controversial in-state tuition monies for out-of-state scholarship athletes are eliminated, but other in-state tuition grants for out-of-state students receiving academic scholarships are retained.

Special provisions would require SBOE to consider LEA policies which contribute to increased segregation when approving disadvantaged student allotment spending (Sec. 7.23).

Public School Reduction	**Adopted**
• Increase LEA flexibility adjustment	• No additional increase; uses county lottery growth & some county lottery funds • Allows furloughs for existing reduction
• Reduce central office administration by 5%	• ($2.4 million): • 2.2% reduction
• Reduce assistant principal allotment from 1 to 800 adm to 1 to 863	• No
• Reduce instructional support personnel allotment by 2%	• No
• Noninstructional	• No
• ADM & BRAC contingency reserve by 50%	• ($2.6 million)
• Mentoring	• ($9.2 million) nr • No funding for 2010-11
• Limited English proficiency	• ($4 million); 5% reduction
• Exclude clerical and custodial personnel from at-risk allotment & budget actual SRO salary & benefits	• No
• Eliminate disadvantaged student supplemental hold harmless in 16 original LEAs	• No
• Maintain low wealth appropriation at 2009-10 level	• No
• Eliminate small school reserve (does not impact small school allotment)	• ($2.4 million)
• Reduce instructional supplies inflationary adjustment from 6 to 3%	• ($3.3 million); 3.5% reduction
• Reduce child and family support teams to $9.1 million	• ($2.5 million)
• Eliminate supplementary breakfast for non-needy kindergarteners	• No
• Delay 2010-11 school bus replacements for 1 year; maintain $1 million for emergencies	• ($11.9 million nr)

• Transportation	• ($10 million); 2.4% reduction
• More at 4	• ($30.6 million replaced by block grant; nr)
• Reduce DPI funding and personnel	• ($4.1 million)
• Increase support of NC Virtual Public Schools (online course offerings)	• ($5.6 million); converts to allotment
Public School Expansion	**Adopted**
• Implement math & science electronic diagnostics in K-3, 5 to immediately address student deficiencies • Diagnostic tools to include language skills in grades 8 & 11	• $10 million to extend pilot
• Fund dropout prevention grants	• No additional monies
• Textbooks – funding eliminated entirely in 2009-10 action	• $2.5 million nr

*nr = non-recurring

Community College Reduction	**Adopted**
• Increase community college tuition	• ($30 million); $6.5 per credit hour
• increase flexibility reduction	• ($15 million)
Community College Expansion	**Adopted**
• Fully fund enrollment increase	• $81 million
• Increase recurring funding for equipment & technology needs	• $33 million per COPS
• Restore prisoner community re-entry education at state correctional institutions only	• $21 million • Excludes jails

Community college special provisions permit greater spending flexibility to manage state funding cuts (Sec. 8.2) and includes Senate language requiring a minimum of $50 million statewide to support students' services (Sec. 8.5).

Human Services

Budget conferees accept the Governor's recommendation to restructure Medicaid personal care services in a manner similar to that taken with the much-maligned community support services – eliminate current service definitions and create a new service class to focus on patients with the highest acuity needs (Sec. 10.35 (3a&b)). The budget does allow the expansion of the LME 1915 b/c waiver to two LMEs, but precludes any LMEs from joining Piedmont Behavioral under its current waiver and requires the study of the waiver's impacts on the developmentally disabled population and on ICF/MR facilities (Sec. 10.24). DHHS must evaluate LMEs under the waiver and fee for service with regards to hospital emergency visits and patient stays (Sec. 10.7B). Enhanced mental health services funded through Medicaid would be subject to an independent assessment by an Independent Assessment Entity (Sec. 10.36).

With an anticipated increase of 5.6 percent in Medicaid eligibles, state Medicaid costs are expected to increase $431 million above estimated and budgeted increases for 2010-11, even when holding provider rates constant. The budget relies on $482 million in additional federal Medicaid dollars under consideration by Congress, and $79 million in federal drug savings. Medicaid fraud investigations, copayment charges, pharmacy improvements, managed-care programs and limited service reductions would be used to curtail Medicaid spending.

The current state budget reduces state funding for childhood immunizations, ending North Carolina's long-time practice of universally funding childhood vaccines. The 2010-11 budget eliminates all state funding of immunizations covered under private insurance, and calls on doctors and health departments to

bill for immunizations (Sec. 10.29A). The General Assembly does set aside $3 million to stockpile vaccines for local health departments to help with transition issues.

A special provision would allow county managers who serve as members of their local management entities to continue service as long as their employment as county managers, with language stipulating that commissioners and managers continue at the pleasure of the initial appointing authority (Sec. 10.7). Another provision prevents DHHS from further reducing Johnston County's LME administrative funding because of its catchment area population (Sec. 10.6A). The transition of state child support offices to the 28 counties would permit a transfer of equipment and furnishings free of charge to the counties (Sec. 10.46A). Conferees agreed with the House in rejecting the Senate's plans to direct DHHS to develop a Dix hospital closure plan and close Dix by fiscal year's end. DHHS can use over-realized receipts to expedite development of the NCFAST case management system (Sec. 10.16A).

County social services departments would continue to draw down a 5 percent allowance for administering child care subsidies (Sec. 10.5). The effective date for well testing is extended for two years, to October 2012 (Sec. 10.10A). DHHS is directed to study the effectiveness of the length of stay limitations on Level II, III and IV children (Sec. 10.35 (7) e.).

Human Services Reduction	**Adopted**
• Implement childcare subsidy EBT payment system to reduce daycare fraud & administrative expenses; fiscal note recommends reducing county administration from 5 to 4% of subsidies but 5% only valid in 2009-10	• ($6 million); sets admin at 5% of subsidy • Replaces state child care subsidy ($23.6 million) nr with TANF BG
• Reduce Smart Start	• ($5 million)
• Reduce state appropriations for immunizations	• ($15.9 million); eliminates all state approps for insured vaccines • Provides $3 million for stockpiling
• **Increase county participation in non-federal share of adult care home monitoring from a 40/10 to 25/25**	• **($525k cost to counties)**
• Eliminate child advocacy center funding	• ($375k) • Replaces state funds with nr Social Services Block Grant
• **Shift permanency planning state match to counties (25% non-federal share)**	• **($683k cost to counties)**
• **Reduce block grant replacement funds & underspent adult care case funds to counties—continues 2009-10 in-year budget reduction reversion**	• **($2.5 million funding reduction to counties)**
• **Electing Counties**	• **($2.4 million); replaces with TANF BG**
• **Combine state county special assistance for the blind program with primary state county special assistance program & reduce state/county special assistance per 2009 rate reduction**	• **($3.6 million)** • **Similar cost reduction for counties**
• **End school-based child & family teams pilot**	• **No**
• **Local health department accreditation**	• **($325k) nr to complete pending**
• **Make jails & detention inspections fee-supported**	• No
Medicaid Changes • Rebase Medicaid to reflect higher eligibles; keep provider rates constant	• $430.6 million

• Offset state costs with proposed enhanced FMAP for final 6 months	• ($481.6 million) nr
• Apply ARRA reductions in drug payments	• ($79.4 million) nr
• Continue Medicaid fraud activities	• ($40 million)
• Implement CCNC chronic care management programs for aged, blind, and disabled statewide, mental health, & pharmacy	• ($45 million)
• Expand 1915 b/c waiver to LMEs	• ($1.6 million)
• Eliminate hospital "never events" (preventable medical problems), expand payment of employer-provided coverage of Medicaid eligibles, implement pharmacy improvements, implement independent assessments of high-cost services, restructure durable medical equipment coverage, limit private duty nursing, limit some surgical procedures	• ($39.1 million)
• **Increase copayments, including county health depts.**	• **($2.6 million)**
• **Eliminate maternal outreach workers in county health departments**	• **($293k reduction to counties)**
• Restructure personal care services	
• Restructure of mental health services thru rate & use management	• ($50.7 million) • ($41 million)
Human Services Expansion	**Adopted**
• Expand Project CARE, a respite program for caregivers	• $100k
• Continue & expand AIDS drug assistance program, to cover current and wait-listed clients	• $14.2
• Authorize via waiver Medicaid personal care services in adult care homes	• Special provision for waiver
• Increase Health choice funding	• $6.5 million
• **School nurses**	• **$500k**
Mental Health Changes	
• Convert Whitaker School to psych residential treatment facility	• ($1.9 million)
• Increase local in-patient bed capacity	• $9 million
• Restore state community service funding	• $40 million

Justice and Public Safety

JPS expansion items continue development and deployment of the CJ-LEADS information system that links disparate criminal justice IT databases into a more comprehensive record of criminal suspects and convicted felons and expansion of the VIPER 800 megahertz interoperable communications system to provide better technology and management tools to enhance public safety.

A special provision would limit payment of inmate medical care to 70 percent of the amount charged to other patients (Sec. 19.2), and directs the Legislative Research Commission to study the inmate medical cost issue (Sec. 19.8). The Department of Correction is directed to develop a plan for establishing a pilot program to privatize probation services (Sec. 19.2) and may establish a two-year reentry program pilot for selected inmates via a community-based residential facility (Sec. 19.7). The budget also charges the Sentencing Commission to study reclassifying all Class 3 misdemeanors as either Class 2 or infractions (Sec. 19.5).

Justice and Public Safety Reduction	Adopted
• AoC management flexibility reduction	• ($3.4 million) • ($3.3 million) nr • ($4.1 million); Eliminates vacant positions, reduces operating
• Reduce inmate medical costs by 10%, via payment schedules, better utilization, lower drug costs, maximization of Medicaid	• ($20.5 million) • SP limits payment to 70% of customary medical fees
• DoC reduction	• ($22 million) • Lowered prison population
• Juvenile Justice Management flexibility	• ($2.7 million)
• **Reduce CJPP funding—normal carry forward funds**	• **($1.1 million) nr**
Justice and Public Safety Expansion	**Adopted**
• Reestablishes work crews	• $1.6 million
• Restore sentencing services program	• $2.2 million
• Continue development & deployment of CJ-Leads	• $8.4 million • $500k nr
• Restore Samarkand youth development facility	• $3.5 million

Natural and Economic Resources

The budget provides some tax incentives small businesses, most notably a 25 percent credit for unemployment insurance contributions. The One NC Fund – for economic development incentives – would receive $12.5 million.

A special provision transfers the spay/neuter program from DHHS to Agriculture. Agriculture would establish rules for funds disbursement, and counties would have to publish what proof would be needed to establish client eligibility for assistance (Sec. 11.4). The Sustainable Communities Task Force will identify federal funding and technical assistance opportunities and develop a local government sustainable practices scoring system to direct grant funding awards (Sec. 13.5). NCSU, A&T and UNC-Charlotte are directed to design and construct a prototype generator to capture ocean wave energy.

Natural and Economic Resources Reduction	Adopted
• **Divert scrap tire grant funds**	• **($2.5 million loss in grants)**
• **Divert white goods grants funds**	• **($1.2 million loss in grants)**
• Close Rose Hill ag lab	• ($467k)
• **Reduce environmental health funding to county health departments from $6,000 per county to $4,000**	• **($200k)**
• Eliminate local government aid for starting erosion & sedimentation control	• ($101k)
• Reduce Ag cost share	• ($212K) • Reduce by 5%
• Reduce conservation reserve enhancement program by 50%	• ($290k)
• Reduce mosquito pest management by 50% & tick management by 33%	• ($100k)
• Eliminates well driller's program	• No
Natural and Economic Resources Expansion	**Adopted**
• Fund 20 percent state match for federal wastewater and drinking water grant match requirements	• $12.6 million nr

• Ag. Development and Farmland Preservation Trust	• $2 million nr
• Create Sustainable Communities	• $250k nr
• Creates Mercury recycling program	• No
• Restores BRIDGE funding	• $991k
• Increase funding for economic development regions	• $2.5 million • $2.5 million nr
• Provide funding for One NC fund • Fund small business innovation • Fund main street business improvements • Continue job maintenance & capital development fund • Increase Rural Center's building reuse & restoration funding • Energy research • Institute for Regenerative Medicine • Biofuels Center • Biotech Center	• $12.5 million nr • $1.5 million nr • $1.5million nr • $6.5 million nr • $3.1 million nr • $1 million nr • $10 million r • $5 million • $5 million

General Government/Reserves Reduction	**Adopted**
• Reduces State aid to Libraries	• No
• Fund Dept of Revenue Property Tax Division by property tax receipts	• ($1.5 million)
• Reduce JDIG program to accommodate payment schedule	• ($6.6 million) nr
General Government/Reserves /Transportation Expansion	**Adopted**
• Provide HAVA matching funds	• $107k nr
• Provide .5% payback for furlough salary reduction in 2008-09	• No
• Provide teachers with a 1-step salary increase; 1.83% increase on avg.	• No
• Provide additional funding for increased retirement contribution	• No
• Increases VIPER funding	• $4.7 million nr

Special tax provisions accept the Revenue Laws Study Commission's recommendations to modify the statutory sales and occupancy tax language to require online travel companies to collect sales and occupancy taxes on the retail room price and remit it to hotelier for state and local payment (Sec. 31.6). Admissions and amusements fees (Sec. 31.7) are also modernized, in part by excluding counties from levying a privilege license fee for live performances (current authority is very limited with little financial impact expected). Expanded debt collection activities subject all state tax refunds, including any corporate amounts, to the debt setoff program. A change in small business sales tax remittance for retailers remitting less than $15,000 (now $10,000) will push sales tax payments one month forward (Sec. 31.3).

Next up will be the budget technical corrections bill, to finalize the appropriations process for 2010-11.

Item No. 3

MINUTES
LENOIR COUNTY BOARD OF COMMISSIONERS
July 19, 2010

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

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

Members absent: None

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

Chairman Graham called the meeting to order at approximately 9:00 a.m. Ms. Brown offered the invocation and Mr. Graham led the audience in the pledge of allegiance.

PUBLIC INFORMATION

Mr. Sammy Aikens, Chairman of the Lenoir County Crime Stoppers, informed the Board of the 2nd Annual National Night Out. National Night Out will be held Tuesday, August 3rd at the Kinston Performing Arts Center with a talent show. Admission will be $5 and all proceeds will go towards Crime Stoppers. To be part of the show the public can contact Mr. Aikens at 252-624-4361 for more information.

ITEMS FROM THE CHAIRMAN/COMMISSIONERS

No comments were made.

ITEMS FROM THE COUNTY MANAGER

Item No. 2 was Items from the County Manager. Mr. Jarman reminded the Board of the NCACC Conference to be held in Greenville, NC from August 27th through the 28th. The Lenoir County Health Department will be hosting a Health Fair on Friday, July 23rd from 1-4 p.m.

CONSENT AGENDA

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

3.	Approval of Minutes: Regular Board Meeting: June 21, 2010	Hall/Jarman
4.	Resolution Approving the Releases and Refunds to the Individuals Listed Herein	Parrish/Martin
5.	Budget Ordinance Amendment: Community Development Block Grant: Hwy. 70 Industrial Park Water Project: $.00: Increase/Decrease	Jarman/Martin
6.	Budget Ordinance Amendment: General Fund: DSS: $214: Increase	Jones/Martin
7.	Budget Ordinance Amendment: Transportation Fund: Operations: $1,950: Increase	Bryan/Martin

BUDGET ORDINANCE AMENDMENTS/RESOLUTIONS

Item No. 8 was a Budget Ordinance Amendment: Capital Improvements Fund: Community Development: $4,176: Increase. Ms. Martin stated the amendment budgets funds from received from the State of North Carolina Adopt a Trail Grant on July 7, 2010. On June 21, 2010 the Board approved the acceptance of a $4,400 grant from the NC Department of Environment and Natural Resources for a Neuse River Paddle Trail. These Funds have been used to provide mile marker buoys and trail head signs along the Neuse River. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 8 was unanimously approved.

Item No. 9 was a Budget Ordinance Amendment: General Fund: Process Funds: $13,685: Increase. Ms. Martin stated the amendment brings forward unexpended funds the EMPG Grant for 2009. In FY 09-10, $13,684.54 in revenues was received, but the funds were not expended in FY 09-10. These funds are being rolled into FY 10-11 so the funds can be used to purchase equipment for the emergency operations center. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 9 was unanimously approved.

Item No. 10A was a Budget Ordinance Amendment: General Fund: DSS: $53,057: Decrease. Mr. Ken Crossno, Business Officer for Social Services, addressed the Board. Mr. Crossno stated the amendment reflects a line item adjustment to reflect allocations received. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 10A was unanimously approved.

Item No. 10B was a Resolution Approving a Contract between Lenoir County Department of Social Services and North Carolina Department of Health and Human Resources, Division of Services for the Blind for FY 10-11: $10,063. Mr. Crossno stated each year the County is drafted its share of the costs of Services to the Blind. This includes Special Assistance for the Blind, Chore Services and Blind Services Salary Administration. The County's portion for FY 10-11 is $10,063. This will be a one (1) year contract, renewable with modification annually and is necessary to continue services for the blind through DSS in Lenoir County. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 10B was unanimously approved.

Item No. 10C was a Resolution Approving Contract for Commodities Distribution for FY 10-11: $30,000. Mr. Crossno stated DSS contracts with the National Guard Armory for the distribution of USDA surplus commodities. The Department is planning four issuances in the upcoming fiscal year and the costs of the contract are 100% reimbursable by USDA-no local match required. Costs are for the actual administration, storage and distribution costs incurred by the Kinston Armory Commission in the amount of up to 18% of the total value of products distributed; not to exceed $30,000 annually. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 10C was unanimously approved.

Item No. 10D was a Resolution Approving Contract with the Salvation Army: $20,000. Mr. Crossno stated in prior years, DSS has contracted with a temp agency or an individual to take and process crisis related applications for needy individuals. For FY 2010/11, DSS will contract with the Salvation Army (5th consecutive year) to take and process applications for the Crisis Intervention, Share the Warmth and Energy Neighbor programs to assist low income families with heating or cooling related crises. This will be a one (1) year contract and is necessary in order to administer the CIP, Energy Neighbor and Share the Warmth programs through DSS. No county funds are included in either payments to clients or the administrative costs. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 10D was unanimously approved.

Item No. 11 was a Resolution Authorizing the Issuance of Purchase Order to DLL Public Finance for 1st year of a Three (3) Year Lease: $47,000. Mr. Joey Bryan, MIS Director, addressed the Board. Mr. Bryan stated Lenoir County has over 30 servers that are going out of date with maintenance. It is very costly to purchase and replace all of these. After researching options, it has been decided that the most cost effective method to replacing these servers is to establish a virtual server setup utilizing VMWare. This will allow MIS to place multiple servers onto a single appliance. This will also allow for a much more manageable backup and storage system as well. Without this equipment purchase, the department will be coming back to the Board to begin replacing over $100,000 of equipment this year alone and this would simply be one third of the County's needs. Upon a motion by Mr. Humphrey and a second by Ms. Sutton, Item No. 11 was unanimously approved.

Item No. 12 was a Resolution Approving FY 10-11 Position and Pay Classification Plan. Mr. Jarman stated the Position and Pay Classification Plan for FY 10-11 has a 2.5% Cost of Living or one (1) step pay increase beginning January 1, 2011. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 12 was unanimously approved.

Item No. 13 was a Resolution Approving the Appointment of Tax Collector and Tax Assessor. Mr. Jarman stated NCGS 105-349 charges the governing body of each county to appoint a Tax Collector on or before July 1st, to serve a term to be determined by the Board. NCGS 105-249 charges the Board of County Commissioners to appoint at its first meeting in July a County Assessor to serve a term of not less than two nor more than four years. The term previously approved by the Board on July 17, 2006 was for four years. Given Mr. Parrish's experience, expertise, and work ethic, it is recommended that he be appointed to serve another four year term in a dual capacity as Lenoir County's Tax Collector and Tax Assessor. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 13 was unanimously approved.

Item No. 14 was a Resolution Authorizing Grounds Maintenance: Wheat Swamp Landscaping: $3,296. Ms. Tammy Kelly, Cooperative Extension Director, addressed the Board. Ms. Kelly stated Wheat Swamp Landscaping has provided service for all of Lenoir County Cooperative Extension grounds maintenance for the past four years. We have been very pleased with this service and wish to continue to extend a contract for the upcoming year. Contract fees remain the same as in the previous year. Upon a motion by Mr. Stroud and a second by Ms. Brown, Item No. 14 was unanimously approved.

Item No. 15 was a Resolution Authorizing Emergency Repair of TEREX TC400 Trashmaster Compactor: Road Machinery Services, Inc.: $16,678.91. Mr. Hollowell stated 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. The County opted not to purchase an extended 3-year warranty at a cost of over $30,000. An extended warranty would have covered this repair, but the warranty would have expired during the same month. Approval of this resolution will allow for the emergency repair of the TEREX TC400 compactor, the encumbrance of funds, and the payment of the repair bill. 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 Authorized Signers of Single Family Rehabilitation Program (SFR 10) Requisitions for Funds. Lenoir County was awarded $200,000 in Single Family Rehabilitation Program funds on June 24, 2010. These funds are to assist homeowners who are below 80% of the area median income, are elderly or disabled and meet certain other criteria. The Wooten Company approached the County Manager in January of 2010 and asked if they could submit an application to the North Carolina Housing Finance Agency for Single Family Rehabilitation funds for Lenoir County. The Wooten Company will provide a Program Administrator and a Rehabilitation Specialist to take care of the entire project. The funds will be made available to homeowners who inhabit their dwelling, are 80% below the area median income, are either elderly or disabled and meet certain other criteria that are outlined in the County's Assistance Policy. These funds will be made available as a loan rather than a grant. However, the loan will be forgiven at a rate of $3,000 per year. The smallest amount of rehab work that will qualify is $5,000 and the maximum amount will be $45,000. These funds will assist in rehabilitating approximately four to six homes in Lenoir County. Upon a motion by Ms. Brown and a second by Mr. Stroud, Item No. 16 was unanimously approved.

Item No. 17 was a Resolution Approving/Authorizing Execution of FY 10-11 Insurance Policies with WA Moore Company, Inc. and Discovery Insurance Co.: $404,435. Mr. Hollowell stated this current fiscal year will be the ninth in which the County contracted out all of the above-referenced insurance policies to local agents. In the past, part of the insurance coverage was taken through local agents and part was through the NCACC/NC Risk Management Pool. In past years, the Pool became increasingly more expensive than the local insurance options so we are recommending continuing with the local companies. For FY10-11 the County increased coverage on buildings by 8.1%, added 30 additional part-time personnel to staff the landfill convenience sites, increased the number of Transit buses, and once again contracted with Discovery Insurance to handle compliance with mandated Medicare Secondary Payer reporting requirements. The JT Sutton Insurance Agency merged with WA Moore Company, Inc., on May 1, 2007; therefore, coverage previously provided by JT Sutton on auto, property, crime, general liability, and professional liability is now provided by WA Moore Company, Inc. Administration is recommending continuation of insurance coverage on County properties with WA Moore Company, Inc. for FY10-11. Administration did not bid this out because of the positive prior years' experience we had with these firms. These firms are independent agents and bid our insurance needs with several companies to obtain the best renewal quote for the County. Upon a motion by Mr. Davis and a second by Ms. Brown, Item No. 17 was unanimously approved.

Item No. 18 was a Resolution Authorizing Use of Points of Distribution for Support Services for Emergency Distribution of Disaster Relief Commodities. Ms. Melissa Greene, Emergency Management Coordinator, addressed the Board. Ms. Greene stated to improve Lenoir County's ability to distribute disaster supplies, Emergency Services has developed a Point of Distribution plan with pre-designated sites throughout the county. This plan provides guidance to local authorities to distribute emergency supplies to the general public during catastrophic disasters and allows disaster supplies to be placed into the hands of Lenoir County citizens. Points of Distribution are used to ensure that Lenoir County has facilities located throughout the county capable of receiving, storing and distribution of disaster supplies to the citizens. Past experience with hurricanes in the gulf states indicates that, although food and water was available from federal and state governments, the lack of distribution capability at the local level prevented supplies from reaching those in need. Lenoir County Emergency Services has pre-designated eight (8) Point of Distribution sites throughout the county;

1) City of Kinston – Grainger Stadium parking lot; 2) Southwood Memorial Christian Church; 3) Lenoir County Board of Education – [1]Banks Elementary and [2]LaGrange Elementary; 4) Vernon Park Mall; 5) Deep Run First Baptist Church; 6) Lenoir County Shrine Club; and 7) Town of Pink Hill. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 18 was unanimously approved.

Item No. 19 was a Resolution Authorizing Execution of Intergovernmental Contracts with the City of Kinston, Town of Pink Hill and Town of LaGrange for Debris Management Services with Unified Recovery Group, LLC. Mr. Roger Dail, Emergency Services Director, stated in order best to serve the interests of its citizens and to protect them from imminent health and safety hazards, the City of Kinston, Town of Pink Hill and Town of LaGrange agree to the terms of the Debris Removal Agreement which was entered into between the County of Lenoir and Unified Recovery Group. The City of Kinston, Town of Pink Hill and Town of LaGrange will retain authority to direct the execution of the scope of services of the contract within the boundaries of their municipality. The municipality shall assume the role of "Owner" under the Debris Removal Agreement in connection with any services provided by Unified within the municipality's boundaries. Situations for such activation will include, but not be limited to a natural or manmade disaster, requiring the removal of mass debris. Each government has signed their respective agreements. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 19 was unanimously approved.

Item No. 20 was a Resolution Approving the Transfer of Ownership of the Sanderson Farms 12-Acre Site for Hatchery from Lenoir County to Sanderson Farms, Inc. Mr. Mark Pope, Economic Development Director, stated On April 25, 2008 Sanderson Farms, Inc. announced plans to construct a state-of-the-art poultry complex comprised of a new poultry processing plant, feed mill, hatchery and spray field that will create approximately 1,650 new jobs at full capacity and 130 new contract growers in the area. Construction of the facilities is now underway with initial operation of the new facility scheduled to begin during the third quarter of year 2010. The 12-acre site selected for the Hatchery is located in the Hwy 70 W Industrial Park on Hill Farm Road and Smithfield Way. The land/site was a vital part of the decision for Sanderson Farms to locate in Lenoir County. Upon approval from the Lenoir County Board of Commissioners, on June 30, 2008, Lenoir County purchased a 94.188 acre tract owned by Perry Brothers, LLC and a 35.978 acre tract owned by William T. Parrott, III and Robert J. Parrott in order to swap the State of NC and gain ownership of the 12± acre tract. On August 18, 2008 the Lenoir County Board of Commissioners approved a "resolution approving the land exchange between Lenoir County and the State of NC" and an "Offer to Purchase Agreement" between Lenoir County and the State of NC. The Agreement was executed on August 19, 2008. Upon a motion by Mr. Davis and a second by Mr. Stroud, Item No. 20 was unanimously approved.

Item No. 21 was a Resolution Approving the Transfer of Ownership of the Sanderson Farms 96.08 Acre Site for Feed Mill/Rail Loop from Lenoir County to Sanderson Farms, Inc. Mr. Pope stated the 96.08-acre site selected for the Feed Mill/Rail Loop project located in the Hwy 70 W Industrial Park was owned by the State of NC. The land/site was a vital part of the decision for Sanderson Farms to locate in Lenoir County. Upon approval from the Lenoir County Board of Commissioners, on June 30, 2008, Lenoir County purchased a 94.188 acre tract owned by Perry Brothers, LLC and a 35.978 acre tract owned by William T. Parrott, III and Robert J. Parrott in order to swap the State of NC and gain ownership of the 96.08 tract. Upon a motion by Mr. Davis and a second by Mr. Stroud, Item No. 20 was unanimously approved.

APPOINTMENTS

Item No. 22 was a Resolution Appointing Citizens to Boards, Commissions, Etc. Items were tabled due to first appearance.

BOARD/COMMITTEE/COMMISSION	APPLICANT/ CURRENT MEMBER	TERM EXPIRATION
Tourism Development Authority Board 1st Appearance	**Jackie Brown** **(Re-appointment)**	**June 2013**
Lenoir County Transit Advisory Board 1st Appearance	**Tracy Breasure** **(Appointment)**	**June 2013**
Lenoir County Planning Board 1st Appearance	**Frank White (Alternate #2)**	**June 2013**

CURRENT VACANCIES

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

PUBLIC HEARING/RESOLUTION

Item No. 23 was a Public Hearing on the Proposed Rural Operating Assistance Program (ROAP) to be submitted to the North Carolina Department of Transportation. Upon a motion by Mr. Graham and a second by Ms. Brown, the public hearing opened at 5:09 p.m. Ms. Sue Powell, Transit Director, addressed the Board. Ms. Powell stated the hearing is to inform the public of the programs included in the Rural Operating Assistance Program such as: Elderly and Disabled Transportation Assistance (EDTAP) Program, which provides assistance for the transportation of elderly and disabled citizens; Employment Transportation Assistance Program is intended to provide operating assistance for the transportation of persons with employment related transportation needs; and the Rural General Public (RGP) Program funds are intended to provide operating assistance for the transportation of individuals who do not have human service agency assistance to pay for their transportation and live in non-urbanized areas. Total ROAP funding totals $205,127. There were no comments made by the public. Upon a motion by Mr. Humphrey and a second by Mr. Pharo the public hearing closed at 5:11 p.m.

Item No. 24 was a Resolution Approving the Rural Operating Assistance Program (ROAP) Grants Consisting of EDTAP, EMP and RGP and Supplemental RGP Funding: $205,127. Upon a motion by Mr. Humphrey and a second by Ms. Brown, Item No. 24 was unanimously approved.

Item No. 25 was a Resolution to Approve a Revised Drug and Alcohol Testing Policy for Lenoir County Transit. Ms. Powell stated on June 15, 2010, Lenoir County Transit (LCT) received a Drug and Alcohol Compliance Review to ensure NCDOT that LCT is in compliance with all areas of the Drug and Alcohol Testing Procedures and Reasonable Suspicion. LCT has not received a report from the review to date, but has revised the policy to become a "Zero Tolerance System." This means should a drug and/or alcohol test show positive, the employee will be automatically terminated. LCT test employees after an accident if they are at fault. The Board recommended that testing occur for all accidents involving LCT employees. Mr. Bryan stated LCT employees have been involved with minor fender benders where no injuries or property damage reported. Commissioners asked the resolution be amended to require testing if law enforcement is called to the scene of an accident. Upon a motion by Ms. Sutton and a second by Mr. Stroud, Item No. 24 was unanimously approved with the amendment.

ADJOURN

Upon a motion by Mr. Graham and a second by Mr. Stroud the Board adjourned at 5:20 p.m.

Respectfully submitted,

Lashanda A. Hall
Clerk to the Board

Reviewed By

Michael W. Jarman
County Manager

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 08/02/10 **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
2009	Lillian Jarman	27966	$117.16	Correct Listing
2009	Daniel Falkowski	67264	144.49	Correct Listing
2009	Christopher Coombs	46228	253.97	Correct Listing
2010	Clarence Smith	26326	114.19	Adjusted Value
2010	John Blizzard	2153	245.98	Adjusted Value
2008	Charlie Emory	62833	198.67	Out of Business
2009	Charlie Emory	62833	174.95	Out of Business
2008	Citicapital	48545	180.11	Out of Business
2009	Citicapital	48545	126.97	Out of Business
2008	Clyde Rouse	55565	296.78	Adjusted Value
2010	William Hill	13173	153.56	Adjusted Value
2009	Teresa Cruse	35699	309.86	Double Listed
2008	Teresa Cruse	35699	375.43	Double Listed

Refunds

Year	Name	Account	Amount	Reason
2009	Leah Harper	11459	$322.63	Correct Listing
2010	Ellis Wooten	7767	364.66	Farm Audit
2010	Ellis Wooten	7767	311.31	Farm Audit
2010	Ellis Wooten	7767	169.57	Farm Audit
2010	Ellis Wooten	7767	131.26	Farm Audit

MANAGER'S RECOMMENDATION:

Approval of releases as set out above.

AMENDMENTS:

MOVED _____ SECOND_____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Graham _____ Stroud_____ Brown _____ Davis _____

Humphrey _____ Pharo _____ Sutton _____

_____ 08/02/10
George W. Graham, Jr. Chairman Date

_____ 08/02/10
ATTEST Date

Item NO. 5

BUDGET ORDINANCE AMENDMENT: GENERAL FUND:PROCESS FUNDS: $1,796.10 INCREASE

LENOIR COUNTY, NORTH CAROLINA

BUDGET AMENDMENT REQUEST

FY 2010 - 2011

Appropriations

Budget Amendment #_____

Date Approved _____

Distribution - Finance Office:

FUND	DEPARTMENT	LINE ITEM DESCRIPTION
GENERAL FUND	PROCESS FUNDS	VARIOUS

Check One Box
New Appropriation: [X]
Line Item Transfer: [ ]

REVENUES

Account # and Title		Amount
INCREASE		
10-3991-9910	FUND BALANCE APPROPRIATED	1,796.10
Total		1,796.10

Check One Box
New Appropriation: [X]
Line Item Transfer: [ ]

EXPENDITURES

Account # and Title		Amount
INCREASE		
10-4201-6031	PESTICIDE TRUST GRANT	14.09
10-4201-6033	PESTICIDE TRUST GRANT-06	1,782.01
Total		1,796.10

Reason and Justification for Request:
TO ROLL FORWARD FROM FUND BALANCE, FUNDS RECEIVED IN PRIOR YEARS FOR THE PESTICIDE TRUST GRANTS 05 AND 06 THE COUNTY RECEIVED $12,500 IN FY 05-06 FOR THE 05 PESTICIDE GRANT. OF THAT AMOUNT, $211.43 REMAINED UNSPENT AT JUNE 30, 2007. THE COUNTY RECEIVED AN EXTRA AWARD OF $2,000 IN FY 06-07 FOR THE PESTICIDE TRUST GRANT - 06. THEN IN FY 07-08, $161.80 OF THE 05 GRANT WAS SPENT LEAVING A BALANCE TO ROLL FORWARD IN FY 08-09 OF $49.63. NONE OF THE 2005 GRANT MONEY WAS SPENT IN FY 08-09, LEAVING ALL OF THE $49.63 TO ROLL FORWARD IN FY 09-10. IN FY 07-08, $212.72 OF THE 06 GRANT WAS SPENT, LEAVING A BALANCE TO ROLL FORWARD IN FY09-10 OF $1,782.01. IN FY 09-10 $35.54 OF THE 2005 GRANT WAS SPENT, LEAVING A TOTAL IN THAT GRANT OF $14.09, AND $1,782.01 IN THE 2006 GRANT.

Department Head Approval	Date	Finance Officer Approval	Date
Martha H. Martin	7/26/10	Martha H. Martin	7/26/10

Budget Officer Approval	Date
Michael W. Jarman	7/27/10

Board Approval (When Applicable)	Date	Date of Minutes

Finance Office - Copy Department - Copy Administration - Copy

INTRODUCED BY: Michael W. Jarman **DATE:** 08/02/2010 **ITEM NO.** 6A

RESOLUTION: To Award Contract for Construction of a Natural Gas Transmission Pipeline to Sanderson Farms, Inc. and The Hwy 70 West Industrial Park: A & B Trenching Company: $2,288,857.

SUBJECT AREA: Economic Development

ACTION REQUESTED: The Board is requested to authorize the County Manager to execute a natural gas pipeline construction agreement with A & B Trenching Company to construct a natural gas transmission pipeline to serve Sanderson Farms, Inc. and the Hwy 70 West Industrial Park.

HISTORY/BACKGROUND: Lenoir County has been marketing the Hwy 70 Industrial Park to clients since 1989. The "Park" is located on a four-lane major highway with all utilities and access to North Carolina Railroad. With the addition of Sanderson Farms locating in the "Park", additional natural gas line capacity is necessary. Estimates from Piedmont Natural Gas originally were estimated at a cost of $3.4 million to extend the gas line to the Hwy 70 Industrial Park. On January 4, 2010, the Lenoir County Board of Commissioners supported an agreement with Piedmont Natural Gas to extend a natural gas transmission line. Lenoir County has made efforts to pay for the gas line project with grant funds. On February 1, 2010, the commissioners approved an engineering services agreement with M A Engineering Consultants to design the project. Engineering plans were completed and an advertisement for sealed bids for natural gas pipeline construction was placed in the Kinston Free Press on July 9, 2010. Bids were received on July 19, 2010. The natural gas transmission line will be installed, inspected and tested in accordance with Piedmont Natural Gas standards and procedures for gas transmission pipeline facilities.

EVALUATION: A natural gas transmission pipeline needs to be constructed along Hwy 70 to provide natural gas to Sanderson Farms and to provide excess capacity for future tenants of the Hwy 70 West Industrial Park. The pipeline has been engineered and three construction bids have been received. A summary of the construction bids and the total cost of the project follows:

A & B Trenching Company	$2,288,857.00
Bradford Brothers	$2,974,863.40
Distribution Construction Company	$3,935,862.26

Total Project Cost	$4,134,366.37 (Including construction, pipe, engineering, & administration)
Funding Sources (grants)	$2,500,000.00
Sanderson Farms	$ 123,000.00
City of Kinston	$ 755,683.18
Lenoir County	$ 755,683.19

*requested amount from Piedmont Natural gas $573,121.00

MANAGER'S RECOMMENDATION:

Respectfully recommend approval.

_____
Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED that the Lenoir County Board of Commissioners authorizes the County Manager to execute a pipeline construction contract with A & B Trenching Company to construct a natural gas transmission pipeline to serve Sanderson Farms, Inc. and the Hwy 70 West Industrial Park at a cost of **$2,288,857.00.**

AMENDMENTS:

MOVED _____ **SECONDED** _____

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

Yea Votes: Graham ____ **Stroud** ____ **Brown** ____ **Davis** ____ **Humphrey** ____

Pharo ____ **Sutton** ____

_____
George W. Graham, Jr., Chairman

_____
Date

_____
Attest

_____
Date

HWY 70 (SANDERSON FARMS) GAS LINE PROJECT BUDGET

EXPENDITURES:

ADMINISTRATION	$	55,400.00
INSPECTIONS/COMMISSION	$	422,108.19
ARCHITECT/ENGINEER	$	364,675.69
CONTINGENCY	$	200,641.49
MATERIALS	$	679,684.00
CONSTRUCTION	$	2,411,857.00
TOTAL	**$**	**4,134,366.37**

REVENUES:

CDBG-ECONOMIC DEVELOPMENT GRANT	$	1,000,000.00
COMMERCE-INDUSTRIAL DEVELOPMENT FUND GRANT	$	500,000.00
RURAL CENTER-ECONOMIC DEVELOPMENT GRANT	$	1,000,000.00
LENOIR COUNTY	$	755,683.19
CITY OF KINSTON	$	755,683.18
SANDERSON FARMS	$	123,000.00
TOTAL	**$**	**4,134,366.37**

Lenoir COUNTY
ECONOMIC DEVELOPMENT
your GLOBAL connection

July 28, 2010

Mr. Mike Weston
Piedmont Natural Gas
250 Five Points Road
Dudley, NC 28333

Dear Mike;

After receipt of bids for the Sanderson Farms natural gas transmission pipeline installation, total project costs will be $4,219,363. The County has received grants totaling $2,500,000 which is $1,719,363 short of the total project cost. Lenoir County requests this shortfall be shared equally by the County, the City of Kinston and Piedmont Natural Gas Company. Each entity shares in the economic benefit of the Sanderson Farms project and each should contribute toward the cost of the natural gas service required by Sanderson Farms. Lenoir County and the City of Kinston have agreed to contribute their one third share and requests Piedmont Natural Gas Company (PNG) to do the same.

In 2003 PNG contributed $270,305.25 toward the construction of the 8.3 mile natural gas transmission pipeline that serves MasterBrand Cabinets. In fact, the Sanderson Farms gas pipeline will start at the Masterbrand's pipeline on US 70. Due to PNG's contribution, they own 28% of the Masterbrand's pipeline and Lenoir County owns 72%. PNG has accepted these same conditions for the Sanderson Farms gas pipeline project. In the Letter of Understanding signed by PNG on December 4, 2009, PNG agreed to the following:

14. *"In the event CDBG-ED funds and other funds awarded to Lenoir are not sufficient to cover the projected costs of the natural gas transmission line and the aforementioned services, Piedmont will have the right, but not the obligation, to contribute towards the cost of the line. In this case, the ownership interests will be determined proportionally based on the financial contributions contributed by Lenoir and Piedmont towards the cost of the transmission line, with the portion closest to Piedmont's existing facilities in Kinston, NC being deemed to be the portion owned by Piedmont. Piedmont's agreement to contribute towards the cost of the transmission line would be conditioned on Sanderson's willingness to commit to margin under its Minimum Margin Commitment Agreement with Piedmont sufficient to give Piedmont a reasonable return, after deprecation and taxes, on its investment in the transmission line. Any contribution by Piedmont towards the cost of the transmission line would be made only after CDBG-ED fund, and any other funds contributed by Lenoir County, have been fully disbursed for project costs."*

In the Letter of Agreement, PNG also agreed to pay for the piping required on Sanderson's property to connect the meter and regulator stations to the natural gas transmission line. This cost can be included in PNG's one-third share of $573,121. Since Sanderson Farms agreed to PNG's Minimum Margin Agreement, Sanderson is annually providing funds for PNG's cost of installing the meter and regulator stations on Sanderson's property. PNG is receiving a direct benefit from Sanderson's Minimum Margin Agreement. In return PNG needs to share not only in the cost of metering equipment, but the cost of the transmission pipeline also.

The "Pipeline Operating Agreement" between Lenoir County and PNG stipulates that at the end of 5 years, PNG can buy the $4.2 million gas transmission line for one dollar ($1). The Agreement also gives PNG the "exclusive" right to attach additional distribution and service lines to the transmission line and to connect additional customers to these new lines as well as the Sanderson Farms transmission line. PNG is able to benefit financially from future minimum margin agreements and the sale of natural gas to additional customers from a County-owned transmission line constructed at no cost to PNG.

For PNG to limit its financial commitment for the transmission line at the rate of return to be provided by Sanderson appears one sided. If that is the case, then there is no reason for PNG to connect additional lines and customers to Lenoir County's pipeline. If PNG's contribution is truly limited to Sanderson's minimum margin agreement and rate of return, then PNG would not want to add more customers and minimum margin agreements. To do so would boost PNG's rate of return and allow it to earn substantially more on a pipeline it did not build. Since it would not be the intent of PNG to earn higher profits without contributing toward the capital cost that generated those profits, then PNG does expect to contribute to the cost of the transmission pipeline. The fact that PNG required exclusive rights to add customers in the Letter of Understanding means it expects to earn profits on the transmission line in the future over and above Sanderson's commitment. We feel the issue is not whether PNG is to contribute to the transmission cost, but how much PNG should contribute.

Lenoir County is fortunate to have received $2,500,000 in grant funds to offset some of the costs of the Sanderson Farms gas transmission line. The County and City of Kinston recognize the long term benefit of the Sanderson Farms economic development project and understand there is a cost to reaping those benefits. While Piedmont Natural Gas Company prefers to use the term "has the right, but not the obligation" to describe its corporate position on paying for the transmission line cost, Lenoir County disagrees and believes that an obligation was created when PNG was given exclusive rights to add additional customers and the total project costs exceeded the grant funds available for pipeline construction. If all of the costs could have been paid by grant funds, Lenoir County, City of Kinston and PNG would have shared equally in not having to spend local (or company) funds on the gas pipeline. However, now that additional funds are needed, all three parties should share equally in the funding shortfall. All three parties have the same financial "obligation" to make this project happen, because all three will experience long term financial benefits. For PNG, there should be a cost to these long term financial benefits, just as there is a cost to Lenoir County and the City of Kinston.

Sincerely,

D. Mark Pope
Executive Director, Lenoir County Economic Development
Kinston, NC 28501

cc: Governor Beverly Perdue, Secretary Keith Crisco, Dep. Secretary Dale Carroll, George Baldwin, PNG, Rep. Van Braxton, Rep. William Wainwright, Sen. Charlie Albertson, Dept of Commerce Donna Phillips, Lenoir County Manager-Mike Jarman, Kinston City Manager-Scott Stevens

Item NO. 6B

BUDGET ORDINANCE AMENDMENT: CAPITAL PROJECTS FUND: SANDERSON GAS LINE PROJECT: $1,000,000. INCREASE

LENOIR COUNTY, NORTH CAROLINA

BUDGET AMENDMENT REQUEST

FY 2010 - 2011

Appropriations

Budget Amendment #_____

Date Approved _____

Distribution - Finance Office:

FUND	DEPARTMENT	LINE ITEM DESCRIPTION
CAPITAL PROJECTS	SANDERSON GAS LINE	43-3408-3602 GRANT-RURAL CTR-2010-152-40401-107 43-8157-5800 RC 2010-152-40401-107 CONSTRUCTION

Check One Box		Check One Box	
New Appropriation:	[X]	New Appropriation:	[X]
Line Item Transfer:	[ ]	Line Item Transfer:	[ ]
REVENUES		**EXPENDITURES**	
Account # and Title	Amount	Account # and Title	Amount
INCREASE		INCREASE	
43-3408-3602 GRANT-RURAL CTR-2010-152-40401-107	1,000,000.00	43-8157-5800 RC 2010-152-40401-107 CONSTRUCT	1,000,000.00
Total	1,000,000.00	Total	1,000,000.00

Reason and Justification for Request:

BUDGET AMENDMENT TO APPROPRIATE GRANT FUNDS FROM THE RURAL CENTER - NC ECONOMIC INFRASTRUCTURE PROGRAM IN THE AMOUNT OF $1,000,000. THE COUNTY RECEIVED NOTIFICATION OF THE $1,000,000. GRANT AWARD ON JUNE 11, 2010. THESE FUNDS WILL BE USED TO PAY A PORTION OF THE HWY 70 INDUSTRIAL PARK GAS LINE CONSTRUCTION PROJECT.

Department Head Approval	Date	Finance Officer Approval	Date
Martha H. Martin	7/30/10	Martha H. Martin	7/30/10
Budget Officer Approval	Date		
Michael W. Lann	7/30/10		
Board Approval (When Applicable)	Date	Date of Minutes	

Finance Office - Copy Department - Copy Administration - Copy

Item NO. 6C

BUDGET ORDINANCE AMENDMENT: CAPITAL PROJECTS FUND: SANDERSON GAS LINE PROJECT: $1,634,366.37. INCREASE

LENOIR COUNTY, NORTH CAROLINA

BUDGET AMENDMENT REQUEST

FY 2010 - 2011

Appropriations

Budget Amendment #_____

Date Approved _____

Distribution - Finance Office:

FUND	DEPARTMENT	LINE ITEM DESCRIPTION
CAPITAL PROJECTS	SANDERSON GAS LINE	VARIOUS

Check One Box
New Appropriation: [x]
Line Item Transfer: [ ]

REVENUES

Account # and Title		Amount
INCREASE		
43-3915-9103	LENOIR COUNTY CONTRIBUTION	755,683.19
43-3915-9104	CITY OF KINSTON CONTRIBUTION	755,683.18
43-3915-9105	SANDERSON FARM CONTRIBUTION	123,000.00
Total		1,634,366.37

Check One Box
New Appropriation: [x]
Line Item Transfer: [ ]

EXPENDITURES

Account # and Title		Amount
INCREASE		
43-8158-1000	ADMINISTRATION	30,400.00
43-8158-1991	INSPECTIONS/COMMISSION	422,108.19
43-8158-4991	CONTINGENCY	200,641.49
43-8158-5800	CONSTRUCTION	981,216.69
Total		1,634,366.37

Reason and Justification for Request:
BUDGET AMENDMENT TO SET UP ADDITIONAL REVENUE AND EXPENDITURE LINES FOR THE HWY 70 (SANDERSON FARMS) GAS LINE PRO.
THE COUNTY WAS PREVIOUSLY AWARDED FUNDING FROM THE CDBG-ED FUND ($1,000,000.), THE COMMERCE IDF FUND ($500,000.),
AND THE RURAL CENTER'S ECONOMIC DEVELOPMENT FUND ($1,000,000.) IN THE AMOUNT OF $2.5 MILLION DOLLARS.
THESE ADDITIONAL FUNDS ARE NECESSARY TO SEE THE PROJECT TO COMPLETION.

Department Head Approval	Date	Finance Officer Approval	Date
Martha H. Martin	7/30/10	Martha H. Martin	7/30/10

Budget Officer Approval	Date
Michael W. Farm	7/30/10

Board Approval (When Applicable)	Date	Date of Minutes

Finance Office - Copy Department - Copy Administration - Copy

INTRODUCED BY: Michael Jarman, County Manager **DATE:** 08/02/10 **ITEM NO.:** 6E

RESOLUTION APPROVING TWO DEEDS OF EASEMENT FOR UTILITIES BETWEEN LENOIR COUNTY AND THE CITY OF KINSTON / PROGRESS ENERGY FOR SANDERSON FARMS HATCHERY SITE

SUBJECT AREA: Economic Development

ACTION REQUESTED:

To approve the attached two Deeds of Easement between Lenoir County and the City of Kinston and Progress Energy.

HISTORY/BACKGROUND:

On April 25, 2008 Sanderson Farms announced plans to construct a state-of-the-art poultry complex comprised of a new poultry processing plant, feed mill, hatchery and spray field that will create approximately 1,650 new jobs at full capacity and will require 130 new contract growers in the area. On June 26, 2008, Sanderson Farms announced the construction would be delayed due to the high cost of corn and grain attributable to the floods in the mid-west.

On July 23, 2009, Sanderson Farms Board of Directors approved to proceed with the construction and start-up of the Company's Kinston, NC poultry complex. Construction of the facilities has begun with initial operation of the new complex scheduled to begin during the first quarter of fiscal 2011. As part of the incentives, Lenoir County and the City of Kinston purchased and swapped land with the State of NC for location of the Hatchery site.

EVALUATION:

Approval of this document is needed to provide utility easements for the City of Kinston and Progress Energy that provide the non-exclusive right, privilege and easement to go in and upon the land described in the Deed attached.

MANAGER'S RECOMMENDATION:

Respectfully recommend approval.

_____
Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that the attached two Deeds of Easement between Lenoir County and the City of Kinston and Progress Energy, dated _____ 2010, and incorporated by reference into this resolution, be approved; and be it further resolved that the Chairman of the Lenoir County Board of Commissioners is authorized to execute these agreements on behalf of Lenoir County.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Davis _____ Graham _____ Humphrey _____

Pharo _____ Stroud _____ Sutton _____

_____ 08/02/10
George W. Graham Jr., Chairman Date

_____ 08/02/10
ATTEST Date

Prepared by James P. Cauley, III
and Return to: Rose Rand Wallace Attorneys, P.A.
131 South Queen Street, Kinston, NC 28502

NON-EXCLUSIVE EASEMENT DEED

NORTH CAROLINA

LENOIR COUNTY

THIS NON-EXCLUSIVE EASEMENT DEED made and given this _____ day of _____, 2010, from COUNTY OF LENOIR, a body politic and corporate, hereinafter referred to as GRANTOR (whether one or more), to CAROLINA POWER & LIGHT COMPANY, a North Carolina public service corporation d/b/a PROGRESS ENERGY CAROLINAS, INC., hereinafter referred to as GRANTEE;

WITNESSETH:

THAT GRANTOR, for and in consideration of the sum of ONE DOLLAR ($1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto GRANTEE, its successors and assigns, the non-exclusive right, privilege, and easement to go in and upon the land of GRANTOR situated in Falling Creek Township of said County and State, described as follows: containing 0.46 acres, more or less, and being a portion of the land described in a deed from the State of North Carolina to the County of Lenoir, dated October 30, 2008, recorded in Deed Book 1563, page 206; also as shown on a plat, dated March 3, 2008, entitled "Survey for Sanderson Farms, Inc.", recorded in Plat Book 11, page 291, all Lenoir County Registry, LESS AND EXCEPT any prior out-conveyances, hereinafter referred to as the easement

area and to construct, maintain, and operate electric and/or communication facilities thereon consisting of poles, cables, wires, guys, anchors, underground conduits, enclosures, and other pertinent facilities with the right to do all things necessary, including but not being limited to, the right: (a) to enter said easement area at all times over the adjacent land to inspect, repair, maintain, and alter said facilities; (b) to keep said easement area cleared of trees, shrubs, undergrowth, buildings, structures, and obstructions; (c) to trim or cut any tree adjacent to said easement area that may, in the opinion of PEC, endanger the overhead facilities or hinder the maintenance, operation, and use of the same; and (d) to install, at angle points of the overhead facilities, guy wires and anchors outside of said easement area. The center line of the facilities shall be the center line of said easement area. **PEC shall not install facilities outside of said easement area without obtaining another EASEMENT, except for those facilities that may be installed as set forth in item (d) above.**

It is understood and agreed that the easement area herein granted is for the installation of Progress Energy Carolinas, Inc. electrical and communication facilities on the above described property as shown on attached Exhibit A.

TO HAVE AND TO HOLD said non-exclusive right, privilege, and easement unto the Grantee, its successors and assigns, forever;

PROVIDED HOWEVER, that said easement shall at all times be subject to the non-exclusive right and easement granted to CITY OF KINSTON (hereinafter referred to as City), recorded in Deed Book_____, Page _____, Lenoir County Registry, for the construction, maintenance, and operation of general utility facilities and GRANTEE shall be responsible for any damages it causes to City's utilities. GRANTEE recognizes and agrees that City has the right to go in and upon the easement area for the purpose of inspecting, maintaining, or altering its utility facilities and to keep the easement area cleared of all trees, shrubs, undergrowth, buildings, structures, and obstructions; or for any other purpose described in said City easement. GRANTOR, its successors and assigns, may use the easement area for any purpose not inconsistent with the rights herein acquired by GRANTEE.

IN WITNESS WHEREOF, GRANTOR has caused this EASEMENT to be signed by its duly authorized officials and its official seal to be hereunto affixed, pursuant to a resolution of its governing body, as of the date first above written.

COUNTY OF LENOIR

By: _____
George W. Graham, Jr.
Chairman, Board of Commissioners

ATTEST:

_____
Lashanda A. Hall, Clerk
(Affix Official Seal)

NORTH CAROLINA
LENOIR COUNTY

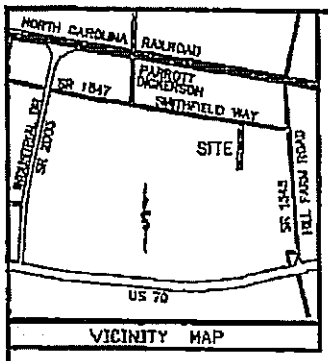
I, _____, a Notary Public of Lenoir County, North Carolina, certify that **Lashanda A. Hall** personally appeared before me this day and acknowledged that she is Clerk of the COUNTY OF LENOIR, and that by authority duly given and as the act of said COUNTY, the forgoing EASEMENT was signed in its name by its Chairman, sealed with its official seal, and attested to by herself as its Clerk.

Witness my hand and notarial seal, this _____ day of _____, 2010.

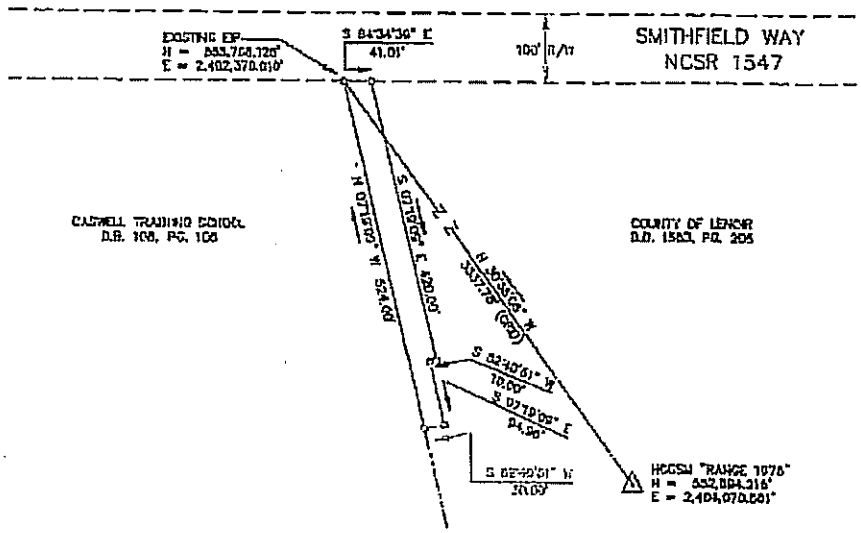
_____
Notary Public

My commission expires: _____

EXHIBIT "A"



ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS IN FEET AND DECIMALS THEREOF UNLESS NOTED OTHERWISE. COMBINED SCALE FACTOR = 0.999873



EASEMENT AREA = 0.46 AC.±

MAP FOR DESCRIPTION

SANDERSON HATCHERY SITE UTILITY EASEMENT FOR CITY OF KINSTON AND PROGRESS ENERGY

FALLING CREEK TOWNSHIP
LENOIR COUNTY, N.C.

DATE: MARCH 2, 2010
SCALE: 1" = 200'

200 100 0 200 400 600

GRAPHIC SCALE

NOTE: THIS PROPERTY SHOWN ON THIS PLAT WAS NOT SURVEYED BY THE CITY OF KINSTON. THIS MAP WAS PREPARED FROM THE FOLLOWING EXISTING MAP OF RECORD: PLAT CABINET 11, PAGE 291; ENTITLED "SURVEY FOR SANDERSON FARMS, INC." DATED MARCH 3, 2003, PREPARED BY ATLANTIC SURVEYING, P.A.

LEGEND

PG. = PAGE
D.B. = DEED BOOK
P.C. = PLAT CABINET
—Z Z— = LINE NOT TO SCALE
PROPERTY LINE =
RIGHT OF WAY =
EASEMENT BOUNDARY =

I, Michael D. Blackburn, certify that this plat was drawn under my supervision from existing deeds and maps of record that the ratio of precision for the field survey, as calculated by latitudes and departures before any adjustments is not calculated; that the boundaries not surveyed are shown as broken lines plotted from information found in (Deed, Map) Plat Cab. 11, Page 291; that this plat was prepared in accordance with Standards of Practice, as amended. Witness my original signature, registration number and seal this 2nd day of March A. D. 20 10. I hereby certify that the survey is of another category to wit: an exception to the definition of subdivision.

L-3355

NORTH CAROLINA PROFESSIONAL SEAL L-3355 LAND SURVEYOR MICHAEL D. BLACKBURN

State of North Carolina
County of Lenoir

I, _____, Review Officer of Lenoir County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date _____ Review Officer _____

CITY OF KINSTON
PUBLIC SERVICES DEPT.
ENGINEERING SECTION
2360 HWY 258 SOUTH
KINSTON, N.C. 28504
PHONE: (252) 939-3237
FAX: (252) 939-3279

Prepared by: James P. Cauley, III
and Return to: Rose Rand Wallace Attorneys, P.A.
131 South Queen Street, Kinston, NC 28502

NON-EXCLUSIVE EASEMENT DEED

NORTH CAROLINA

LENOIR COUNTY

THIS NON-EXCLUSIVE EASEMENT DEED made and given this _____ day of _____, 2010, from COUNTY OF LENOIR, a body politic and corporate, hereinafter referred to as GRANTOR (whether one or more), to the CITY OF KINSTON, a municipal corporation, hereinafter referred to as GRANTEE;

WITNESSETH:

THAT GRANTOR, for and in consideration of the sum of ONE DOLLAR ($1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto GRANTEE, its successors and assigns, the non-exclusive right, privilege, and easement to go in and upon the land of GRANTOR situated in Falling Creek Township of said County and State, described as follows: containing 0.46 acres, more or less, and being a portion of the land described in a deed from the State of North Carolina to the County of Lenoir, dated October 30, 2008, recorded in Deed Book 1563, page 206; also as shown on a plat, dated March 3, 2008, entitled "Survey for Sanderson Farms, Inc.", recorded in Plat Book 11, page 291, all Lenoir County Registry, LESS AND EXCEPT any prior out-conveyances, hereinafter referred to as the easement area, and to construct, inspect, operate and maintain a general utility easement, including water lines, gas lines, sewer lines, storm water lines, and any appurtenant facilities.

It is understood and agreed that the easement area herein granted is for the installation of City of Kinston general utility facilities on the above described property as shown on attached Exhibit A.

TO HAVE AND TO HOLD said non-exclusive right, privilege, and easement for a general utility easement over, under, across and above the easement area unto the Grantee, its successors and assigns, forever.

PROVIDED, HOWEVER, that said general utility easement shall at all times be subject to the non-exclusive right and easement granted to PROGRESS ENERGY CAROLINAS, INC., (hereinafter referred to as PEC), recorded in Deed Book _____, Page _____, Lenoir County Registry, for the construction, maintenance, and operation of electric and/or communication facilities and GRANTEE shall be responsible for any damages it causes to PEC's utilities. GRANTEE recognizes and agrees that PEC has the right to go in and upon the easement area for the purpose of inspecting, maintaining, or altering its electric facilities and to keep the easement area cleared of all trees, shrubs, undergrowth, buildings, structures, and obstructions; or for any other purpose described in said PEC easement.

SUBJECT TO THE EXPRESS, NON-EXCLUSIVE RIGHTS AND EASEMENT OF PEC FOR ITS EXISTING ELECTRIC FACILITIES:

(1) GRANTEE shall at all times have the right to inspect, remove, repair, replace, maintain and improve its general utility facilities placed on the easement area and to make such changes and additions to its general utility facilities as the GRANTEE from time to time may deem advisable.

(2) GRANTEE shall at all times have the right to keep the easement area clear of all buildings, structures, trees, shrubs, bushes, stumps, roots, undergrowth or other vegetation as will in its judgment interfere with the proper functioning of its general utility easement and facilities.

(3) GRANTOR, its successors and assigns, may use the easement area for any purpose not inconsistent with the rights herein acquired by GRANTEE.

IN WITNESS WHEREOF, GRANTOR has caused this EASEMENT to be signed by its duly authorized officials and its official seal to be hereunto affixed, pursuant to a resolution of its governing body, as of the date first above written.

COUNTY OF LENOIR

By: _____
George W. Graham, Jr.
Chairman, Board of Commissioners

ATTEST:

_____
Lashanda A. Hall, Clerk
(Affix Official Seal)

NORTH CAROLINA
LENOIR COUNTY

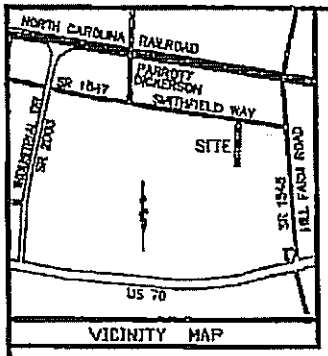
I, _____, a Notary Public of Lenoir County, North Carolina, certify that **Lashanda A. Hall** personally appeared before me this day and acknowledged that she is Clerk of the COUNTY OF LENOIR, and that by authority duly given and as the act of said COUNTY, the forgoing EASEMENT was signed in its name by its Chairman, sealed with its official seal, and attested to by herself as its Clerk.

Witness my hand and notarial seal, this _____ day of _____, 2010.

_____
Notary Public

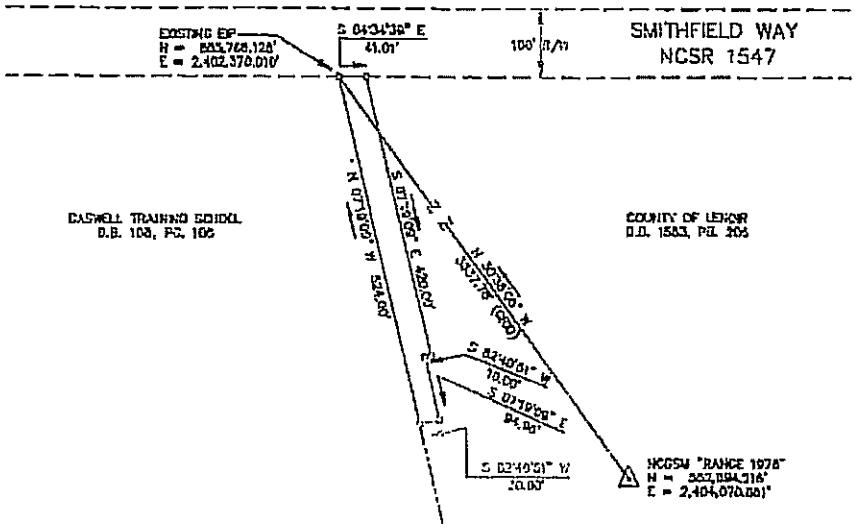
My commission expires: _____

EXHIBIT "A"



VICINITY MAP

ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS IN FEET AND DECIMALS THEREOF UNLESS NOTED OTHERWISE. COMBINED SCALE FACTOR = 0.999873



EASEMENT AREA = 0.46 AC.±

MAP FOR DESCRIPTION

SANDERSON HATCHERY SITE
UTILITY EASEMENT FOR
CITY OF KINSTON
AND PROGRESS ENERGY

NOTE: THIS PROPERTY SHOWN ON THIS PLAT WAS NOT SURVEYED BY THE CITY OF KINSTON. THIS MAP WAS PREPARED FROM THE FOLLOWING EXISTING MAP OF RECORD: PLAT CABINET 11, PAGE 291; ENTITLED "SURVEY FOR SANDERSON FARMS, INC." DATED MARCH 3, 2002, PREPARED BY ATLANTIC SURVEYING, P.A.

LEGEND
PG. = PAGE
D.B. = DEED BOOK
P.C. = PLAT CABINET
—Z Z— = LINE NOT TO SCALE
PROPERTY LINE = ———————
RIGHT OF WAY = — — — — — —
EASEMENT BOUNDARY = ———————

FALLING CREEK TOWNSHIP
LENOIR COUNTY, N.C.

DATE: MARCH 2, 2010
SCALE: 1" = 200'

200 100 0 200 400 600
GRAPHIC SCALE

I, Michael D. Blackburn, certify that this plat was drawn under my supervision from existing deeds and maps of record that the ratio of precision for the field survey, as calculated by latitudes and departures before any adjustments is not calculated; that the boundaries not surveyed are shown as broken lines plotted from information found in (Deed, Map) Plat Cab. 11, Page 291; that this plat was prepared in accordance with Standards of Practice, as amended. Witness my original signature, registration number and seal this 2nd day of March A. D. 20 10. I hereby certify that the survey is of another category to wit: an exception to the definition of subdivision.

L-3355

NORTH CAROLINA PROFESSIONAL SEAL L-3355 LAND SURVEYOR MICHAEL D. BLACKBURN

State of North Carolina
County of Lenoir

I, _____, Review Officer of Lenoir County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date _____ Review Officer _____

CITY OF KINSTON
PUBLIC SERVICES DEPT.
ENGINEERING SECTION
2360 HWY 258 SOUTH
KINSTON, N.C. 28504
PHONE: (252) 939-3237
FAX: (252) 939-3279

Item NO. 7

BUDGET ORDINANCE AMENDMENT: GENERAL FUND: PROCESS FUNDS: $18,557. DECREASE

LENOIR COUNTY, NORTH CAROLINA

BUDGET AMENDMENT REQUEST

FY 2010 - 2011 (PRIOR YEAR)

Appropriations

Budget Amendment #_____

Date Approved _____

Distribution - Finance Office:

FUND	DEPARTMENT	LINE ITEM DESCRIPTION
GENERAL FUND	PROCESS FUNDS	VARIOUS

Check One Box
New Appropriation: [x]
Line Item Transfer: [ ]

REVENUES

Account # and Title		Amount
DECREASE		
10-3991-9910	FUND BALANCE APPROPRIATED	-37,119.00
INCREASE		
10-3402-3619	JCPC PROGRAMS	18,562.00
Total		-18,557.00

Check One Box
New Appropriation: [ ]
Line Item Transfer: [x]

EXPENDITURES

Account # and Title		Amount
DECREASE		
10-4201-6340	JCPC PROGRAMS	-188,009.00
INCREASE		
10-4201-6344	STRUCTURED DAY/RESTITUTION	131,902.00
10-4201-6352	TEEN COURT	32,897.00
10-4201-6356	JCPC ADVISORY COUNCIL	4,653.00
Total		-18,557.00

Reason and Justification for Request:
BUDGET AMENDMENT TO ALLOCATE THE JCPC PROGRAM FUNDS INTO THE CORRECT REVENUE AND EXPENDITURE LINES, AND TO CORRECT THE BALANCES. AT THE TIME THE BUDGET WAS PASSED THE STATE HAD NOT ADOPTED ITS BUDGET.

Department Head Approval	Date	Finance Officer Approval	Date
Martha H. Martin	7/29/10	Martha H. Martin	7/29/10

Budget Officer Approval	Date
Michael W. Jarman	7/30/10

Board Approval (When Applicable)	Date	Date of Minutes

Finance Office - Copy Department - Copy Administration - Copy

BUDGET ORDINANCE AMENDMENT:
General Fund:
DSS:
$4,281.00 Increase

Item NO. 8

LENOIR COUNTY, NORTH CAROLINA

BUDGET AMENDMENT REQUEST

F' 09/10
Appropriations

Budget Amendment #_____
Date Approved _____

Distribution - Finance Office:

Prior Year

FUND	DEPARTMENT	LINE ITEM DESCRIPTION
GENERAL	SOCIAL SERVICES	VARIOUS

Check One Box		Check One Box	
New Appropriation: [x]		New Appropriation: [x]	
Line Item Transfer: [ ]		Line Item Transfer: [ ]	
REVENUES		**EXPENDITURES**	
Account # and Title	Amount	Account # and Title	Amount
INCREASE		**INCREASE**	
103533.4011		**105332.4012**	
HCCBG-USDA	$ 1,200.00	**H&CCBG- Council On Aging**	$ 1,200.00
103533.4016		**105332.4016**	
ARRA NSIP	$ 3,081.00	**ARRA NSIP**	$ 3,081.00
Total	$ 4,281.00	Total	$ 4,281.00

Reason and Justification for Request:

Prior year budget amendment. No County match is required.

Department Head Approval	Date	Finance Officer Approval	Date
[signature]	7-26-10	Martha H. Martin	7/29/10
Budget Officer Approval	Date		
Michael W. Jarman	7/27/10		
Board Approval (When Applicable)	Date	Date of Minutes	

Finance Office - Copy Department - Copy Administration - Copy

Item NO. 9

BUDGET ORDINANCE AMENDMENT: GENERAL FUND:PROCESS FUNDS: $9,091.64. INCREASE

LENOIR COUNTY, NORTH CAROLINA

BUDGET AMENDMENT REQUEST

FY 2010 - 2011

Appropriations

Budget Amendment #_____

Date Approved _____

Distribution - Finance Office:

FUND	DEPARTMENT	LINE ITEM DESCRIPTION
GENERAL FUND	PROCESS FUNDS	VARIOUS

Check One Box		Check One Box	
New Appropriation:	[X]	New Appropriation:	[X]
Line Item Transfer:	[ ]	Line Item Transfer:	[ ]
REVENUES		**EXPENDITURES**	

Account # and Title		Amount	Account # and Title		Amount
INCREASE			INCREASE		
10-3991-9910	FUND BALANCE APPROPRIATED	9,091.64	10-4201-6034	COOP EXT - SHIP GRANT	9,091.64
Total		9,091.64	Total		9,091.64

Reason and Justification for Request:

BUDGET AMENDMENT TO RE-APPROPRIATE SHIP GRANT FUNDS NOT EXPENDED IN FY 08-09. IN FY 06-07 $3100. WAS APPROPRIATED FOR THE SHIP GRANT, BUT ONLY $402.14 WAS EXPENDED. THE BALANCE OF $2697.86 WAS ROLLED FORWARD IN FY 07-08. THEN IN FY 07-08 ADDITIONAL FUNDING OF $5,000 WAS RECEIVED GIVING A COMBINED TOTAL OF $7697.86. OF THAT TOTAL, ONLY $2233.27 WAS EXPENDED. IN AUGUST 2008, THE BALANCE OF $5464.59 FROM FY 07-08 WAS ROLLED FORWARD INTO THE FY 08-09 BUDGET. AN ADDITIONAL $4200. WAS RECEIVED IN FY 08-09 BRINGING THE TOTAL FUNDING TO $9664.59. OF THIS $9664.59, ONLY $1029.97 WAS EXPENDED IN FY 08-09. THEREFORE, THE BALANCE OF $8634.62 FROM FY 08-09 WAS BEING APPROPRIATED IN FY 0910. IN ADDITION TO THE $8634.62 THAT WAS APPROPRIATED IN 09-10, ANOTHER $2747.84 WAS RECEIVED. OF THAT COMBINED TOTAL OF $11,382.46 IN REVENUES, ONLY $2,290.82 WAS EXPENDED, LEAVING A BALANCE OF $9,091.64 TO RE-APPROPRIATE IN FY 10-11.

Department Head Approval	Date	Finance Officer Approval	Date
Martha Martin	7/26/10	Martha Martin	7/26/10
Budget Officer Approval	Date		
Michael W Jacome	7/27/10		
Board Approval (When Applicable)	Date	Date of Minutes	

Finance Office - Copy Department - Copy Administration - Copy

BUDGET ORDINANCE AMENDMENT: GENERAL FUND: FINANCE/SHERIFF DEPT.: $12,250. INCREASE

Item NO. 10

LENOIR COUNTY, NORTH CAROLINA

BUDGET AMENDMENT REQUEST

FY 2010 - 2011

Appropriations

Budget Amendment #_____

Date Approved _____

Distribution - Finance Office:

FUND	DEPARTMENT	LINE ITEM DESCRIPTION
GENERAL	FINANCE / SHERIFF	10-3991-9910 FUND BALANCE APPROPRIATED 10-4310-3980 SCAAP EXPENSES

Check One Box	Check One Box
New Appropriation: ☐	New Appropriation: ☒
Line Item Transfer: ☐	Line Item Transfer: ☐
REVENUES	**EXPENDITURES**

Account # and Title	Amount	Account # and Title	Amount
INCREASE		**INCREASE**	
10-3991-9910 FUND BALANCE APPROPRIATED	12,250.00	10-4310-3980 SCAAP EXPENSES	12,250.00
Total	12,250.00	Total	12,250.00

Reason and Justification for Request:

BUDGET AMENDMENT TO ROLL FORWARD UNEXPENDED FUNDS FROM THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP) FROM PRIOR FISCAL YEARS IN THE AMOUNT OF $12,250.. THESE FUNDS ARE RECEIVED FROM THE U.S. DEPT. OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, AND ARE GIVEN TO HELP OFFSET EXPENSES INCURRED BY THE COUNTY IN HOUSING UNDOCUMENTED CRIMINAL ALIENS OR ALIENS OF UNKNOWN LEGAL STATUS, WHO HAVE BEEN CONVICTED OF AT LEAST ONE FELONY OR TWO MIDEMEANORS AND HAVE BEEN INCARCERATED DURING THE REPORTING PERIOD OF THE AWARD. BY LAW, THESE FUNDS ARE RESTRICTED FOR USE BY THE SHERIFF.

Department Head Approval	Date	Finance Officer Approval	Date
Martha H. Martin	7/26/10	Martha H. Martin	7/26/10

Budget Officer Approval	Date
Michael H. Lann	7/27/10

Board Approval (When Applicable)	Date	Date of Minutes

Finance Office - Copy Department - Copy Administration - Copy

Item NO. 11

BUDGET ORDINANCE AMENDMENT: GENERAL FUND: FINANCE/SHERIFF: $71,091.75 INCREASE

LENOIR COUNTY, NORTH CAROLINA

BUDGET AMENDMENT REQUEST

FY 2010 - 2011
Appropriations

Budget Amendment #_____
Date Approved _____

Distribution - Finance Office:

FUND	DEPARTMENT	LINE ITEM DESCRIPTION
GENERAL FUND	FINANCE/SHERIFF	10-3991-9910 FUND BALANCE APPROPRIATED 10-4310-3970 CIVIL PROCESS SERVICE EXPENSE

Check One Box		Check One Box	
New Appropriation:	[X]	New Appropriation:	[X]
Line Item Transfer:	[ ]	Line Item Transfer:	[ ]
REVENUES		**EXPENDITURES**	
Account # and Title	Amount	Account # and Title	Amount
INCREASE		INCREASE	
10-3991-9910 FUND BALANCE APPROPRIATED	71,091.75	10-4310-3970 CIVIL PROCESS SERVICE EXPEN:	71,091.75
Total	71,091.75	Total	71,091.75

Reason and Justification for Request:

TO BRING FORWARD UNEXPENDED SHERIFF'S CIVIL PROCESS SERVICE FEES FROM PRIOR YEARS. THE LAW REGARDING FEES FOR CIVIL PAPERS SERVED BY THE SHERIFF'S DEPARTMENT CHANGED IN SEPTEMBER 2004. THE AMOUNT CHARGED FOR FEES INCREASED FROM $5 TO $15 AND 50% OF THE AMOUNT COLLECTED **SHALL BE USED BY THE SHERIFF'S DEPARTMENT** FOR THE ENHANCEMENT OF THE SERVICE OF CIVIL PAPERS. THIS PROCESS WILL HAVE TO BE DONE EACH YEAR TO BRING FORWARD THE UNEXPENDED FUNDS INTO THE NEW FISCAL YEAR.

Department Head Approval	Date	Finance Officer Approval	Date
Martha H. Martin	7/23/10	Martha H. Martin	7/23/10
Budget Officer Approval	Date		
Michael W. [illegible]	7/27/10		
Board Approval (When Applicable)	Date	Date of Minutes	

Finance Office - Copy Department - Copy Administration - Copy

SHERIFF-CIVIL PROCESS FEES

	ORIGINAL BUDGET EXPENDITURES	AMENDED BUDGET EXPENDITURES	ACTUAL REVENUES 10-3431-4102	ACTUAL EXPENDITURES 10-4310-3970	CIVIL PROCESS ACCT BALANCE JUNE 30, 2010	
FY04-05	0.00	46,000.00	43,095.00	0.00	$43,095.00	AFTER AUDITOR ADJUSTMENTS
FY05-06	46,000.00	89,095.00	45,300.00	22,430.93	$65,964.07	AFTER AUDITOR ADJUSTMENTS
FY06-07	46,000.00	111,964.07	44,730.00	28,070.00	$82,624.07	AFTER AUDITOR ADJUSTMENTS
FY07-08	46,000.00	128,624.07	43,627.50	28,938.99	$97,312.58	AFTER AUDITOR ADJUSTMENTS
FY08-09	46,000.00	143,312.58	46,290.00	58,565.55	$85,037.03	AFTER AUDITOR ADJUSTMENTS
FY09-10	40,000.00	111,037.03	37,508.00	51,453.28	$71,091.75	PRIOR TO AUDITOR ADJUSTMENTS
FY10-11	40,000.00					
TOTALS			260,550.50	189,458.75	$71,091.75	

General Ledger Account Inquiry
Lenoir County

Account Number	10-4310-3970	**Original Appropriation**	40,000.00
Account Description	CIVIL PROCESS SERVICE EXPENSE	**Appropriation Changes**	71,037.03
Fiscal Year	2009-2010	**Current Appropriation**	111,037.03
Start Period	1 - July	**Beginning Balance**	0.00
End Period	13 - Post Closing	**Transactions**	36,453.28
		Ending Balance	36,453.28
		Outstanding Encumbrances	0.00
		Unencumbered Balance	74,583.75

Jrn. Type	Jrn. #	Period	Tr. Date	Description	Amount	PO Amount	Bud Amount
BY	1-1	1	07/14/09	ORIGINAL APPROPRIA'			40,000.00
PO	1	1	07/16/09	PO #: 20100076 Vendor #		2,250.00	
BE	22	2	08/20/09	G-16			85,037.03
PO	18	3	09/10/09	PO #: 20100433 Vendor #		6,174.00	
PO	18	3	09/10/09	PO #: 20100435 Vendor #		8,597.28	
PO	20	3	09/24/09	PO #: 20100444 Vendor #		2,495.00	
AP	123	4	10/15/09	ASAP SYSTEMS SHERI	2,495.00	-2,495.00	
PJ	31	7	01/12/10	PO# 20100435 Manual Li		-8,597.28	
BE	115	7	01/14/10	G-63			-15,000.00
JE	522	7	01/14/10	RECODE CK# 265579	8,597.28		
PO	36	7	01/14/10	PO #: 20100585 Vendor #		2,277.00	
AP	282	8	02/02/10	CDS-NETWORKS & SEF	2,277.00	-2,277.00	
AP	312	8	02/26/10	VISIONAIR SHERIFF DI	6,174.00	-6,174.00	
AP	312	8	02/26/10	VISIONAIR SHERIFF DI	758.00		
AP	334	9	03/22/10	VISIONAIR SHERIFF DI	16,152.00		
PJ	78	12	06/18/10	PO# 20100076 Manual Li		-2,250.00	
BE	229	12	06/28/10	G-131			1,000.00
					36,453.28	0.00	111,037.03

36,453.28 Expenditures
15,000.00 Transferred to part-time sal/benefits
51,453.28

INTRODUCED BY: Michael Jarman, County Manager **DATE:** 08/02/10 **ITEM NO.:** 12

Resolution Approving Presentation of Badge and Service Weapon to
Retiring Lieutenant Timothy Chase

SUBJECT AREA: PERSONNEL

ACTION REQUESTED:

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

HISTORY / BACKGROUND:

Lieutenant Tim Chase began his law enforcement career with the Lenoir County Sheriff's Office on November 1, 1985. Lt. Chase was previously a member of the armed forces and purchased credible time from that service. 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 Chase had the appropriate amount of time to retire, which became effective August 1, 2010.

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 Chase received a handgun permit in July of 2010, 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 Chase be presented with his badge and service weapon (Glock .45 caliber, serial number NMA072).

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 Timothy Chase his Lenoir County Sheriff's Office badge and Glock .45 caliber service weapon.

Funding Account #:

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Humphrey _____ Sutton _____ Stroud _____ Graham _____

Pharo _____ Brown _____ Davis _____

_____ 08/02/10
George Graham, Chairman Date

_____ 08/02/10
ATTEST Date

BUDGET ORDINANCE AMENDMENT: TRANSPORTATION: ADMINSTRATION / ARRA: $369,822. INCREASE

Item NO. 13A

LENOIR COUNTY, NORTH CAROLINA

BUDGET AMENDMENT REQUEST

FY 2010 - 2011
Appropriations

Distribution - Finance Office:

Budget Amendment #_____
Date Approved _____

FUND	DEPARTMENT	LINE ITEM DESCRIPTION
TRANSPORTATION	ADMINISTRATION / ARRA	VARIOUS

Check One Box
New Appropriation: [x]
Line Item Transfer: [ ]

REVENUES

Account # and Title		Amount
INCREASE		
22-3452-3615	GRANT-ARRA FEDERAL STIMULUS	369,822.00
Total		369,822.00

Check One Box
New Appropriation: [x]
Line Item Transfer: [ ]

EXPENDITURES

Account # and Title		Amount
INCREASE		
22-4512-1210	SALARIES/WAGES	9,622.00
22-4512-3530	MAINT/REPAIR-VEHICLES	109,623.00
22-4512-4810	INDIRECT COSTS TO GEN FUND	5,255.00
22-4512-5400	CAPITAL OUTLAY-VEHICLES	135,900.00
22-4512-5800	CAPITAL OUTLAY-SHELTERS	99,000.00
22-4512-5999	CAPITAL ITEMS < $5,000	10,422.00
Total		369,822.00

Reason and Justification for Request:

BUDGET AMENDMENT TO ROLL FORWARD FUNDS FROM THE NEW AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA). THESE FUNDS ARE A PART OF THE PRESIDENT'S ECONOMIC STIMULUS PLAN AND WILL BE USED TO PURCHASE THREE (3) NEW VANS, BUS STOP SHELTERS, RADIOS AND PROVIDE PREVENTIVE MAINTENANCE ON THE ENTIRE FLEET OF VANS AND BUSES. THESE FUNDS ARE DESIGNATED TO BE SPENT WITHIN A TWO-YEAR TIME FRAME AND REQUIRE NO MATCH FROM THE COUNTY. THIS MONEY IS ON A REIMBURSEMENT BASIS. DUE TO THE STRINGENT ACCOUNTING OF FUNDS, UNDER THIS PROGRAM, A SEPARATE DEPARTMENT IS BEING SET UP TO TRACK EXPENDITURES. THIS MONEY WAS SET UP IN FY 2009-2010, BUT WAS NEVER UTILIZED.

Department Head Approval	Date	Finance Officer Approval	Date
[signature]	7/26/10	Martha H. Martin	7/27/10

Budget Officer Approval	Date
Michael W. Farmer	7/27/10

Board Approval (When Applicable)	Date	Date of Minutes

Finance Office - Copy Department - Copy Administration - Copy

INTRODUCED BY: Michael Jarman, County Manager **DATE:** 08/02/10 **ITEM NO.:** 13B

Resolution to Approve Declaring Three (3) Lenoir County Transit Vehicles as Surplus Vehicles

SUBJECT AREA: Administrative

ACTION REQUESTED:

Approve declaring three (3) Lenoir County Transit vehicles as surplus vehicles.

HISTORY:

Lenoir County Transit (LCT) has three (3) vehicles that are not currently being used because they were replaced with three (3) 2010 Ford Lift Equipped Vans that were approved in our FY 2009-2010 Community Transportation Grant with North Carolina Department of Transportation.

EVALUATION:

Lenoir County Transit (LCT) is requesting the Board's approval to declare the three (3) vehicles, (two (2) vans without lifts and one (1) with lift) listed below as surplus vehicles. The vehicles listed are in good condition and have reached the 100,000 mile range set by the North Carolina Department of Transportation in order to replace the three (3) vehicles. These vehicles were replaced with three (3) Ford Lift Equipped Vans.

Year	Make	Model	Miles	Vin#
2002	Dodge	Center Aisle Van	160,522	2B7LB31Z42K129933
2003	Dodge	Lift Equipped Van	192,309	2D7LB31Z93K526979
2003	Dodge	Center Aisle Van	161,998	2D7LB31Z13K526989

Proceeds resulting from any type of sale will be appropriated to the Lenoir County Transportation Department for replacing future vehicles.

MANAGER'S RECOMMENDATION:

Respectfully Recommend Approval

_____
INITIALS

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that the Board hereby approves and authorizes the County Manager to declare three (3) Lenoir County Transit vehicles listed below as surplus vehicles and will be sold as determined by the County Manager and be it further resolved that any proceeds derived from any type of sale, less any expenses, will be appropriated to the Lenoir County Transportation Department for replacing future vehicles.

Year	Make	Model	Miles	Vin#
2002	Dodge	Center Aisle Van	160,522	2B7LB31Z42K129933
2003	Dodge	Lift Equipped Van	192,309	2D7LB31Z93K526979
2003	Dodge	Center Aisle Van	161,998	2D7LB31Z13K526989

AMENDMENTS

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Graham _____ Brown _____ Davis _____ Humphrey _____

Pharo _____ Stroud _____ Sutton _____

_____ 08/02/10
George W. Graham, Jr., Chairman Date

_____ 08/02/10
ATTEST Date

INTRODUCED BY: Michael Jarman, County Manager **DATE:** 08/02/10 **ITEM NO.:** 13C

Resolution Approving the Operator's Manual for
Lenoir County Transit Drivers

SUBJECT AREA: Transportation

ACTION REQUESTED:

Approve the Lenoir County Transit Operator's Manual for Lenoir County Transit effective immediately.

HISTORY:

The Federal Transit Authority (FTA) and NCDOT/Public Transportation Department (NCDOT/PTD) recommend each transit system have an Operator's Manual for Drivers. This manual creates a proactive transit safety culture that supports employee safety and safe system operation through motivated compliance with Lenoir County Transit rules and procedures and the appropriate use and operation of vehicles.

EVALUATION:

As of March 10, 2008, Lenoir County Transit (LCT) took operations in house, this included Dispatch and Drivers. With this, LCT is responsible by FTA and NCDOT/PTD to form an Operator's Manual for LCT Drivers. This manual will supply drivers with Policies and Procedures to educate them in knowing the appropriate use and operation of the LCT Vehicles. The Drivers will go through a process of trainings to receive the proper education.

MANAGER'S RECOMMENDATION:

Respectfully Recommend Approval

_____
INITIALS

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that the Board approves the Lenoir County Transit Operator's Manual for Lenoir County Transit effective immediately.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Graham _____ Brown _____ Davis _____ Humphrey_____

Pharo _____ Stroud _____ Sutton _____

_____ 08/02/10
George W. Graham, Jr., Chairman Date

_____ 08/02/10
ATTEST Date

Item NO. 14

BUDGET ORDINANCE AMENDMENT: CAPITAL IMPROVEMENTS:FINANCE:$1,225,595. INCREASE

LENOIR COUNTY, NORTH CAROLINA

BUDGET AMENDMENT REQUEST

FY 2010 - 2011
Appropriations

Budget Amendment #_____
Date Approved _____

Distribution - Finance Office:

PAGE 1 OF 2

FUND	DEPARTMENT	LINE ITEM DESCRIPTION
CAPITAL IMPROVEMENTS	FINANCE/ECONOMIC DEVELOPMENT COMMUNITY DEVELOPMENT/BLDG & GROU	VARIOUS

Check One Box
New Appropriation: [x]
Line Item Transfer: [ ]

REVENUES

Account # and Title		Amount
PAGE 1 OF 2		
INCREASE		
10-3991-9910	FUND BALANCE APPROPRIATED	1,225,595.00
Total		1,225,595.00

Check One Box
New Appropriation: [x]
Line Item Transfer: [ ]

EXPENDITURES

Account # and Title		Amount
PAGE 1 OF 2		
INCREASE		
40-4920-3500	INDUSTRIAL PARK IMPROVEMENTS	22,000.00
40-4920-5821	WATER/SEWER INFRASTRUCTURE	100,000.00
40-4920-5830	HANGAR AGREEMENT	43,301.00
40-4920-5846	SMITHFIELD DELI	200,000.00
40-4920-5850	EXISTING IND PROG	10,000.00
40-4920-5862	DUPONT-SORONA-COUNTY	18,750.00
40-4920-5863	ELECTROLUX	2,000.00
40-4920-5864	A.G. MACHINING	22,000.00
40-4920-5865	SIS - COUNTY	22,240.00
40-4920-5868	COHARIE FARMS	5,000.00
40-4920-5869	COMMERCE OVERSEAS	25,000.00
40-4920-5870	PREMIER TRAILERS-LOCAL	6,004.00
40-4920-5871	WEST CO. II	106,500.00
40-4920-5876	FIELDS CONTROL	1,520.00
40-4920-5883	SELECT VENDING	1,500.00
40-4920-5900	INDUST. DEV.:ENGINEER DESIGN	50,000.00
40-4920-5903	GTP SEWER EXTENSION	100,000.00
Total		735,815.00

Reason and Justification for Request:
TO ROLL FORWARD AND DISTRIBUTE PRIOR YEARS UNEXPENDED ECONOMIC DEVELOPMENT, COMMUNITY DEVELOPMENT, AND BUILDINGS & GROUNDS FUNDS INTO THE APPROPRIATE EXPENDITURE LINES IN THE CAPITAL IMPROVEMENTS FUND FOR FISCAL YEAR 2010-2011.

Department Head Approval	Date	Finance Officer Approval	Date
Martha H. Martin	7/28/10	Martha H. Martin	7/28/10

Budget Officer Approval	Date
Michael W. Jarman	7/27/10

Board Approval (When Applicable)	Date	Date of Minutes

Finance Office - Copy Department - Copy Administration - Copy

BUDGET ORDINANCE AMENDMENT: CAPITAL IMPROVEMENTS:FINANCE:$1,225,595. INCREASE

LENOIR COUNTY, NORTH CAROLINA

BUDGET AMENDMENT REQUEST

FY 2010 - 2011

Appropriations

Distribution - Finance Office:

Budget Amendment #_____

Date Approved _____

PAGE 2 OF 2

FUND	DEPARTMENT	LINE ITEM DESCRIPTION
CAPITAL IMPROVEMENTS	FINANCE/ECONOMIC DEVELOPMENT COMMUNITY DEVELOPMENT/BLDG & GROU	VARIOUS

Check One Box
New Appropriation: [x]
Line Item Transfer: [ ]

REVENUES

Account # and Title	Amount
PAGE 2 OF 2	
INCREASE	
This Page Total	0.00
GRAND TOTAL - BOTH PAGES	**1,225,595.00**

Check One Box
New Appropriation: [x]
Line Item Transfer: [ ]

EXPENDITURES

Account # and Title		Amount
PAGE 2 OF 2		
INCREASE		
40-4930-5100	LENOIR COMMUN COLL-CAPITAL	27,057.00
40-4930-5101	PARKS & RECREATION CAPITAL	15,662.00
40-4930-5115	SOCCER COMPLEX	200,000.00
40-4930-5116	COMMUNITY REVITALIZATION	18,700.00
40-4935-5800	RE-ROOFING HVAC	100,000.00
40-4935-5801	BUILDING UPGRADES	100,000.00
40-4935-5804	EMS STATION PROJECT	8,361.00
40-4935-5807	MGR/FIN/MIS/COC PROJECT	20,000.00
This PageTotal		489,780.00
GRAND TOTAL - BOTH PAGES		**1,225,595.00**

Reason and Justification for Request:
TO ROLL FORWARD AND DISTRIBUTE PRIOR YEARS UNEXPENDED ECONOMIC DEVELOPMENT, COMMUNITY DEVELOPMENT, AND BUILDINGS & GROUNDS FUNDS INTO THE APPROPRIATE EXPENDITURE LINES IN THE CAPITAL IMPROVEMENTS FUND FOR FISCAL YEAR 2010-2011.

Department Head Approval	Date	Finance Officer Approval	Date
Martha H. Martin	7/28/10	Martha H. Martin	7/28/10

Budget Officer Approval	Date
Michael W. Jarman	7/27/10

Board Approval (When Applicable)	Date	Date of Minutes

Finance Office - Copy Department - Copy Administration - Copy

Item NO. 15A

County of Lenoir

Office of the
Tax Administrator

Drawer 3289
Kinston, N.C. 28502

July 27, 2010

George W Graham Jr., Chairman
Lenoir County Board of Commissioners
PO Drawer 3289
Kinston, NC 28502

Dear Mr. Graham:

Re: Annual Settlement of Property Taxes Collected for Fiscal Year 2009-2010

As required by North Carolina General Statute 105-373, attached is the annual settlement of all property taxes collected for the County of Lenoir for the fiscal year 2009-2010 and prior fiscal years from 1999.

Enclosed is the required list of persons owning real property whose taxes for the preceding fiscal year remain unpaid and the principal amount owed by each person.

A second required list of persons not owning real property, whose personal property taxes for the preceding fiscal year remain unpaid and the principal amount owed by each person, is also enclosed. Attached to this list is a required report of insolvents and a request to declare these unpaid personal property taxes to be insolvent.

This settlement of both current and prior years taxes has been made to and is satisfactory with, the Finance Officer of Lenoir County.

Sincerely,

Darrell Parrish

Darrell Parrish
Lenoir County Tax Collector

Martha N. Martin
Lenoir County Finance Officer

Copy: County Commissioners
County Manager
County Finance Officer

Telephone: (252) 527-7174 • Fax (252) 527-4923

July 27, 2010

2009 – 2010 Levy

CHARGES

1. 2009 – 2010	$30,905,623.43
2. Lien Cost and Interest Collected	139,933.51
TOTAL	$31,045,556.94

CREDITS

1. Amount deposited in bank	$29,440,992.58
2. Principal real tax owed	898,355.35
3. Amount of insolvent taxes owed (personal)	706,209.01
TOTAL	$31,045,556.94

Percent Collected 94.83%

Collection of Prior Years Taxes

Year	Levy	Taxes Collected	Percent Collected	Taxes Uncollected
2008-2009	$29,820,535	$29,265,672	98.14%	$554,863
2007-2008	29,183,038	28,862,716	98.90%	320,322
2006-2007	28,326,904	28,079,716	99.13%	247,188
2005-2006	26,171,844	25,992,658	99.32%	179,186
2004-2005	25,162,015	24,976,250	99.26%	185,765
2003-2004	24,795,427	24,694,227	99.59%	101,200
2002-2003	24,264,195	24,167,633	99.60%	96,562
2001-2002	24,571,833	24,485,871	99.65%	85,962
2000-2001	21,520,148	21,450,896	99.68%	69,252
1999-2000	21,783,836	21,721,180	99.71%	62,656

I, Darrell Parrish, do so solemnly swear that all statements and all figures shown in the Annual Report are correct to be best of my knowledge.

Darrell Parrish
Lenoir County Tax Collector

This is to certify that Darrell Parrish personally appeared before me this 27th day of July, 2010 to sign this statement.

Joan R. Simpson

JOAN R. SIMPSON
NOTARY
PUBLIC
LENOIR COUNTY, N. C.

My commission expires November 11, 2014.

INTRODUCED BY: Mike Jarman, County Manager **DATE:** 8/02/2010 **ITEM:** 15B

RESOLUTION APPROVING 2009-2010 TAX COLLECTORS ANNUAL SETTLEMENT

SUBJECT AREA: Legal

ACTION REQUESTED: Approval of Tax Collector's 2009-2010 Annual Settlement

HISTORY/BACKGROUND:

The Tax Collector has worked diligently to collect all taxes due on real and personal property. This settlement provides documentation of these efforts.

EVALUATION:

Pursuant to NCGS 105-373 the Lenoir County Tax Collector is required to make a full settlement with the governing body for all taxes.

MANAGER'S RECOMMEDNATION:

Respectfully recommend approval of resolution accepting Tax Collector's 2009-2010 Annual Settlement.

AMENDMENTS:

RESOLUTION:

WHEREAS, North Carolina General Statute 105-373 requires the Tax Collector to make full settlement with the governing body for all taxes, and

WHEREAS, The Tax Collector of Lenoir County has provided the Lenoir County Finance Officer and the Lenoir County Board of Commissioners a complete report of all taxes in his hands for collection.

NOW, THEREFORE, BE IT RESOLVED, BY The Lenoir County Board of Commissioners that:

The Lenoir County Board of Commissioners accept and approve the settlement of taxes as submitted by the Lenoir County Tax Collector. The County Commissioners' approval does not release the Tax Collector or his bondsman of any liability or any shortage hereafter discovered, nor does it release him in any way of his duties to use all lawful means at his disposal to collect all delinquent taxes in his hand.

The Lenoir County Commissioners acknowledge with appreciation the diligent efforts of the Tax Collector that has resulted in a 94.83% collection for the fiscal year 2009-2010.

MOVED_____ **SECONDED**_____

APPROVED_____ **DENIED**_____ **UNANIMOUS**_____

YEA VOTES: **Humphrey**_____ **Brown**_____ **Graham**_____
Pharo_____ **Sutton**_____ **Stroud**_____ **Davis**_____

_____ _____
George W. Graham, Jr., Chairman **Date**

_____ _____
Attested **Date**

Item NO. 15C

REPORT OF INSOLVENTS

To: Lenoir County Board of Commissioners

The undersigned tax collector respectfully reports that certain personal property taxes levied for the year 2009 remain uncollected, such uncollected taxes being set out on the attached list. Said taxes are not liens upon real estate. The undersigned tax collector has made diligent efforts to collect said taxes by use of remedies against personal property as provided by law but has been unable to locate sufficient property belonging to delinquent taxpayers out of which the taxes might be collected. In every instance in which the tax collector has been able to discover through diligent inquiry the existence of property belonging to delinquent taxpayers within other taxing units in North Carolina, the undersigned has proceeded under the provisions of G.S. 105-364.

The undersigned requests that the attached list of personal property taxes be declared insolvent and credited upon annual settlement.

This 27th day of July, 2010.

Darrell Parrish

Darrell Parrish
Lenoir County Tax Collector

This is to certify that Darrell Parrish personally appeared before me this 27th day of July, 2010 to sign this statement.

Joan R. Simpson

Joan R. Simpson

JOAN R. SIMPSON NOTARY PUBLIC LENOIR COUNTY, N. C.

My commission expires November 11, 2014

INTRODUCED BY: Mike Jarman, County Manager **DATE:** 8/02/2010 **ITEM:** 15D

RESOLUTION APPROVING INSOLVENT PERSONAL PROPERTY TAX LIST

SUBJECT AREA: Legal

ACTION REQUESTED:

Approval of resolution declaring all uncollected taxes on personal property as "insolvent."

HISTORY/BACKGROUND:

All uncollected taxes on personal property (for persons who listed no real property) are declared "insolvent" after the close of the fiscal year. However, every remedy allowable by law will continue to be pursued toward collection of these taxes.

EVALUATION:

Pursuant to NCGS 105-373 the Tax Collector is required to provide a list of all persons whose personal property taxes for the preceding year remain unpaid and the amount owed by each. Upon receiving the report, the governing body of the taxing unit shall enter upon its minutes the names of persons owing taxes (but who listed no real property) whom it finds to be insolvent, and it shall by resolution designate the list entered into its minutes as the insolvent list to be credited to the Tax Collector in his settlement.

MANAGER'S RECOMMENDATION:

Respectfully recommend approval of resolution declaring persons with unpaid tax on personal property (and owning no real property) insolvent.

AMENDMENTS:

RESOLUTION:

Now, therefore, be it resolved by the Lenoir County Board of Commissioners that the attached list of persons not owning real property whose personal property taxes remain unpaid be declared as the "insolvent list" to be credited to the Tax Collector in his annual settlement; and be it further resolved that this list be tiled as part of the minutes of this meeting with the Clerk of the Board.

MOVED_____ **SECONDED**_____

APPROVED_____ **DENIED**_____ **UNANIMOUS**_____

YEA VOTES: **Humphrey**____ **Brown**____ **Graham**____
Pharo____ **Sutton**____ **Stroud**____ **Davis**____

_____ _____
George W Graham, Jr., Chairman **Date**

_____ _____
Attested **Date**

INTRODUCED BY: Michael Jarman, County Manager **DATE:** 8/2/2010 **ITEM NO.:** 16A

Resolution Authorizing HIV Social Worker Contract

SUBJECT AREA: Administrative

ACTION REQUESTED:

The Board is asked to grant permission to the Lenoir County Health Department to increase the agency's budget by $36,908. The Health Department will enter into a contractual agreement with Pitt County Health Department, the regional grantee of Ryan White and HOPWA federal funds. This additional funding will support the activities of a Social Worker II who will provide outreach, coordinated medical case management, and referral services to people who are HIV positive or who have AIDS living in Lenoir County and surrounding counties.

HISTORY / BACKGROUND:

Lenoir County and surrounding counties have high prevalence and incidence rates of HIV infection and AIDS. Federal funds (Ryan White and HOPWA) are available to assist people with accessing medical care and referral to appropriate support services. The federal agencies with fiscal oversight of these funds have shifted the focus from providing social support services to a medical management model. The previous non-profit organization which administered these funds is no longer a viable entity. Pitt County Health Department and Lenoir County Health Department are collaborating to assure that the residents of our counties and surrounding counties continue to benefit from this resource.

EVALUATION:

Lenoir County Health Department will submit monthly invoices to Pitt County Health Department seeking payment for services rendered under this arrangement. Current funding has been approved for the period Aug 1, 2010-March 31, 2011. Pitt County Health Department will submit a proposal for continued funding for future federal funding cycles. If funds are not allocated beyond March 31, 2011, the position will be vacated.

This action necessary for the health department to continue providing quality health care to patients with minimal disruption.

MANAGER'S RECOMMENDATION:

Respectfully Request Approval.

_____
Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners to authorize Lenoir County Health Department to receive grant funds from Pitt County Health Department to support HIV/AIDS case management services.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Davis _____ Graham _____ Pharo _____

Humphrey _____ Stroud _____ Sutton _____

_____ 08/02/10
George W. Graham, Jr., Chairman Date

_____ 08/02/10
ATTEST Date

BUDGET ORDINANCE AMENDMENT: GENERAL FUND: HEALTH (HIV SOCIAL WORKER GRANT)$36,908

Item NO. 16B

LENOIR COUNTY, NORTH CAROLINA

BUDGET AMENDMENT REQUEST

FY 2010 - 2011

Appropriations

Budget Amendment #_____

Date Approved _____

Distribution - Finance Office:

FUND	DEPARTMENT	LINE ITEM DESCRIPTION
GENERAL	HEALTH	VARIOUS

Check One Box
New Appropriation: [x]
Line Item Transfer: [ ]

REVENUES

Account # and Title	Amount
INCREASE	
10-3504-3311 HIV Soc Wrkr Grant	$ 36,908.00
Total	36,908.00

Check One Box
New Appropriation: [x]
Line Item Transfer: [ ]

EXPENDITURES

Account # and Title		Amount
INCREASE		
HIV GRANT		
10-5125-1210	Salaries	21,051.00
10-5125-1810	Employer - FICA	1,305.00
10-5125-1811	Employer - Medicare	305.00
10-5125-1820	Employer - Retirement	1,368.00
10-5125-1830	Employer - Group Insurance	4,331.00
10-5125-1870	Employer - 401K	1,053.00
10-5125-2900	Supplies	1,050.00
10-5125-3110	Travel	4,500.00
10-5125-3250	Postage	1,000.00
10-5125-3210	Telephone	945.00
Total		36,908.00

Reason and Justification for Request:

Budget Amendment to set up grant funds that are being allocated by the Federal Government to the State of North Carolina, and by the State to Pitt County. Pitt County will then distrubute the funds to surrounding counties on a reimbursement basis. The funding above will be Lenoir County's share of funds to pay for a Social Worker who will work with patients who have been diagnosed as being HIV positive. This position will be funded from August 1, 2010 through March 31, 2011.

Department Head Approval	Date	Finance Officer Approval	Date
[signature]	7/29/10	Martha H. Martin	7/29/10

Budget Officer Approval	Date
[signature]	

Board Approval (When Applicable)	Date	Date of Minutes

Finance Office - Copy Department - Copy Administration - Copy

INTRODUCED BY: Michael Jarman, County Manager **DATE:** 08/02/2010 **ITEM NO.** 11eC

Resolution Authorizing the Lenoir County Health Department to Purchase Equipment Using Building Maintenance Funds: Ed Phillips, Inc. $3,478

SUBJECT AREA: Financial

ACTION REQUESTED:

The Board is asked to grant permission to Lenoir County Health Department to execute a purchase order to Ed Phillips, Inc. for removing and disposing existing heat pump and installing a Goodman 13 R-410 Seer Split Heat Pump.

Acct:
10-5110-3500 Maintenance/Building-----$3,478.00

HISTORY / BACKGROUND:

The existing heat pump is thirty (30) years old and is currently non-operational. It has been determined that repairing the unit would cost two-thirds of the replacement cost. After considering all factors, it has been recommended by the Finance Director and maintenance Coordinator that the unit be replaced.

EVALUATION:

Replacement of existing heat pump would ensure continued service to the health department.

MANAGER'S RECOMMENDATION:

Respectfully Request Approval.

_____
Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners to allow the Lenoir County Health Department to award a work order for replacement of the existing heat pump unit.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Davis _____ Graham _____ Humphrey _____

Pharo _____ Stroud _____ Sutton _____

_____ 08/02/10
George W. Graham, Jr. Chairman Date

_____ 08/02/10
ATTEST Date

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 08/02/2010 **ITEM NO.:** 17

Resolution Approving the Expansion of Hugo Fire District to
Include the former Grifton Community Fire District

SUBJECT AREA: LEGAL

ACTION REQUESTED:

Resolution approving the expansion of the Hugo Fire District, to include the former Grifton Community Fire District.

HISTORY/BACKGROUND:

On May 18, 2009, the Lenoir County Board of Commissioners awarded the Fire Protection Contract for the Grifton Fire District to Hugo Fire and Rescue. On July 1, 2010, the contract that Lenoir County had with Grifton Community Fire District was not renewed. At this time, Hugo Fire Department is now answering calls in the Grifton Community Fire District.

EVALUATION:

Staff has met with representatives of the NC Office of State Fire Marshal's office and according to G.S. 69-25.11, the Board of County Commissioners must formally approve the expansion of fire departments to another district. Staff recommends approval.

MANAGER'S RECOMMENDATION:

Respectfully recommend approval.

_____
Initials

RESOLUTION: NOW THEREFORE, BE IT RESOLVED by the Lenoir County Board of Commissioners approving the expansion of Hugo Fire District to include the former Grifton Community Fire District.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Davis _____ Graham _____ Humphrey _____

Pharo _____ Stroud _____ Sutton _____

_____ 08/02/10
George W. Graham Jr., Chairman Date

_____ 08/02/10
ATTEST Date

INTRODUCED BY: Michael Jarman, County Manager **DATE:** 08/02/10 **ITEM NO.** 18

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. No applications at this time.

BOARD/COMMITTEE/COMMISSION	APPLICANT/ CURRENT MEMBER	TERM EXPIRATION
Tourism Development Authority Board 2nd Appearance	Jackie Brown (Re-appointment)	June 2013
Lenoir County Transit Advisory Board 2nd Appearance	Tracy Breasure (Appointment)	June 2013
Lenoir County Planning Board 2nd Appearance	Frank White (Alternate #2)	June 2013
Criminal Justice Partnership Program (CJPP) 1st Appearance	Dianne Stadiem	May 2012

CURRENT VACANCIES:

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

MANAGER'S RECOMMENDATION:

_____
Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that the following appointments are made:

BOARD/COMMITTEE/COMMISSION	**APPLICANT/ CURRENT MEMBER**	**TERM EXPIRATION**
Tourism Development Authority Board 2nd Appearance	Jackie Brown (Re-appointment)	June 2013
Lenoir County Transit Advisory Board 2nd Appearance	Tracy Breasure (Appointment)	June 2013
Lenoir County Planning Board 2nd Appearance	Frank White (Alternate #2)	June 2013
Criminal Justice Partnership Program (CJPP) 1st Appearance	Dianne Stadiem	May 2012

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Davis _____ Graham _____ Humphrey _____

Pharo _____ Stroud _____ Sutton _____

_____ 08/02/10
George W. Graham Jr., Chairman Date

_____ 08/02/10
ATTEST Date

Kinston-Lenoir County Convention & Visitors Bureau
301 N. Queen Street, Kinston, NC 28501
Embracing the past…Defining the present…Shaping the future

RECEIVED
JUN 28 2010
Lenoir County
County Manager's Office

June 25, 2010

Mike W. Jarman
County Manager
County of Lenoir
PO Box 3289
130 South Queen Street
Kinston, NC 28502

Dear Mr. Jarman,

In 2007, Mrs. Jackie Brown was appointed by Lenoir County Board of Commissioners to fill a seat on the Kinston-Lenoir County Tourism Development Authority Board. In July 2010 her seat is back up for re-appointment.

The Tourism Development Authority Board Recommendation Committee respectfully suggests that the Board of Commissioners re-appoint Ms. Jackie Brown, to fill the county commissioner seat on the TDA board. Ms. Brown has been a valuable member of the Tourism Development Authority Board. Her commitment and understanding of tourism development serves Lenoir County well.

She will be re-appointed to a three year term position which will expire in June, 2013.

Sincerely,

Laura Lee

Laura Lee Sylvester
Executive Director
Kinston-Lenoir County Tourism Development Authority

APPLICATION FOR APPOINTMENT
to
LENOIR COUNTY ADVISORY BOARDS AND COMMISSIONS

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

Advisory Board/Committee/Commission interested in:

Tracy Breasure Transit Advisory Board

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

Name: Tracy Breasure (Council on Aging)
Address: 2410 Tram Rd
City/State/Zip: New Bern NC 28562
Telephone: (Home) 636-2371 (Work) 527-1545
Occupation: Director of Lenoir County Council on Aging
Business Address: 112 E. Blount St. Kinston, NC 28501
Age: (Optional): 40
Number hours available per month for this position:
Training: B.S. Degree in Bus. Administration
Business and Civic Experience/Skills: Garber Preschool Board, Garber Education Committee member
Other County Boards/Committees/Commissions presently serving on: HCCBG Advisory Committee member, Alliance committee member
Expiration date of Term:

Circle your voting precinct

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

34th Term

CERTIFICATION

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

Tracy Breasure
Signature of Applicant

6-28-10
Date

RECEIVED
JUN 20 2010
Lenoir County
County Manager's Office

APPLICATION FOR APPOINTMENT
to
LENOIR COUNTY ADVISORY BOARDS AND COMMISSIONS

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

Advisory Board/Committee/Commission interested in:

PLANNING BOARD Alternate #2

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

* * * * * * *

Name: FRANK White
Address: 1432 Cameron Langston Road
City/State/Zip: KINSTON N.C. 28501
Telephone: (Home) 522-5365 (Work) 522-4490
Occupation: Estimator - Lee Mechanical
Business Address: PO BOX 637 KINSTON NC 28502
Age: (Optional): 48
Number hours available per month for this position: ANY
Training: HVAC License, construction experience
Business and Civic Experience/Skills: contentnea recreation Past President

Other County Boards/Committees/Commissions presently serving on: Hugo Fire Dept Board of directors secretary
Expiration date of Term:

Circle your voting precinct

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

CERTIFICATION

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

Frank White
Signature of Applicant

6-17-10
Date

APPLICATION FOR APPOINTMENT
to
LENOIR COUNTY ADVISORY BOARDS AND COMMISSIONS

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

Advisory Board/Committee/Commission interested in:

Day Reporting Center CJPP

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

* * * * * * *

Name: Dianne R. Stadiem
Address: 1109 Margaret Lane
City/State/Zip: Kinston, NC 28501
Telephone: (Home) 252-522-4591 (Work) 252-527-1166 cell 252-521-4931
Occupation: Assistant Office Manager
Business Address: H Stadiem Inc., 124 North Queen St., Kinston, NC 28501
Age: (Optional): 61
Number hours available per month for this position:
Training:
Business and Civic Experience/Skills: GED teacher at LCC; Rider Florist Inc.; H. Stadiem Inc.; Tree Commission; Chamber of Commerce; American Legion Auxiliary
Other County Boards/Committees/Commissions presently serving on: None

Expiration date of Term:

Circle your voting precinct

K-1 (Carver Courts Recreation Center)
K-2 (Old Plummer Daniel's Building)
K-3 (Fairfield Recreation Center)
K-4 (Northwest Elementary School)
K-5 (Spillman Baptist Church)
K-6 (Teachers Memorial School)
K-7 (Emma Webb Recreation Center)
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Pink Hill 2 (Pink Hill Rescue Station)
Sand Hill (Sand Hill VF Department)
Southwest (Southwest VF Department)
Trent 1 (Deep Run VF Department)
Trent 2 (Moss Hill Ruitan Building)
Vance (GTP Ed & Training CTR.)
Woodington (Woodington Middle School)

CERTIFICATION

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

Dianne R. Stadiem
Signature of Applicant

May 27, 2010
Date