

**MINUTES**  
**LENOIR COUNTY BOARD OF COMMISSIONERS**  
**September 4, 2007**

The Lenoir County Board of Commissioners met in regular session at 9:00 a.m. on Tuesday, September 4, 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 9:00 a.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. Humphrey inquired about the new nightclub in Seven Springs. He along with fellow commissioners have received complaints regarding noise at the nightclub. Citizens of the area would like the noise ordinance enforced at the nightclub. Sheriff Smith stated deputies were dispatched to the nightclub over the weekend due to noise complaints. The establishment is in compliance with all Lenoir County regulations. The department will enforce the noise ordinance if violated by the establishment.

**ITEMS FROM THE COUNTY MANAGER**

Item No. 2 was Items from the County Manager. Mr. Jarman reminded the Board that Lenoir County is scheduled for the NCACC District Three Director's position in 2009.

**CONSENT AGENDA**

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

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| 3. | Approval of Minutes: Regular Board Meeting: August 20, 2007                    | Aytch/Jarman      |
| 4. | Resolution Approving the Releases and Refunds to the Individuals Listed Herein | Parrish/Hollowell |
| 5. | Proclamation: Fall Litter Sweep: 2007  | Board             |
| 6. | Budget Ordinance Amendment: General Fund: DSS: \$35,302: Increase              | Jones/Hollowell   |
| 7. | Budget Ordinance Amendment: General Fund: Finance/DSS: \$62,263: Increase      | Jones/Hollowell   |

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| 8.  | Budget Ordinance Amendment: General Fund: DSS: \$79,855: Decrease  | Jones/Hollowell  |
| 9.  | Budget Ordinance Amendment: General Fund: DSS: \$100,000: Increase                                       | Jones/Hollowell  |
| 10. | Budget Ordinance Amendment: Capital Improvements: Community Development: \$101,308.34: Increase          | Hollowell/Jarman |
| 11. | Budget Ordinance Amendment: School Capital Fund: School Building: \$279,773.70: Increase                 | Hollowell/Jarman |
| 12. | Budget Ordinance Amendment: Capital Improvements Fund: Library Expansion: \$1,083,289.71: Increase       | Hollowell/Jarman |
| 13. | Budget Ordinance Amendment: School Capital Fund: Series 07' Bond Construction: \$29,107,466.38: Increase | Hollowell/Jarman |

### **RESOLUTIONS**

Mr. Bill Ellis, Parks and Recreation Director requested to present his items first due to an impending meeting. Item No. 21 was a Resolution Authorizing Purchase of a 2001 D-350 Dodge Van: Lenoir County Transit Department: \$3,450. Mr. Ellis stated the Kinston-Lenoir County Parks and Recreation Department had been in need of a replacement van for transporting participants in various programs for some time. On July 16, 2007 a resolution was approved by the Board declaring two (2) Lenoir County Transit vans as surplus and authorizing the sale of the vans. On August 10, 2007, the Lenoir County Transportation Department received sealed bids for the sale of the two (2) vans. The Kinston-Lenoir County Parks and Recreation Department was the high bidder for the 2001 E-350 Dodge Van. Upon a motion by Mr. Harper and a second by Ms. Brown, Item No. 21 was unanimously approved.

Mr. Ellis requested to add an additional resolution to the agenda; the Board agreed to the addendum. Resolution Authorizing the Director of Parks and Recreation to Enter into a Contract for Paving, Sidewalks, and Landscaping of the Lenoir County Visitor's Center. Mr. Ellis stated this resolution would conclude the construction of the visitor's center, which is expected to open on September 23, 2007. The Woodmen of the World will host a ceremony called In Honor and Remembrance – Woodmen Salutes America's Heroes. The event will include recognition of law enforcement officers, firefighters, members of the armed forces and others who safeguard our community and the nation. The patriotic ceremony will take place on Tuesday, September 11, 2007 at 9:00 a.m. in front of the new Kinston-Lenoir County Visitor's and Information Center. The ceremony program will include comments by local officials, dedication of three flagpoles, and special patriotic music by the Woodington Middle School Chorus. Upon a motion by Mr. Harper and a second by Ms. Brown, the resolution was unanimously approved.

### **PUBLIC HEARING/RESOLUTION**

Item No. 14 was a Public Hearing Regarding the Lenoir County False Alarm Ordinance. Upon a motion by Mr. Graham and a second by Ms. Brown, the public hearing began at 9:18 a.m. Mr. Roger Dail, Emergency Services Director, addressed the Board. Mr. Dail stated the ordinance would help to protect the county's fire departments. Citizens and companies are not maintaining their systems properly, which has resulted in false fire alarms. From January 2005 to June 2007, 3,011 fire calls were dispatched; of those calls only 909 were actual fire alarm calls.

At present, there is roughly \$1,000,000 worth of equipment responding to these calls, as well as manpower to answer the calls. In most cases, the alarm was caused by improper maintenance. The ordinance will allow the emergency services department to levy fines to persons in violation of the county ordinance and alleviate the excess responses that fire departments are being dispatched to. Burglar alarm systems were omitted during a revision of the ordinance. There were no other comments made by the public. The Public Hearing closed at 9:30 a.m.

Item No. 15 was a Resolution Approving the Lenoir County False Alarm Ordinance. Upon a motion by Mr. Taylor and a second by Ms. Brown, Item No. 15 was unanimously approved.

Item No. 16 was a Public Hearing Regarding the North Lenoir Fire Protection Association to Expand its Fire Tax District to all areas not Incorporated in Another Fire Tax District within Six Miles of North Lenoir Station #3. Upon a motion by Mr. Graham and a second by Ms. Brown, the public hearing began at 9:33 a.m. Mr. Deral Raynor, Lenoir County Fire Marshall, addressed the Board. Mr. Raynor stated the North Lenoir Fire Association has met all requirements set by North Carolina General Statute 69-25.11 for the expansion of the fire district. All appropriate documentation is on file at the Lenoir County Fire Marshal's Office. The tax department has estimated real property in the area at \$25 million; this will equal \$23,000 per year with the increased fire tax. The insurance rating in the area is currently a 10, with the expansion of the fire district rates the class will drop to 6/9. This expansion will save on citizens homeowners insurance rates. There were no other comments made by the public. The Public Hearing closed at 9:42 a.m.

Item No. 17 was a Resolution Authorizing the North Lenoir Fire Protection Association to Expand its Fire Tax District to all areas not Incorporated in Another Fire Tax District within Six Miles of North Lenoir Station #3. Upon a motion by Mr. Humphrey and a second by Ms. Brown, Item No. 17 was unanimously approved.

Item No. 18 was a Resolution Authorizing the Approval of a Fireworks Show for the Town of LaGrange: September 8, 2007. The item was pulled due to Fire Ban initiated by the state due to the severe drought conditions.

Item No. 19A was a Resolution Approving the Acceptance of a Proposal for Advertisement by Tar Heel Home Health on the Lenoir County Transit Vehicles and the Execution of a Contract. Ms. Sue Powell, Transit Coordinator, addressed the Board. Ms. Powell stated the Board, at its 3-17-03 regular board meeting, approved the management, marketing, operation, and maintenance of an advertisement program for the Lenoir County Transportation Department and authorized the execution of a contract by the County Manager with HightKrackner Freelance Partnership, Inc. As of July 1, 2007, Lenoir County Transportation has chosen to market the advertisements to allow all revenues to be allocated to the transit system. Tar Heel Home Health Services provides home health care services for individuals requiring in-home care. Based on a \$125/per month advertisement charge by LCT, minus installation fees, the county expects revenues of \$1,336. Upon a motion by Ms. Brown and a second by Mr. Davis, Item No. 19A was unanimously approved.

Item No. 19B was a Resolution Approving the Acceptance of a Proposal for Advertisement by Deacon Jones Used Car Super Center on the Lenoir County Transit Vehicles and the Execution of a Contract. Deacon Jones Used Car Super Center is a used car dealership. Deacon Jones has requested to run two advertisements on two vehicles for 12 months. Based on a \$125/per month advertisement charge by LCT, minus installation fees, the county expects revenues of \$2,836. Upon a motion by Ms. Brown and a second by Mr. Davis, Item No. 19B was unanimously approved.

Item No. 20 was a Resolution Approving Heath Electric to Install, Terminate and Test 24 CAT 5 Computer Cables & Install Chase through Firewalls on 1<sup>st</sup> and 2<sup>nd</sup> Floors of Health Department NET: \$5,000. Mr. Jarman stated some offices on the second floor of the Health Department have never had computer or phone lines connected. This resolution would approve the installation of new phones and computer lines were none existed before. Upon a motion by Mr. Taylor and a second by Mr. Stroud, Item No. 20 was unanimously approved.

Item No. 22 was a Resolution Authorizing the Replacement of a 100 Gallon Commercial Hot Water Heater in the Courthouse Boiler Room: The Love Companies: \$5,840. Mr. Mike Wiggins, Maintenance Coordinator, addressed the Board. Mr. Wiggins stated on Wednesday, August 22, 2007 it was reported to the Lenoir County Maintenance Department that the jail did not have any hot water. Upon investigation, it was discovered that both of the hot water heaters supplying hot water to the jail and the courthouse were malfunctioning. Both of these units have exhibited maintenance problems for a number of years. It was determined that one hot water heater could be repaired by replacing the igniter. The second water heater was not repairable; it had been in operation since 1982. The County Maintenance Department solicited bids from three plumbing contractors in regards to replacing the unit. The Love Companies of Kinston, NC submitted the lowest bid to replace the unit as specified. Upon a motion by Mr. Harper and a second by Mr. Davis, Item No. 22 was unanimously approved.

Item No. 23 was a Resolution Authorizing the Award of Three Contracts for Demolition Services Related to the 2006 CDBG Scattered Site Grant Project: \$11,192. Mr. Jarman stated RSM Harris Associates submitted three requests for demolition proposal to area demolition contractors on properties associated with the 2006 CDBG Scattered Site project. The Board is asked to approve the two lowest qualified bidders. Upon a motion by Mr. Harper and a second by Mr. Stroud, Item No. 23 was unanimously approved.

Item No. 24A was a Resolution Authorizing Expenditures for Veteran's Nursing Home Groundbreaking: \$20,000. Mr. Jarman stated the County would be hosting a Groundbreaking Ceremony for the new Skilled Nursing Facility on September 26, 2007. Construction of the \$12 million facility will be funded entirely by the State and Federal Government. This groundbreaking ceremony will be the only local funding utilized for this economic development project. Mr. Humphrey stated he feels the county is sending the wrong message to the citizens of Lenoir County by spending this amount of money. He stated the amount is in excess of the celebration. Mr. Graham stated the ceremony would be a wonderful opportunity to showcase Lenoir County and would be a great event for the entire county. It is not often that Lenoir County will have the opportunity to participate in a Federal and State project stated Mr. Graham. Mr. Jarman stated the construction of a 130 plus bed facility for veterans and the creation of more than 100 jobs would be an economic boost to Lenoir County and is a small price to pay for such a large investment. Upon a motion by Mr. Harper and second by Mr. Davis, Item No. 24A was approved by a 5 to 1 vote with Mr. Humphrey dissenting; Ms. Brown was absent at the time of the vote.

Item No. 24B was a Budget Ordinance Amendment: Capital Improvements Fund: Economic Development: \$20,000: Increase. Upon a motion by Mr. Harper and second by Mr. Davis, Item No. 24A was approved by a 5 to 1 vote with Mr. Humphrey dissenting; Ms. Brown was absent at the time of the vote.

Item No. 25A was a Resolution Approving the Purchase of Ammunition: \$8,193.59. Major Chris Hill of the Lenoir County Sheriff's Department addressed the Board. Major Hill stated certified law enforcement officers in North Carolina are required to qualify with their issued firearms twice per year including a combat course. Sheriff's deputies are currently issued .45 caliber H&K semi-automatic side arms, 200-grain +P ammunition, and 12 gauge shotguns. In addition the Sheriff's Office has several officers that are issued specialized weaponry for tactical incidents. For the past several years the Sheriff's Office has been purchasing ammunition from a couple of ammunition suppliers in North Carolina. Lawmen's, located in Raleigh, N.C., has been found to provide the most competitive pricing for the ammunition required. Lawmen's has provided a price of \$8193.59 for 18 cases of .45 rounds, 10 cases of .223 rounds, 1 case of .308 rounds, 4 cases of 12 gauge rounds. The Sheriff respectfully recommends that the Board of Commissioners approve the request to purchase the ammunition from Lawmen's. Upon a motion by Mr. Harper and a second by Mr. Stroud, Item No. 25A was unanimously approved.

Item No. 25B was a Resolution Approving the Purchase Order with Sampson County: \$60,000. Major Hill stated the Sheriff's Office was recently approved by the Commissioners to move forward with the removal and replacement of jail doors and locks in two cellblocks in the lower main jail. In addition the two cellblocks will be stripped and painted. This work will necessitate the relocation of all inmates from the two cellblocks for an approximate period of 4 weeks, per cellblock. Because the jail has consistently remained at maximum capacity it will be necessary to relocate the inmates to another jail facility. Locating jail space that will accommodate approximately 40 inmates within a reasonable traveling distance of the courthouse is challenging. The Sampson County Sheriff's Office has recently completed its new jail and has indicated that it will provide the needed jail space at the appropriate time. The Sampson County Sheriff's Office quoted a price of \$50 per inmate per day, which is \$10 less than the average. The Sheriff's 2007-2008 approved budget included the cost of housing these inmates (\$60,000). The Sheriff does not anticipate spending all of the budgeted funds but problems during the replacement process could delay bringing the inmates back on schedule. The Sheriff respectfully recommends that the Board of Commissioners approve the request for a purchase order with the Sampson County. Upon a motion by Mr. Harper and a second by Mr. Davis, Item No. 25B was unanimously approved.

Item No. 25C was a Resolution Approving the Application to the State Criminal Alien Assistance Program (SCAAP). For the past several years the Sheriff's Office has been applying for funding from the government which reimburses local governments that incarcerate illegal aliens who have been charged with 2 misdemeanors or 1 felony. Each year the County has received funds from the SCAAP, which have been put back into the general fund. The amount of funding varies from year to year and is based upon the number of illegal aliens that have been incarcerated, their length of stay, and officer salary information. Each and every year the Lenoir County jail incarcerates illegal aliens who have been charged with various crimes. During 2006 the County received \$3,438 in awards (reimbursements) to house illegal aliens that were charged with criminal offenses. A new change for 2007 in the SCAAP guidelines indicated that any funding that the County receives from SCAAP must be used for correctional purposes only. Depending upon the amount received the Sheriff may consider purchasing more jail mattresses to accommodate inmates when the jail is over capacity, add additional cameras or purchase additional inmates uniforms. The Sheriff respectfully recommends that the Board of Commissioners approve the request to apply for the SCAAP. Upon a motion by Mr. Harper and a second by Mr. Humphrey, Item No. 25C was unanimously approved.

**APPOINTMENTS**

Item No. 26 was a Resolution Appointing Citizens to Boards, Commissions, Etc. The following reflects existing vacancies and appointments. Item Tabled due to first appearance.

<b><u>BOARD/COMMITTEE/COMMISSION</u></b>	<b><u>APPLICANT/ CURRENT MEMBER</u></b>	<b><u>TERM EXPIRATION</u></b>
Lenoir Memorial Hospital Board of Directors <b>1<sup>st</sup> Appearance</b>	Richard Adrian King (Primary) W. Loren Edwards (Alternate)	January 2009

**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**

**CLOSED SESSION**

Upon a motion by Mr. Humphrey and a second by Mr. Taylor, and unanimous approval, closed session was entered at approximately 10:06 a.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 an economic development project. The Board took no action. Upon a motion by Mr. Graham and a second by Ms. Brown, the Board moved out of closed session at 10:18 a.m.

**OPEN SESSION AND ADJOURNMENT**

Upon a motion by Mr. Graham and a second by Ms. Brown Open Session re-convened at 10:19 a.m. Mr. Graham stated an economic development project was discussed, the Board took no action during closed session. Mr. Graham asked the manager to prepare a Budget Impact Spreadsheet that details the salaries, utilities, number of employee’s etc. associated with the Veterans Home to better inform the citizens. Upon a motion by Mr. Graham the meeting adjourned at 4:21 a.m.

Respectfully submitted,

Reviewed By

Lashanda Aytch  
Clerk to the Board

Michael W. Jarman  
County Manager