

MINUTES

LENOIR COUNTY BOARD OF COMMISSIONERS

October 1, 2012

The Lenoir County Board of Commissioners met in open session at 9:00 a.m. on Monday, October 1, 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 9:05 a.m. Ms. Brown offered the invocation and Mr. Graham led the audience in the pledge of allegiance.

PUBLIC INFORMATION

None

ITEMS FROM THE CHAIRMAN/COMMISSIONERS

Mr. Graham mentioned Wayne Goodwin, Insurance Commissioner, will be in town.

Ms. Sutton stated there is a need to have a list of the boards and committees that the Board of Commissioners are appointed to, and post that list on the County's website.

ITEMS FROM THE COUNTY MANAGER

Mr. Jarman expressed his condolences regarding the passing of Lieutenant Bob Miller. Mr. Jarman stated Mr. Graham has been appointed to the Health Steering Committee for the North Carolina Association of County Commissioners. Mr. Jarman stated that County employees cannot advocate for the One-Quarter Cent Sales Tax; however, they may educate the general public. Mr. Jarman stated there is a \$2.2 million shortfall, primarily due to the School Bond debt service and 70% of the County's budget is mandated. Mr. Jarman stated if there is a 5% budget cut from the 30% of funds not mandated, it may cause drastic changes on how services are provided by the County.

Mr. Jarman stated a revised 5% Projected Budget Cut for Fiscal Year 2012-2013 will be provided to the Board. Mr. Jarman stated if the 5% Budget Cut takes place, the deduction would have to be taken from the 30% of the funds not mandated, which would result in an 11-12% cut. Mr. Jarman stated an 11-12% cut will have a negative impact on the services provided by the County. Mr. Pharo inquired if the One-Quarter Cent Sales Tax is passed, will the \$2.2 million shortfall be reduced by \$1.2 million? Mr. Jarman stated \$1.2 million is the estimated reduction of the \$2.2 million shortfall if the One-Quarter Cent Sales Tax is passed. Mr. Rouse inquired if the 5% Projected Cuts provided to the Board, could reflect the cuts that can be controlled? Mr. Jarman stated if there is a 5% Budget Cut, it will also cut education services that are mandated by law. Mr. Daughety inquired what percentage of funds not mandated by law is disbursed for salaries? Mr. Jarman stated some of the salaries are mandated positions by law. Mr. Jarman stated the County's budget is \$63 million and \$13 million of the County's budget is for salaries. Mr. Davis inquired if the One-Quarter Cent Sales Tax is passed, when will the County begin receiving revenue? Mr. Jarman stated if the One-Quarter Cent Sales Tax is passed in November, the County would have to wait 60 days to implement and the County would start receiving revenue from the sales tax on the first day of the next calendar quarter, on April 1, 2013. Ms. Sutton suggested the Board of Commissioners may educate the public by speaking at town meetings, etc. Ms. Sutton encouraged citizens to contact the Board of Commissioners by finding their contact information on Lenoir County's website: www.co.lenoir.nc.us. Ms. Sutton stated if the citizens would like the Board of Commissioners to speak at their engagements and educate the public about the One-Quarter Cent Sales Tax Referendum, please feel free to contact them. She also stated there is a need to educate the citizens of Lenoir County about the One-Quarter Cent Sales Tax Referendum due to the misconception that it is one fourth of a penny(.0025) , not a ¼% (.25). Mr. Davis commended Mike Parker, Kinston Free Press Columnist, for his article that educates the public about the One-Quarter Cent Sales Tax Referendum. Ms. Sutton stated if a 5% Budget Cut takes place, it may require a deputy sheriff's position to be eliminated, which would affect the protection of Lenoir County citizens, or it may eliminate an Emergency Services position, which would affect the EMS response time, etc. Mr. Jarman commended the Board for approving funds to replace law enforcement vehicles as needed, and for their diligence with the County budget. Mr. Graham stated there are some mandated positions within the County that are considered 50/50, which means the County pays 50% of the employee's salary and the State pays the remaining 50%. Mr. Jarman stated the County has to be mindful when it comes to cutting mandated positions, because the County may lose a large portion of State and Federal funding if mandated positions are cut. Mr. Tommy Hollowell, Assistant County Manager stated the County employees' salary is about 20.1% of the County's budget.

CONSENT AGENDA: 10Min.

ACTION

3. Approval of Minutes: Regular Board Meeting: September 17, 2012
Roberts/ Jarman

Item No. 4 was a Resolution Approving the Releases and Refunds to Individuals Listed Herein. Mr. Parrish stated Releases and refunds result from listing and assessing due to incorrect and incomplete information.

Upon a motion by Ms. Brown and a second by Ms. Sutton, the Consent Agenda was unanimously approved.

PUBLIC HEARING: 5 MIN.

Item No. 5 was a Public Hearing Authorizing the Filing of an Application for Community Development Block Grant Funding for the 2012 Scattered Site Housing Program. Upon a motion by Ms. Sutton and a second by Mr. Daughety, the Public Hearing was opened at 9:20 a.m. Mr. David Harris of RSM Harris Associates stated a Public Hearing was held on September 4, 2012, to inform the public that the application cycle for 2012 was open. Mr. Harris stated a major change has been made. Instead of a \$400,000 allocation, the amount has been reduced to \$225,000. Mr. Harris stated RSM Harris Associates will be notifying the towns, asking for their recommendations for families that are in need Scattered Site Housing Assistance. Mr. Harris stated the targeted households will be families that have special needs (elderly, handicapped, single parent households), low/fixed income households, or homes that are in the worst condition. Mr. Harris stated the program is open to all County residents. Mr. Harris stated there has been a change in how the applications are submitted. Mr. Harris stated when submitting the Community Development Block Grant Application, they do not have to identify the households; however, they can submit to the State how they will meet the criteria. Mr. Harris stated they are required to meet with towns to review the criteria of the Scattered Site Housing Program. Mr. Graham mentioned an article in the Kinston Free Press which stated there is a possibility the City of Kinston may receive funding to repair neighborhoods near the Martin Luther King Corridor and surrounding areas. Mr. Harris stated the program that was mentioned in the Kinston Free Press is called the Catalyst Program. Mr. Jarman stated he received a call from Senator Brent Jackson, stating the County received \$500,000 for an application that was submitted in 2009 by RSM Harris Associates, and was resubmitted earlier this year. Mr. Jarman stated he had not yet received the Governor's letter. Once the letter is received, the public will be informed about the approval of applicants and how the funds will be utilized. Mr. Jarman stated the Kinston Free Press called and stated they had received a press release from the Governor regarding the \$100,000 awarded to the City of Kinston and the \$500,000 awarded to the County. Mr. Harris stated the program is for the Neighborhood Revitalization Project adjacent to the Town of LaGrange on Spring Drive. Mr. Harris stated a \$750,000 grant application was submitted in 2009 and it was not approved. Mr. Harris stated another grant application was submitted earlier this year; however, the amount of funding was decreased. Mr. Harris stated the \$500,000 awarded to the County will involve demolishing dilapidated homes, repairing and replacing homes, installing a sewer line for the Town of LaGrange and upgrading 1-2 inch water line to a 6 inch water line. Their streets will be paved and include drainage, which will provide a much needed improvement for the Town of LaGrange. Mr. Harris stated the Town of LaGrange is partnering with the County for the Neighborhood Revitalization. Mr. Harris stated the County is funding \$20,000 and the Town of LaGrange is funding \$5,000 towards the Neighborhood Revitalization. Mr. Harris stated the funds for the Neighborhood Revitalization Project and Scattered Site Housing will not be released until early next year. Mr. Harris stated there is a Fair Housing Commercial that is currently being aired on television. Mr. Graham declared the Public Hearing closed at 9:29 a.m.

BUDGET ORDINANCES/RESOLUTIONS

Item No. 6 was a Resolution Authorizing the Filing of an Application for Community Development Block Grant Funding for the 2012 Scattered Site Housing Program. Mr. David Harris of RSM Harris Associates presented the resolution to the Board. Mr. Harris stated the Lenoir County Board of Commissioners indicated its desire to assist in housing efforts for low income homeowners within the County. Mr. Harris stated the Lenoir County Board of Commissioners held two public hearings concerning a proposed application for Community Development Block Grant funding to benefit low income homeowners. Mr. Harris stated the Lenoir County Board of Commissioners desires to pursue a formal application for Community Development Block Grant funding to benefit low income homeowners. Mr. Harris stated the Lenoir County Board of Commissioners certifies it will meet all federal regulatory and statutory requirements of the State of North Carolina Community Development Block Grant Program. 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 “Financial Design” and “Prioritization of Housing Needs” 2012 Community Development Block Grant Scattered Site Project. Mr. David Harris, RSM Harris Associate stated there has to be a Financial Design and Prioritization of Housing Needs Plan. Mr. Harris stated the priority for housing assistance will be based on income, special needs and housing condition. Applications will be ranked according to the lowest income, based on percentage of median household income. Families with the lowest income as a percentage of median and with special needs (elderly, handicapped, single-parent, large family consisting of five people) will be ranked the highest. Only families with severe housing needs will receive assistance. Severe housing needs are defined as severe deterioration of most housing components such as structural, roofing, plumbing, wiring, flooring, exterior, etc., or severe dilapidation requiring replacement. Houses located anywhere within the County, including within any town, are eligible for assistance. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 7 was unanimously approved.

Item No.8A was a Resolution Authorizing Motorola to Provide a Systems Technologist to Track Interference on Lenoir County’s UHF Radio Frequency: Communications Division 10-4315-6900 in the amount of \$8,000. Mr. Roger Dail, Emergency Services Director stated there has been interference within their system for about two years and there is a need to find the reason behind the interference. Mr. Dail stated there are times pagers go off for no reason. Mr. Dail stated the UHF radio frequency assigned to Lenoir County is utilized by the Lenoir County Volunteer Fire Departments to receive pages from the Lenoir County Emergency Services Department: Communications Division. Mr. Dail stated the pages alert the volunteer firefighters of calls for service. It is also used for radio transmissions (transmitting and receiving) allowing the volunteer firefighters to have verbal communications with the Communications Division. Mr. Dail stated the Lenoir County Volunteer Fire Departments are experiencing interference issues, which are causing potential life-threatening situations for fire department personnel responding to, or operating on, a call. Mr. Dail stated they have been working with Gately Communications, a Motorola Service Center assigned to Lenoir County, in an effort to identify and mitigate the interference being experienced by the County agencies.

Gately Communications has been unable to identify the exact location of the interference; therefore, Motorola was contacted to assist. Motorola stated that they can provide a Systems Technologist as a member of an Interference Mitigation Team. Members of this team are specifically trained in tracking interference. The technicians will present a scope of work before deployment and will track interference, recommend a solution, and assist the County in taking actions to mitigate/stop the interference. Mr. Daughety inquired if the County would be utilizing Gately Communications to track the radio interference? Mr. Dail stated the County may be utilizing Gately Communications and/or Motorola's Service Center to track the radio interference. Mr. Rouse inquired if the interference is making the pagers go off and how often does the interference occur? Mr. Dail stated the interference affects the pagers on a daily basis and some calls are missed. Mr. Jarman stated the funds approved to track radio interference will come from General Fund: Fund Balance due to the funds not being available in the Emergency Services budget. Mr. Daughety inquired if the merger with Jones County will help the County with eliminating possible interference? Mr. Dail stated there is a possibility the interference may be resolved once the merger with Jones County is complete. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 8A was unanimously approved.

Item No. 8B was a Budget Ordinance Amendment: General Fund: Communications in the amount of \$8,000: Increase. Mr. Roger Dail, Emergency Services Director stated the budget amendment was to appropriate additional funds for the Communications Department. The money will be used to contract with Motorola to track down the source of severe radio interference on the 400MHz /HF Radio Frequency. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 8B was unanimously approved.

Item No. 9A was a Resolution Authorizing Payment for the Medicaid Director's Contract for FY: 2012-2013: EMS Division: 10-4332-6900: \$27,000. Mr. Dail stated the current contract for the Medical Director is through Emergency Medicine Physicians of Lenoir County, PLLC (EMP); however, Lenoir Memorial Hospital (LMH) did not renew their contract with this agency and has signed a new contract with Apollo MD to provide physicians for the Emergency Department at LMH. Therefore, the physicians employed by EMP will no longer be operating out of LMH. Mr. Dail stated several options were available: 1) contract with Vidant for approximately \$25,000.00; however, using a doctor of their selection, 2) contract directly with Dr. Aaron Cotten, our current Medical Director, 3) contract with Apollo MD. In the FY: 2012-2013 the EMS budget was \$18,000.00 for the Medical Director. Having to change contracts will incur an additional cost of \$9,000.00 to the County. The pro-rated portion of this increase for the remainder of FY: 2012-2013 is \$6,000.00. This cost is due to the new contract in which, Lenoir County agrees to pay a portion of the Medical Director's health insurance, with Apollo MD paying the balance. Ms. Sutton inquired if the hospital supplied the information needed about the contracts in a timely manner? Mr. Dail stated the contract was discussed after the contract was approved between Apollo and LMH. Mr. Dail stated there was further discussion with Apollo about the separate contract for a Medical Director. Mr. Daughety inquired why is there a separate contract? Mr. Dail stated most counties have separate contracts with their local hospitals to work under a Medical Director. Mr. Dail stated the Medical Director has to be contracted by the County. Mr. Pharo stated there was a sense of urgency by the hospital board to settle the contract. Mr. Griffin inquired about the services that are provided by the Medical Director?

Mr. Dail stated all Emergency Services employees work under the Medical Director's license. Mr. Dail stated every Emergency Services System, if they provide Advanced Life Support Services, are required to be supervised by a Medical Director. The Medical Director determines the training to be provided in conjunction with State requirements, what type of drugs will be administered to patients, and under what circumstances they will be administered. Mr. Dail stated Emergency Services also operates under the Medical Director's Malpractice Insurance. Mr. Jarman stated the funds approved will come from General Fund: Fund Balance, due to the funds not being budgeted in the Emergency Services budget. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 9A was unanimously approved.

Item No. 9B was a Budget Ordinance Amendment: General Fund: Emergency Services in the amount of \$6,000: Increase. Mr. Dail stated the budget amendment was to cover the increased cost of the services of the Medical Director for Lenoir County Emergency Services-EMS Division. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 9B was unanimously approved.

Item No. 10 was a Budget Ordinance Amendment: General Fund: Sheriff's Department in the amount of \$35,525. Mr. Chris Hill stated the budget amendment was to transfer funds from Civil Process Fees to salaries and wages into a department, that will be used to pay retired officers to transport prisoners. Civil Process Funds can only be used for specific purposes. A new department has been established in order to track the expenditure. Mr. Graham inquired if the law enforcement officers have to be certified before transporting inmates to prison? Mr. Hill stated all law enforcement officers are certified. Mr. Graham inquired what type of liabilities does the County have if an incident occurs? Mr. Hill stated their officers are part-time active Deputy Sheriffs and their liabilities are the same as an active full-time Deputy Sheriff. Mr. Graham inquired if the officers are covered under Worker's Compensation? Mr. Hill stated all active officers are covered under Worker's Compensation. Mr. Daughety inquired once the jail is built, will there be a need to transport inmates? Mr. Hill stated the officers will transport inmates that are convicted and sentenced to serve at the Department of Corrections. Mr. Hill stated they will be responsible for transporting federal inmates to Federal Prisons. Mr. Hill stated they are required to have two Deputy Sheriffs transporting federal inmates to Federal Prisons at all times. Mr. Hill stated the County will be reimbursed for transporting federal inmates. Mr. Graham inquired if the van has a cage inside of it? Mr. Hill stated the Board approved an \$8,000 prisoner/inmate holding cell with the van. Mr. Hill stated the holding cell was not purchased with tax payers money, but was purchased with funds which came from Federal Asset Money and State Criminal Alien Assistance Program (SCAAP) Funds. Mr. Jarman stated the van will transport inmates to Federal Prisons and the Department of Corrections. Mr. Jarman stated when the jail opens, the inmates that have been housed in other counties will be transported back to Lenoir County. Mr. Rouse inquired about the opening date of the jail? Mr. Jarman stated the construction is almost done and testing will be done this month. Mr. Jarman stated after a month of testing, if everything goes well, the jail will open soon. Upon a motion by Mr. Pharo and a second by Ms. Brown, Item No. 10 was unanimously approved.

Item No. 11 was a Resolution Authorizing Acceptance of Destructive Decisions Educational Trailer from the Lenoir Memorial Hospital. Ms. Velvet Tyndall, 4H Prevention Educator & Program Assistant stated the Destructive Decisions Educational Trailer is equipped with tools to conduct prevention programs including, but not limited to a golf cart, fatal vision goggles, and a bin of supplemental educational materials. The Destructive Decisions Educational Trailer and Program was formerly operated through Safe Kids Lenoir County and administered by Lenoir Memorial Hospital. Ms. Tyndall stated the fatal vision goggles are used to simulate for middle school and high students the effects of impaired vision if the person is drinking and driving, or on other drugs. Ms. Tyndall stated the golf cart is also used to show students how texting and driving can be fatal. Ms. Brown stated at Kinston High School the students received a pact to sign, stating they would not text and drive. Ms. Brown inquired if the Text Pact ties in with the Destructive Decisions Education? Ms. Tyndall stated Cooperative Extension partners with local law enforcement and the NC Highway Patrol to educate students about the Text Pact and Destructive Decisions. Ms. Tammy Kelly, Cooperative Extension Director, stated Lenoir County Cooperative Extension has been acknowledged as an official Child Safety Seat Permanent Checking Station. Upon a motion by Mr. Daughety and a second by Ms. Sutton, Item No. 11 was unanimously approved.

Item No. 12 was a Budget Ordinance Amendment: Trust and Agency Fund: Finance/Extension-Family Care Giver in the amount of \$30,280. Ms. Tammy Kelly, Cooperative Extension Director, stated the budget amendment was to increase the budgeted amount for the Partnership for Children program. Ms. Kelly stated whenever the budget was being compiled, it was thought the Partnership for Children would be receiving the same funding as FY: 2011-2012. Ms. Kelly stated on August 16, 2012, the County received only 25% funding from the NC Partnership for Children, and the budget was decreased accordingly. Ms. Kelly stated that on September 17, 2012, the County received notice that the program was being increased by \$30,208. Upon a motion by Mr. Daughety and a second by Ms. Sutton, Item No. 12 was unanimously approved.

Item No. 13 was a Resolution Opposing North Carolina Coastal Wind Projects in Low-Level Military Flight Training Areas. Mr. Mark Pope, Economic Development Director, presented the Resolution Opposing North Carolina Coastal Wind Projects in Low-Level Military Flight Training Areas to the Board. Mr. Pope stated the Governor's Land Compatibility Task Force Report of May 2012 says, the United States Military maintains combat readiness through intensive training on the ground and in the air. Incompatible land uses in areas used by the military, limits the time that training ranges are available and the types of training conducted; thereby, negatively impacting military readiness by restricting the military's ability to train as they would fight. In addition to bases and training ranges, areas of concern include off-base air and land corridors that connect military bases and airfields with remote training ranges and/or key air training areas and routes. Mr. Pope stated a wind energy project is planned for coastal North Carolina, which would involve the construction of 49 wind turbines at a height of 505 feet above the ground. Mr. Pope stated wind turbines create noise and strobe effects on neighboring properties and can be detrimental to the environmental integrity; wildlife, such as bald eagles and migrating tundra swans in our area; agriculture; livestock and pets.

Mr. Daughety stated per the Transportation Committee, they believe the Resolution Opposing North Carolina Coastal Wind Projects is very important to the military as well as the surrounding counties. Mr. Griffin inquired how the wind farm project was determined without discussion with the military? Mr. Pope stated the decision was not based on the total outcome, which has created the opposition of the wind farm project. Mr. Pharo inquired if the wind farm project was approved by the State or Federal Government? Mr. Pope stated the wind farm project was approved by the State. Mr. Pope stated seminars will be held to discuss the Coastal Wind Projects. Upon a motion by Mr. Daughety and a second by Ms. Brown, Item No. 13 was unanimously approved.

APPOINTMENTS

Item No. 14 was a Resolution Approving Citizens to Boards, Commissions, Etc.

<u>BOARD/COMMITTEE/COMMISSION</u>	<u>APPLICANT/CURRENT MEMBER</u>	<u>TERM EXPIRATION</u>

CLOSED SESSION

Mr. Graham excused Commissioner Jackie Brown from the closed session.

Upon a motion by Ms. Sutton and a second by Mr. Daughety, and unanimous approval, closed session was entered at approximately 10:10 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. Upon a motion by Ms. Sutton and a second by Mr. Daughety; the Board moved out of closed session at approximately 10:50 a.m.

OPENED SESSION

Mr. Graham stated during closed session, there was discussion about land options and no decision was made.

Mr. Graham adjourned the meeting at 10:56 a.m.

Respectfully submitted,

Reviewed By

 Clevette F. Roberts
 Interim Clerk to the Board

 Michael W. Jarman
 County Manager