

**MINUTES**  
**LENOIR COUNTY BOARD OF COMMISSIONERS**  
**August 20, 2007**

The Lenoir County Board of Commissioners met in regular session at 4:00 p.m. on Monday, August 20, 2007 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, Jr., Vice-Chairman, Paul Taylor, Jr., and Commissioners, Jackie Brown, Claude Davis, Earl Harper, Chris Humphrey and Claude Stroud.

Members absent: None

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

Chairman 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**

None Scheduled

**ITEMS FROM THE CHAIRMAN/COMMISSIONERS**

Item No. 1 was Items from the Chairman and County Commissioners. Mr. Harper asked the Board to review and consider the passage of an Ordinance Regulating the Discharge of Firearms in Lenoir County. Mr. Harper stated he would like the Board to review the Ordinance and consider approval. Mr. Harper read the Ordinance aloud for the members of the Board and the viewing public. Mr. Griffin stated the introduction of the Ordinance qualifies as a first appearance for the Board and the public. The Board can consider approval of the Ordinance if they wish at the next Board meeting. In speaking to Major Chris Hill of the Lenoir County Sheriff's Department and Ms. Imelda Pate, Assistant District Attorney, a change should be made to the ordinance. Major Hill and Ms. Pate advise the Board to combine items 3 and 4 under Section 3 Part A of the Ordinance for better clarification. Mr. Graham stated the ordinance would be discussed again at the second meeting in September.

**ITEMS FROM THE COUNTY MANAGER**

Item No. 2 was Items from the County Manager. Mr. Jarman stated tax bills are being mailed today. The Health Department is being painted this week. Mr. Graham thanked Ms Joann Huettell for the hard work she and many others did in celebrating Richard Caswell Week.

**CONSENT AGENDA**

Upon a motion by Mr. Taylor and a second by Ms. Brown, the Board unanimously approved the following Consent agenda items.

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| 3. | Approval of Minutes: Regular Board Meeting: August 6, 2007<br>Closed Board Meeting: August 6, 2007 | Aytch/Jarman<br>Aytch/Jarman |
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| 4.  | Budget Ordinance Amendment: General Fund: Process Funds – Cooperative Extension: \$2,000: Increase | Kelly/Hollowell  |
| 5.  | Budget Ordinance Amendment: General Fund: Process Funds/Cooperative Extension: \$2,211.43 Increase | Kelly/Hollowell  |
| 6.  | Budget Ordinance Amendment: General Fund: Process Funds-Cooperative Ext.: \$2,697.86: Increase     | Kelly/Jarman     |
| 7.  | Budget Ordinance Amendment: General Fund: Finance: \$3,000: Increase                               | Hollowell/Jarman |
| 8.  | Budget Ordinance Amendment: General Fund: DSS: \$6,649: Increase                                   | Jones/Hollowell  |
| 9.  | Budget Ordinance Amendment: General Fund: Health-WIC ADM: \$20,847: Increase                       | Huff/Hollowell   |
| 10. | Budget Ordinance Amendment: Transportation: Administration: \$44,516: Increase                     | Bryan/Howell     |
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## RESOLUTIONS

Item No. 11 was a Resolution Requesting the Lenoir County Health Department to Impose Fees for Service: Mirena (Intrauterine Devise) \$450. Based on Approved Medicaid Rate Effective July 1, 2007-June 30, 2008. Mr. Joey Huff, Health Director, addressed the Board. Mr. Huff stated the approval of additional service (Mirena-IUD) would bring the Health Department in line with approved Medicaid rates and therefore, maintain the department’s compliance with Medicaid requirements. Local fees charged to non-Medicaid patients are based on a sliding fee scale. Upon a motion by Mr. Humphrey and a second by Mr. Stroud, Item No. 11 was unanimously approved.

Item No. 12 was a Resolution Authorizing a Purchase Order for the Board of Elections: Authorizing Construction and Installation of Counter and Cabinet: Terry Aldridge: \$2,750. Ms. Dana King, Director of the Board of Elections, addressed the Board. Ms. King stated the counter was constructed to stop the public from sitting in the county work area. Upon a motion by Mr. Taylor and a second by Ms. Brown, Item No. 12 was unanimously approved.

Item No. 13A was a Resolution Authorizing a Purchase Order to Daughety’s Office Equipment: \$9,440. Mr. Jarman stated the NC’s Easter Region has provided a Technical Up-Grade Grant for the past 10+ years to the Economic Development department. The current copier takes approximately 60 minutes to print one client package. It can take an entire day to print more than one package if needed. This year the Economic Development department is purchasing a Kyocera KM-C3225 Color Copier/Scanner/Printer from Daughety’s Office Equipment. The purchase of the new copier/scanner/printer will enable the department to produce quality color brochures tailor-made for each client at a fraction of the time it takes now. This purchase will enable the Planning and Inspections Department to have its own copier. Upon a motion by Mr. Taylor and a second by Ms. Brown, Item No. 13A was unanimously approved.

Item No. 13B is a Budget Ordinance Amendment: General Fund: Economic Development: \$4,700: Increase. The Amendment is to budget funds for the purchase of a Kyocera KM-C3225 Copier an associated attachment. Funding includes \$4,700 from a grant from the NC Eastern Region and a line item transfer from an existing budget expenditure line. Upon a motion by Mr. Taylor and a second by Ms. Brown, Item No. 13B was unanimously approved.

Item No. 14 was a Resolution Authorizing Renovations and Technical Upgrades to the Lenoir County Commissioners' Meeting Room: \$35,000. Mr. Jarman stated in FY 06-07 the Board discussed and approved renovations and upgrades to the Commissioners' Meeting Room. These recommendations included upgrades to the video recording electronics, removal of the electronics from the front of the spectator's area, placement of monitors that could be viewed by both the Commissioners and the spectators, new blinds, and minor cosmetic enhancements that would greatly improve the appearance of the room. The Board never formally approved the upgrades through a resolution. County Administration, MIS Director, Joey Bryan and Building and Ground's Supervisor, Mike Wiggins, have been working with construction personnel and Adnet Products to achieve the goal of providing a fresh new look for the room and upgrading the electronics in a cost effective manner. Upon a motion by Ms. Brown and a second by Mr. Stroud, Item No. 14 was unanimously approved.

Item No. 15 was a Resolution Approving Work First Demonstration Grant for 2007-08: \$100,000. Mr. Jack Jones, Director of Social Services, addressed the Board. Mr. Jones stated in March 2007, non-Work First Demonstration Project counties were invited to submit plans for a demonstration project for State Fiscal Year 2007-08. The purpose of these projects is to increase the work participation rates in each county, which will in turn help North Carolina meet the required Work First participation rates. Lenoir County DSS received a Grant Award Notice dated August 8, 2007 stating that \$100,000 had been awarded to the agency. This is a one-year demonstration grant that requires no in-kind or county funds match. All of the services, staff, and activities included in the grant project are intended to complement and enhance current Work First delivery and increase the Work First participation rate in Lenoir County. Upon a motion by Mr. Harper and a second by Ms. Brown, Item No. 5 was unanimously approved.

Item No. 16 was a Resolution Approving Purchase of Land by the Lenoir County Board of Education. Mr. Jarman stated the Board of Education wants to purchase land, but it has to be approved by the Board of Commissioners. The land is located on Highway 11, Kinston, North Carolina. Upon a motion by Ms. Brown and a second by Mr. Humphrey, Item No. 16 was unanimously approved.

Item No. 17 was a Resolution Stating Intent to Proceed with a Non-Binding Advisory Referendum Authorizing a .25% Local Sales Tax for Lenoir County. Mr. Jarman stated the 2007 State Appropriations Act (H1473) provides counties with the authority to levy either a land transfer tax (up to .4%) or a local sales tax (.25%), following approval of the voters in a non-binding advisory referendum. H1473 creates two (2) new articles under G.S. 105 - Article 60 for the local option land transfer tax (H1473 Section 31.17 (a)), and Article 46 for the local option .25% sales tax (H1473 Section 31.17 (b)). These two (2) options for counties are components of H1473 Medicaid relief legislation passed by the State Legislature in August of 2007. Under this plan, the Medicaid burden to counties would be gradually phased out over a three (3) year period and the State of North Carolina would assume the liability for the non-federal portion of Medicaid. To accomplish this task, the State of North Carolina in 2008, will withhold distributions of Article 44 (.5% sales tax) to the counties along with certain ADM Funds previously collected by the State and distributed to the schools.

The State Appropriations Act of 2007 (H1473) provides for a phase out of the Medicaid burden to counties. To accomplish this task, certain revenues previously distributed to counties by the State of North Carolina will be withheld from the counties. Components of H1473 provide counties with the authority to levy either a land transfer tax or a local sales tax, following approval of the voters in a non-binding advisory referendum. Lenoir County Administration believes it is in the best interest of Lenoir County for the citizens to vote whether or not to levy a local sales tax (.25%) to replace revenues that will be withheld by the State of North Carolina.

The Lenoir County Board of Elections will conduct the referendum in the manner provided by law on November 6, 2007. Mr. Humphrey asked is there were another option to get the referendum on the ballot that would save the county money. Mr. Jarman stated the option should be presented at the next election or the county would loose millions in Article 44 monies until the voters approved it. The county would be loosing monies for school construction as well. Mr. Graham stated several other counties have already approved placing the option before the voters. If Lenoir County does not give its citizens the opportunity to vote it up or down the county will loose money. The county has to do everything possible to stay competitive with other counties.

The form of the question to be presented on the ballot November 6, 2007 for a non-binding advisory referendum concerning the levy of the tax authorized under G.S. 105 – Article 46 (H1473 Section 31.17 (b)) shall be as follows:

( ) FOR ( ) AGAINST

**Local sales and use tax at the rate of one-quarter percent (0.25%) in addition to all other State and local sales and use taxes.**

Upon a motion by Mr. Graham and a second by Ms. Brown, Item No. 17 was unanimously approved.

Item No. 18 was a Resolution of Endorsement by The Lenoir County Board of Commissioners of a Comprehensive Transportation Plan for the City of Kinston, North Carolina. Mr. Scott Walston of the NCDOT and Mr. John Jarrell, City Engineer presented the transportation plan for the Board. Mr. Walston stated there have been two recent changes to the plan. Foster Boulevard has been removed due to unresolved issues; rail map was removed due to controversy and a slight shift in the Eastern Bypass. The bicycle map has been removed and needs updating. The City of Kinston is asking for support of the plan. Upon a motion by Mr. Harper and a second by Ms. Brown, Item No. 18 was unanimously approved.

Item No. 19 was a Resolution In Support of Funding to Provide Planning and Preliminary Engineering for the Proposed Freight Rail System to Global TransPark (GTP). Mr. Graham stated the GTP has asked for support of this resolution. The \$400,000 will be used to perform a feasibility study for the proposed rail system. Upon a motion by Mr. Harper and a second by Ms. Brown, Item No. 19 was unanimously approved.

**AMENDMENTS**

Item No. 19A was a Resolution Approving a Three-Year Contract with Carolina Telephone & Telegraph Company (Embarq) for Leasing Embarq Telephone System: \$199,135.59. Mr. Jarman stated the Board passed a resolution on June 18, 2007 allowing staff to move forward on installing a new phone system. The final numbers have come in significantly less than anticipated. The original resolution specified General Electric Credit Corporation. Although the contract will probably be assigned to GE Credit for financing, the contract is actually with Carolina Telephone & Telegraph Company (“Embarq”). The original resolution was for \$266,916 and the actual amount is now \$199,135.59. Upon a motion by Mr. Harper and second by Ms. Brown, Item No. 19A was unanimously approved.

Item No. 19B was a Resolution Approving a Five-Year Contract with Carolina Telephone & Telegraph Company (“Embarq”) for Leasing Embarq Telephone System: \$199,835.12. The original resolution data June 18, 2007 was for \$261,665 and the actual amount is now \$199,835.12. Upon a motion by Mr. Harper and a second by Ms. Brown, Item No. 19B was unanimously approved.

**APPOINTMENTS**

Item No. 20 was a Resolution Appointing Citizens to Boards, Commissions, Etc. The following reflects existing vacancies and appointments.

<b><u>BOARD/COMMITTEE/COMMISSION</u></b>	<b><u>APPLICANT/ CURRENT MEMBER</u></b>	<b><u>TERM EXPIRATION</u></b>
Lenoir County Planning Board <b>2<sup>nd</sup> Appearance</b>	Harry Edwards (Appointment - District 6)	June 2010 <b>M: Brown S: Stroud</b>
Juvenile Crime Prevention Council <b>2<sup>nd</sup> Appearance</b>	Troy Smith (Appointment)	June 2009 <b>M: Brown S: Stroud</b>
Home & Community Block Grant Advisory <b>2<sup>nd</sup> Appearance</b>	Ellen Berry (Re-Appointment)	June 2010 <b>M: Brown S: Stroud</b>

**CURRENT VACANCIES:**

- Lenoir County Health Board – One (1) Vacancy; (1) Veterinarian**
- Grifton Planning Board – One (1) Vacancy; ETJ Position**
- JCPC – One (1) Vacancy; 1-Juvenile Attorney**
- Lenoir County Planning Board – District 1, 3, & 6**
- CJPP – Four (4) Vacancies**
- Kinston Board of Adjustment – Two (2) ETJ Members; (1) Primary – (1) Alternate**
- Lenoir County Transportation Committee – At Large Member – Business Community**

**ADJOURNMENT**

Upon a motion by Ms. Brown the Board adjourned at 4:57 p.m.

Respectfully submitted,

Reviewed By

Lashanda Aytch  
Clerk to the Board

Michael W. Jarman  
County Manager