

## **MINUTES**

### **LENOIR COUNTY BOARD OF COMMISSIONERS**

**August 20, 2012**

The Lenoir County Board of Commissioners met in open session at 4:00 p.m. on Monday, August 20, 2012 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, Clevette Roberts, Interim Clerk to the Board, and members of the general public and news media.

Chairman Graham called the meeting to order at approximately 4:04 p.m. Ms. Brown offered the invocation and Mr. Graham led the audience in the pledge of allegiance.

### **PUBLIC INFORMATION**

Mr. Kent Misegades, Member of North Carolina Global Transpark's New Aviation Committee addressed the Board about General Aviation. Mr. Misegades stated the newly formed Aviation Committee provides great opportunities for pilots. Mr. Misegades stated the North Carolina Global Transpark Aviation Committee Chairmain is Cecil Boyd from Grimesland, NC. Mr. Misegades stated General Aviation refers to all flights other than military. Mr. Misegades stated General Aviation includes both private and commercial flights. General Aviation covers a large range of activities, both commercial and non-commercial flights, including private flying, flight training, air ambulance, police aviation, aerial firefighting, air charter, bush flying, gliding, skydiving, and many others. Mr. Misegades stated homebuilt aircraft, light-sport aircraft and very light jets have emerged in recent years as new trends in General Aviation. Mr. Misegades stated there are nine airports in the state of NC that have airline service and five are located in the eastern part of NC. Mr. Misegades presented General Aviation Information and discussed why sport aviation matters. General Aviation provides important property taxes for counties. Mr. Misegades stated the General Aviation Committee met at Lenoir Community College to discuss ways to improve aviation for those who are interested in receiving flight training. Mr. Misegades stated the Kinston airport is a State owned facility and is funded by the State; however, it lacks a Pilots' Association.

Mr. Misegades stated sport aviation is important to those who would like to learn how to fly, which leads to flight training and the creation of more jobs. Mr. Pharo inquired if the Pilots' Association includes other pilots outside of the County and Mr. Misegades replied all pilots are welcome to be a part of a Pilots' Association within their county or other counties.

Victor Kosinski, Veterans Employment Consultant with the Division of Workforce Solutions' Office, joined by Debra Best of the Goldsboro office, addressed the Board about The Lenoir County Veteran's Fair. The Kinston and Goldsboro Division of Workforce Solutions' Office has been approved to sponsor their very first Lenoir County Veteran's Fair which will be held on Thursday, August 30, 2012, from 9:00 a.m-12:00 p.m. at the North Carolina National Guard Kinston Armory. Mr. Kosinski stated over twenty (20) resources will be available for veterans at the fair. This event will be held for veterans, who are in need of employment, filing VA Claims, WIA, require Vocational Rehabilitation and more. Military recruiters will be available to provide assistance to any veteran who would like to reinstate to active duty or has questions. Mr. Kosinski stated if anyone has questions about the Lenoir County Veteran's Fair, please feel free to contact Victor Kosinski at 252-526-4435 or Debra Best at 919-731-7950. Mr. Kosinski stated all veterans, friends or family members of veterans are encouraged to attend the Lenoir County Veteran's Fair. Mr. Graham inquired if Victor Kosinski will be working to fill positions at the VA Nursing Home and Mr. Kosinski replied currently there are VA positions available online at [www.uhs-pruitt.com](http://www.uhs-pruitt.com). Mr. Graham inquired if there has been an influx of jobs needed by veterans due to economic hardships. Mr. Kosinski stated there has been an influx of jobs needed by veterans; however, most veterans have been undecided whether to seek employment, utilize VA education benefits or reinstate to active duty.

Steve Reagan, a citizen of Lenoir County, discussed his thoughts on the One-Quarter Cent Sales Tax and a property tax increase if the sales tax is not approved. Mr. Reagan expressed his concerns and discussed the previous Board of Commissioners' Meeting held on August 6, 2012. He stated that property taxes in Lenoir County are about 5 cents higher than most counties. Mr. Jarman clarified the statement and stated the citizens approved a 6.5 cent property tax increase by approving a referendum to build new schools and if the increase was not approved, the tax rate would be at 73 cents instead of the current rate of 80 cents. Mr. Reagan inquired if there is any recourse the County can utilize in lieu of taxing property owners. Mr. Graham stated the State gives the counties the wherewithal to raise taxes up to \$1.50 for programs and services needed for the County. Mr. Graham stated the County made the decision not to raise taxes, because it would be a burden on the citizens of Lenoir County and stated the County works and strives to keep the tax rate at a minimum, while providing services needed throughout the County. Mr. Reagan inquired if the lottery fund mandate could be rescinded and Mr. Griffin replied counties are creatures created by the state legislature. The NC General Assembly has the authority to abolish all 100 counties and run the state directly from Raleigh, North Carolina. Mr. Griffin stated the counties do not have any bargaining power to make the legislature do anything. Mr. Graham stated the County is in agreement with keeping taxes as low as possible; however, state laws, federal laws and mandates have to be abided by.

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

Mr. Rouse presented An Ordinance Regulating the Operation of Golf Carts to the Board. Mr. Rouse mentioned Section 1: Rules & Regulations, Item No. 2: states; Golf carts must be equipped with a rear vision mirror and rear triangle reflector of the same type required by North Carolina Law, and stated item No. 2 needs to be removed from the Golf Cart Ordinance. Mr. Griffin mentioned a typo on Page 1: B-2, should state; A person 16 years of age or older in possession of a valid driver's license or identification card containing a photograph of the operator (such license or identification card must be issued by a State of the United States or by a subdivision of the United States, including the department of defense) may operate a golf cart. Mr. Jarman suggested the ordinance be revised by the Sheriff's Office and law enforcement to ensure laws are enforced. Mr. Rouse stated he discussed the Ordinance Regulating the Operation of Golf Carts with NC Highway Patrol Officer Sergeant Johnson, Sheriff Billy Smith and Chief Deputy Chris Hill. Sheriff Billy Smith stated there has been discussion about the Ordinance Regulating the Operation of Golf Carts which is similar to the ordinance in LaGrange, NC; however, the inspection of the golf carts needs to be addressed and penalty costs should be added to the ordinance as well. Sherriff Smith stated if the ordinance is approved, it will increase the workload for law enforcement and the response time may not be as quick as a municipality, a golfing community like Pinehurst or beach communities where ordinances have been passed. Sheriff Smith stated the Golf Cart Ordinance presented is more restricted than the Deep Run Golf Cart Law that was passed by the NC General Assembly. Sherriff Smith stated he almost had an accident with a golf cart on the road Sunday night in Deep Run, NC. Sheriff Smith stated golf carts have been seen in hazardous situations, and have been placed in hazardous situations. Sheriff Smith stated there may be complaints about golf carts being driven on the road if the ordinance is approved. Sheriff Smith stated there are safety concerns with juveniles driving golf carts. Sherriff Smith stated the LaGrange Golf Cart Ordinance requires an inspection, and this was not in the ordinance provided by Mr. Rouse. Mr. Rouse stated if a golf cart is driven on the road, the driver has to have a valid driver's license and if driven at night the golf cart must have proper headlights and rear lights. Mr. Rouse stated the Golf Cart Ordinance was intended to be as simple as possible for the community and law enforcement. Mr. Daughety inquired what recommendation would Sherriff Smith give to the Board regarding the Golf Cart Ordinance. Sherriff Smith replied laws will be enforced if the Golf Cart Ordinance is passed. Mr. Daughety stated there have been issues with juveniles driving golf carts in the Falling Creek area all times of the night and inquired how laws will be enforced to ease safety concerns. Sherriff Smith stated there are concerns with juveniles driving golf carts in the Falling Creek area and laws are being enforced. Mr. Jarman stated in regards to the golf cart fees, the County is determined to keep taxes down and per earlier discussion; the golf cart user fees, if applied, would make the user of the service pay for the service. This would possibly offset the increased costs of the Sheriff's Office administering the service. Mr. Rouse stated user fees are applied only if the driver has broken the law. First Sergeant Scott Hemby of the NC Highway Patrol stated there have not been many recent complaints of golf carts being driven on the roads; however, there were complaints in the past. The risks of wrecks may increase if the ordinance is passed. First Sergeant Hemby stated if the driver is in violation of the ordinance, then the driver is in violation of a state law and the driver will be fined.

Mr. Graham inquired if the ordinance is passed, would it be permissible to arrest a golf cart driver? First Sergeant Hemby stated if the driver is in violation of the ordinance, which is congruent with the statute, the driver is in violation of state law and the law will be enforced. Ms. Sutton inquired if state law has already approved golf carts to be driven on roads. First Sergeant Hemby stated state laws ban golf carts from being driven on the roads, unless County Commissioners or Municipalities enact an ordinance allowing golf carts to be driven on the roads. Mr. Daughety inquired if the ordinance does not pass, will golf cart drivers be able to drive on the roads? First Sergeant Hemby stated golf carts cannot be driven on the roads if the ordinance is not passed. Mr. Graham inquired if the golf cart driver is on the road, will he/she have to comply with regular automobile regulations? First Sergeant Hemby replied, according to state law, golf carts cannot be on the road unless an ordinance is passed. There are certain exemptions, such as the golf cart can be used like a motorized wheelchair; however, the motorized wheelchair cannot be driven on the paved portion of the roadway. It has to be driven on the shoulder of the road or a sidewalk. Ms. Brown inquired about scooters that are driven on the road and if the drivers are required to have a valid driver's license? First Sergeant Hemby stated scooters may be driven on the road and the operator does not have to have a driver's license; however, they must be at least 16 years old. Per state law, scooters are acknowledged as bicycles with a motor, as long as they cannot propel the scooter faster than 30 mph on a flat surface and the engine does not go over 49cc. The scooter is not required to be registered. Mr. Daughety asked Mr. Griffin, County Attorney, if the ordinance is passed and there are automobile accidents or possible deaths, would the County be liable? Mr. Griffin replied the County would not be liable for accidents or deaths if the ordinance is passed, because the legislature approved a statute that has given counties the authority to create an ordinance with a limited window that legalizes the operation of golf carts. Mr. Rouse made a motion to approve the Ordinance Regulating the Operation of Golf Carts and a second by Mr. Pharo was made. Ms. Sutton suggested the ordinance be revised and the final copy be presented to the Board. Mr. Rouse agreed and amended the motion and suggested Mr. Griffin, County Attorney, revise the ordinance. Mr. Jarman suggested the ordinance be revised and reviewed by the Board before approving it. Mr. Pharo suggested for safety reasons that a rear vision mirror and rear triangle reflector of the same type as on farm equipment should be on the golf cart. Mr. Graham tabled the ordinance with common consent until the Ordinance Regulating the Operation of Golf Carts is revised and presented at the next Board of Commissioners meeting on Tuesday, September 4, 2012.

Ms. Brown discussed the NCACC Annual Conference and stated the conference was held in Wake County and next year it will be held in Guilford County. All 100 Counties are transitioning into a new program called Eat Smart and Weigh Less. Ms. Brown stated April Martin will be coordinating the program for Lenoir County. Ms. Brown commended the 4H youth from Lenoir County on a job well done and stated the conference was very informative. The Board of Commissioners was given a flash drive, which includes a synopsis of the NCACC Annual Conference.

Mr. Daughety discussed the Pink Hill Bypass feasibility study and stated there will be a public hearing held on Wednesday, August 29, 2012. The hearing is to discuss the possible closure of a portion of the Maxwell's Mill Road in Duplin County. Mr. Daughety stated no one knows at this point why the Department of Transportation is looking at this closure.

## **ITEMS FROM THE COUNTY MANAGER**

Mr. Jarman presented the Lenoir County Inspections/Permit /Inspection Report to the Board. Mr. Jarman stated the auditors came last week to audit the County. Mr. Jarman stated that Knowledge of Fraud Forms were mailed to all members of the Board. Second notices to return forms have been sent to some Board members. Mr. Jarman encouraged all Commissioners to return the Knowledge of Fraud Forms as soon as possible to the auditors. Mr. Jarman addressed the Board regarding the discussion of the One-Quarter Cent Sales Tax and projected budget information for Fiscal Year 2013-2014 that was presented to the Board at the previous Board of Commissioners Meeting held on August 6, 2012. Mr. Jarman stated there was a misconception of the reason for the \$2.2 million budget shortfall. Mr. Jarman clarified the misconception and stated the \$2.2 million budget shortfall originated from a decision made after the 2009 County wide revaluation of property values that reduced the property tax rate from 84 cents per \$100 of assessed value to 80 cents. This reduction was made to provide relief to the citizens, but prohibited the planned banking of funds to cover the higher debt service payments. Mr. Jarman stated the Resolution approving the School Bond Referendum said an increase of property taxes at a rate of 5 cents per \$100 of assessed value would be sufficient to provide for debt service payments on approximately \$50 million of bonds, and that an additional increase of up to 4.5 cents over two to three years would be necessary to pay the debt service on the additional \$19.7 million school bonds. The additional increase has not happened. Mr. Jarman stated that two years ago, the NC General Assembly reduced the amount of lottery funding provided to counties in order to balance the State Budget. All of Lenoir County's lottery proceeds are committed to School Bond Debt Service. This forces Lenoir County to spend an additional \$600,000 of local funds (property taxes) to meet these debt service obligations.

### **CONSENT AGENDA: 10Min.**

### **ACTION**

3. Approval of Minutes: Regular Board Meeting: August 6, 2012                      Roberts/ Jarman
4. Budget Ordinance Amendment General Fund- Process Funds in the amount of \$844.94 Decrease.
5. Budget Ordinance Amendment General Fund- Non-Departmental in the amount of \$1,659 Increase

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

## **BUDGET ORDINANCES/RESOLUTIONS**

Item No. 6 was a Budget Ordinance Amendment for Transportation Administration in the amount of (\$7,764) Decrease. Joey Bryan, MIS Director, stated the amendment was to bring budgeted amounts in line with actual approved numbers. When the budget is adopted, applications are in the process of being submitted; however, the actual approved amounts are not received until after the new fiscal year has begun. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 6 was unanimously approved.

Item No. 7 was a Resolution Authorizing Approval of a Contract for a Desktop Computer Lease with Dell Financial Services, L.L.C. Mr. Bryan stated on April 16, 2012, the Lenoir County Commissioners approved a four (4) year lease with Dell to update the outgoing computers, and this is the actual contract that must be signed by the County Manager. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 7 was unanimously approved.

Item No.8 was a Resolution Approving a Contract for Scanning Maps with COTT Systems Not to Exceed \$10,000.00. Margaret Seymour, Register of Deeds, stated COTT Systems has provided service and support for the Register of Deeds office since January 1, 1976. For many years COTT provided the printout of all indexes used in the Register of Deeds office and maintained these indexes in digital form. In 1983, when the Register of Deeds office got its first computer, COTT was able to merge the information that had been sent to them over the years with the new information that was being entered on a daily basis. On October 17, 2005 the Register of Deeds, with the help and support of COTT, was able to create a data base of the indexes from January 1, 1976 thru October 16, 2005 to be placed on the internet. Since May 12, 2011 the Register of Deeds office has been able to scan the maps recorded each day and link these images to the ongoing index. This will allow maps prior to May 2011 back through 1976 to be accessed on the internet. In staying with COTT Systems, this will ensure that all scanned images will match the index that is now in place. 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: General Fund/Capital Improvements in the amount of \$154, 488 Increase. Tommy Hollowell, Assistant County Manager, stated this amendment was to budget funds for the re-roofing of the Kinston-Lenoir County Public Library Building located at 501 North Queen Street in Kinston. The Board approved to proceed with the Re-Roofing Project on July 16, 2012, Item No. 23. Greenville Contractors was awarded the contract at price of \$145,995, which will be split between the City of Kinston, the Library, and the County. The County's portion is \$48,665. This Amendment utilizes \$17,500 of funds set aside by the County in Fiscal Year 2010-2011 to assist the library with the re-roofing project. The library contributed \$11,079 above their portion, from a donation, to assist in their Maintenance of Effort to secure State funding to support their Fiscal Year 2012-2013 Budget. 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 for MIS in the amount of \$86,100 Increase. Martha Martin, Finance Director, stated this amendment was to cover the associated costs of leasing two virtual servers. This is an accounting procedure only, directed by the auditors, and does not affect cash. Upon a motion by Ms. Brown and a second by Mr. Daughety, Item No. 10 was unanimously approved.

Item No. 11 was a Resolution Approving Lease of Land to Barnhill Contracting Company in the amount of \$25,000. Mark Pope, Economic Development Director, stated Barnhill Contracting Company (BCC) was awarded a contract by the State of North Carolina to pave the newly constructed extension of the Felix Harvey Parkway located between US Hwy 70 west of Kinston to US Hwy 258 north of Kinston. Barnhill Contracting Company approached the County about leasing a parcel of land owned by the County. The parcel, located at 1180 Enterprise Blvd., will be used as a temporary asphalt plant and storage facility. Mr. Daughety inquired if West Company’s parking is a part of their expansion, and Mr. Pope replied the parking is a part of their \$29 million expansion. Upon a motion by Ms. Sutton and a second by Mr. Daughety, Item No. 11 was unanimously approved.

**APPOINTMENTS**

Item No. 12 was a Resolution Approving Citizens to Boards, Commissions, Etc. Upon a motion by Ms. Brown and a second by Mr. Pharo, Item No. 12 was unanimously approved.

<b><u>BOARD/COMMITTEE/COMMISSION</u></b>	<b><u>APPLICANT/CURRENT MEMBER</u></b>	<b><u>TERM EXPIRATION</u></b>
Lenoir County Transit Advisory Board 2 <sup>nd</sup> Appearance	Courtney Boyette	August 2016

Mr. Graham adjourned the meeting at 5:25p.m.

Respectfully submitted,

Reviewed By

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Clevette F. Roberts  
Interim Clerk to the Board

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Michael W. Jarman  
County Manager