Item No. 3

MINUTES
LENOIR COUNTY BOARD OF COMMISSIONERS
August 2, 2010

The Lenoir County Board of Commissioners met in open session at 9:00 a.m. on Monday, August 2, 2010 in the Board of Commissioners Main Meeting Room in the Lenoir County Courthouse at 130 S. Queen St., Kinston, NC.

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

Members absent: 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. Sutton offered the invocation and Mr. Graham led the audience in the pledge of allegiance.

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

PUBLIC INFORMATION

Ms. Jan Coley, Partnership Specialist for the US Census Bureau, addressed the Board. Ms. Coley thanked the Board and the Complete Count Committee for pushing the 2010 Census in Lenoir County. Lenoir County did experience a decline in select areas for responding to the mail return forms; but the overall count is 9% better than the 2000 Census numbers. If citizens have not completed a 2010 Census form they may contact the US Census at 1-866-868-6872 to complete a form over the phone. Census data will be compiled through September 2010, with final data presented to the President in December 2010. The Board thanked Ms. Coley for her presentation.

Mr. Jim McLain, Exalted Ruler of Kinston Elks Lodge #740, addressed the Board. Mr. McLain stated the Kinston Elks Lodge was chartered in July 1942. For the past 68 years the lodge has supported a drug awareness program. The North Carolina Elks Association has two (2) drug prevention trailers that travel throughout the state informing the youth of the dangers of drug and alcohol use. The trailers are available at no charge to any organization; to reserve a trailer the public can contact Mr. McLain at 252-527-6058. Mr. McLain stated the Elks Lodge is also a supporter of Veterans, and is looking forward to collaborating with the future Kinston Skilled Nursing Facility for Veterans. The Elks Lodge was one of the first organizations to donate household items to the first Veterans Home in Fayetteville, North Carolina. Mr. McLain stated the Elks stand by their motto "Elks Care, Elks Share." The Board thanked Mr. McLain for his presentation.

Mr. John Nix of 3003 Goodman Road, Kinston, NC, read a prepared statement written by Ms. Leigh Raynor in regards to illegal immigration reform. Ms. Raynor asked the Board to support a draft Resolution of the Lenoir County Board of Commissioners in Support of the State of Arizona Senate Bill 1070. Ms. Raynor stated a vote against the resolution would be a vote against Americans and Lenoir County.

ITEMS FROM THE CHAIRMAN/COMMISSIONERS

Item No. 1 was a Resolution of the Lenoir County Board of Commissioners in Support of the State of Arizona Senate Bill 1070. Mr. Humphrey stated he wanted the resolution introduced for the Board's consideration and discussion. New Hanover County recently passed a similar resolution. Mr. Humphrey stated illegal immigrants affect Lenoir County's budget by $5 million per year. Mr. Humphrey stated he feels Arizona is doing the right thing. Mr. Pharo stated he too supports the resolution and feels the issue has been ignored by all levels of politics for too long. Mr. Pharo stated the resolution is not about racism, it is about the law. Mr. Graham thanked Mr. Humphrey and Mr. Pharo for presenting the resolution but reminded everyone that the issue is a federal issue, not a county one. Mr. Graham stated when a county wants to affect federal change, the request is sent to the NCACC's Legislative Goals Committee for their review and recommendation. If the Legislative Goals Committee approves the request, it is then sent out to all 100 counties for a vote to make it a legislative goal. Mr. Graham made a motion to follow that process in presenting the resolution to the NCACC; the motion was followed by a second from Ms. Sutton. Ms. Sutton stated she has not fully read the Arizona Senate Bill and is not prepared to vote on the resolution. Mr. Davis stated he does not think the county can prepare itself to know the entire law presented by the State of Arizona to make an informed and accurate vote. Ms. Sutton and Mr. Stroud stated the Board is not in favor of illegal immigration, and wants the resolution presented in a proper manner. The motion by Mr. Graham and second by Ms. Sutton to send the resolution to the Legislative Goals Committee was passed by a 4-2 vote with Mr. Humphrey and Mr. Pharo dissenting. Mr. Humphrey made a motion to pass the resolution as presented; the motion was second from Mr. Pharo. The motion failed by a 2-4 vote with Ms. Sutton, Mr. Stroud, Mr. Graham and Mr. Davis dissenting.

ITEMS FROM THE COUNTY MANAGER

Item No. 2 was Items from the County Manager. Mr. Jarman stated the public hearing for jail construction has been postponed. County Administration has to meet with the architects and contractors in order to do value engineering. NCACC has presented a memorandum detailing the NC 10-11 State budget. The State budget will impact Lenoir County by approximately $800,000, mostly from the State taking lottery funds.

CONSENT AGENDA

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

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

BUDGET ORDINANCE AMENDMENTS/RESOLUTIONS

Item No. 6A was 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. Mr. Mark Pope, Economic Development Director, addressed the Board. Mr. Pope stated 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 & B Trenching Company was the lowest responsible bidder. Total project costs are $4,134,366.37 including construction, pipe, engineering, and administration. Upon a motion by Mr. Davis and a second by Ms. Sutton, Item No. 6A was unanimously approved.

Item No. 6B was a Budget Ordinance Amendment: Capital Projects Fund: Sanderson Gas Line Project: $1,000,000: Increase. The amendment appropriates 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. Upon a motion by Mr. Davis and a second by Ms. Sutton, Item No. 6B was unanimously approved.

Item No. 6C was a Budget Ordinance Amendment: Capital Projects Fund: Sanderson Gas Line Project: $1,634,366.37: Increase. The amendment sets up additional revenue and expenditure lines for the Hwy. 70 (Sanderson Farms) gas line project. 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. These additional funds are necessary to see the project to completion. Upon a motion by Mr. Davis and a second by Ms. Sutton, Item No. 6C was unanimously approved.

Item No. 6D was a Resolution Approving Two Deeds of Easement for Utilities between Lenoir County and the City of Kinston/Progress Energy for Sanderson Farms Hatchery Site. Mr. Pope stated 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. 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. Upon a motion by Mr. Humphrey and a second by Ms. Sutton, Item No. 6D was unanimously approved.

Item No. 7 was a Budget Ordinance Amendment: General Fund: Process Funds: $18,557: Decrease. Ms. Martin stated the amendment allocates 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 FY 10-11 Budget. Upon a motion by Ms. Sutton and a second by Mr. Stroud, Item No. 7 was unanimously approved.

Item No. 8 was a Budget Ordinance Amendment: General Fund: DSS: $4,281: Increase. Mr. Jack Jones, Social Services Director, addressed the Board. Mr. Jones stated the amendment moves prior year funding forward; no County match required. Upon a motion by Mr. Davis and a second by Ms. Sutton, Item No. 8 was unanimously approved.

Item No. 9 was a Budget Ordinance Amendment: General Fund: Process Funds: $9,091.64: Increase. Ms. Martin stated the amendment re-appropriates SHIP Grant funds not expended in FY 08-09. Upon a motion by Ms. Sutton and a second by Mr. Pharo, Item No. 9 was unanimously approved.

Item No. 10 was a Budget Ordinance Amendment: General Fund: Finance/Sheriff Dept.: $12,250: Increase. Ms. Martin stated the amendment rolls 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 US Department 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 misdemeanors and have been incarcerated during the reporting period of the award. By law, these funds are restricted for use by the Sheriff's Department. Upon a motion by Mr. Davis and a second by Ms. Sutton, Item No. 10 was unanimously approved.

Item No. 11 was a Budget Ordinance Amendment: General Fund: Finance/Sheriff: $71,091.75: Increase. Ms. Martin stated the amendment brings forward unexpended Sheriff's Civil Process Service Fees from prior years. 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. Upon a motion by Ms. Sutton and a second by Mr. Stroud, Item No. 11 was unanimously approved.

Item No. 12 was a Resolution Approving Presentation of Badge and Service Weapon to Retiring Lieutenant Timothy Chase. Mr. Stroud read the resolution for the Board and the viewing public. Mr. Chase thanked the Board, citizens of Lenoir County and the Sheriff's Department for allowing him to serve the community. The Board thanked Mr. Chase for his years of service. Upon a motion by Ms. Sutton and a second by Mr. Graham, Item No. 12 was unanimously approved.

Item No. 13A was a Budget Ordinance Amendment: Transportation: Administration/ARRA: $369,822: Increase. Ms. Sue Powell, Transit Director, addressed the Board. Ms. Powell stated the amendment rolls forward funds from the New American Recovery and Reinvestment Act of 2009. 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. Upon a motion by Ms. Sutton and a second by Mr. Stroud, Item No. 13A was unanimously approved.

Item No. 13B was a Resolution to Approve Declaring Three (3) Lenoir County Transit Vehicles as Surplus Vehicles. Ms. Powell stated the vehicles 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. Upon a motion by Ms. Sutton and a second by Mr. Stroud, Item No. 13B was unanimously approved.

Item No. 13 C was a Resolution Approving the Operator's Manual for Lenoir County Transit Drivers. Mr. Bill Allison, Transit Safety Officer, addressed the Board. Mr. Allison stated 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. Upon a motion by Mr. Stroud and a second by Ms. Sutton, Item No. 13C was unanimously approved.

Item No. 14 was a Budget Ordinance Amendment: Capital Improvements: Finance: $1,225,595: Increase. Ms. Martin stated the amendment rolls forward and distributes prior year's unexpended economic development, community development, and buildings and grounds funds into the appropriate expenditure lines in the Capital Improvements Fund for FY 10-11. Upon a motion by Ms. Sutton and a second by Mr. Stroud, Item No. 14 was unanimously approved.

Item No. 15B was a Resolution Approving 2009-2010 Tax Collectors Annual Settlement. Mr. Darrell Parrish, Tax Administrator addressed the Board. Mr. Parrish stated pursuant to NCGS 105-373 the Lenoir County Tax Collector is required to make a full settlement to the governing body for all taxes. The Lenoir County Commissioners acknowledge with appreciation the diligent efforts of the Tax Collector that has resulted in a 94.83% collection rate for the fiscal year 2009-2010. During a three-year period 99% of all taxes are collected. Upon a motion by Ms. Sutton and a second by Mr. Stroud, Item No. 15B was unanimously approved.

Item No. 15D was a Resolution Approving Insolvent Personal Property Tax List. Mr. Parrish stated 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. 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. Upon a motion by Ms. Sutton and a second by Mr. Stroud, Item No. 15D was unanimously approved.

Item No. 16A was a Resolution Authorizing HIV Social Worker Contract. Mr. Joey Huff, Health Director, addressed the Board. Mr. Huff stated 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. 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. Upon a motion by Ms. Sutton and a second by Mr. Stroud, Item No. 16A was unanimously approved.

Item No. 16B was a Budget Ordinance Amendment: General Fund: Health (HIV Social Worker Grant) $36,908. Upon a motion by Ms. Sutton and a second by Mr. Stroud, Item No. 16B was unanimously approved.

Item No. 16C was a Resolution Authorizing the Lenoir County Health Department to Purchase Equipment Using Building Maintenance Funds: Ed Phillips, Inc.: $3,478. Ms. Huff stated 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. It has been recommended by the Finance Officer and Maintenance Coordinator that the unit be replaced. Upon a motion by Ms. Sutton and a second by Mr. Stroud, Item No. 16C was unanimously approved.

Item No. 17 was a Resolution Approving the Expansion of Hugo Fire District to include the former Grifton Community Fire District. Mr. Roger Dail, Emergency Service Director, addressed the Board. Mr. Dail stated 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 with Grifton Community Fire District was not renewed. At this time, Hugo Fire Department is now answering calls in the Grifton Community Fire District. Staff has met with representatives of the State Fire Marshal's office and according to G.S. 69-25.11; the Board of County Commissioners must formally approve the expansion of a fire department to another district. Upon a motion by Ms. Sutton and a second by Mr. Pharo, Item No. 17 was unanimously approved.

APPOINTMENTS

Item No. 18 was a Resolution Appointing Citizens to Boards, Commissions, Etc. Items were tabled due to first appearance. Upon a motion by Mr. Pharo and a second by Ms. Sutton, second appearance applicants were unanimously approved.

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 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

ADJOURN

Upon a motion by Mr. Graham and a second by Mr. Stroud the Board adjourned at 10:58 a.m.

Respectfully submitted,

Lashanda A. Hall
Clerk to the Board

Reviewed By

Michael W. Jarman
County Manager