

MINUTES
LENOIR COUNTY BOARD OF COMMISSIONERS
September 6, 2011

Item No. 3

The Lenoir County Board of Commissioners met in open session at 9:00 a.m. on Tuesday, September 6, 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 9:00 a.m. Ms. Brown offered the invocation and Mr. Graham led the audience in the pledge of allegiance.

PUBLIC INFORMATION

Mr. Robert Griffin addressed the Board regarding Proposed 2011 Lenoir County Electoral Districts. On September 19, 2011, a Public Hearing will be held on the plans. The goal is to create as many different plans as possible that are all legal and do not split precincts. The divisions are based on geography and population. Mr. Griffin stated the pros and cons of each plan.

Plan A:

Pros:

1. Maintains 2001-2011 Districts except for moving Woodington from District 1 to District 4 to balance numbers, and repairing split precinct Trent 2.
2. No incumbents are forced to give up their seats, i.e., no "double bunking".

Plan B: Same as Plan A except Falling Creek is swapped for Institute and Vance in Districts 2 and 3.

Pros:

1. Makes election of a citizen from LaGrange area highly likely.

Cons:

1. "Double bunking" of Tommy Pharo and Eric Rouse.

Plan C: Majority white precincts Neuse and Kinston 4 (Northwest School) are moved into majority black Districts 4 and 5.

Pros:

1. Makes election of a citizen from Pink Hill/Deep Run area highly likely.
2. Opens a new seat for a citizen from the northern part of the county – Contentnea Neck/Vance/Institute area.

Cons:

1. "Double bunking" of Mac Daughety with Jackie Brown in a majority black district.
2. "Double bunking" of Tommy Pharo with George Graham in a majority black district.

Plan D: Moves the core of one of the two majority black districts from East Kinston to West Kinston (District 3 instead of District 5).

Pros:

1. Opens a new seat in a majority black district in North and West Kinston.
2. Opens a new seat for a citizen from LaGrange or Pink Hill/Deep run.

Cons:

1. "Double bunking" of Mac Daughety with Jackie Brown in a majority black district.
2. Tommy Pharo will reside in a majority black district.
3. George Graham will reside in a majority white district.

Plan E: Moves one of the two majority black districts from East Kinston to West Kinston (District 3 instead of District 4).

Pros:

1. Opens a new seat in a majority black district in North and West Kinston.
2. Opens a new seat for a citizen from Pink Hill/Woodington area in a formerly majority black district.
3. No "double bunking".

Cons:

1. Tommy Pharo will reside in a majority black district.
2. Jackie Brown will reside in a majority white district.
3. District 4 is elongated – stretches from inside Kinston to the far side of Pink Hill.

Mr. Griffin invited the Commissioners to change the plans to their liking and he will review to determine if they meet legal requirements. Citizens are also invited to submit their own plans for consideration by the Board. In order to be considered at the public hearing on September 19, 2011, plans must be submitted to Mr. Griffin by 5:00 p.m. Thursday, September 15, 2011 to verify the plan meets legal requirements. Only those plans meeting legal requirements will be considered by the Board. Mr. Graham thanked Mr. Griffin for a job well done.

Mr. Dail provided a status update regarding Hurricane Irene. At the height of the storm, there were 28,000 citizens without electricity. Most have been restored, but there are still some sporadic outages. As of Thursday, September 1, 2011, the shelter at Lenoir Community College closed. Lenoir County has been declared a Disaster County so there will be Individual Assistance available from Federal Emergency Management Agency (FEMA). Homeowners can apply for relief with repairs. FEMA can be reached at 1-800-621-3362 and for the hearing impaired, 1-800-462-7585 from 7 a.m. to 10 p.m. A Disaster Recovery Center (DRC) will be set up but the location is currently pending. Before visiting the DRC, citizens need to call FEMA in order to apply for Disaster Assistance and obtain an application number. Mr. Dail thanked some of the corporate businesses who provided assistance to those in need. Sanderson Farms provided 185,000 pounds of ice free of charge to citizens. They also sent a truckload of ice to Pamlico County. The Salvation Army served over 10,500 meals. The Red Cross also assisted in providing meals and clean up supplies. Ms. Brown commended the Wilson Chapter of the Red Cross for delivering clean-up supplies to citizens. Mr. Dail stated the recovery phase is the most difficult time in a disaster. He asked for citizens to be patient. Approximately 50 homes were destroyed in Lenoir County. The hardest hit areas are Northwest Kinston and the Greenmeade area of Kinston. Ms. Brown inquired about the status of the Landfill. Mr. Dail stated debris pickup will commence shortly. All debris must be separated into vegetative debris (i.e. tree parts) and construction debris (i.e. shingles, siding). He encouraged people to put the debris on the curb or at the right-of-way to be picked up instead of taking it to the Landfill.

Mr. Dail informed the Board the Lenoir County Schools are operating with the exception of Rochelle Middle School. The school plans to reopen Wednesday, September 07, 2011. Mr. Rouse inquired about burning debris instead of placing it curbside for pickup. Mr. Dail discourages people from burning because it may cause issues for other citizens. Mr. Graham asked about fees being charged for Landfill use. Mr. Dail responded no Landfill fees will be waived. Any amount over 2,000 pounds will be assessed fees for citizens who pay a landfill user fee. Mr. Daughety stated he spent a couple days at the Emergency Operations Center (EOC) and is impressed with the job Mr. Dail has done.

Mr. Graham reiterated the FEMA application process will start via telephone. Some citizens will qualify for a grant or small business loan. Mr. Dail recognized all the personnel involved in the effort including volunteer firemen, paid staff, volunteers, and law enforcement. Ms. Sutton encouraged people to remember preparation takes place all year long for events such as this. Mr. Jarman commended the staff and Mr. Dail on doing a tremendous job. Mr. Daughety also thanked Mr. Dail and his staff for a job well done.

Ms. Susan Moore, Department of Social Services (DSS) Director also provided an update. She stated two respirator patients and three high risk patients were placed in facilities due to the need for power. The State issued a waiver for emergency placements. One of the rest homes located in Kinston was flooded causing 17 patients to be relocated to a facility in Pink Hill. Ms. Moore extends a special thank you to Harmony Hall, Kinston Rehabilitation, and Glencare of Pink Hill. All of these facilities placed patients from other facilities. During and after the hurricane, DSS assisted in responding to issues of dehydration, people needing transport to hospitals and dialysis, and also citizens needing help with their home oxygen tank. Personnel went door to door to check on the elderly and disabled. They contacted the Salvation Army to inform them of people in need. DSS also had personnel located in the shelter and at the EOC.

Ms. Moore stated currently, there are approximately 6,600 families receiving Food Stamp benefits in Lenoir County. DSS opened without electricity on Tuesday, August 30, 2011 at 7:30 a.m. Power was restored at 11 a.m. Applications were processed for replacement benefits to families already receiving benefits. Up to 50% of the August allotment will be provided to the recipient in order to replace food spoiled from no electricity. In approximately 3 ½ days, 5,000 recipients applied for the replacement benefits and 100 applied for regular Food Stamp benefits. Starting this week, DSS will start processing Disaster Food Stamps on Thursday, September 8, 2011 through Monday, September 12, 2011. Recipients already receiving benefits will not have to reapply for Disaster benefits. The income limit is typically at 200% poverty to qualify for the program. For the Disaster program, there are different qualifications. DSS will deduct uninsured losses and normal shelter costs from net income. Ms. Moore stated they expect 9,000 to 10,000 applicants. The applications will be processed in three locations: Vernon Park Mall in Kinston inside the old Eckerd's, Pink Hill Town Hall and LaGrange Town Hall. A photo ID and one document proving residence in Lenoir County are required. Also, any information regarding income and damages may be required. The Salvation Army will be providing snacks and water to citizens in line. The United States Department of Agriculture is concerned with the comfort of people waiting in line to be processed. There will be comfort stations available for people while they wait. Ms. Moore asked for Volunteers to assist in the effort. DSS will also be processing normal Emergency Assistance applications which cover up to \$600 for household expenses or car repairs. Claims can also be filed with FEMA online at www.disasterassistance.gov. She also provided the following helpful contact numbers:

Crisis Counseling Hotline 866-451-7760

Farmers Assistance (assist farmers with land damage and crop loss) 252-523-0524

NC Baptist Men (assist with removing yard debris and removing fallen trees) 704-880-5507

Harvest Connection (assist with tarps and clean-up) 252-775-0878

Training will begin on Wednesday, September 07, 2011. The entire agency will be contributing in the recovery effort. She assured staff is working hard and fast to restore the County.

ITEMS FROM THE CHAIRMAN/COMMISSIONERS

Mr. Graham stated he received a call from a Mr. Jenkins regarding being charged to use the Landfill. Mr. Dail stated the best thing to do is to leave the debris curbside for pickup as they are not waiving any fees.

ITEMS FROM THE COUNTY MANAGER

Item No. 2 was Items from the County Manager. Mr. Jarman wanted to thank several departments for their outstanding work assisting the citizens of Lenoir County during and after the hurricane. Ms. Moore was thanked for her dedication. Mr. Jarman thanked the Landfill staff stating the Landfill was operating the day after the storm. Maintenance was thanked for assisting in getting the facilities repaired for employees and the public. The Sheriff's Department was recognized for putting in long hours and assisting in making the road conditions safe. The Health Department was commended for their staff assisting at the EOC and shelters. Mr. Jarman stated Management Information Systems assisted in maintaining internet and technology use. Cooperative Extension, the Tax Department, and Inspections assisted in damage assessment. Geographic Information Systems assisted in plotting damages. Transit assisted by transporting people to dialysis, the hospital, and the local shelter. Mr. Daughety thanked the staff of South Lenoir High School for aiding in the cleanup of the school. On behalf of the Board, Mr. Graham thanked all employees for their outstanding performance.

Mr. Hollowell informed the Board of the preliminary damage assessment on County facilities. They are as follows:

- Administration Building
 - Tax Department
 - Two large storefront windows need replacing
 - Water damage to carpet, computers, wallpaper, blinds, desks, tables, and files
 - Register of Deeds
 - Leaks
 - Water damage to carpet and wall
 - Planning and Inspections
 - Water damage along west wall
 - Carpet (mold)
 - Damage to file boxes
 - Mechanical Room
 - Electrical surge damaged two chiller pumps
 - Fire/Smoke Alarm repair
- County Manager's Office
 - Flashing blown-up on parapet roof
 - Minor water damage to tiles in computer room
 - Water damage to west wall in Assistant County Manager's Office
 - Light fixture hanging due to water damage to sheetrock ceiling
- Courthouse
 - Main chiller pump to HVAC shorted out due to electrical surge
 - Water damage to ceiling in main atrium
 - Minor water damage to file boxes in Finance Office
 - HVAC Unit on roof blown over
- Health Department
 - Ceiling tiles down due to water leaks
 - Sign blown down in front of building
 - Gutters down on one side of building
 - Water behind stucco on west side of building
- Transit Building
 - Minor damage-shutters blown off building

- Cooperative Extension Building
 - Minor damage-ceiling tiles down due to roof leaks
- Livestock Building
 - 8'-9' fascia cap on front of building
- Farmers Market
 - Sign down
- Landfill
 - Shop roof damaged-tin and rafters
 - Shop roll-up doors 14' by 15' will not operate properly
 - Sign at front entrance to Landfill
 - Water damage to equipment-Miller 250 AC/DC Welder and large shop fan
 - Shingles on scale house
- EMS Stations
 - EMS Station #2
 - Windows blow out/broken at entrance
 - Metal roof of vestibule damaged
 - Sign blown out of wood frame
 - Tree/limb removal from front vestibule
- Industrial Shell Building #3
 - Damage to soffit and light at entrance

Mr. Jarman informed the Board of the Notice for the Proposed Replacement of Bridge No. 530017 Over Southwest Creek on SR-1804. The Department of Transportation along with the Army Corps of Engineers will be surveying the area.

Mr. Jarman recommended the Board to accept a \$2,500 bid received for a residence at 708 Chestnut Street. The residence has fire damage on one side but can be fixed. Upon a motion by Mr. Pharo and a second by Ms. Sutton, the Board unanimously agreed to accept the bid for purchase.

Mr. Rouse inquired about the purpose of direct deposit of pay if a stub will be mailed out. Mr. Hollowell stated the stub informs the payee of itemized deductions and provides an explanation of leave balances. No fee is charged for direct deposit, but the stub notice along with direct deposit is a requirement for county employees. Mr. Jarman stated the County may go to electronic notification instead of hard copies mailed. Mr. Rouse inquired on the status of the Code of Ethics policy. Mr. Jarman stated the policy is in the development process and preliminary information will be provided to the Commissioners and if any of them would like to add to the policy, please forward the information.

Mr. Rouse informed the Board several citizens contacted him regarding the recent issue in the media with Mark Pope and Representative Stephen LaRoque. Mr. Jarman stated he has met with Mr. Pope, as his supervisor to discuss the issue. Mr. Rouse also stated he was informed by concerned citizens that Mr. Jarman and Mr. Pope were engaged in business together outside of their employment with the County. There are concerns of a conflict of interest due to the fact they generate revenue together and Mr. Jarman is the direct supervisor of Mr. Pope. Ms. Brown stated if a concern has been voiced, then all Board members should be informed as she was unaware of a possible issue. Mr. Rouse informed the Board he would like for the Human Resources (HR) Department to investigate the concern to see if a conflict exists. Ms. Sutton stated the concerns discussed should be made in closed session and a decision made as a Board on how to proceed. Mr. Daughety commended Mr. Pope and Mr. Jarman on their achievements and stated business outside of the workplace done on personal time are of no concern to the Board. Mr. Jarman stated unless the actions of an employee affect their job performance, then involvement is not necessary. Mr. Rouse reiterated his desire to have HR investigate the issue so that he may have more information to provide on the subject. Mr.

Jarman stated the issue concerning Mr. Pope had been reviewed and the proper action taken. He also stated we have a closed session scheduled and if there is still an issue it is with his employment and this is a personnel issue that should be discussed in closed session.

CONSENT AGENDA

Upon a motion by Ms. Brown and a second by Mr. Daughety, the Board approved the following Consent Agenda.

- | | |
|---|------------------|
| 3. Approval of Minutes: Regular Board Meeting: August 15, 2011 | Banks/Jarman |
| 4. Resolution Approving the Releases and Refunds to the Individuals Listed Herein | Martin/Hollowell |
| 5. Budget Ordinance Amendment: Finance/Sheriff's Department: \$1,132. Increase | Martin/Hollowell |
| 6. Budget Ordinance Amendment: General Fund: Process Funds: \$1,553. Increase | Martin/Hollowell |
| 7. Budget Ordinance Amendment: Finance/Sheriff's Department: \$1,616. Increase | Martin/Hollowell |
| 8. Budget Ordinance Amendment: General Fund: Non-Departmental: \$2,007. Increase | Martin/Hollowell |

PROCLAMATIONS/BUDGET ORDINANCE AMENDMENTS/RESOLUTIONS

Item No. 9 was a Proclamation for Sickle Cell Awareness Month: September 2011. This year marks 101 years since the discovery and documentation of sickle cell disease in western medical literature by Dr. James B. Herrick, Professor of Medicine at Rush Medical College in Chicago in 1910. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 9 was unanimously approved.

Item No. 10 was a Resolution Approving a Request for Addition to State Maintained Secondary Road System. The subject subdivision roads were reviewed and approved by the North Carolina DOT on September 4, 1998. They experienced some deterioration over the years, but were restored to acceptable standards recently. Upon a motion by Mr. Pharo and a second by Ms. Sutton, Item No. 10 was unanimously approved.

Item No. 11A was a Resolution Approving a Contract Amendment for Fiscal Year 2011/12: Day Break Life Center Inc.: \$899. Ms. Moore stated funding was restored to the Fiscal Year 2011/12 allocation of \$40,000 in the final State budget approval. The Board approved a contract with Day Break Life Center Inc. on June 20, 2011 in the amount of \$28,101. The Board also approved a contract amendment on July 18, 2011 to increase the contract by \$11,000. The proposed request is to increase the contract by \$899 to match the State allocation of \$40,000. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 11A was unanimously approved.

Item No. 11B was a Resolution Approving an Increase to Services Contracts for Fiscal Year 2011/12: Addus HealthCare Inc.: \$249,562. The Board originally approved the contract to Addus HealthCare Inc. in the amount of \$245,562 on June 20, 2011. This resolution is requesting to increase the contract by \$4,000 to correct a technical error in the original budget resolution. The correct amount should be \$249,562 to match approved FY 11-12 budget appropriation. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 11B was unanimously approved.

Item No. 12 was a Resolution Authorizing the Award of Four Contracts for Rehabilitation Services Related to the 2010 Single Family Rehabilitation Project: \$150,543. These funds are used for moderate rehabilitation of homes owned by either elderly or disabled persons, with the rehabilitation costs not to exceed \$45,000 per unit. Brendan Nolan, with The Wooten Company submitted requests for rehabilitation proposals to area rehabilitation contractors on properties associated with the 2010 Single Family Rehabilitation project. The Wooten Company sent out bid requests on July 14, 2011 to local licensed general contractors asking them to submit bids for the

rehabilitation work. The County awards contracts to the lowest, qualified bidders for the rehabilitation of four homes. Upon a motion by Ms. Sutton and a second by Mr. Daughety, Item No. 12 was unanimously approved.

Item No. 13 was a Budget Ordinance Amendment: General Fund: DSS: \$6,081.08 Increase. Crisis line item adjustments to reflect actual State allocation received for FY 11-12. The allocation received is more than the State estimate approved in the FY 11-12 DSS Budget. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 13 was unanimously approved.

Item No. 14 was a Budget Ordinance Amendment: General Fund: DSS: \$33,707: Increase. This is a day care line item adjustment to reflect an increase in the day care subsidy allocation received for FY 11-12. The allocation received is more than the State estimate approved in the FY 11-12 DSS Budget. Upon a motion by Mr. Daughety and a second by Ms. Sutton, Item No. 14 was unanimously approved.

Item No. 15 was a Budget Ordinance Amendment: General Fund: Coop Ext – Prevention Block Grant: \$48,119: Increase. This budget amendment is to set up funding for the 4-H All Starts Grant Program – Prevention Block Grant for the 2011-2012 Fiscal Year. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 15 was unanimously approved.

Item No. 16 was a Budget Ordinance Amendment: Capital Improvements Fund Economic Development: \$100,000. Increase. This amendment is to appropriate State One-NC Funds received by the County for the Masterbrand Cabinets expansion. This is the first half payment of a \$200,000 grant from the North Carolina Department of Commerce One NC Funds that were awarded on April 21, 2010. The final payment will be awarded once the company reaches its final 50% addition of new jobs and has made its required investment. Upon a motion by Ms. Sutton and a second by Mr. Daughety, Item No. 16 was unanimously approved.

Item No. 17 was a Budget Ordinance Amendment: Trust & Agency Fund: Finance/Extension-Family Caregiver: (\$109,370): Decrease. This amendment is to decrease the budgeted amounts of the Partnership for Children Program. When the budget was being compiled, it was thought the Partnership for Children would be receiving the same funding as FY 10-11. On August 16, the County received notification from the Lenoir-Green Partnership, that they had currently received only 25% funding from the NC Partnership for Children. Therefore, it is necessary to adjust the County's funding portion to match that 25% funding. Upon a motion by Mr. Pharo and a second by Ms. Brown, Item No. 17 was unanimously approved.

APPOINTMENTS

Item No. 18 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 1 st Appearance	Terrance Body	September 2014
Lenoir County Transit Advisory Board 1 st Appearance	Jamie Wallace	September 2014
Lenoir County Aging Advisory Committee 2 nd Appearance	Tracy Breasure Cora Mattocks Susan Hill	August 2013
Lenoir County Planning Board 2 nd Appearance	Donna Hardy	August 2013

Upon a motion by Ms. Brown and a second by Mr. Daughety, 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 Ms. Brown, and unanimous approval, closed session was entered at approximately 10:57 a.m. and the following cited: Number five (5) To establish or instruct the public body’s staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price or other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other materials terms of an employment contract or proposed employment contract. Also cited: Number six (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance, by or against an individual public appointment of a member of the public officer or employee. The Closed Session will not include discussion of the appointment of a member of the public body, or a vacancy on the public body, and any final action on appointment, discharge or removal by the public body will be made in open session. Upon a motion by Mr. Graham and a second by Mr. Davis; the Board moved out of closed session at approximately 12:10 p.m.

OPEN SESSION

Mr. Rouse stated all issues have been resolved and appreciates everyone being forthcoming with information. Mr. Jarman suggested more details should be provided to the public. Mr. Rouse stated the issue in question was regarding Mr. Jarman’s co-owning rental property with Mr. Pope. They have two rental properties. Mr. Rouse confirmed the properties were acquired before Mr. Pope became Director of Economic Development and Mr. Jarman the County Manager. HR also confirmed there was no conflict of interest found to exist.

ADJOURN

Upon a motion by Mr. Rouse and a second by Ms. Brown the Board adjourned at 12:12 p.m.

Respectfully submitted,

Reviewed By

April L. Banks
Interim Clerk to the Board

Michael W. Jarman
County Manager