

**MINUTES**  
**LENOIR COUNTY BOARD OF COMMISSIONERS**  
**August 15, 2011**

**Item No. 3**

The Lenoir County Board of Commissioners met in open session at 4:00 p.m. on Monday, August 15, 2011 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 Reuben Davis and Commissioners, Jackie Brown, Mac Daughety, Linda Rouse Sutton, Tommy Pharo, and Eric Rouse  
Members Absent: None

Also present were: Michael W. Jarman, County Manager, Tommy Hollowell, Assistant County Manager, Martha Martin, Finance Officer, Robert Griffin, County Attorney, April L. Banks, Interim Clerk to the Board, and members of the general public and news media.

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

**PUBLIC INFORMATION**

Mr. Derek Kelly, CenturyLink Market Development Manager, and Mr. Tommy Rogers, CenturyLink Area Operations Manager addressed the Board regarding internet service availability in Lenoir County. Currently, 90% of Lenoir County is able to receive internet speeds of 768K or higher. There are some rural areas in Lenoir County that are not internet capable. Mr. Pharo asked Mr. Kelly to explain grants available for development in rural areas. Mr. Kelly stated CenturyLink did not apply for any grants due to certain stipulations attached. The company would have to open up their network to other carriers for usage. There are Public / Private Partnership grants which are obtained through the County and they would be willing to pursue those options. Mr. Graham questioned if home phone service is available to residents, then why not high-speed internet. Mr. Kelly responded all telephone lines cannot get high speed internet. This process sometimes involves laying fiber optic cables from a switch box to the destination.

Mr. Woody Shelton, a citizen from the Institute Area of Lenoir County, was present to address concerns regarding not having internet in his neighborhood. Mr. Shelton provided a petition with forty (40) signatures from households who wish to have internet service available to them. He has been gathering signatures and providing CenturyLink with petitions for the past five (5) years, but has not heard any information about pending internet capability. Mr. Shelton stated in approximately a half-mile radius of his neighborhood, other homes have internet availability. Mr. Kelly stated that every site is viewed from a business standpoint. The cost of laying miles of fiber optic cabling is expensive. The two major components are the device and the cables. Mr. Daughety stated if funds can be obtained for a Public / Private Partnership between CenturyLink and the County, will 100% of Lenoir County have access to high-speed internet. Mr. Rogers stated there is no guarantee that all areas will be covered, but he will work with each area to see which is most economical.

Mr. Joey Huff Lenoir County Health Department Director, along with Ms. Barbara Sutton, Environmental Health Supervisor addressed the Board regarding Food Sale Activity. Mr. Huff stated the sale of shrimp at roadside stands is legal as long as the individual sells the shrimp in the same condition as they were obtained. The Marine Fisheries Division is in charge of regulations and no permit is required for these sales. There are some food sales regulated by the Health Department. Current regulations say the sale of cooked food or baked goods is illegal unless you have a permit from the Health Department. Not obtaining the permit can result in criminal charges. There is also a safety issue, due to exposure to food borne and other illnesses. The individuals selling the food are offered opportunities to meet with staff at the Health Department in order to get their permit.

Mr. Graham questioned if school fundraisers selling food are illegal. Ms. Sutton stated 5013c non-profit and tax-exempt organizations do not need a permit. They are limited to no more than 2 sales days out of the month and the days must be consecutive.

Mr. Graham asked Mr. Huff to provide an update on the issues at the SPCA. Mr. Huff stated there is overpopulation at the shelter and this is not unusual for this time of year. People cannot afford to keep pets because of the economy. The SPCA is a limited facility with limited staff. They are trying to salvage and rescue as many animals as possible, either through foster care or adoption. Animal Control is also very busy with stray animals and these also come to the SPCA. Mr. Huff is in contact with the SPCA Board for short term or long term solutions. Not all animals can be adopted or rescued and these have to be euthanized. The staff has done a good job of making spaying and neutering more affordable to pet owners. Mr. Daughety inquired as to how many animals are euthanized each year. Mr. Huff responded approximately 2,100 to 2,200 animals at a cost of \$40,000 annually. Mr. Brown asked about the Transport Program. Mr. Huff stated the Transport Program is a network that reaches out to other jurisdictions to take in animals that are not able to be placed into a home in Lenoir County. These animals are transported to other areas of North Carolina or even other states to find homes. Mr. Pharo asked if a committee of local individuals and groups providing ideas would be helpful to the SPCA. Mr. Huff welcomes input from individuals or agencies regarding this issue. He recognized the SPCA for doing an excellent job using local media to inform the public of the issue.

Mr. Griffin spoke about the Lenoir County Board of Commissioners Redistricting Schedule. In August 2011, plans will be developed. On Tuesday, September 6, 2011 at 9:00 a.m. he will present redistricting to the Board and Commissioners and general public. Between September 6 and September 16, 2011, this will be the "Draw Your Own District" period. Elected officials and citizens may meet privately with him to present their own plans or "tweak" existing plans to their liking. Mr. Griffin will review and revise plans to meet One Person-One Vote and Voting Rights Act requirements. Any legal submitted plans will be added to the group of plans considered by the Board. On Monday, September 19, 2011 at 4:00 p.m. there will be a Public Hearing on Redistricting Plans. Once the Public Hearing is concluded, the Board will be free to adopt a plan at that meeting or any future meeting. Upon adoption, Mr. Griffin will submit the plan to the US Justice Department to evaluate its effect on the ability of minority voters to elect candidates of their choice. The Justice Department will have 60 days for a response and can request an additional 60 days for more information. Once the Justice Department gives its "preclearance", the plan will be final and in effect for the next ten (10) years. Mr. Rouse stated the difficulties of obtaining people to serve on different Boards for the County and if going to an "at-large" on all Boards may be helpful instead of being concerned about districts. Mr. Griffin stated he thinks that is an excellent suggestion. Ms. Sutton stated if a vacancy isn't filled within a certain time frame, then the vacancy can become at-large also.

#### **ITEMS FROM THE CHAIRMAN/COMMISSIONERS**

Item No. 1 was items from Chairman / Commissioners. Mr. Daughety spoke about the Military Growth Task Force (MGTF). He received an e-mail from Mark Sutherland stating matching funding has become available from the Department of Transportation (DOT) for the study. Mr. Daughety also provided a Transportation update. On August 4, 2011, local officials provided an update on proposed bypass routes for the Hwy. 70 Bypass Project. The routes have been narrowed from 300 to 30 routes. On August 29, a Public Hearing will be held at Kinston High School from 4:00 p.m. to 7:00 p.m. and on August 30 at the Kinston City Complex from 4:00 p.m. to 7:00 p.m. The public will be able to view proposed routes and comment. After the hearing, the list will be refined again. DOT has asked for appointees to assist in viewing the routes for local items that may be an obstacle. Mr. Wayland

Humphrey, Lenoir County GIS Director, was appointed because of his mapping knowledge. Mr. Graham thanked Mr. Daughety for his time.

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

Item No. 2 was Items from the County Manager. Mr. Jarman provided the Board with a Jail Update. He stated each Commissioner should have received an e-mail regarding the gas line issue which occurred last week. The construction staff did follow all guidelines for safety. The Courthouse was also checked to determine if citizens and employees needed to be evacuated. No safety hazards were found. On August 11, 2011 construction workers found an undocumented 750 gallon storage tank. Mr. Mike Wiggins, Maintenance Director along with the construction team removed the tank. At the time of removal, another gas line was discovered. The County is currently working with Piedmont Natural Gas regarding the line. These issues will not slow the progress and things will continue on schedule. Mr. Jarman is working with the staff to alleviate parking issues due to the construction.

Mr. Jarman asked Mr. Roger Dail, Director of Emergency Services to discuss the Occupational Safety & Health Administration (OSHA) visit. The OSHA personnel arrived Monday morning to conduct inspections at random facilities and departments. The inspection concluded on Thursday and the final report will be provided within a week. After the report is received, the County will have thirty (30) days to correct any issues. Ms. Sutton asked if there were any major violations. Mr. Dail responded there were no life threatening violations found. The majority of the issues were housekeeping related. There is also a need for an asbestos inspection to test buildings built before 1980 and an electrician to test circuit breakers to ensure there is no overload problem.

Mr. Jarman addressed the structural incident which occurred at the Administration Building. A small piece of concrete fell off the upper northwest corner of the building. Mr. Wiggins immediately investigated the issue as soon as it occurred. The County retained an engineer to determine if there were any other hazards to the building or to the public. None were found. A small metal structure was designed to attach to the building to ensure no other objects fall. Ms. Sutton commended Mr. Wiggins for all he does to keep employees and citizens safe. Mr. Jarman notified Mr. Pharo he will be the Voting Delegate for the upcoming NCACC Annual Conference.

### **CONSENT AGENDA**

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

3. Approval of Minutes: Regular Board Meeting: August 1, 2011 Banks/Jarman
4. Budget Ordinance Amendment: General Fund: Finance/Sheriff Dept.: \$569. Decrease Martin/Hollowell
5. Budget Ordinance Amendment: General Fund: Process Funds: \$843.50. Increase Martin/Hollowell

### **BUDGET ORDINANCE AMENDMENTS/RESOLUTIONS**

Item No. 6A was a Resolution Requesting Appointment of the Planning Committee for the Lenoir County Work First Block Grant Plan for SFY 2012-2014. Ms. Moore stated State Law mandates all counties must submit a county Work First Block Grant Plan to the Department of Health and Human Services (DHHS) for Work First biennial planning. North Carolina General Statute 108.27 and Work First Policy Section 103 provide instructions for the development of the local Work First plan to meet local needs. The individuals selected for the Work First Planning Committee are very familiar with the Work First Program, the targeted population, and the planning process. Upon a motion by Mr. Davis and a second by Ms. Brown, Item No. 6A was unanimously approved.

Item No. 6B was a Resolution Requesting to Continue Electing Status for the Work First Program During SFY 2012-2014. The planning process for the Work First Program consists of several significant criteria including the designation of our County status as either a Standard County or an Electing County. Each county must notify DHHS as to whether they want Standard or Electing County status. Lenoir County has chosen Electing County Status since 2001. By choosing Electing Status, the County may reduce the county funding for the Work First Program by 10% saving \$102,373 per year for Lenoir County. The number of families who receive public assistance has been reduced from 573 families in July 2001 to 160 families on May 31, 2011. To abandon the Electing County Status at this time would potentially cost \$800,000 local tax dollars. Upon a motion by Ms. Sutton and a second by Mr. Pharo, Item No. 6B was unanimously approved.

Item No. 7 was a Resolution Authorizing the Purchase of Foam Filled Tires for John Deere Backhoe: Colony Tire: \$2,899.39. Mr. Hollowell addressed the Board on behalf of Mr. Tom Miller, Solid Waste Department Director. He stated in an effort to extend the life of the MSW Landfill Cell #1, the Landfill Director reopened the MSW transfer station in January 2010. The Backhoe owned by the landfill is constantly assisting the Case 621C loader with moving and loading of garbage from the concrete pad in the transfer station into the empty trailers that haul the garbage to Sampson County. The landfill operations must continue and due to the wear and tear of normal day-to-day operations, it is necessary to replace the rear foam filled tires on the Backhoe. Price quotes received were:

Colony Tire	Kinston, NC	\$2,899.39
East Carolina Equipment Co.	Greenville, NC	\$3,305.00
Piedmont Truck Tires	Raleigh, NC	\$4,591.31

Upon a motion by Mr. Davis and a second by Ms. Sutton, Item No. 7 was unanimously approved.

Item No. 8 was a Budget Ordinance Amendment: Finance/Health Department: Animal Control: \$4,809: Increase. Ms. Martin stated this Amendment is to budget insurance proceeds received from Trident Insurance Company on August 9, 2011 in the amount of \$4,808.45 for an accident that occurred on July 22, 2011, when a vehicle driven by someone else hit a deer, throwing the deer into the path of one of the County's Animal Control Officers. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 8 was unanimously approved.

Item No. 9 was a Budget Ordinance Amendment Trust & Agency Fund: Finance/Extension-Family Caregiver: \$6,132.04: Increase. This Amendment is to roll forward funds for the Exceptional Children's Assistance Center (ECAC) Financial Support. In FY 10-11 \$10,387 of the \$14,250 approved grant was received. Of these funds, \$8,117.96 was expended. Rolling forward the balance of these grant funds will allow Cooperative Extension to utilize the remaining funds to assist with support of salaries, supplies and training for the Smart Start Program. Upon a motion by Ms. Brown and a second by Mr. Pharo, Item No. 9 was unanimously approved.

Item No. 10 was a Budget Ordinance Amendment: General Fund: Process Funds: \$12,455: Increase. This Amendment is to bring forward unexpended funds from the EMPG Grant for FY 09-10 and FY 10-11 and to take off the budgeted funds for FY 11-12. If any additional funds are received in this fiscal year, they will be budgeted at that time. In FY 09-10 \$13,684.54 was received and in FY 10-11 \$17,810.94 was received. In FY 09-10 no funds were expended, and in FY 10-11 only \$6,040.64 was expended. The difference in the amount to be rolled forward and what was actually budgeted is \$12,455. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 10 was unanimously approved.

Item No. 11 was a Budget Ordinance Amendment: General Fund: Finance/Rural Advance Found International (RAFI): \$17,506.40: Increase. This Amendment is to roll forward funds for the Rural

Advancement Foundation International (RAFI) Grant. Of the \$22,596 grant amount approved, \$21,467 was received in FY 10-11, leaving a balance of \$1,129 to be received in FY 11-12. Expenditures in FY 10-11 were \$5,089.60, leaving a balance of \$17,506.40 to be appropriated in FY 11-12. This will allow Cooperative Extension to use the funds to support the Farmers' Market by providing funds for renovations and funding for the Market Manager. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 11 was unanimously approved.

Item No. 12 was a Budget Ordinance Amendment: General Fund: Finance/Sheriff: \$109,393.20: Increase. This Amendment is 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. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 12 was unanimously approved.

Item No. 13 was a Budget Ordinance Amendment: General Fund/Capital Projects: Finance: \$114,267: Increase. This Amendment is to appropriate \$114,267 from the General Fund Assigned Fund Balance for the Jail Construction Project. These funds were set aside in past fiscal periods for upcoming expenditures. Included in this amendment are: \$4,765 for removal of slab and wall section; \$11,762 for flood drain improvements and changes in drainage design requested by management; \$14,263 for dewatering and well-pointing in basement and elevator shafts during slab pours; \$17,043 for insecticide and termicide treatment of slabs; \$40,934 for redesign and manufacturing of grease trap system and upgrade of plumbing fixtures received by the construction manager; \$12,000 for purchase of trash compactor assembly; \$13,500 for abatement and footing / retaining wall construction. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 13 was unanimously approved.

Item No. 14 was a Budget Ordinance Amendment: Capital Improvements: Economic Development: \$1,338,349: Increase. This Amendment is to roll forward and distribute prior years unexpended economic development, community development, and buildings and grounds funds into the appropriate expenditure lines in the Capital Improvement Fund for the fiscal year 2011-2012. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 14 was unanimously approved.

### APPOINTMENTS

Item No. 15 was a Resolution Appointing Citizens to Boards, Commissions, Etc.

<u>BOARD/COMMITTEE/COMMISSION</u>	<u>APPLICANT/ CURRENT MEMBER</u>	<u>TERM EXPIRATION</u>
Home & Community Block Grant Advisory Committee 2 <sup>nd</sup> Appearance	Christopher Harper (Re-appointment) Anne Gaddis (Re-appointment) Tammy Dawson (Re-appointment)	August 2014
Lenoir County Aging Advisory Committee 1 <sup>st</sup> Appearance	Tracy Breasure Cora Mattocks Susan Hill	August 2013
Lenoir County Planning Board 1 <sup>st</sup> Appearance	Donna Hardy	August 2013

Upon a motion by Ms. Brown and a second by Ms. Sutton, the above second appearance appointments were unanimously approved.

**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

**CLOSED SESSION**

Upon a motion by Ms. Sutton and a second by Mr. Daughety, and unanimous approval, closed session was entered at approximately 5:42 p.m. and the following cited: Number four (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by Lenoir County. The Board discussed the project and no decision was made. The discussion will continue in September’s meeting. Upon a motion by Mr. Rouse and a second by Ms. Sutton; the Board moved out of closed session at approximately 6:08 p.m.

**ADJOURN**

Upon a motion by Mr. Graham and a second by Mr. Daughety the Board adjourned at 6:09 p.m.

Respectfully submitted,

Reviewed By

April L. Banks  
Interim Clerk to the Board

Michael W. Jarman  
County Manager