

**LENOIR COUNTY BOARD OF COMMISSIONERS REGULAR MEETING: AGENDA
MONDAY, OCTOBER 15, 2012 – TIME: 4:00 P.M.
COMMISSIONERS' MEETING ROOM, LENOIR COUNTY COURTHOUSE
130 S. QUEEN ST., KINSTON, N.C.**

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE: 5 Min. Est.

PUBLIC INFORMATION: None

- | | | |
|----|--|--------|
| 1. | Items from Chairman/Commissioners: 5 Min. | Board |
| 2. | Items from County Manager: 5 Min. | Jarman |

CONSENT AGENDA: 10 Min.

ACTION

- | | | |
|----|---|----------------|
| 3. | Approval of Minutes: Regular Board Meeting: October 1, 2012 | Roberts/Jarman |
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END OF CONSENT AGENDA

BUDGET ORDINACE/RESOLUTIONS: 35 Min.

- | | | |
|----|--|--------|
| 4. | Budget Ordinance Amendment: General Fund: Non-Departmental \$3,149: Increase | Martin |
| 5. | Resolution Amending Leave Credit Policy: Sheriff and Register of Deeds | Jones |
| 6. | Resolution Authorizing Lenoir County Health Department to Execute a Purchase Order to Advanced Imaging Systems for Scanning Inactive Medical Records for Data Storage not to Exceed \$15,000 | Huff |
| 7. | Resolution Authorizing the Acceptance of a Grant in the Amount of \$48,119 from Eastpointe Human Services to operate a Youth targeted Prevention Site | Kelly |
| 8. | Resolution Approval of Easements to City of Kinston | Pope |

APPOINTMENTS: 5 Min.

- | | | |
|----|--|--------|
| 9. | Resolution Approving Citizens to Boards, Commissions, Etc. 5 Min. | Jarman |
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OTHER ITEMS: 10 Min.

- | | |
|-----|--|
| 10. | Items from County Manager / County Attorney / Commissioners Public Comments/Closed Session (if necessary) |
|-----|--|

TO: Chairman and Members of the Board
FROM: Eric Rouse, Board Member
DATE: October 15, 2012
SUBJECT: Items of Interest

1. Changes to Eastern Carolina Council Bylaws



Eastern Carolina Council

October 10, 2012

TO: ECC member governments

FM: Steve Keen, ECC President

RE: Changes to ECC Bylaws

From time to time the ECC Bylaws need to be adjusted. The Budget and Audit Committee is recommending some revisions to the ECC Bylaws at this time. The Bylaws state that member governments must be given thirty (30) days' notice to comment on said changes. These changes will be considered at the Board meeting scheduled for November 8, 2012. A copy of the proposed changes is included in this package.

Comments should be put in writing and addressed to:

Steve Keen, President
Eastern Carolina Council
PO Box 1717
New Bern, NC 28563-1717



Eastern Carolina Council

CHARTER AND BYLAWS

OF THE

NEUSE RIVER COUNCIL OF GOVERNMENTS

d/b/a Eastern Carolina Council

P. O. Box 1717 233 Middle Street

New Bern, NC 28563-1717

Phone 252.638.3185

Fax 252.633.2016

Email eccog@eccog.org

**CHARTER AND BYLAWS
OF THE
NEUSE RIVER COUNCIL OF GOVERNMENTS
d/b/a Eastern Carolina Council**

* * * * *

- Adopted May 9, 1967
- Amended December 10, 1969
- Amended January 12, 1970
- Amended April 13, 1970
- Amended June 12, 1972
- Amended April 12, 1977
- Amended January 10, 1983
- Amended May 15, 1991
- Amended September 8, 1994
- Amended June 13, 1995
- Amended November 16, 1995
- Amended November 13, 1997
- Amended July 9, 1998
- Amended June 14, 2001
- Amended June 12, 2003
- Amended June 10, 2004
- Amended June 8, 2006
- Amended June 7, 2007
- Amended June 14, 2012

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Article I. Name and Location

- Section 1. The name of this organization shall be the Region P Neuse River Council of Governments d/b/a Eastern Carolina Council, hereinafter referred to as the Council. The term "Council" refers to the General Membership Board.
- Section 2. The headquarters of the Council shall be determined by the Board of Directors. The Council Board may establish other offices or places of business as the Council may, from time to time, determine as necessary.
- Section 3. The Council has been established pursuant to acts adopted by the General Assembly of the State of North Carolina as authorized by: Chapter 698, Article 20, G.S. 160A-470 and f.f. as ratified in 1971; G.S. 158-8 and 14; G.S. 153A-391 and 398 to perform and carry out such powers, duties and responsibilities as authorized by above legislation.

Article II. Membership

- Section 1. The Council may include the municipalities and counties, within the area, designated by the Governor of the State of North Carolina as the official multi-county planning Region "P".
- Section 2. The membership of the Council shall be composed of local governmental units who have:
- a. Made application to the Council by resolution and adoption of the Charter and Bylaws and other required resolutions identical to the ones under which the Council is then operating.
 - b. Received membership acceptance and approval by Executive Committee.
 - c. Appropriated in their annual budgets the pro-rata assessment for the support of the Council's operation.
 - d. Paid their annual pro-rata membership dues and are otherwise members in good standing.
- Section 3. The General Membership Board shall meet at least biannually--or more often as determined by the Board of Directors--to receive progress reports on the Council's overall activities, review annual programs of work, and to approve the annual budget.
- Section 4. Any member government may withdraw from the Council at the end of the fiscal year, by giving sixty (60) days written notice to the other members. A copy of such notice is also to be received by the Council office.
- a. ~~Any county that withdraws from membership shall have the option to continue service(s) with the Council by paying an administrative fee for the chosen service(s) based on the population of the County. Any municipality that withdraws from membership shall continue services with the Council only if the County in which the municipality is situated pays the membership or administrative fee for services for the entire county. The~~

Council abides by the recommendations of the NC Department of Human Resources, Division of Facility Services, and Funding Utilization Committee as follows:

- (1) ~~When a county government chooses not to participate as a member of the Council but still wishes to participate in federal and state programs that require a local match such as Aging and/or Economic Development (EDA) Programs, that county must share in the administrative costs of that program on the same basis as a member county. The county's fair share of administrative costs is based on the percentage of population of that county to the total regional population for the EDA Program. The county's fair share of administrative costs for the Aging Program is based on percentage of pass-thru funds received by that county in relation to the total regional pass-thru funding. The county's fair share percentage is then applied to the total local match funds required in the Council's budget for that program. The Council's budget is approved by the General Membership Board prior to determining a county's fair share of administrative costs for that fiscal year.~~
- (2) ~~The Funding Utilization Committee recommends that the Council and the non-member county negotiate non-member administrative costs in good faith. However, if an agreement cannot be reached through negotiation, a mediator will be appointed to study the issues and to make recommendations to the two parties. The Department of Human Resources Controller will serve as mediator for the Aging Program, and the Economic Development Administration will serve as mediator for the EDA Program.~~
- (3) ~~If either party chooses not to follow the recommendations of the mediator, then that party will be considered out of compliance with the DHR funding program and will be considered a non-member choosing not to receive Council service(s) and program benefits. The Division of Facility Services and the Division of Aging (and the Economic Development Administration) will handle issues of noncompliance according to their established procedures.~~

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Section 5. The autonomy of local governments shall at all times be respected by the Council.

Section 6. All of the rights and privileges of membership in the Eastern Carolina Council shall be exercised on behalf of its member governments by members on the governing Board of the Council.

Article III. Mission / Purpose

Under the auspices of the county and municipal governments of Region P, the Council shall initiate, coordinate, and exercise management oversight for designated inter-jurisdictional and local programs/projects relevant to the needs assessments, planning functions, and services coordination/delivery within Region P or sub-units thereof.

These functions shall include:

1. ~~Securing financial assistance (grants/loans) from State, and Federal and other sources.~~
2. ~~Provide advice and~~Offering professional and technical assistance to local governments in land use planning, zoning, ordinance development.
3. ~~Serve as convening authority for designated inter-jurisdictional issues and program initiative of common interests in transportation, water resources, infrastructure and environmental management.~~
4. ~~Information clearing house~~Monitoring of State/Federal programs and actions having significant impact on Region P.
5. ~~Provide a forum, to facilitate discussion and aid in resolving multi-jurisdictional issues. Serving as a forum for discussion of regional problems and interests; promoting good intergovernmental relations among member governments.~~
6. ~~Promoting the coordination of other regional public agencies of the nine-county area in order to help ensure that public efforts act cooperatively to avoid _____ duplication.~~
6. Facilitating effective communication among local governments.
7. Serving as a consensus voice for its member governments on matters mutually impacting or affecting them.
8. Offering assistance to other entities to foster economic growth and to improve the quality of life within the region.

Article IV. Duties, Powers, and Responsibilities of the Council

Section 1. The Council within the limitation of funds and personnel provided by the participating governmental units and others shall have the following powers, duties and responsibilities:

- a. To study problems and develop multi-jurisdictional plans for Region "P".
- b. To promote cooperative arrangements and coordinated action among local governmental units.

- c. ~~To make recommendations for review and action to the member governments and other public agencies which perform functions within Region "P".~~
- d. ~~To serve as the Region "P" Regional Clearinghouse for intergovernmental review.~~
- e. To apply for, accept, receive, and dispense funds and grants made available to it by the State of North Carolina or any agency thereof, the United States of America or any agency thereof, any unit of local governments (whether or not a member of the Council) and any private, public or civic agency.
- f. To employ personnel, purchase equipment, rent office space and enter into contracts for new programs to the extent that such activities are authorized by budgets ~~or by specific resolutions duly adopted by a majority of the participating governmental units~~ and are within the limits of funds appropriated to the Council by the participating governmental units and others for such purposes.
- g. The Council shall have no power to levy any tax or to acquire any property by condemnation.
- h. To adopt such policies, rules and regulations, relating to the procedures to be followed by the Council as the Council shall find appropriate.
- i. ~~To act as the official reviewing agency for all member governments for all programs, federal, state or private, requiring such multi-jurisdictional review.~~
- j. ~~To serve as a central data center for Region "P" for the collection and distribution of information concerning matters for local and multi-jurisdictional interest.~~
- k. To perform and carry out such other powers, duties and responsibilities allowed under state enabling legislation as set forth in Article I, Section 3, hereof; provided such powers, duties and responsibilities are directed and approved by the governing Board of the Council and except insofar as the same may conflict with the provisions of these Bylaws or State laws.

Article V. Board of Directors

Section 1. The Board of Directors shall be the governing body of the organization. The Board may restructure the composition of the governing body in accordance with the desires of member local governments, Governor Executive Orders, state legislation and/or to meet special representation requirements of grantor agencies. There is to be a two part governance structure:

An Executive Committee and a General Membership Board

Section 2. Executive Committee

- a. The Executive Committee meets five times per year in March, May, July, September and November (more often if needed).
- b. The Executive Committee is comprised of the following:
 - One county commissioner appointed by the member county
 - One city/town appointment representing a member municipality elected by caucus of the member municipalities in that county
 - Maximum number of the Executive Committee is eighteen
 - Officers of the Board are elected from those serving on the Executive Committee
- c. Functions of the Executive Committee include:
 - Develop and recommend annual budget and plan of work
 - Hiring, general oversight and evaluation of the Executive Director
- d. One year terms with no limit on number of terms.

Section 3. General Membership Board

- a. Meets twice a year.
- b. Comprised of county commissioner appointments and city/town appointments plus additional members appointed as necessary to satisfy Federal requirements on board composition. These additional members would be selected by the Boards of County Commissioners of the appropriate counties.
- c. Functions:
 - approval of annual budget and work plan
 - approval of amendments to the Bylaws
 - election of officers (from the Executive Committee)
- d. One year terms with no limit on number of terms.

Section 4. The General Membership and Executive Committees will be constituted in the following manner:

- a. During January of each year, the Eastern Carolina Council will solicit appointments from the member counties and municipalities; these appointments will be due by mid-May. Insofar as is possible, special representation requirements of grantor agencies will be identified. Upon receipt of these appointments, it may be necessary to solicit additional appointments to assure that grantor requirements as to Board composition are met.
- b. For purposes of this Article V, the phrase "elected officials" is deemed to be those persons elected to the governing bodies of a county or municipality.
- c. County Representation:
The Board of County Commissioners of each member county shall appoint one elected official to the Council's Executive Committee.
- d. Municipal Representation:

Within each county, the member municipalities shall caucus and select a representative to serve on the Executive Committee.

Each member municipality in the region shall appoint a representative, not necessarily an elected official, to serve on the General Membership Board

Only members of the Executive Committee may serve as officers.

e. **Minority Participation:**

Membership of the General Membership Board shall be broadly reflective of the minority percentages and economic interests of the general populace served by the Eastern Carolina Council.

Section 5. **Term of Office:**

- a. Each member shall serve a one year term with no limit on the number of terms.
- b. Council Members shall be appointed by the appropriate appointing bodies between January and May.
- c. All Board member appointments shall be certified in writing to the Council office by their respective governing bodies or caucus.
- d. Board members will continue to serve until reconfirmed or replaced, provided that a member who is a county elected official may not serve as a Board member after such person ceases to be an elected official. If a vacancy occurs on the Council's Board, it shall be filled for the duration of the unexpired term in the same manner as the original appointment.
- e. Appointments which are jointly made by more than one local government may caucus by meeting, telephone conference call, email and/or mail ballots.

Section 6. The Executive Committee or General Membership Board may appoint ex-officio members to the Board. These ex-officio members shall have no voting privileges.

Article VI. Officers

Section 1. The officers of the Council shall be members of the Executive Committee and shall consist of a president, a first and second vice-president, and treasurer, all of whom are to be elected by the General Membership Board.

Section 2. The officer shall be elected and installed at the annual meeting in June.

Section 3. The president, the first and second vice-presidents, and treasurer shall be elected for a term of two (2) years to expire the second year at the June annual meeting or until terminated by the General Membership Board. All elected officers shall

be limited to two (2) consecutive terms in the same office. No more than one (1) officer shall come from any one county.

Section 4. Vacancies in any office, arising from any cause, may be filled by the Executive Committee at any regular or special meeting.

Section 5. The Council may appoint or elect such other officers, agents, and/or employees as it shall deem necessary, who shall hold their offices for such terms and shall exercise such powers and perform such duties as shall be determined from time to time by the Board.

Article VII. Duties of Officers

Section 1. The president of the Council shall have the following duties, in addition to those set forth elsewhere herein:

- a. Preside at all regular and special meetings of the Executive Committee and General Membership Board.
- b. See that all orders and resolutions of the Board of Directors or Council membership are carried out, and provide general supervision to all officers.
- c. Execute all conveyances, bonds, notes, contracts, and agreements authorized by the Council which are not designated by the president for execution by the Executive Director.
- d. Represent the Council at various public meetings, etc., at which Council affairs may be discussed and considered.
- e. Carry on a variety of public relations activities, such as speaking before citizen groups, holding news conferences, radio and television interviews, etc., where Council proposals, programs and accomplishments may be discussed.

Section 2. The first and second vice-president of the Council shall perform such duties that may be assigned by the president or by the Council Board in carrying out the objectives of the Council. In the event the president is unable to act for reasons of absence and/or other temporary causes, the first and then the second vice-president will act for him or her.

Section 3. The treasurer shall perform such duties as may be prescribed by the Council Board. The treasurer shall serve as a member and Chairman of the Budget and Audit Committee.

Section 4. The president, first vice-president and second vice-president shall serve as members of the Budget and Audit Committee.

Section 5. All officers shall serve as the Grievance Committee for all employee grievance appeals.

- a. The minutes for such appeals will be considered as closed session minutes. Minutes will be kept and be held as appropriate in regards to closed meetings.

- b. All minutes of the Grievance Committee will be made available to the Executive Committee at the next regular meeting.

Section 6. Special or emergency meetings of the Officers may be called by the President at the request of the Executive Director to address any issue that the Executive Director does not have authority to act upon. An interim decision would be made with the Executive Committee being informed of the decision. The purpose for any special or emergency meeting shall be specified at the time of notification and shall be stated in a written agenda. No action may be taken by the officers at such meetings on matters not previously specified and included in the meeting agenda.

- a. Minutes of any special or emergency meeting of the Officers shall be recorded and given to all members of the full Executive Committee prior to the next scheduled Board meeting.

Article VIII. Staff

Section 1. The Council shall employ an Executive Director who shall be the chief administrative official of the Council.

Section 2. The Executive Director shall be responsible for the administration of the Council affairs placed in his or her charge under these Bylaws or by policy established by the Council and as delineated in his or her employment contract.

Section 3. The Executive Director shall act as the Secretary to the Board and shall cause all proceedings of the council to be recorded and maintained as required.

Article IX Committees

Section 1. To carry forward the objectives of the Council, the president, from time to time, may appoint special committees, or request the appointment of special committees as may be deemed advisable, necessary or in accordance with grant requirements.

Section 2. Sixty (60) days prior to the ~~annual~~ June meeting of the General Membership Board when elections of offices are required the Executive Committee shall appoint one member from each county to serve on the Nominating Committee.

- a. The Nominating Committee will select one (1) of its members to serve as Chairman. If the Nominating Committee fails to make such appointment, then the President will appoint a member of the Nominating Committee to serve as Chairman.
- b. The Chairman of the Nominating Committee shall notify the Executive Director, in writing, at least thirty (30) days before the date of the annual election of the proposed slate of candidates for office, and the Executive Director shall mail a copy thereof to each General Membership Board member at least ~~twenty (20)~~ ten (10) days before the annual election.
- c. The General Membership Board shall elect the Council officers.

| Section 3. Budget and Audit Committee: Sixty (60) days prior to the ~~annual~~ June meeting of the Council, the Budget and Audit Committee shall meet to draft the budget and plan of work for the coming year to present to the Executive Committee at its regularly scheduled meeting one month prior to the annual meeting.

- a. The treasurer shall serve as the Chairman of the Budget and Audit Committee. A vice-chairman shall be appointed by the Budget and Audit Committee members.
- b. The Budget and Audit Committee shall be comprised of the four officers and three others from the Executive Committee. It is desired that these three additional appointments be members with interest and knowledge of finance and budgetary issues in an effort to promote fiduciary responsibility over all Council activities.
- c. Any Council board member may attend and participate in discussion at the Budget and Audit Committee meetings at any time.
- d. The Budget and Audit Committee shall serve as a Standing Committee of the Council Board of Directors. This Committee shall review, and make recommendations to the full Executive Committee and General Membership Board on financial, budgetary, and audit issues. The Committee shall review, make recommendations and have approval of the preliminary budget for presentation first to the Executive Committee and then to the General Membership, whose decision shall be final.
- e. Duties of the Budget and Audit Committee shall be:
 - (1) To meet with the Executive Director/Budget Officer, and Finance Director, to recommend new programs, funds, or policies for the initial preparation of a balanced budget for the upcoming year.
 - (2) To review and make changes, as necessary, to the draft budget as proposed.
 - (3) To prepare final budget for presentation first to the Executive Committee and then to the General Membership Board for their approval. Budget shall include all staff, revenues, expenditures, programs, anticipated members and associated dues, capital outlays, lease agreements and/or debt obligations and anticipated change to the fund balance.
 - (4) To review and recommend to the Council Board any budget policy changes, budget revisions and/or budget ordinance amendments as periodically and legally necessary.
 - (5) To review and recommend to the Council any staff pay increases or new staff positions not included in the Eastern Carolina Council Position and Pay Classification Plan and to review and recommend changes, additions or deletions to the Eastern Carolina Council Personnel Policies.

- (6) To review annual audit contract to include recommendation for bidding at least once every three years, oversight of bidding procedure, review of bids received, and recommendation to the General Membership Board of changes needed, if any.
 - (7) Based on market conditions to review banking agreements to include recommendation for bidding, oversight of bidding procedures, review of bids received, and recommendation to the General Membership Board of change needed, if any.
 - (8) To review and recommend to the Council Board new lease obligations for space rental.
 - (9) Review audit reports for each fiscal year-end and make recommendations about approval, acceptance and release of the audit to the General Membership Board or the Executive Committee, or to the committees or officers to whom either body delegates responsibility for approval, acceptance and release, or to make the decision if that authority is delegated to it. *Amended June 14, 2012*
 - (10) Review and recommend to the Council Board any other financial considerations deemed necessary.
- f. The ~~officers of the Board~~ Budget & Audit Committee shall approve all fiscal expenditures for the preceding period(s).

Article X. Meetings

- Section 1. The time, place, and date of annual and semi-annual meeting of the General Membership Board shall be determined by the Executive Committee.
- Section 2. Regular meetings of the Executive Committee shall be held at such times as the Executive Committee may from time to time determine. Members are to be given at least ten (10) days notice of meetings.
- Section 3. Special meetings of the Executive Committee or the General Membership Board may be called by the president at any time or place by giving five (5) days notice, together with an outline of business to be acted upon.
- Section 4. Special meetings of the Executive Committee or the General Membership Board may also be called upon written application by six (6) members of the General Membership Board or by written application by six (6) member governments directed to the president. The president shall schedule the requested meeting within ten (10) business days after receipt of the written request, giving a five day notice to the members of the appropriate body. Such application shall specify the subject matter to be discussed. The agenda of meetings shall be confined to topics specified in the notice, except that the Board of Directors or member governments by a unanimous vote of those present may waive this limitation in a given case.

Section 5. All meetings shall be conducted in accordance with Robert's Rules of Order, unless modified from time to time by action of the Board of Directors.

Article XI. Voting and Quorum

Section 1. Forty percent (40%) of all voting members of the Executive Committee or the General Membership Board shall constitute a quorum at any regular or special meeting.

Section 2. Assuming a quorum, the affirmative vote of a majority of the members present shall be necessary to act favorably on any matter, except that; a change in method of member assessments for budgetary purposes must be approved by a two-thirds majority vote of the General Membership Board.

Section 3. At all meetings, each eligible voting member shall have only one (1) vote.

Section 4. No absentee ballots shall be permitted in any method of voting, except voting by conference call, mail or email which shall be made a matter of record in the minutes at the next meeting of the Board.

Article XII. Fiscal Management

Section 1. The fiscal year for the Council shall be established by the General Membership Board in accordance with all applicable laws.

Section 2. The General Membership Board shall annually adopt a budget for presentation to the respective member governments with specific budget requests to the individual members. Such requests shall be in amounts proportioned among the respective members in accordance with their respective most recent decennial population figures published by the United States Government, as adjusted annually by the State of North Carolina, Office of State Planning and published as "Projected Annual County Population Totals", and "Municipal Estimate by County" (<http://demog.state.nc.us/demog>). (Or, if such office ceases to publish such figures, by any State office publishing comparable figures) (it being understood, however, that there shall be subtracted from each County Council member's population, the total population of all municipal Council members situated within such County.)

Section 3. The annual budget shall be prepared in accordance with all applicable laws. Budget disbursements shall also be made in accordance with all applicable laws and as directed by resolution or policy of the Board or grant contracts.

Section 4. Disbursements made by check shall be counter signed by two of the following persons: The executive director/budget officer, the finance director, treasurer, president and/or the first and second vice-president. Disbursements made by electronic means shall have required documentation and approvals on file and be in agreement with the authorized budget.

Section 5. A position surety bond shall be required for the executive director/budget officer, finance director, ~~treasurer, president and/or the first and second vice-~~

president, and such other positions of responsibility deemed necessary by the Board for the faithful performance of their duties. The premium or premiums of said bonds shall be paid by the Council.

Article XIII. Travel Expense

Section 1. The travel and per diem expenses of the president, officers, board members and committee chairmen, executive director and staff members incurred in the performance of Council functions will be reimbursed in accordance with adopted budgets and policies. The president may designate another officer or board member to represent him or her at a meeting he or she is unable to attend.

Section 2. In addition to the per diem and travel compensation above provided, the president of the Council may be allotted a sum in such amount as may be determined from time to time by the Board of Directors. Said allotment will constitute an expense allowance for work performed as outlined ~~under Duties of Officers by the Board.~~

Article XIV. Dissolution of the Council

Section 1. The Council may be dissolved at the end of any fiscal year only (1) upon adoption of a dissolution resolution by two-thirds (2/3) of all the governing bodies of all member governmental units, or (2) withdrawal from the Council of all but one (1) of the member governmental units. If such dissolution is affected by resolution of the member governments, such resolution shall specify the method of liquidating the Council's assets and liabilities. If such dissolution is occasioned by withdrawal of all but one member, the remaining governmental unit shall have the power to liquidate all assets, pay all liabilities and it shall then distribute the net proceeds if any, to state and federal grant agencies and to member governments who paid the latest annual assessment and in the same proportion.

Article XV. Amendments

Section 1. The foregoing Charter and Bylaws may be amended, ~~rescinded or temporarily suspended or temporarily changed~~ at any regular or special meeting of the General Membership Board by a vote of two-thirds (2/3) of all votes entitled to be cast by all Board members of the Council, provided notice of the proposed changes shall have been mailed to the General Membership at least ten (10) days prior to the regular or special called meeting. Member governments shall be given thirty (30) days to comment on any Bylaws changes being considered by the Council Board of Directors.

Section 2. These Bylaws and Charter supersede and take precedence over the individual Bylaws of any advisory committee heretofore established under the auspices of the Council.

| Amended, approved and adopted on the ~~14th day of June, 2012.~~

Steve Keen, President
Neuse River Council of Governments
d/b/a Eastern Carolina Council
Board of Directors

TO: Chairman and Members of the Board
FROM: Mike Jarman, County Manager
DATE: October 15, 2012
SUBJECT: Items of Interest

1. Financial Performance Summary 2012-2013 September 30, 2012
2. Lenoir County Inspections Permit/Inspection Report- September 2012
3. New Payment Tag Law

LENOIR COUNTY
FINANCIAL PERFORMANCE SUMMARY - 2011-12
SEPTEMBER 30, 2012

EXPENDITURES

25.00%

DESCRIPTION	BUDGET FOR YEAR	EXPENDITURES TO DATE	ENCUMBRANCE	UNENCUMBERED BALANCE	% EXPEND/ENCUMBR
GENERAL FUND:					
Governing Body	227,557	79,588	0	147,969	35.0%
County Manager	272,984	64,034	0	208,950	23.5%
Finance	198,801	46,778	0	152,023	23.5%
Human Resources	231,611	47,939	0	183,672	20.7%
Tax Office	810,610	191,891	5,754	612,965	24.4%
Legal	62,500	5,625		56,875	9.0%
Court Facility	595,887	74,976	86,336	434,575	27.1%
Elections	343,572	109,420	20,625	213,527	37.9%
Register of Deeds	289,960	73,167	31,047	185,746	35.9%
Non-Departmental	1,041,920	485,806		556,114	46.6%
Process Funds	949,487	192,980	500	756,007	20.4%
Outside Agencies	129,500	15,582		113,918	12.0%
Management Info Systems	934,842	296,028	100,648	538,166	42.4%
Public Buildings	592,187	95,035	50,281	446,871	24.5%
Sheriff	4,592,445	1,066,897	140,595	3,384,953	26.3%
Central Communications	1,235,640	347,990	24,812	862,838	30.2%
Jail	3,380,276	793,435	659,560	1,927,281	43.0%
Emergency Management	384,474	86,968	19,317	278,189	27.6%
Emergency Medical Services	3,754,731	929,147	303,380	2,522,204	32.8%
Non-Emergency Services	349,213	74,887	33,377	240,949	31.0%
Hurricane Irene Expenditures	0			0	#DIV/0!
Fire Protection	48,340	12,085		36,255	25.0%
Inspections	215,631	50,310		165,321	23.3%
Medical Examiner	40,000	4,625		35,375	11.6%
Economic Development	319,014	58,033	4,360	256,621	19.6%
Veterans Service Office	33,241	5,042	319	27,880	16.1%
Cooperative Extension	391,949	70,821	14,243	306,885	21.7%
JCPC - Parenting Matters	35,194	6,209		28,985	17.6%
Cooperative Ext-Grants	122,374	12,852	1,414	108,108	0.0%
Soil Conservation	121,047	26,902		94,145	22.2%
Health Department	3,820,187	762,721	145,946	2,911,520	23.8%
BioTerrorism - Health	48,808	9,940	0	38,868	20.4%
M. Health Department	245,715	61,429		184,286	25.0%
CJPP - Day Reporting Center	0			0	0.0%
Public Assistance (DSS)	13,564,235	2,947,591	370,493	10,246,151	24.5%
Education	9,900,000	2,475,000		7,425,000	25.0%
Community College	2,235,000	558,750		1,676,250	25.0%
Cultural	751,579	187,895		563,684	25.0%
Recreation	799,000	133,167		665,833	16.7%
Debt Service	8,215,513	3,310,687		4,904,826	40.3%
Transfer to Other Funds	2,429,599			2,429,599	0.0%
Contingency	50,000	0		50,000	0.0%
TOTAL GENERAL	63,764,623	15,772,232	2,013,007	45,979,384	27.9%
OTHER FUNDS:					
Employee Insurance Fund	3,905,000	591,457		3,313,543	15.1%
Vehicle Replacement Fund	0			0	0.0%
Fed Seized Property Fund	38,000	1,921	2,435	33,644	11.5%
State Controlled Substance Fund	20,000			20,000	0.0%
School Capital Fund	2,404,067	19,822		2,384,245	0.8%
Transportation Fund	1,366,649	196,297	177,155	993,197	27.3%
Scrap Tire Disposal Fund	135,000	21,625		113,375	16.0%
Emergency Telephone Fund	359,451	127,514	98,492	133,445	62.9%
Revaluation Fund	54,384	11,877		42,507	21.8%
Automation-Preservation Fund	144,000	59,796	58,382	25,822	82.1%
MSW Landfill-Debt Service	0			0	
Capital Improvements Fund	4,908,580	2,653,369	4,700	2,250,511	54.2%
Solid Waste Management	3,419,089	547,090	94,886	2,777,113	18.8%
Trust & Agency Fund					
Family & Caregiver-Smart Start	71,443	15,638	0	55,805	21.9%
Fire Districts	1,336,101	109,026	0	1,227,075	8.2%
TOTAL OTHER FUNDS	18,161,764	4,355,432	436,050	13,370,282	26.4%
GRAND TOTAL	81,926,387	20,127,664	2,449,057	59,349,666	27.6%

LENOIR COUNTY
FINANCIAL PERFORMANCE SUMMARY-2011-12
SEPTEMBER 30, 2012

REVENUES

25.00%

DESCRIPTION	BUDGET FOR YEAR	REVENUES TO DATE	REMAINING BALANCE	% REC'D
GENERAL FUND:				
Health Department	1,819,005	657,924	1,161,081	36.17%
Public Assistance (DSS)	9,386,710	1,962,893	7,423,817	20.91%
Property Taxes	31,862,791	6,335,257	25,527,534	19.88%
Sales Taxes	5,650,000	1,169,160	4,480,840	20.69%
Other General	15,046,117	3,678,731	11,367,386	24.45%
TOTAL GENERAL	63,764,623	13,803,965	49,960,658	21.65%
OTHER FUNDS:				
Employee Insurance	3,905,000	892,231	3,012,769	22.85%
Vehicle Replacement	0	0	0	0.00%
Fed Seized Property	38,000	22,963	15,037	60.43%
State Controlled Substance	20,000	1,687	18,313	8.44%
School Capital Fund	2,404,067	345,099	2,058,968	14.35%
Transportation Fund	1,366,649	312,240	1,054,409	22.85%
Scrap Tire Disposal	135,000	18,617	116,383	13.79%
Emergency Telephone	359,451	61,669	297,782	17.16%
Revaluation Fund	54,384	0	54,384	0.00%
Automation-Preservation Fnd	144,000	5,693	138,307	3.95%
MSW Landfill-Debt Service	0	9	-9	
Capital Improve Fund	4,908,580	85,335	4,823,245	1.74%
Solid Waste Management	3,419,089	1,417,750	2,001,339	41.47%
Trust and Agency Fund:				
Smart Start Program	71,443	6,826	64,617	9.55%
Fire Districts	1,336,101	249,378	1,086,723	18.66%
TOTAL OTHER FUNDS	18,161,764	3,419,497	14,742,267	18.83%
GRAND TOTAL	81,926,387	17,223,462	64,702,925	21.02%

Project Based Revenues:	BUDGET	TO DATE	REMAINING	% REC
SCHOOL CONSTRUCTION FUND	72,623,867	72,623,867	0	100.00%
CAPITAL PROJECTS FUND	28,655,617	28,656,579	-962	100.00%
CDBG RELATED PROJECTS	3,058,688	2,766,393	292,295	90.44%
Total Project Based	104,338,172	104,046,839	291,333	

* **Bold** area represents "Project Based" funds in which Revenues to date includes revenues from prior years since the beginning of the project

Project Based Expenditures:	BUDGET	EXPENDED TO DATE	ENCUMBERED	REMAINING
SCHOOL CONSTRUCTION FUND	72,623,867	72,623,867	0	0
CAPITAL PROJECTS FUND	28,655,617	25,623,983	122,276	2,909,358
CDBG RELATED PROJECTS	3,058,688	2,778,302	0	280,386
Total Project Based	104,338,172	101,026,152	122,276	3,189,744

* **Bold** area represents "Project Based" funds in which Expenditures to date includes expenditures from prior years since the beginning of the project



**LENOIR COUNTY
PLANNING & INSPECTIONS DEPARTMENT**
PO BOX 3289
101 NORTH QUEEN STREET
KINSTON, NC 28502
PHONE: 252-559-2260
FAX: 252-559-2261



**LENOIR COUNTY INSPECTIONS
PERMIT/INSPECTION REPORT**

SEPTEMBER 2012

PERMITS ISSUED: 92

PERMITS VALUE: \$ 855,220

PERMIT FEES: \$ 7,091

SINGLE FAMILY DWELLINGS: 1

MOBILE HOMES: 9

COMMERCIAL: 5

ADDITIONS: 3

ELECTRICAL: 36

PLUMBING: 11

MECHANICAL: 20

OTHER: 7

TOTAL INSPECTIONS: 170

Lenoir County
 PERIODIC REPORT OF ISSUED PERMITS (GROUPED BY REPORT CODE)

Printed: 10-01-2012

Code	Prms	Designated period: 09/01/12 to 09/30/12		Prior period: 09/01/11 to 09/30/11	
		Valuation	Fees Paid	Valuation	Fees Paid
NEW RES. HOUSEKEEPING - LENOIR COUNTY					
* Single Family Houses Detached	101B	.00	.00	629,312.00	2,411.00
* Single Family Houses Attached	102B	.00	.00	.00	.00
* 2 Family Building	103B	.00	.00	.00	.00
* 3 and 4 Family Buildings	104B	.00	.00	300,000.00	1,100.00
* 5 or More Family Buildings	105B	.00	.00	.00	.00
*TOTAL INFORMATION	101-105	.00	.00	.00	.00
NEW RESIDENTIAL NON-HOUSEKEEPING BL:					
* Hotels, Motels & Tourist Cabins	213B	.00	.00	.00	.00
* Other Non-Housekeeping Shelter	214B	.00	.00	.00	.00
NEW NON-RESIDENTIAL BUILDINGS:					
* Amusement, Social, & Recreational	318B	.00	.00	.00	.00
* Churches & Other Religious	319B	.00	.00	.00	.00
* Industrial	320B	.00	.00	.00	.00
* Pring Garages (BlDs & Open Decked)	321B	.00	.00	.00	.00
* Service Stations & Repair Garages	322B	.00	.00	.00	.00
* Hospitals & Institutional	323B	.00	.00	.00	.00
* Offices, Banks, & Professional	324B	.00	.00	.00	.00
* Public Works & Utilities	325B	.00	.00	.00	.00
* Schools & Other Educational	326B	.00	.00	.00	.00
* Stores & Customer Services	327B	.00	.00	.00	.00
* Other Non-Residential Bldgs	328B	170,000.00	750.00	0	.00
* Structures Other than Buildings	329B	13,000.00	50.00	0	.00
ADDITIONS, ALTERATIONS, & CONVERSION					
* Residential	434B	181,000.00	326.00	142,587.00	572.00
* Non-Residential & Non-Housekeeping	437B	38,980.00	100.00	850,000.00	2,125.00
* Adds of Res. CP/Garages(Atch/Detc)	438B	.00	.00	34,000.00	232.00
DEMOLITIONS AND RAZING OF BUILDINGS:					
* Single Family Houses (Atch/Detach)	645B	.00	.00	.00	.00
* 2 Family Buildings	646B	.00	.00	.00	.00
* 3 & 4 Family Buildings	647B	.00	.00	.00	.00
* 5 or More Family Buildings	648B	.00	.00	.00	.00
* All Other Buildings and Structures	649B	.00	.00	.00	.00

TOTALS FOR PERMITS THIS PAGE 7 402,980.00 1,226.00 7 14 1,955,899.00 6,440.00 13

Printed: 10-01-2012

Lenoir County
 PERIODIC REPORT OF ISSUED PERMITS (GROUPED BY REPORT CODE)

Designated period:	09/01/12 to 09/30/12				[Prior period: 09/01/11 to 09/30/11]			
	Code Prms	Valuation	Fees Paid	Units	Prms	Valuation	Fees Paid	Units
MOBILE/MODULAR OFFICE/CLASSROOM								
*MOBILE OFFICE	740B	.00	.00	0	0	.00	.00	0
*MODULAR CLASSROOM	750B	.00	.00	0	0	.00	.00	0
*MODULAR OFFICE	730B	37,200.00	250.00	1	0	.00	.00	0
ELECT./PLUMB/HEAT/A/C/INS/TEMP POLE:								
*ELECTRICAL	800B	51,360.00	2,120.00	36	62	93,600.00	4,241.00	61
*PLUMBING	810B	10,000.00	600.00	11	16	20,072.00	919.00	16
*HEATING/ AIR CONDITIONING	820B	69,700.00	1,000.00	20	30	106,860.00	3,011.00	30
*INSULATION	830B	3,600.00	54.00	1	3	5,800.00	150.00	3
*TEMPORARY POLE	840B	750.00	50.00	1	3	2,000.00	250.00	3
RESIDENTIAL ACCESSORY STRUCTURES								
*STORAGE/PORCHES/PATIOS/DECKS	900B	.00	.00	0	0	.00	.00	0
MISCELLANEOUS:								
*CHANGE OF OCCUPANCY	910B	.00	.00	0	0	.00	.00	0
*INSPECT DWELLING	920B	.00	.00	0	0	.00	.00	0
*TENTS	930B	.00	.00	0	0	.00	.00	0
*SAATELLITE DISH	940B	.00	.00	0	0	.00	.00	0
*AWNING	950B	.00	.00	0	0	.00	.00	0
*EXTRA INSPECTIONS	960B	3,500.00	385.00	4	10	1,825.00	592.00	9
*FIRE PROTECTION SPRINKLER SYSTEM	966B	5,600.00	100.00	1	0	.00	.00	0
*MOVING DWELLING ONLY	970B	.00	.00	0	0	.00	.00	0
*SIGN	980B	.00	.00	0	1	8,000.00	250.00	1
*FIREWORKS	985B	.00	.00	0	0	.00	.00	0
*SWIMMING POOL	990B	.00	.00	0	0	.00	.00	0
*TANKS	995B	.00	.00	0	0	.00	.00	0
MOBILE HOMES								
*SINGLE WIDE MOBILE HOME	700B	90,530.00	625.00	7	8	162,516.00	800.00	8
*DOUBLE WIDE MOBILE HOME	710B	33,000.00	250.00	2	2	127,056.00	250.00	2
*MODULAR HOME	720B	147,000.00	431.00	1	0	.00	.00	0

TOTALS FOR PERMITS ABOVE (incl. pg 1)
 Totals of other permits in the period
 TOTAL FOR ALL PERMITS IN THE PERIOD

92	855,220.00	7,091.00	92	149	2,483,628.00	16,903.00	146
92	855,220.00	7,091.00	92	149	2,483,628.00	16,903.00	146

Item Totals for Inspector ID

GO 49
 GO/DR 1
 VM 120

170 Entries for Inspector ID

- S T A T I S T I C A L R E P O R T -

<----- Inspections -----> <----- Re-Inspections -----> Based On # Activities

#ACTIVITIES	INSPECTIONS	PASSED	CORRECTIONS	RE-INSPECTIONS	PASSED	CORRECTIONS	RE-INSPECTIONS REQUIRED
170	130	97	33	40	34	6	39
	%INSPECTIONS	%PASSED	%CORRECTIONS	%RE-INSPECTIONS	%PASSED	%CORRECTIONS	%RE-INSPECTIONS REQUIRED
	76	75	25	24	85	15	23



Mike Jarman <mjarman@co.lenoir.nc.us>

DMV to release new permanent license plates and new guidelines for issuance

1 message

Todd McGee <todd.mcgee@ncacc.org>

Tue, Oct 2, 2012 at 8:50 AM

To: County Managers <CountyManagers@ncacc.org>, County Clerks <countyclerks@ncacc.org>

Managers,

The NCACC has received a letter from the Division of Motor Vehicles asking us to help spread the word about the new state guidelines for issuing permanent license plates. A new law passed by the General Assembly requires all currently issued permanent plates to be cancelled and re-issued under new eligibility rules before the end of this year (Dec. 31, 2012).

Vehicle owners with current permanent plates must purchase either a new permanent plate or a standard "First in Flight" license plate by Dec. 31. New orange and black permanent plates will replace the current silver and black permanent plates. A one-time \$6 fee is required for permanent plates while standard plates will cost \$28-\$33.

Counties are still eligible to receive permanent plates, but many groups that had been receiving them will no longer be eligible for a permanent plate. The new permanent plates will be available from license plate agencies or by mail accompanied by the form MVR-619 from Vehicle Services, 3148 Mail Service Center, Raleigh, NC 27699-3148. You can read more about the switch at the DMV Website at the link below:

<https://apps.ncdot.gov/newsreleases/details.aspx?r=7099>

The page includes a link to the MVR-619 form.



Todd McGee

Communications Director

North Carolina Association of County Commissioners

Phone (919) 715-7336 | Fax (919) 733-1065

www.ncacc.org

www.welcometoyourcounty.org

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

BUDGET ORDINANCE AMENDMENT: GENERAL FUND: NON-DEPARTMENTAL: \$3,149.: INCREASE



LENOIR COUNTY, NORTH CAROLINA
BUDGET AMENDMENT REQUEST

FY 2012 - 2013
Appropriations

Budget Amendment # _____
Date Approved _____

Distribution - Finance Office:

FUND		DEPARTMENT		LINE ITEM DESCRIPTION	
GENERAL		NON-DEPARTMENTAL		VARIOUS	
Check One Box New Appropriation: <input type="checkbox"/> Line Item Transfer: <input type="checkbox"/> REVENUES			Check One Box New Appropriation: <input checked="" type="checkbox"/> Line Item Transfer: <input type="checkbox"/> EXPENDITURES		
Account # and Title		Amount	Account # and Title		Amount
<u>INCREASE</u>			<u>INCREASE</u>		
10-3212-1100	2012 TAX LEVY	3,149.00	10-4200-1913	PROF SVCS-BUS PER PROP AUDIT	3,149.00
Total		3,149.00	Total		3,149.00

Reason and Justification for Request:
 To appropriate additional property tax revenue received by the County as a result of a business personal property tax audit being conducted by County Tax Services, Inc. The County contracted with County Tax Services, Inc. in May of 2010 to conduct the audit. County Tax Services, Inc. receives a 30% commission on all business personal property discoveries found as a result of the audit. The County pays this commission only after the taxpayer pays the discovery tax bill. The Board approved the contract with County Tax Services, Inc. on May 17, 2010, Item #8.

Department Head Approval	Date	Finance Officer Approval	Date
<i>Martha H. Martin</i>	10/10/2012	<i>Martha H. Martin</i>	10/10/2012
Budget Officer Approval	Date		
<i>Michael J. Farman</i>	10/11/12		
Board Approval (When Applicable)	Date	Date of Minutes	

RESOLUTION: Amending Leave Credit Policy: Sheriff and Register of Deeds

SUBJECT AREA: Personnel

ACTION REQUESTED: The Board is requested to amend the Leave Credit Policy for the Sheriff and Register of Deeds that was previously adopted January 24, 2000. The Human Resources Department respectfully requests that Section 125.2 of the Leave Credit Policy be revised to make the pay-out benefit option available to the Sheriff and Register of Deeds.

HISTORY/BACKGROUND: The Board of Commissioners adopted a Resolution on January 24, 2000 amending the Personnel Policy regarding Leave Credits for the Sheriff and Register of Deeds. Specifically, the policy was revised to read as follows (Section 125.2 Leave Credit Policy):

Annual leave shall be accumulated at the same rate as any other county employee without a maximum until December 31st of each calendar year, or until the end of the bi-weekly pay period at the end of the calendar year which contains December 31st. If the Elected Officials specified herein separate or retire from county employment, such accumulation shall not be subject to the maximum thirty (30) days payment, but on December 31st or at the end of the bi-weekly pay period at the end of the calendar year, which contains December 31st, all accumulated annual leave shall apply towards retirement credit.

In reviewing the minutes from the January 24, 2000 meeting, we found no explanation for eliminating, restricting or preventing the pay-out of accrued annual leave for the Sheriff and Register of Deeds. The present policy only allows the hours accrued for annual leave to be credited towards years of service upon the separation or retirement of the Sheriff or Register of Deeds. It does not allow these two employees to receive the 30-day vacation pay-out benefit option that all other employees receive.

EVALUATION: Human Resources believes all employees should be treated equitably, including the Sheriff and Register of Deeds, in regards to the County's pay and benefit programs. The basis for excluding these elected officials from the pay-out provision of accumulated leave is perplexing. The current Sheriff and Register of Deeds have served Lenoir County for a combined total of 55 years. It is the belief of County Administration and Human Resources that all employees, including the Sheriff and Register of Deeds, should have the pay-out benefit option. Human Resources respectfully requests the approval of this Resolution amending Section 125.2 of the Personnel Policy regarding Leave Credits to make the pay-out benefit option available to all employees, including the Sheriff and Register of Deeds.

INTRODUCED BY: Michael Jarman, County Manager **DATE:** 10/15/12 **ITEM NO.:** _____

RESOLUTION: Authorizing Lenoir County Health Department to Execute a Purchase Order to Advanced Imaging Systems for Scanning Inactive Medical Records for Data Storage not to exceed \$15,000.

SUBJECT AREA: Financial

ACTION REQUESTED: Request permission for the Lenoir County Health Department to execute a purchase order to Advanced Imaging Systems for scanning inactive medical records for data storage.

HISTORY / BACKGROUND: Scanning of inactive medical records is necessary to provide research of patient information. This will provide Lenoir County Health Department more space and enable future electronic admissions.

EVALUATION: Scanning of inactive medical records is necessary to provide more efficient research more efficient research of patient information, assure patient confidentiality and compliance with HIPAA requirements and to improve patient registration efficiency. Aid to County funds will be utilized to pay for the scanning.

MANAGER'S RECOMMENDATION:

Respectfully Request Approval.

Initials

Funding: Aid to County Funds
Essential Services-Department Supplies 10-5110-2900

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that the Lenoir County Health Department is authorized to issue a purchase order in an amount not to exceed \$15,000 to Advanced Imaging Systems for scanning inactive medical records for data storage.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Graham _____ Davis _____ Brown _____ Daughety _____
Pharo _____ Rouse _____ Sutton _____

George W. Graham, Jr. Chairman 10/15/12
Date

ATTEST 10/15/12
Date

INTRODUCED BY: Michael W. Jarman, County Manager DATE: 10-15-12 ITEM NO.: 7

RESOLUTION: Authorizing the Acceptance of a Grant in the Amount of \$48,119 from Eastpointe Mental Health to Operate a Youth Targeted Prevention Site.

SUBJECT AREA: 4-H Programming-Administrative

ACTION REQUESTED: The Board is requested to approve Lenoir County Cooperative Extension's acceptance of a grant in the amount of \$48,119 from Eastpointe Human Services to enable Lenoir County Cooperative Extension and Lenoir County 4-H to operate a Youth Targeted Prevention Education Site.

HISTORY/BACKGROUND: The 4-H Prevention Program is designed to educate elementary, middle and high school age youth. Some of the target topics include Risky Lifestyle Choices, Goal Setting, Character Building, Positive Self Esteem, Substance Abuse Prevention and Education, Team Building, Bullying and other 4-H related curriculum. The 4-H Prevention Program also works with afterschool programs, Kennedy Home, Early College, Dobbs Youth Detention Center and Sampson Suspension School. The program hosts many events such as Red Ribbon Week, Great American Smoke Out, Prom Promises, Kick Butts Day, Students Against Destructive Decisions and a Impaired Driving Simulation Experience. 4-H Prevention serves all of Lenoir County. Eastpointe Mental Health is providing a grant in the amount of \$48,119 for the support of the 4-H Prevention Program.

EVALUATION: The 4-H Prevention Program educates youth in many topics that relate to today's issues. Students and program participants are given a pre-test and a post-test to determine knowledge gained and behavior changed as a result of program efforts. Some topics that are covered by the testing procedure include; youth being better educated in the areas of Substance Abuse Prevention, youth reporting in post-test having a better plan for a career path, and a reduction in the incidences of youth being referred to court. Eastpointe Mental Health is providing a grant in the amount of \$48,119 to support the program. Approval of this resolution will greatly enhance the education of the youth participants.

MANAGER'S RECOMMENDATION:

Respectfully Recommend Approval _____

Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that Lenoir County Cooperative Extension is authorized to accept a grant in the amount of \$48,119 from Eastpointe Human Services to operate a Youth Targeted Prevention Education Site.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Graham _____ Davis _____ Brown _____ Daughety _____
Pharo _____ Rouse _____ Sutton _____

George W. Graham, Jr., Chairman
Lenoir County Board of Commissioners

10/15/2012
Date

ATTEST

10/15/2012
Date

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 10/15/12 **ITEM NO.** 8

RESOLUTION: Approval of Easements to City of Kinston.

SUBJECT AREA: Administrative

ACTION REQUESTED: To grant easements on property owned by the County of Lenoir, located on Enterprise Blvd in the Hwy 70 Industrial Park, Kinston, NC. The City of Kinston desires 30 ft. easements in two separate locations for the purposes of construction, installation, and maintenance of an electric line and other general utilities. (Lenoir County deed book 900, page 253).

HISTORY/BACKGROUND: Lenoir County received notification from City of Kinston that a 30 ft. easement was needed to install an Electric line and general utilities on Enterprise Blvd to provide service to the site that Lenoir County has leased Barnhill Contracting Company. Barnhill will construct a temporary Asphalt Plant at this location to facilitate the paving of Section A of the Harvey Parkway. These easements will also allow the City of Kinston to upgrade their services to the other industries located on Enterprise Blvd. i.e. Pioneer, Select Foods, and DoPaco/Pactiv.

EVALUATION: The City of Kinston will be able to provide Utility services to Barnhill Contracting Company and upgrade services to Industries located on Enterprise Blvd in the Hwy 70 West Industrial Park when these easements are granted.

MANAGER'S RECOMMENDATION:

Respectfully recommend approval


Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that the easements as shown on the attached maps on property owned by the County of Lenoir, on Enterprise Blvd in the Hwy 70 West Industrial Park, Kinston (Lenoir County Deed Book 900 Page 253) to the City of Kinston for the construction, maintenance and installation of an electric line and general utilities be granted. The City of Kinston will compensate Lenoir County the sum of \$10.00 for each easement.

AMENDMENTS:

Moved _____ Second _____

Approved _____ Denied _____ Unanimous _____

Yea Votes: Graham _____ Davis _____ Brown _____ Daughety _____

Pharo _____ Rouse _____ Sutton _____

George W. Graham, Jr., Chairman 10/15/2012
Date

Attest 10/15/2012
Date

Prepared by and Return to: James P. Cauley, III
Cauley Pridgen, P.A.
PO Drawer 2367
Wilson, NC 27894-2367

STATE OF NORTH CAROLINA
COUNTY OF LENOIR

EASEMENT DEED

THIS EASEMENT DEED, made and given this ____ day of _____, 2012, from the **COUNTY OF LENOIR**, a body politic and corporate, hereinafter referred to as **GRANTOR** (whether one or more), to the **CITY OF KINSTON**, a municipal corporation hereinafter referred to as **GRANTEE**;

WITNESSETH:

THAT GRANTOR is the owner of a certain tract or parcel of land lying and being in Kinston Township, Lenoir County, North Carolina, more particularly described in Deed Book 900, Page 253, Lenoir County Registry; and

WHEREAS, the **GRANTEE** desires to acquire a thirty (30) foot easement for the purposes of construction, installation and maintenance of an electric line, and other general utilities, in, over, across, upon, through and under the portion of the above referenced property hereinafter described with the right of ingress and egress to and from same.

WHEREAS, the parties hereto mutually agree to the terms of this easement and right of way granted as hereinafter set forth.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **GRANTOR** does hereby grant unto **GRANTEE**, its successors and assigns, the rights, privileges and easement, now and hereafter, to construct, install, improve, remove, enlarge, duplicate, replace, inspect, repair and maintain an electric line and other general utilities, in, over, across, upon, through and under the land of **GRANTOR** being more particularly shown on "**Exhibit A**" attached hereto:

Together with the right of ingress and egress to and from the same on, over and through the lands of the **GRANTOR** for the purposes of constructing, installing, inspecting, repairing, improving, removing, enlarging, duplicating, replacing and maintaining the aforesaid electric line and other general utilities and the appurtenant appliances and fixtures necessary or convenient thereto.

TO HAVE AND TO HOLD said right, privilege and easement for a general utility easement over, under, across and above the easement area unto the **GRANTEE**, its successors and assigns, forever.

PROVIDED, HOWEVER, that all construction within said general utility easement area shall be carried out by **GRANTEE** or its duly authorized agents or employees in a workmanlike manner. All maintenance of the electric line and other general utilities to be installed upon the above referenced easement shall be the duty and responsibility of **GRANTEE** or its authorized agents or employees. Upon completion of work undertaken by **GRANTEE**, its authorized agents or employees, the premises shall be returned as nearly as possible to its condition prior to construction.

GRANTEE shall at all times have the right to inspect, remove, repair, replace, maintain and improve its general utility facilities placed on the easement area and to make such changes and additions to its general utility facilities as the **GRANTEE** from time to time may deem advisable.

GRANTEE shall at all times have the right to keep easement area clear of all buildings, structures, trees, shrubs, bushes, stumps, roots, undergrowth or other vegetation as will in its judgment interfere with the proper functioning of its general utility easement and facilities.

GRANTOR, its successors and assigns, may use the easement area for any purpose not inconsistent with the rights herein acquired by **GRANTEE**.

IN WITNESS WHEREOF, **GRANTOR** has caused this EASEMENT to be signed by its duly authorized officials and its official seal to be hereunto affixed, pursuant to a resolution of its governing body, as of the date first above written.

COUNTY OF LENOIR

By: _____
George W. Graham Jr.,
Chairman, Board of Commissioners

ATTEST:

Martha Martin, Deputy Clerk
(SEAL)

STATE OF NORTH CAROLINA
COUNTY OF LENOIR

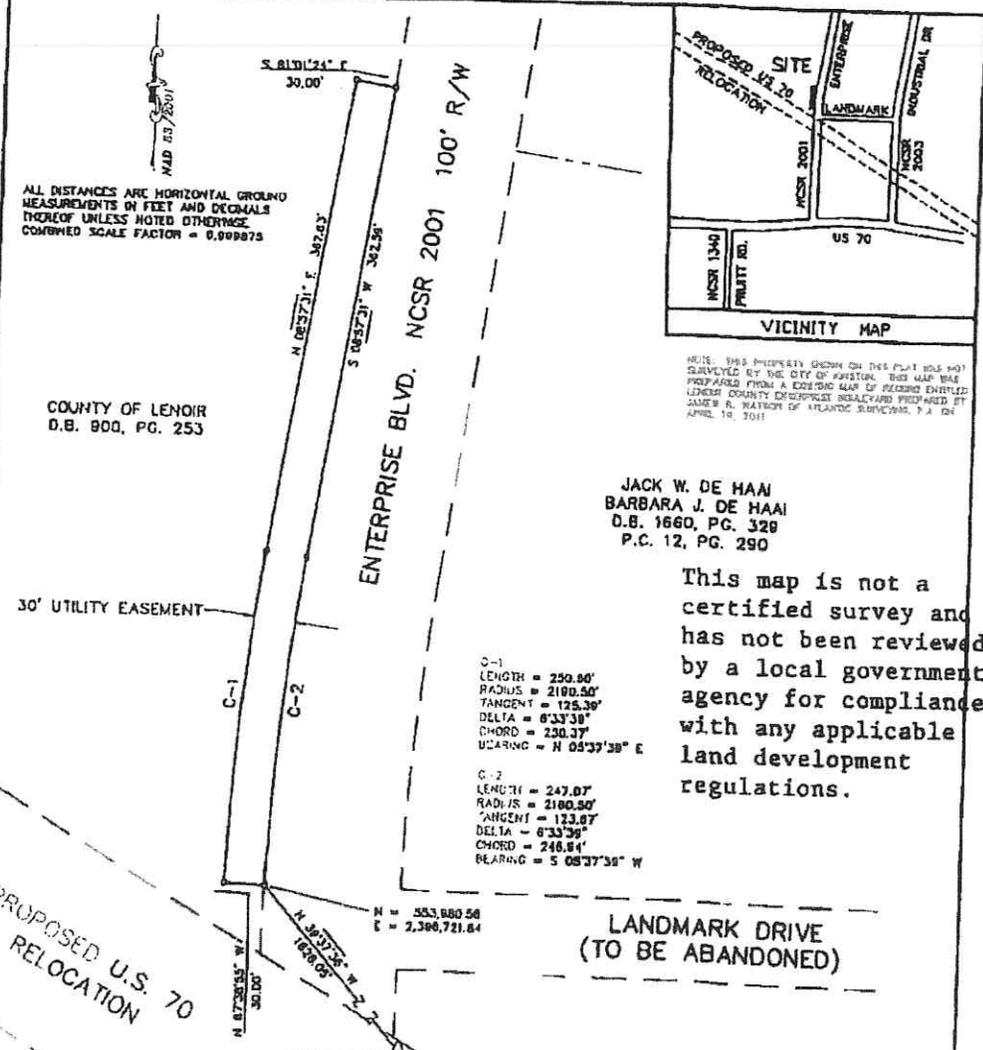
I _____, a Notary Public of said County and State, certify that Martha Martin, personally appeared before this day and acknowledged that she is Deputy Clerk to the Board of Commissioners of Lenoir County, a municipal corporation and body politic, and that by authority duly given as the act of the corporation, the foregoing instrument was signed in its name by its Chairman, sealed with its corporate seal and attested by herself as its Deputy Clerk to the Board of Commissioners.

Witness my hand and notarial seal, this _____ day of _____, 2012

_____, Notary Public

My commission expires: _____
(SEAL)

EXHIBIT "A"



MAP FOR DESCRIPTION
UTILITY EASEMENT
ENTERPRISE BOULEVARD
FOR THE
CITY OF KINSTON

EASEMENT AREA = 0.42 AC. ±

- LEGEND**
 PG. = PAGE
 D.B. = DEED BOOK
 P.C. = PLAT CABINET
 EIP = EXISTING IRON PIPE
 ——— = LINE NOT TO SCALE
 RIGHT OF WAY = ———
 PROPERTY LINE = - - - - -
 EASEMENT BOUNDARY = - - - - -

FALLING CREEK TOWNSHIP
LENOIR COUNTY, N.C.

DATE: AUGUST 28, 2012
SCALE: 1" = 100'

100 50 0 100 200 300

GRAPHIC SCALE

I, Michael D. Blackburn, certify that this plat was drawn under my supervision from existing deeds and maps of record, that the ratio of precision for the field survey, as calculated by latitudes and departures before any adjustments was not calculated; that the boundaries not surveyed are shown as broken lines plotted from information found in (Deed, Map) P.C. 12, Page 290; that this plat was prepared in accordance with Standards of Practice, as amended. Witness my original signature, registration number and seal this 28th day of August, A. D. 2012. I hereby certify that the survey is of another category to wit: an exception to the definition of subdivision.

Michael D. Blackburn
L-3355

State of North Carolina
County of Lenoir

_____, Review Officer of Lenoir County, certify that the map or plat to which this certification is attached meets all statutory requirements for recording

Date _____ Review Officer _____



CITY OF KINSTON
PUBLIC SERVICES DEPT.
ENGINEERING SECTION

2360 HWY 258 SOUTH
KINSTON, N.C. 28504
PHONE: (252) 939-3237
FAX: (252) 939-3279

Prepared by and Return to: James P. Cauley, III
Cauley Pridgen, P.A.
PO Drawer 2367
Wilson, NC 27894-2367

STATE OF NORTH CAROLINA
COUNTY OF LENOIR

EASEMENT DEED

THIS EASEMENT DEED, made and given this ____ day of _____, 2012, from the **COUNTY OF LENOIR**, a body politic and corporate, hereinafter referred to as **GRANTOR** (whether one or more), to the **CITY OF KINSTON**, a municipal corporation hereinafter referred to as **GRANTEE**;

WITNESSETH:

THAT GRANTOR is the owner of a certain tract or parcel of land lying and being in Kinston Township, Lenoir County, North Carolina, more particularly described in Deed Book 900, Page 253, Lenoir County Registry; and

WHEREAS, the **GRANTEE** desires to acquire a thirty (30) foot easement for the purposes of construction, installation and maintenance of an electric line, and other general utilities, in, over, across, upon, through and under the portion of the above referenced property hereinafter described with the right of ingress and egress to and from same.

WHEREAS, the parties hereto mutually agree to the terms of this easement and right of way granted as hereinafter set forth.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **GRANTOR** does hereby grant unto **GRANTEE**, its successors and assigns, the rights, privileges and easement, now and hereafter, to construct, install, improve, remove, enlarge, duplicate, replace, inspect, repair and maintain an electric line and other general utilities, in, over, across, upon, through and under the land of **GRANTOR** being more particularly shown on "**Exhibit A**" attached hereto:

Together with the right of ingress and egress to and from the same on, over and through the lands of the **GRANTOR** for the purposes of constructing, installing, inspecting, repairing, improving, removing, enlarging, duplicating, replacing and maintaining the aforesaid electric line and other general utilities and the appurtenant appliances and fixtures necessary or convenient thereto.

TO HAVE AND TO HOLD said right, privilege and easement for a general utility easement over, under, across and above the easement area unto the **GRANTEE**, its successors and assigns, forever.

PROVIDED, HOWEVER, that all construction within said general utility easement area shall be carried out by **GRANTEE** or its duly authorized agents or employees in a workmanlike manner. All maintenance of the electric line and other general utilities to be installed upon the above referenced easement shall be the duty and responsibility of **GRANTEE** or its authorized agents or employees. Upon completion of work undertaken by **GRANTEE**, its authorized agents or employees, the premises shall be returned as nearly as possible to its condition prior to construction.

GRANTEE shall at all times have the right to inspect, remove, repair, replace, maintain and improve its general utility facilities placed on the easement area and to make such changes and additions to its general utility facilities as the **GRANTEE** from time to time may deem advisable.

GRANTEE shall at all times have the right to keep easement area clear of all buildings, structures, trees, shrubs, bushes, stumps, roots, undergrowth or other vegetation as will in its judgment interfere with the proper functioning of its general utility easement and facilities.

GRANTOR, its successors and assigns, may use the easement area for any purpose not inconsistent with the rights herein acquired by **GRANTEE**.

IN WITNESS WHEREOF, **GRANTOR** has caused this **EASEMENT** to be signed by its duly authorized officials and its official seal to be hereunto affixed, pursuant to a resolution of its governing body, as of the date first above written.

COUNTY OF LENOIR

By: _____
George W. Graham Jr.,
Chairman, Board of Commissioners

ATTEST:

Martha Martin, Deputy Clerk
(SEAL)

STATE OF NORTH CAROLINA
COUNTY OF LENOIR

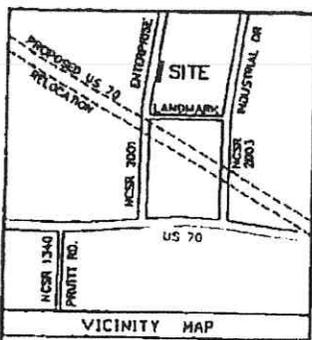
I _____, a Notary Public of said County and State, certify that Martha Martin, personally appeared before this day and acknowledged that she is Deputy Clerk to the Board of Commissioners of Lenoir County, a municipal corporation and body politic, and that by authority duly given as the act of the corporation, the foregoing instrument was signed in its name by its Chairman, sealed with its corporate seal and attested by herself as its Deputy Clerk to the Board of Commissioners.

Witness my hand and notarial seal, this _____ day of _____, 2012

_____, Notary Public

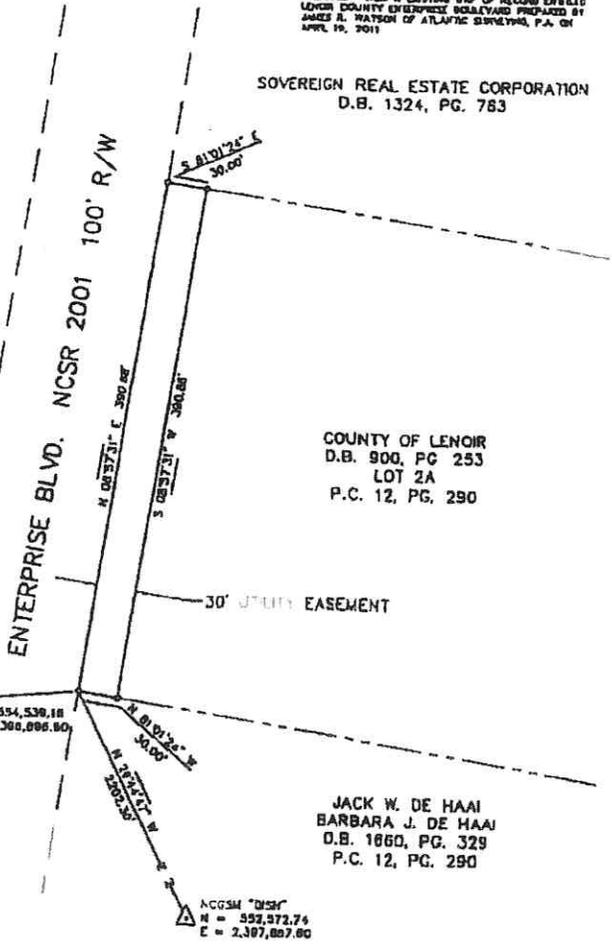
My commission expires: _____
(SEAL)

EXHIBIT "A"



ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS IN FEET AND DECIMALS THEREOF UNLESS NOTED OTHERWISE. CONVERSION SCALE FACTOR = 0.999875

This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations.



MAP FOR DESCRIPTION
UTILITY EASEMENT
ENTERPRISE BOULEVARD
FOR THE
CITY OF KINSTON

EASEMENT AREA = 0.27 AC ±

- LEGEND**
- PG. = PAGE
 - O.B. = DEED BOOK
 - P.C. = PLAT CABINET
 - EIP = EXISTING IRON PIPE
 - Z — = LINE NOT TO SCALE
 - RIGHT OF WAY
 - PROPERTY LINE
 - EASEMENT BOUNDARY

FALLING CREEK TOWNSHIP
LENOIR COUNTY, N.C.

DATE: AUGUST 28, 2012
SCALE: 1" = 100'

GRAPHIC SCALE

I, Michael D. Blackburn, certify that this map was drawn under my supervision from existing deeds and maps of record, that the ratio of precision for the field survey, as calculated by latitudes and departures before any adjustments was not calculated; that the boundaries not surveyed are shown as broken lines plotted from information found in (Deed, Map) P.C. 12, Page 290; that this plot was prepared in accordance with Standards of Practice, as amended. Witness my original signature, registration number and seal this 28th day of August A.D. 2012. I hereby certify that the survey is of another category to wit: an exception to the definition of subdivision.

Michael D. Blackburn
L-3355

State of North Carolina
County of Lenoir

I, _____, Review Officer of Lenoir County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date _____ Review Officer _____

**CITY OF KINSTON
PUBLIC SERVICES DEPT.
ENGINEERING SECTION**

2360 HWY 258 SOUTH
KINSTON, N.C. 28504
PHONE: (252) 939-3237
FAX: (252) 939-3279

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 10/15/12 **ITEM NO.:** 9

RESOLUTION: Approving Citizens to Boards, Commissions, Etc.

SUBJECT AREA: Boards and Commissions

ACTION REQUESTED: Officially and publicly appoint various applicants to various vacancies on boards, commissions, task forces, etc.

HISTORY / BACKGROUND: The County Manager/County Clerk advertises vacancies on boards, commissions, committees, task forces, etc. The County Manager/County Clerk serves only clearinghouse functions with respect to the appointment process; no influence is exerted in this role. Commissioners are welcome to recruit applicants, or citizens may apply on their own free will.

EVALUATION:

The following Boards currently have existing vacancies/expiring terms.

<u>BOARD/COMMITTEE/COMMISSION</u>	<u>APPLICANT/ CURRENT MEMBER</u>	<u>TERM EXPIRATION</u>
Greene Lamp Advisory Board	Maxine Cooper	October 2017

CURRENT VACANCIES:

Lenoir County Health Board – (1) Veterinarian, (1) Optometrist

Lenoir County Planning Board – Districts One (1), Four (1)

Kinston Board of Adjustment – Two (2) ETJ Members; (1) Primary – (1) Alternate

MANAGER'S RECOMMENDATION:

Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that the following appointments are made:

<u>BOARD/COMMITTEE/COMMISSION</u>	<u>APPLICANT/ CURRENT MEMBER</u>	<u>TERM EXPIRATION</u>
Greene Lamp Advisory Board	Maxine Cooper	October 2017

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Daughety _____ Davis _____ Graham _____

Pharo _____ Rouse _____ Sutton _____

George W. Graham, Jr., Chairman

10/15/12
Date

ATTEST

10/15/12
Date

APPLICATION FOR APPOINTMENT
to
LENOIR COUNTY ADVISORY BOARDS AND COMMISSIONS

The Lenoir County Board of Commissioners believes that all citizens should have the opportunity to participate in governmental decisions. One way of participating is by serving as a citizen member of one of the County's advisory boards. If you want to be considered for appointment to an advisory board, please complete the Application below and mail it to the Lenoir County Clerk to the Board, P.O. Box 3289, Kinston, NC 28502, or fax to (252) 559-6454.

Advisory Board/Committee/Commission interested in:

Greene Lamp

(I understand that this application will be kept on the active file for two years only, and I, hereby, authorize Lenoir County to verify all information included in this application.)

* * * * *

Name: Maxine Cooper
 Address: 2839 Gray Grant Road
 City/State/Zip: Kinston, NC 28504
 Telephone: (Home) (252) 560-1631 (Work) _____
 Occupation: Retired Educator
 Business Address: _____
 Age: (Optional): 57
 Number hours available per month for this position: 3-5 (Flexible)
 Training: BS-Early Childhood Ed, MAEd-Elementary Ed, EdS-Educational Admin.
 Business and Civic Experience/Skills: President-LaGrange Chamber of Commerce
Board of Directors-LaGrange Chamber, Bd. of Directors-Kinston-Lenoir Co. Chamber
 Other County Boards/Committees/Commissions presently serving on: N/A
 Expiration date of Term: October

Circle your voting precinct

- | | |
|--|--|
| K-1 (Carver Courts Recreation Center) | Institute (Institute Methodist Church) |
| K-2 (Old Plummer Daniel's Building) | Moseley Hall (Frink Middle School Gym) |
| K-3 (Fairfield Recreation Center) | Neuse (Agricultural Center) |
| K-4 (Northwest Elementary School) | Pink Hill 1 (Bethel Baptist Church) |
| K-5 (Spillman Baptist Church) | Pink Hill 2 (Pink Hill Rescue Station) |
| K-6 (Teachers Memorial School) | Sand Hill (Sand Hill VF Department) |
| K-7 (Emma Webb Recreation Center) | Southwest (Southwest VF Department) |
| K-8 (Holloway Recreation Center) | Trent 1 (Deep Run VF Department) |
| K-9 (Kinston Number 4 Fire Station) | Trent 2 (Moss Hill Ruitan Building) |
| Contentnea (Contentnea Ruitan Building) | Vance (GTP Ed & Training CTR.) |
| <u>Falling Creek (Banks Elementary School Gym)</u> | Woodington (Woodington Middle School) |

CERTIFICATION

I certify that I have read and understand the 75% attendance requirement established in the Lenoir County Board Appointment Policy. I further certify, that I am aware, if my attendance drops below the 75% attendance requirements that I will be automatically removed from said Board appointment.

Maxine Cooper
Signature of Applicant

10/5/2012
Date