

MINUTES
LENOIR COUNTY BOARD OF COMMISSIONERS
October 6, 2008

The Lenoir County Board of Commissioners met in regular session at 9:00 a.m. on Monday, October 6, 2008 in the Board of Commissioners Main Meeting Room in the Lenoir County Courthouse at 130 S. Queen St., Kinston, NC.

Members present: Chairman Paul Taylor; Vice-Chairman George Graham and Commissioners, Jackie Brown, Claude Davis, Earl Harper, Chris Humphrey and Claude Stroud.

Members absent: None

Also present were: Michael W. 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 Taylor called the meeting to order at approximately 9:00 a.m. Ms. Brown offered the invocation and Mr. Taylor led the audience in the pledge of allegiance.

PUBLIC INFORMATION

Ms. Agnes Ho, Neuse Regional Library Director: Re: Dedication Ceremony. Ms. Ho stated the expansion of the Neuse Regional Library is now complete. The expansion project was completed within budget thanks to the Bond Referendum and private donations. Ms. Ho thanked County Administration for helping with the renovation project. The Dedication Ceremony will be held Wednesday, October 8, 2008 at 4:30 p.m. at the Lenoir County Library.

Ms. Lucy Marston, Lenoir County Tourism Director: Re: Lenoir County Paddlers Guide. Lenoir County Paddlers Association is sponsoring a paddle ride on the Neuse Friday, October 10, 2008. Over 60 boats will be participating in the event starting at 8:30 a.m.

Mr. Russell Rhodes, Lenoir County Transportation Chairman: Re: Rail Corridor. Mr. Rhodes stated the Lenoir County Transportation Committee would be meeting on October 8, 2008 at 9:30 a.m. with members of NCDOT to discuss the rail spur for Spirit AeroSystems. The meeting will take place 101 N. Queen Street Kinston, NC and is open to the public.

Mr. Darrell Parrish, Tax Administrator: Re: 2009 Reappraisal Schedule. Mr. Parrish stated NC General Statue 105-317 provides the requirements for the submitting of the proposed 2009 Reappraisal Schedule of Values and timeline for the adopting the Schedule of Values. On October 20, 2008 a public hearing will be held on proposed schedules, standards and rules. A Resolution Adopting the Schedules, Standards and Rules will be presented for approval on November 3, 2008. December 4, 2008 is the last day property owners may appeal the schedules, standards and rules to the Property Tax Commission.

Mr. Mac Wood, North Carolina Veterans Affairs: Re: Veterans Service Officer. Mr. Wood stated Lenoir County is about to experience a major influx of veterans and dependents with the coming of recently secured industries. The duties of the District Office will be expanding with the coming of the NC Veterans Nursing Home to Lenoir County which may increase the veteran population in counties serviced by District 2 of the North Carolina Division of Veterans Affairs. Two (2) District Officers provide service to veterans in the County and visit other offices within their district (Jones, Duplin, Craven, Pamlico, Greene, and Carteret.

The Veteran Service Officer will work under minimal supervision and is responsible for providing service and representation to veterans, their dependents, and survivors with new and reopened claims and appeals to the U.S. Department of Veteran Affairs. The County is asked to provide office space for this new position. Mr. Taylor asked if the County has any available space. Mr. Jarman stated the only space currently available is not on ground floor level and is not handicap accessible. Mr. Harper asked Mr. Jarman to research the space issue and respond with a recommendation.

The Board recognized and congratulated Ms. Theresa White as the 2008-09 recipient of the North Carolina Department of Social Services Association award. Ms. White thanked the Board for the recognition.

ITEMS FROM THE CHAIRMAN/COMMISSIONERS

Mr. Taylor stated he would like to require all Commissioners to repay county funds used towards conferences they do not attend. Mr. Taylor stated he did not think it was fair for the county to pay for conferences unattended by Board members.

ITEMS FROM THE COUNTY MANAGER

Item No. 2 was Items from the County Manager. Mr. Jarman stated Mr. Roger Dail and Mr. Deral Raynor won 1st place in a BBQ cook-off in Raleigh, NC out of 600 entries.

Mr. Hollowell stated last week the Local Government Commission held a conference call to discuss the safety of Lenoir County assets. Mr. Hollowell stated Lenoir County is in very good financial standing and all investments are safe.

CONSENT AGENDA

Upon a motion by Ms. Brown and a second by Mr. Davis, the Board unanimously approved the Consent Agenda:

3. Approval of Minutes: Regular Board Meeting: September 15, 2008 Aytch/Jarman
Closed Session Meeting: September 15, 2008
4. Resolution Approving the Releases and Refunds to the Individuals Listed Herein Parrish/Martin
5. Budget Ordinance Amendment: Capital Improvements Fund: Economic Jarman/Martin
Development: \$10,000: Increase

PUBLIC HEARING

Item No. 6 was a Public Hearing Regarding the Proposed Shell Building No. 3. Upon a motion by Mr. Taylor and a second by Ms. Brown, the Public Hearing opened at 9:59 a.m. Mr. Mark Pope, Economic Development Director, addressed the Board. Mr. Pope stated the purpose of the public hearing is to receive comments for or against a proposal that Lenoir County construct a shell building. The proposed source of funds is a loan of up to \$1.6 million available to Lenoir County as a member of the North Carolina's Eastern Region Development Commission. The proposed shell building No. 3 will be on 10(+/-) acre tract of land owned by Lenoir County and located in the 70 West Industrial Park. The initial size of the proposed building will be 40,000 square feet. One citizen asked the location of the building. Mr. Pope stated the shell building would be located at the intersection of Smithfield Way and Industrial Drive. Upon a motion by Mr. Taylor and a second by Ms. Brown, the Public Hearing closed at 10:02 a.m.

RESOLUTIONS

Item No. 7A was a Budget Ordinance Amendment: General Fund: COOP Ext-Safe & Drug Free Schools Grant: \$27,032: Increase. Ms. Tara Taylor of Cooperative Extension addressed the Board. Ms. Taylor stated the Amendment sets up the 4-H All Stars Program, Safe and Drug Free School Grant. This is the second year Lenoir County has received this funding. Wayne County applied for these funds on behalf of the four County Eastpointe regions. This grant will be on a reimbursement basis from Eastpointe. This program provides substance abuse programming for high-risk youth in churches, in 4-H clubs, schools and community Centers. Upon a motion by Mr. Harper and a second by Ms. Brown, Item No. 7A was unanimously approved.

Item No. 7B was a Budget Ordinance Amendment: General Fund: COOP Ext-Prevention Block Grant: \$48,119: Increase. Ms. Taylor stated the Amendment sets up the 4-H All Stars Program, Prevention Block Grant. This is the second year Lenoir County has received this funding. Wayne County applied for these funds on behalf of the four County Eastpointe regions. This grant will be on a reimbursement basis from Eastpointe. This program provides substance abuse programming for youth ages 5-19 in churches, in 4-H clubs, schools and community Centers. Upon a motion by Mr. Harper and a second by Ms. Brown, Item No. 7B was unanimously approved.

Item No. 8A was a Resolution Approving Purchase of a Patrol/Narcotics Canine: \$16,000. Major Chris Hill of the Lenoir County Sheriff's Department addressed the Board. Mr. Hill stated for the past several years the Sheriff's Office has utilized specially trained dogs to detect the presence of narcotics, track fleeing criminals and missing persons, defend the handler and locate items used in connection with crimes. Recently one of the Sheriffs Office K-9's escaped its compound and found its way to a near-by neighbor's property where it was shot. In addition, two other canines have been retired. The county insurance carrier has paid the county \$4000 for the loss of the animal. Southern Police Canine, Inc. has been supplying canines to the Sheriff's Office over the past several years. The Sheriffs Office has negotiated with Southern Police Canine, Inc., to purchase a patrol/narcotics canine for \$12,000 and to re-train two handlers for \$4,000. The Sheriff will use a combination of insurance and federal asset forfeiture funds to purchase both the canine and the required training for the handlers. Upon a motion by Ms. Brown and a second by Mr. Stroud, Item No. 8A was unanimously approved.

Item No. 8B was a Budget Ordinance Amendment: Federally Seized Property Fund: Sheriff-Federally Seized Property: \$8,000: Increase. The Amendment budgets funds from the Fund Balance of the Federally Seized Property Fund. These funds will be used to cover the purchase of a new canine that will replace the one killed earlier this year. Upon a motion by Ms. Brown and a second by Mr. Stroud, Item No. 8B was unanimously approved.

Item No. 9 was a Resolution Approving Purchase of Equipment & Monitoring Services from Reliant: \$11,500. Mr. Hill stated the Lenoir County Sheriffs Office began electronic monitoring in April of 2007. Currently the North Carolina Department of Corrections provides the personnel and equipment that receives the signal from electronic transmitters that are worn by inmates released to the electronic monitoring program. The Sheriff's Office was recently notified that the NCDOC would no longer provide monitoring services for transmitters that utilize a radio frequency (RF) to transmit a signal. The NCDOC is now transitioning to GPS technology. As a result, the Sheriffs Office was forced to find another vendor who would provide RF based monitoring services. The Sheriffs Office will terminate its contract with the NCDOC effective November 1, 2008. There are a number of businesses that offer both equipment leasing and monitoring services for inmates.

Reliant Management Group is a North Carolina based company located in Hillsborough, North Carolina. This business will provide the same monitoring services for the same rate that the NCDOC had provided. The rate is currently \$1.28 per day per inmate. Once, the contract with G4S (business that provides ankle transmitters) has expired Reliant will provide both the transmitters and the monitoring services for the Sheriffs Office. The transmitter costs will remain the same. The lease amount of each transmitter is \$1.45 per day per inmate. The total anticipated costs are \$ 11,500. Upon a motion by Mr. Stroud and a second by Mr. Harper, Item No. 9 was unanimously approved.

Item No. 10 was a Resolution Approving Purchase of Field Based Reporting Software: \$37,322. Mr. Hill stated the Sheriffs Office currently utilizes a Visionair product to manage all of its in-house records. These records consist of arrest reports, incident reports, civil documents, jail documents, etc. Incident and arrest reports are entered by officers who have to travel to the Sheriffs Office and input the data using a desktop computer. Once entered, the data is saved on a server for quick retrieval and long term storage. The current procedure for data entry takes the officer out of service and out of the community while the deputy enters data into the records management system (RMS) at the courthouse. Visionair provides a product that allows officers to perform data entry by utilizing their in-car mobile data terminals (MDT). Instead of the officer having to drive to the Sheriffs Office to enter the data, the officer can manually enter the information using their MDT. Once entered the officer can then save the data to a portable memory device and upload the data at the Sheriffs Office at a later time. Having this option allows the officer to remain in the community while completing their reports. This will provide officers with more time to serve civil and criminal papers and keeps them away from the courthouse where crime is not occurring. The quoted price for the purchase and installation of this software is \$37,322. The Sheriff intends to utilize civil process funds, which will not impact the general fund. Upon a motion by Mr. Harper and a second by Ms. Brown, Item No. 10 was unanimously approved.

Item No. 11 was a Resolution Authorizing the City of Kinston to become Primary Applicant for the Battlefield Parkway and Soccer Complex Water Re-Use Project. Mr. Bill Ellis, Parks and Recreation Director addressed the Board. Mr. Ellis stated the Clean Water Trust Fund Authority Board recommended that the City of Kinston be primary applicant for the grant because they own the wastewater treatment plant and will own the pipeline. Lenoir County will be the secondary applicant and will retain ownership and be responsible for maintaining the Battlefield Parkway and Soccer Complex. The City of Kinston will be responsible for the maintenance of the pipeline. Upon a motion by Mr. Harper and a second by Ms. Brown, Item No. 11 was unanimously approved.

Item No. 12 was a Budget Ordinance Amendment: General Fund: Health (Adult Health): Increase \$12,623. Mr. Joey Huff, Health Director, addressed the Board. Mr. Huff stated the amendment covers additional state funding to provide clinical family planning services to at risk individuals not covered by Medicaid. Upon a motion by Mr. Humphrey and a second by Mr. Stroud, Item No. 12 was unanimously approved. Mr. Huff informed the public that a Flu Clinic will be held on Saturday, October 11, 2008 from 7:30 a.m. – Noon. Flu shots will cost \$25 and pneumonia shots are \$40. Pneumonia shots are given based on age and chronic disease.

Item No. 13 was a Budget Ordinance Amendment: General Fund: Board of Elections: \$35,900: Increase. Ms. Barbara Hammonds of the Lenoir County Board of Elections addressed the Board. The amendment budgets for HAVA Grant Funds. These are state funds paid to counties to assist with additional one-stop voting sites in the 2008 General Election. These funds will be expended in FY 08-09 and reimbursement will be received after sending all appropriate paperwork

to the state after the election. Upon a motion by Ms. Brown and a second by Mr. Graham, Item No. 13 was unanimously approved. Ms. Hammonds informed the public the last day to register to vote is October 10, 2008. Mr. Graham asked if poll workers had been trained for Election Day. Ms. Hammonds stated training has been completed for early voting. Election Day training will begin October 8, 2008.

Item No. 14 was a Budget Ordinance Amendment: Capital Improvements Fund: Economic Development: \$17,500: Increase. Mr. Hollowell stated the amendment sets up Fields Control state One NC Grant Funds. This is one-half of a grant of \$35,000, from the North Carolina Department of Commerce that was awarded to Fields Control on September 22, 2007. This is a performance based grant, with the balance of the grant to be awarded whenever the company achieves 90% of its new jobs and has made 100% of its required investment. This is a pass through grant – the County will write a check to Fields Control in the amount of the grant totaling \$17,500. Upon a motion by Mr. Harper and a second by Ms. Brown, Item No. 14 was unanimously approved.

Item No. 15 was a Resolution Authorizing Execution of an Addendum to the Sales Tax Audit Contract Dated October 18, 2004 with Tax Reduction Specialists: Sales Tax Re-allocation Audit. Mr. Hollowell stated Utility Reduction Specialists, Inc., has worked with 107 city and county governments in 4 states and is currently conducting sales tax re-allocation audits for 19 counties in North Carolina. Lenoir County contracted with Tax Reduction Specialists in October 2002 to audit the sales and use tax refund claims for tax filings in 1999 through June 2002. This time frame was significant because a three (3) year statute of limitations applies to requests for tax refunds and Lenoir County would not have been able to apply for any sales tax refunds for filings through June 1999. The County extended the contract with Tax Reduction Specialists on October 18, 2004 to include sales tax filings through December 31, 2003, on February 7, 2005 to include sales tax filings through December 31, 2006, on March 5, 2007 to include sales tax filings through December 31, 2007, and on February 18, 2008 to include sales tax findings through December 31, 2008. The requested addendum will extend the contract with Tax Reduction Specialists to include sales tax filings through December 31, 2009. Tax Reduction Specialists, in the original agreement, was compensated 25% of the amount of the sales tax refund obtained by Lenoir County as a result of the sales tax re-allocation audit. Under subsequent addendum's and the proposed addendum, the County compensates Tax Reduction Specialists at a reduced rate of 20% of the sales tax refund obtained by the County. If the county does not receive a refund, there will be no fee for the services of Tax Reduction Specialists. The County does not have the staff or the expertise to do this work in-house. Execution of this agreement will provide Lenoir County with the assurance that it has properly received credit for sales tax re-allocations from the North Carolina Department of Revenue for filings through December 31, 2009 and secure any refunds due to the County for improperly filed or credited sales tax revenues. To date, the audit performed by Tax Reduction Specialists has produced a direct benefit to Lenoir County of \$381,424 in additional sales tax revenues that were allocated incorrectly by the State of North Carolina. Tax Reduction Specialists has estimated an additional benefit to the County of \$46,668 through the tax filing period ending December 31, 2008 and additional revenues for filings through December 31, 2009. Upon a motion by Mr. Harper and a second by Mr. Humphrey, Item No. 15 was unanimously approved.

Item No. 16 was a Resolution Approving Engineering Services for Limited Phase II Environmental Report on Parking Lots for Proposed Jail Construction: KCI Associates: \$3,400. Mr. Hollowell stated On August 4, 2008, the Board approved a 90-day option- to-purchase agreement on lots adjacent to the Lenoir County Courthouse for proposed jail construction. Before exercising the option-to-purchase agreement, the County must determine if the lots are suitable for construction of a jail facility. On September 15, 2008 the Board approved a resolution to proceed with Geotechnical reports and a Phase I environmental report. Geotechnical reports may include,

but are not limited to, description of proposed construction and anticipated structural loads, site subsurface conditions, soil borings, test pits, groundwater conditions, requirements for fill/backfill, foundation depth recommendations, and recommendations for temporary excavations and permanent slope stability. A Phase I environmental report identifies recognized environmental conditions of the subject property. A historical review of the site and site activities is conducted to determine the environmental condition of the property. If a Phase I evaluation indicates a potential for contamination, a Phase II site assessment involving sampling and testing would be recommended. The Phase I report conducted by KCI Associates revealed the existence of a former undocumented underground gasoline storage tank on the subject property. KCI Associates recommends that the soil and groundwater should be investigated to determine whether petroleum impacts are present. Upon a motion by Mr. Harper and a second by Ms. Brown, Item No. 16 was unanimously approved. Mr. Graham stated the County should own the entire block adjacent to the Courthouse for future plans and development. Mr. Jarman stated he would acquire more information on the surrounding properties.

Item No. 17A was a Resolution to Approve Declaring One (1) Lenoir County Transit Vehicle as Surplus Vehicle. Ms. Sue Powell, Transit Director, addressed the Board. Ms. Powell stated Lenoir County Transit (LCT) has one (1) vehicle that is not currently being used because it was replaced with one (1) 2008 – 28ft Light Transit Vehicle that was approved in our FY 2007-2008 Community Transportation Grant with North Carolina Department of Transportation. Transit (LCT) is requesting the Board’s approval to declare the 2002 Dodge Lift Van as a surplus vehicle. The vehicle listed is in good condition and has reached the 100,000-mile range that is set by the North Carolina Department of Transportation in order to replace a vehicle. Upon a motion by Mr. Humphrey and a second by Ms. Brown, Item No. 17A was unanimously approved.

Item No. 17B 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. Powell stated the Board, at its March 17, 2003 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 HighetKracker 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 is in their second year of advertising with Lenoir County Transit. 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, the following revenues are anticipated for a twelve-month advertisement period: $\$125/\text{mo.} \times 1 \text{ advertisement on } 1 \text{ vehicle} \times 12 \text{ mos.} \text{ minus } \$164 \text{ (1 time cost for sign and installation by Right-On Signs – Kinston)} = \$1,336$. Upon a motion by Mr. Humphrey and a second by Ms. Brown, Item No. 17B was unanimously approved.

Item No. 17C was a Resolution Authorizing the Issuance of a Blanket Purchase Order for Squires Auto Generator & Started Service, Inc. for \$20,000 For Fiscal Year 2008-2009 for Vehicle Maintenance and Repairs. Ms. Powell stated on March 10, 2008, Lenoir County Transit began Operations in-house. LCT will be utilizing Squires Auto Generator & Started Service, Inc. as one of their vendors for repairs for the Fiscal Year 2008-2009 for Transit vehicles. This Blanket Purchase Order for Fiscal Year 2008-2009 will allow Lenoir County Transit to operate more efficiently by having the Purchase Order in place when the need for the service arises. Upon a motion by Mr. Davis and a second by Ms. Brown, Item No. 17C was unanimously approved.

APPOINTMENTS

Item No. 18 was a Resolution Appointing Citizens to Boards, Commissions, Etc. The following reflects existing vacancies and appointments.

<u>BOARD/COMMITTEE/COMMISSION</u>	<u>APPLICANT/ CURRENT MEMBER</u>	<u>TERM EXPIRATION</u>
Lenoir County Board of Health 2nd Appearance	Brenda B. Grant (Re-Appointment)	June 2011 M: Brown S: Davis
Lenoir County Planning Board 1st Appearance	L. Russell Hill Alternate (Appointment)	October 2011
Nursing Home and Adult Care Home Committee 1st Appearance	Eugene McCoy (Appointment)	October 2011

CURRENT VACANCIES:

Lenoir County Health Board – Four (4) Vacancies; (1) Veterinarian, (1) Optometrist, (2) Public Members

Grifton Planning Board – One (1) Vacancy

JCPC – One (1) Vacancy; 1-Juvenile Attorney

Lenoir County Planning Board – K-6 Precinct & At-Large

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

PUBLIC COMMENTS

Mr. Edwin Jones, Chairman of the Community Council for the Arts, addressed the Board. Mr. Jones stated the Community Council for the Arts will be sponsoring a Jazz Night on Saturday, October 25, 2008. Tickets are available at the arts center for \$25:00, which includes heavy hors d'oevers and open bar. Doors open at 6:30 p.m. with concert beginning at 7:30 p.m. Proceeds from jazz night will support children's programs from the CCA and fund music scholarships through the Fannie B. Murrill and Ruth M. Jones Scholarship Foundation.

CLOSED SESSION

Upon a motion by Ms. Brown and a second by Mr. Stroud, and unanimous approval, closed session was entered at approximately 10:56 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 11:10 a.m.

OPEN SESSION AND ADJOURNMENT

Upon a motion by Mr. Graham and a second by Ms. Brown, the Board moved into open session at 11:11 a.m. Mr. Mark Pope, Economic Development Director, addressed the Board. Mr. Pope introduced a Resolution Approving an Economic Development Grant Agreement: Select Vending Company, Inc.: \$45,000. Select Vending Company, Inc. is a new company and joint venture between Minges Bottling Group and Gordon Vermillion. Select Vending Company, Inc. will create 52 new jobs over the next two years and invest \$2,430,800 in Lenoir County. Both partners have proven track records in their ability to operate successfully. Upon a motion by Mr. Graham and a second by Ms. Brown, the Select Vending Agreement was unanimously approved.

Respectfully submitted,



Lashanda Aytch
Clerk to the Board

Reviewed By



Michael W. Jarman
County Manager