

**MINUTES**

**LENOIR COUNTY BOARD OF COMMISSIONERS**

**August 15, 2016**

The Lenoir County Board of Commissioners met in open session at 4:00 p.m. on Monday, August 15, 2016, in the Board of Commissioners' Main Meeting Room in the Lenoir County Courthouse at 130 S. Queen St., Kinston, NC.

Members present: Chairman Craig Hill, Vice-Chairman Jackie Brown, Commissioners, Roland Best, Mac Daughety, Reuben Davis, Eric Rouse, and Linda Rouse Sutton.

Members Absent: None

Also present were: Michael W. Jarman, County Manager, Joey R. Bryan, Assistant County Manager, Tracy Chestnutt, Finance Officer, Vickie F. King, Clerk to the Board, Robert Griffin, County Attorney, members of the general public and news media.

Chairman Hill called the meeting to order at approximately 4:00 p.m. Ms. Brown offered the Invocation and Parker Edwards from Gordon Street Church Boy Scouts Troop 21 led the audience in the Pledge of Allegiance.

**PUBLIC INFORMATION:**

Mr. Parker Edwards from Gordon Street Church Boy Scouts Troop 21 stated he was before the Lenoir County Board of Commissioners today because he is in the process of receiving his Communications Merit Badge. One of the requirements for receiving the Communications Merit Badge is to attend a Commissioners public meeting to give him the opportunity to hear several points of views given on a single issue.

**PUBLIC COMMENTS:**

None

**CONSENT AGENDA:**

1. Approval of Minutes: Regular Board Meeting: August 1, 2016.

Upon a motion by Ms. Brown and a second by Mr. Best, the consent agenda was unanimously approved.

**BUDGET ORDINANCE AMENDMENTS/RESOLUTIONS:**

Item No. 2 was a Resolution Authorizing Acceptance of the New Lenoir County Farmers Market Lease Agreement, and Authorize Lenoir Cooperative Extension to Execute the Agreement. Tammy Kelly, Cooperative Extension Director, stated prior to this time the Lenoir County Farmers Market facility has mainly received requests from non-profit organizations to utilize the facility. Therefore, a very simplified version of the policies of the facility usage had been utilized. As a result of facility improvements and improvements to the surrounding area, more requests are being received from private parties. Rental of the Lenoir County Farmers Market facilities would generate a small amount of income for the Farmers Market. In order to rent the facility, the current Lease Agreement was drafted to address the liability issue of hosting outside groups as well as the liability of serving alcohol and the permits and permission required in these situations. Ms. Kelly stated that Attorney Griffin has reviewed the lease and has given his approval. Upon a motion by Mr. Davis and a second by Mr. Daughety, Item No. 2 was unanimously tabled for further discussion.

Mr. Hill stated although there was a motion and a second, he felt like this issue required some discussion. If approved the lease in itself will be the first time Lenoir County officially allowed alcoholic beverages on county property like the Farmers Market. We know there are a lot of activities going on in that area and industry is continuing to grow in our community. Mr. Hill stated he is not saying he is not in favor of the lease, but he wants to make sure everyone understands this issue because it will be a drastic change for our county.

Mr. Jarman stated if this lease is approved whoever is holding the function at the Farmers Market will have to get the proper insurance, sign a hold harmless agreement, and several other things that would be required. As Chairman Hill stated open discussion is needed so you will know exactly what you will be approving.

Mr. Hill stated he understands that the way the facility is designed and the nature of the entertainment business, that it's beginning to work its way through the culture of our community, and that a lot of communities are allowing this. As long as it's managed appropriately he is in favor of it. He just wants to make sure everybody understands the change.

Mr. Rouse stated the only thing he sees that might be a problem is the people having to purchase a beer license. Ms. Kelly stated if someone is selling alcohol that is one level of permit, and if you are not selling alcohol it is different. Mr. Daughety asked if there are any recreations facilities that the county rents out that allows alcoholic beverages. Mr. Ellis replied Moss Hill Ruritan Building. Mr. Jarman stated Moss Hill Ruritan Building is not county property. Our policy is there is "no alcohol allowed" on county property. Technically you will not be changing that policy it will remain in place, however; as stipulated in this lease you are only allowing alcohol for this one venue at specific times per approval.

Mr. Hill stated that is another issue with the Board being involved with this lease because it would be more of a control purpose. Mr. Ellis stated at the Nature Center they allow alcohol for specific clubs, wedding receptions, but it must be catered, and that's county property. Mr. Jarman stated we are not doing it the way we should if this Board hasn't approved it. Mr. Hill stated in the past not allowing alcohol at the Arts Council when having functions was one of the issues that made it very difficult to rent out.

Mr. Ellis stated it's allowed at Pearson Park which is county/city property. Mr. Rouse asked if it was possible to place all of the agreements together and keep it simple. Mr. Daughety asked if they could create a standardized countywide policy. Mr. Hill stated another example is with the Woodmen Community Center. Mr. Ellis replied with the Woodmen Community Center is handled and operated through the Parks and Recreation Department not the county. Mr. Jarman stated the Woodmen Community Center is county property. Mr. Hill agreed that it was county property because the county has a stake in it. Mr. Hill stated a good example would be the issues that the county dealt with involving the incident at the Woodmen. These are the type of things that can happen with the alcohol policy if that trend runs through the county. Mr. Hill stated in his opinion the Board should take some time and review this current situation and make sure everyone is on the same page and it would be applicable to all.

Mr. Jarman asked if this agreement would apply to all county facilities/properties or if they would name the facilities that it would pertain to. Ms. Sutton asked why it stated under the general regulations in the lease all Lessees must be pre-approved by "Lenoir County Cooperative Extension, and/or Lenoir County Government". Ms. Kelly replied they kept that in there so that they would have something special. Mr. Hill stated it would also be needed for the gray areas. Mr. Jarman stated if this Board is going to bring in the other facilities to take pressure off Bill/Recreation and Tammy/Cooperative Extension and place the headache on county government to deal with and have the final discussion. Mr. Rouse asked Mr. Jarman if he would bring it before this Board. Mr. Jarman replied if this Board would approve which sites, it would basically be the same type of agreement. Ms. Kelly stated once everything is together they can run it by the Board for final approval.

Ms. Sutton asked again, why does it say and/or Lenoir County Government. Ms. Kelly replied they can make it say both. Ms. Sutton stated she was just wondering what type of situation would be the factor to tell if Cooperative Extension or Lenoir County sign off on the lease. Mr. Ellis stated there's little problem that the City of Kinston would do that, they will work it out. Pearson Park is a city-county thing and they have been approving Pearson Park for the last 30 years and he doesn't know if that should be changed to the county. Mr. Jarman stated if that would happen this Board needs to approve a new policy and sign off on it. Mr. Hill stated the issue is it may overlap but it doesn't overlap our property rights. County property is our property regardless and they need to have a policy and they need to be covered for their safety. Mr. Daughety stated it would be good to have a standardized policy. Mr. Jarman stated they could ask for certain requirements like at the festivals by getting proper insurance. The property that is in the city we could defer to them for their decision but make sure their insurance and things that limit your liability are in place. Mr. Griffin asked where is the policy that states no alcohol is allowed on county property. Mr. Jarman replied he would have to locate it, but that's what has been preached to him since he's been with the county. Upon a motion by Mr. Daughety and a second by Ms. Brown, Item No. 2 was unanimously tabled.

Item No. 3 was a Resolution Authorizing Lenoir County Health Department to Execute a Purchase Order Contract with Down East Protection Systems for a Galaxy Access Control Kit. Joey Bryan, Assistant County Manager, stated the current card swipe system that operates the two security doors and records time in and out will not work with the new computers that will be installed this year. The new program will be on a shared drive to give supervisors access to monitor time records. Upon a motion by Ms. Sutton and a second by Mr. Best, Item No. 3 was unanimously approved.

Item No. 4 was a Resolution Approving Change of Board Appointee for the Hugo Fire and Rescue Department. Dustin Burkett, Fire Marshal, stated on July 13, 2016, the Lenoir County Emergency Services Department received a letter from Hugo Volunteer Fire and Rescue requesting a change of the existing Board appointed representative to their Firemen's Relief Fund Board. The existing Board appointed designee, Calvin Cameron, is no longer able to participate with the department. Hugo Volunteer Fire and Rescue is requesting the Board remove Calvin Cameron and appoint Edward Langley to be effective immediately. Upon a motion by Mr. Daughety and a second by Mr. Best, Item No. 4 was unanimously approved.

Item No. 5 was a Resolution Authorizing the Approval of Fireworks Shows at the Lenoir County Fair. Dustin Burkett, Fire Marshal, stated the Lenoir County Commissioners must approve all fireworks shows held in the county, and they must be granted prior to the issuance of permits. The Lenoir County Fair Association has hired Hale Artificier, Inc. to handle all fireworks within the approved area of the Lenoir County Fairgrounds. The Fire Marshal or his/her designee will ensure all fire codes are met. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 5 was unanimously approved.

Item No. 6 was a Resolution Approving the Purchase and Installation of the Rosco Dual Vision Camera System on Nine (9) Wheeled Coach Ambulances: Select Custom Apparatus: \$9,000. Roger Dail, EMS Director, stated the Rosco Dual Vision Camera System provides up to thirty (30) hours of continuous video and event recording. With dual windshield camera, optimal frames per second video recordings are collected with audio options. Utilizing the Rosco Dual Vision Camera system will assist improving fleet performance as well as regulatory compliance. The camera system will also provide a major benefit to the training department and allow real-time feedback. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 6 was unanimously approved.

Item No. 7 was a Resolution Approving the Purchase and Installation of Emergency Lights, Console, Siren, Camper Shell, and Slide Out Tray on Two (2) Ford F250 Administrative Vehicles: Gately Communication Company: \$11,470.33. Leonard: \$6,980.88. Roger Dail, EMS Director, stated as a result of the job responsibilities, it is a necessity to equip the two (2) recently purchased Ford F250 Administrative vehicles with emergency lights, console, and siren. This allows them to respond to calls while driving emergency traffic lights and siren. This will also provide the camper shell and slide tray to house and transport the medical equipment and supplies needed to perform advance life support. Upon a motion by Mr. Daughety and a second by Mr. Best, Item No. 7 was unanimously approved.

Item No. 8 was a Resolution Approving an Application for FY 16-17 Rural Operating Assistance Program (ROAP) totaling \$182,413: Elderly Disabled Transportation Assistance Program (EDTAP), \$76,354: Employment Transportation Assistance Program (EMP), \$15,698: and Rural General Public (RGP) Funding. Sally Durst, Safety Training/Grant Writer, stated the ROAP for FY16-17 consolidates several grants into one package.

The ROAP funds are distributed through a formula based allocation. Lenoir County is eligible to receive funding for three (3) grants: EDTAP and EMP programs are 100% state funded and require no local match, RGP requires a minimum match of 10% local funds (RGP ticket sales). An application must be submitted to the North Carolina Department of Transportation/Public Transportation Division (NCDOT/PTD) in order to receive the funds. The county is the only eligible applicant for ROAP funds, and the county (ROAP recipient) is responsible for disbursing the funds. Upon a motion by Mr. Best and a second by Ms. Brown, Item No. 8 was unanimously approved.

Item No. 9 was a Budget Ordinance Amendment: GTP: \$15,000. Tracy Chestnutt, Finance Director, stated the purpose of this amendment is to appropriate funds in Fiscal Year 15-16 to adjust budgeted expenditures and revenues for the Global Trans Park. Upon a motion by Mr. Daughety and a second by Mr. Best, Item No. 9 was unanimously approved.

Item No. 10 was a Resolution Authorizing Award of Contract for Asbestos Abatement Services: 2011 CDBG Catalyst Project: Eastern Environmental, Inc. and Enviro Assessments East, Inc.: \$2,873. C. David Harris, CDBG Project Manager, stated Lenoir County was awarded \$500,000 for the CDBG 2011 Catalyst Project on October 12, 2012. Along with the grant funds, the County has committed \$25,000 and the Town of LaGrange has committed \$5,000 to address housing and infrastructure needs in the Spring Drive area of LaGrange. This project will allow for the abatement of asbestos, the clearance of existing dilapidated dwellings and the replacement of those dwellings in the Spring Drive area. This project will also include water/sewer improvements and street improvements. Bids were taken for the asbestos abatement of two structures on July 1, 2016. The contracts specify that the contractor will be allowed to do only the number of approved structures, and only the activities specified by the county and/or the project administrator. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 10 was unanimously approved.

Item No. 11 was a Resolution Authorizing Award of Contract for Demolition Services: 2011 CDBG Catalyst Project: Rick Bostic Construction and Demolition, Inc. and Taylor's Hauling and Construction, Inc.: \$23,237. C. David Harris, CDBG Project Manager, stated Lenoir County was awarded \$500,000 for the CDBG 2011 Catalyst Project on October 12, 2012. Along with the grant funds, the County has committed \$25,000 and the Town of LaGrange has committed \$5,000 to address housing and infrastructure needs in the Spring Drive area of LaGrange. This project will allow for the abatement of asbestos, the clearance of existing dilapidated dwellings and the replacement of those dwellings in the Spring Drive area. This project will also include water/sewer improvements and street improvements. The contracts specify that the contractor will be allowed to do only the number of approved structures, and only the activities specified by the county and/or the project administrator. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 11 was unanimously approved.

Item No. 12 was a Resolution Authorizing Award of Contract for Rehabilitation Services of One Home: 2011 CDBG Catalyst Project: Holland Construction Company: \$40,295. C. David Harris, CDBG Project Manager, stated Lenoir County was awarded \$500,000 for the CDBG 2011 Catalyst Project on October 12, 2012. Along with the grant funds, the County has committed \$25,000 and the Town of LaGrange has committed \$5,000 to address housing and infrastructure needs in the Spring Drive area of LaGrange. This project will allow for the abatement of asbestos, the clearance of existing dilapidated dwellings and the replacement of those dwellings in the Spring Drive area. This project will also include water/sewer improvements and street improvements. The contracts specify that the contractor will be allowed to do only the number of approved structures, and only the activities specified by the county and/or the project administrator. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 12 was unanimously approved.

Item No. 13 was a Resolution Authorizing Award of Contract for Provisional and Installation Services of Modular Homes: 2011 CDBG Catalyst Project: Atlantic Housing LLC of Goldsboro: \$257,700. C. Davis Harris, CDBG Project Manager, stated Lenoir County was awarded \$500,000 for the CDBG 2011 Catalyst Project October 12, 2012. Along with the grant funds, the County has committed \$25,000 and the Town of LaGrange has committed \$5,000 to address housing and infrastructure needs in the Spring Drive area of LaGrange. This project will allow for the abatement of asbestos, the clearance of existing dilapidated dwellings and the replacement of those dwellings in the Spring Drive area. The project will also include water/sewer improvements and street improvements. Bids were taken for the provision and installation of two structures on August 8, 2016. The contracts specify that the contractor will be allowed to do only the number of approved structures, and only the activities specified by the county and/or project administrator. Atlantic Housing LLC of Goldsboro provided the lowest cost for the provision and installation of these housing units. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 13 was unanimously approved.

Item No. 14A was a Resolution Approving 2015-2016 Tax Collector's Annual Settlement. Darrell Parrish, Tax Administrator, stated the Tax Department has worked diligently to collect all taxes due on real and personal property. This settlement provides documentation of these efforts. Pursuant to NCGS 105-373 the Lenoir County Tax Collector is required to make a full settlement with the governing body for all taxes. Upon a motion by Mr. Daughety and a second by Mr. Best, Item No. 14A was unanimously approved.

Item No. 14B was a Resolution Declaring all Uncollected Taxes on Personal Property as "insolvent." Darrell Parrish, Tax Administrator, 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 the 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 remained 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 Mr. Daughety and a second by Mr. Best, Item No. 14B was unanimously approved.

Item No. 15 was a Resolution Approving Citizens to Boards, Commissions, Etc. Upon a motion by Ms. Brown and a second by Ms. Sutton, Ms. Audrey R. Tyson, and Ms. Anne Gaddis were appointed to the Lenoir County Nursing Home & Adult Care Board, and Mr. Jamie Wallace, Mr. Stephen Ruberg, and Ms. Courtney H. Boyette were appointed to the Lenoir County Transit Board. Ms. Brown stated since this was the first appearance for the others no action is required at this time.

Item No. 16 was items from County Manager. Mr. Jarman stated the county has a vacant lot on Macon Street and we previously turned down a bid of \$300 and this current bid is for \$400. Although the bid is only \$100 up, we had that property for quite some time and we have not had any bids on it. When you look at cutting grass, maintenance, and taking care of the lot, the cost can add up. He is recommending that this Board accepts the \$400 bid and get it back on the tax books. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 16 was unanimously approved.

Mr. Rouse asked when the county see property like this does it go in at the purchased value or for the previous value. Mr. Jarman replied property in the State of North Carolina is supposed to be at market value, but it's based on when the last re-appraisal was done. This lot was vacant when the Tax Department did the last re-evaluation. There is another re-evaluation coming up and they will analyze all the sales and put a value on them. Generally, a foreclosure or some sale that is not a typical arm's length transaction gets removed from the analogy. Mr. Griffin asked if those numbers change the price of the property. Mr. Jarman replied that is correct, and someone can appeal that property value and they can get an appraisal done and come in and compare it, but you don't change it based on the market conditions. If they hire someone to appraise the property and compare it to the tax value they have to do it as of the year of the re-valuation. Mr. Rouse asked when the re-evaluation comes up does it gets factored in. Mr. Jarman replied not for that sale. Your typical auctions and sales that are not straight forward arm's length transaction are between one buyer and one seller. Mr. Rouse asked what if we are selling surplus property. Mr. Jarman replied he would have to go back and look at rules however typically sales from units of government aren't going to be your traditional open market sale.

Mr. Parrish stated it has been known in some of the larger cities where they have thousands of foreclosures sales the foreclosures do represent the market. However, we have not reached that point here in North Carolina. Mr. Rouse asked what if we sold the building next to the courthouse would that be considered not for sale or would it be surplus property that was coming off the books. Mr. Parrish replied if we sought a realtor and we told them what our asking price was and state anybody that wants it can make us an offer, then we would have to look at all of the sales in this area. Mr. Rouse asked with all the recent foreclosures county-wide will that affect our re-evaluation. Mr. Parrish replied he has not seen a variable where it would affect it, however; we might have more this year than in previous years. Nevertheless, we still we have not reached the point where the foreclosure market is the market value. We have to look at the true sale. Mr. Rouse stated if the foreclosures out numbers the realtor's sales what would be the rate.

Mr. Jarman stated the appraisers and the appraisal prices in the machinery act are very specific. The laws are set so that units of governments can't influence those values. It will be where units of government can't affect that fair market values.

Ms. Brown shared highlights from the 2016 North Carolina Association of County Commissioners (NCACC) Conference. It was a very good conference with great speakers. The conference next year will be in Durham, North Carolina. The new secondary president of the association is Kevin Austin, from Yadkin County. One of the highlights was Chairman Craig Hill and Ms. Brown were presented with certificates and pins from the Local Leadership Academy. Ms. Brown stated one of the main focuses that caught her attention was a program called The Stepping Up Initiative. This program is in conjunction with mental health and geared to help those individuals that are incarcerated and dealing with a mental illness. Currently, Pitt County is one of the counties that are participating in the program. Ms. Brown stated in talking to Commissioner Best they were wondering if they could schedule a conference with Sheriff Ingram to bring this program to his attention and to receive more information. Mr. Hill asked Ms. Brown to forward the information she received to Mr. Jarman and let him review it and move forward with the Sheriff. Mr. Griffin stated that Jeff Harrison, Deputy Director at DSS is very interested in Lenoir County participating in the Stepping Up Initiative Program.

Mr. Rouse stated it was a well-attended conference, and he was able to attend the Board meeting. The Association does a lot of good for the people and during the conference you get to see how the Republicans and the Democrats are working together for a common cause. Also, as an update on the transportation front, it does not appear that the Queen Street Bridge Project will be finished by the end of this month. The Ferrell Road Project is moving along nicely and the paving was done last week and it is on schedule to be ready by the start of school.

Mr. Best echoed Ms. Brown's sentiments and stated he was impressed with the Stepping Up Initiative Program because it is tailored to fit each individual person's need. It is a program worth getting involved in because it can benefit the citizens of Lenoir County. Overall we learned everybody is basically going through the same things. Mr. Best asked Mr. Jarman if the county received 100% of the taxes from automobile repairs. Mr. Jarman replied it was not 100%. The new tax on services we would get a percentage but it would not be 100%. Mr. Best stated that the governor was a speaker at the conference and stated that counties are supposed to receive 100% of those service taxes. Mr. Jarman stated when he said 100% maybe he meant 100% of the service tax that they are applying to the county local tax rate.

Mr. Daughety asked if the Stepping Up Initiative Program will help and be involved with local services in Lenoir County for involuntary commits. If so that would be a great asset because they consume a lot of our deputies time. Programs providing services with the ability to address such issues are greatly needed because inmates with a mental illness are growing here in Lenoir County. Mr. Best replied right now it's a collection of people coming together such as Sheriff Department, Mental Health, District Attorney's Office, and hospitals. They are seeking ways to fix this great issue because it is a national problem. Mr. Hill stated the hospital administration is very interested in getting involved. It has been a part of their discussion because they had to make adjustments.

Mr. Jarman stated there have been a lot of conversations with the Sheriff's Department, county government, and others because of the population in our jail. We are spending a lot of money and we could be spending some of it on the mental health side to keep those inmates out of the jail. There are multiple programs like the Stepping Up Initiative Program trying to look for ways to help out in this area.

Mr. Daughety stated on another note has anyone had seen the notice that was in the Free Press pertaining to a public hearing that will be held on the 21<sup>st</sup> of September, regarding the Wyse Fork Battle Ground. The notification was an issue with the prior meetings. The notification did not mention a place or time. Mr. Daughety stated it would be nice if the Board could be proactive and find out what's going on so they will not be left out of the loop again. Mr. Jarman replied he had not heard anything regarding the meeting but he would check into it.

Meeting Adjourned at 4:55 p.m.

Respectfully submitted,

Reviewed By,

Vickie F. King  
Clerk to the Board

Joey R. Bryan  
Assistant County Manager