

**MINUTES**  
**LENOIR COUNTY BOARD OF COMMISSIONERS**  
**October 17, 2011**

Item No.   3  

The Lenoir County Board of Commissioners met in open session at 4:00 p.m. on Monday, October 17, 2011 in the Board of Commissioners Main Meeting Room in the Lenoir County Courthouse at 130 S. Queen St., Kinston, NC.

Members present: Chairman George Graham, Vice-Chairman Reuben Davis and Commissioners, Jackie Brown, Mac Daughety, Linda Rouse Sutton, Tommy Pharo, and Eric Rouse

Also present were: Michael Jarman, Lenoir County Manager, Tommy Hollowell, Assistant County Manager, Martha Martin, Finance Officer, Robert Griffin, County Attorney, April L. Banks, Interim Clerk to the Board, and members of the general public and news media.

Chairman Graham called the meeting to order at approximately 4:00 p.m. Ms. Brown offered the invocation and Mr. Graham led the audience in the pledge of allegiance.

**PUBLIC INFORMATION**

On behalf of the Board of Elections, Ms. Brown presented Mr. Robert Waller a plaque in recognition of his 24 years of service at the Board of Elections. He served from 1987-2011. Upon receiving the plaque, Mr. Waller thanked everyone for the recognition. He stated it has been a pleasure working for Lenoir County and the Board. Mr. Oscar Herring introduced the staff at the Board of Elections: Ms. Dana King, Director, and staff members, Barbara Hammonds, Barbara Perry, and Jean Alphin. Mr. Herring stated Mr. Waller has been a great teacher and he appreciates his services. Ms. King thanked the Board for allowing them to publicly recognize Mr. Waller for his dedication. Mr. Graham stated he appreciates the way business is conducted on Election Day in Lenoir County. They have been very professional and have made few errors.

Ms. Susan Moore, Director of Social Services, along with Ms. Pat Hemby, Food Stamp Program Manager addressed the Board regarding changes to the Low Income Energy Assistance Program (LIEAP). Ms. Moore stated this program is designed to assist with utility payments during the winter months. In the past, if a household was receiving Food Stamp benefits, they would automatically receive a LIEAP payment. One change to the program this year is if a household is receiving Food Stamp benefits, they would still have to apply for the payment. Social Services will not start the application process until December 2011. In December, only seniors age 60 and over and the disabled may apply. Another change to the program is the payments will go directly to the vendor and not to the individual. This ensures the payment will go towards heating costs. Payments are limited and based on income eligibility. Ms. Hemby is coordinating the program this year. The approximate allocation for the LIEAP is \$108,000. Ms. Moore estimates the amount will serve 360 families in Lenoir County on a first come, first serve basis.

Ms. Hemby stated she is pleased with the changes the State has made to the program. If a household is eligible, they will receive a check for \$200 if heating by electric and \$400 if heating by oil, gas, or kerosene. The State set the limits. Social Services will also be mailing out applications to those who cannot come into the agency to apply. The income limits have increased to 130% of the current poverty level. Any checking or savings account must have less than \$2,200 to be eligible. Mr. Graham inquired about the citizens who heat by burning wood. Ms. Hemby replied those citizens will receive \$200 to be sent directly to the wood supplier. Social Services has already identified the vendors they will be working with. Mr. Graham asked if the wood can be delivered across a period of time due to some citizens not having the capacity to store the wood. Ms. Hemby stated yes that can be arranged. Mr. Pharo questioned when other citizens can apply for the program. Ms. Hemby

responded if there are funds left at the end of January after the seniors and disabled, then the application process will open to other citizens. Mr. Pharo asked if the amount of the check does not cover the entire bill, will the utilities still be disconnected. Ms. Hemby stated the Crisis Intervention Program will pay the difference if the household qualifies. Ms. Moore added payment arrangements can be set due to the high cost of utilities during the winter. She then invited the Board to a Fundraiser for the United Way being held on November 2, 2011 by Social Services.

Mr. Cale Johnson from the North Carolina Department of Revenue addressed the Board regarding two (2) new programs. Mr. Johnson stated he appreciates the opportunity to come before the Board to inform them of the programs. They are the Small Business and Technology Development Center (SBTDC) and the Small Business Center Network (SBCN). The Department of Revenue is seeking ways to be helpful to small businesses. This program will allow tax payers to enter into installment agreements for delinquent taxes. There are two (2) requirements of the program. The company must owe trust taxes and have less than 200 employees. During the course of the program, the company must file and pay any liabilities during the period of enrollment through June 2013. The Department of Revenue typically does not stretch installment agreements for trust taxes. The counseling and services are free and confidential. The programs will teach small businesses ways to keep from becoming delinquent on taxes. The Department of Revenue will not file liens on businesses in this program. Currently there are approximately 460 businesses enrolled in the programs. This represents about \$8.5 million in delinquent taxes. If a small business wants to be screened for eligibility, they will need to contact the Revenue Office closest to them. Mr. Graham asked if there was a minimum employee requirement. Mr. Johnson stated the minimum number of employees is one (1).

#### **ITEMS FROM THE COUNTY MANAGER**

Mr. Jarman informed the Board of Mr. Lester Gosnell's death. Mr. Gosnell worked with the sheriff's department for 27 years and then became a Magistrate while teaching Basic Law Enforcement at Lenoir Community College. Funeral and visitation will be at 7 p.m. at the Garner Funeral Home on Thursday, October 20, 2011.

Mr. Jarman asked the wishes of the Board regarding the Annual Commissioners' Christmas Employee Luncheon. In the past, the Commissioners donned aprons and served the County employees as a gesture of appreciation. Mr. Rouse asked if the cost was allotted in the budget. Mr. Jarman responded there are funds set aside for this event in the budget and cost is approximately \$3,500 to \$4,000. The luncheon will be held either at Kings or the Shrine Club. Mr. Graham asked if there were any objections to the event. There were none. He stated this has been an annual event for the past twenty (20) years. This is a way of supporting the employees and saying thank you. Very seldom can the employees be rewarded with salary increases. Upon a motion by Mr. Davis and a second by Mr. Daughety, the Board unanimously agreed to move forward with the plans for the Christmas Employee Luncheon.

Mr. Jarman stated the County has received a bid for a property located at 103 N. East Street. The bid was for \$500 and the tax value is \$3,000. The property is located on a corner and is vacant due to a fire to the home that was previously there. Mr. Griffin inquired if there would be any issues due to the rail right of way running through the property. Mr. Jarman responded the County has considered the right of way and there is no current issue. Mr. Griffin stated the rail may want to purchase this property. Mr. Rouse asked if the rail would have to pay taxes on the land and Mr. Griffin responded yes they would. Mr. Jarman stated he has not contacted the rail regarding this property and does not know the bidder's plans for the property. Mr. Rouse suggested offering the property to the rail first. Mr. Jarman stated if the Board accepts the bid, the rail has the right to upset the bid. Upon a motion

by Mr. Rouse and a second by Mr. Pharo, the Board unanimously agreed to accept the current bid of \$500 and contact the North Carolina Rail Road to see if they would like to enter an upset bid.

Mr. Rouse stated he has been contacted by different businesses in the area wanting to have a chance at being a vendor for County projects. He suggested the projects up for bid be posted on the County website. This way, no business feels left out and everyone will have a fair turn to bid. Mr. Jarman stated he would like to discuss the idea with the Department Managers to determine if the process can be centralized. He will then come back with recommendations, disadvantages, and advantages to see if this can be done. Mr. Graham stated he does not want a business to think the County is not providing an opportunity for everyone to participate in bidding. Mr. Jarman stated even items or services not meeting the threshold for bidding are currently bid out to the vendors.

Mr. Graham recognized Mr. Jim Hartis, a citizen in the audience, to make a comment. Mr. Hartis stated he has lived in Kinston since 1979. He is a retired real estate broker who was in the industry for 61 years. Mr. Hartis stated his biggest competition in real estate is the City and County. When he has a property to become available, he takes the information to Economic Development for possible use. He contacted Mr. Jarman February 1, 2010 to set up a meeting with him and Mr. Mark Pope, Director of Economic Development regarding properties available for use by potential companies seeking to move to Lenoir County. At that time, Mr. Pope was not available to meet with him, but Mr. Jarman met with him alone. Mr. Hartis stated he has a 45,000 square foot building available for lease or purchase and he has another building he felt would have been a good place to build the jail expansion. He expressed concerns that no one has inquired about the space. In April 2011, when Serve Pro came to the area, he started working with them to assist them in finding the space necessary for their business. Serve Pro did not receive a write-up in the Free Press like the new Waffle House. Mr. Hartis is interested in gaining attention for aid in researching the process of acquiring property for a potential client. He feels as though Mr. Pope is a "facilitator" for the County. He thanked Mr. Graham and the Board for letting him voice his concerns to obtain a better understanding. Mr. Daughety asked of the property available now. Mr. Hartis stated he has a 45,000 square foot building with 32 acres of land available. In response to Mr. Hartis, Mr. Jarman stated Mr. Pope is more than a "facilitator". He is allotted funds to travel to trade shows and conventions to attract new businesses to Lenoir County. Currently, most leads come from the Department of Commerce. Companies do much of the research via internet. A list of available spaces is listed on a website called sitesearch. Each vacancy listed on this site has information regarding the amount of land, size of building, and other specifications for the company.

Mr. Jarman stated in regards to the vacant building Mr. Hartis spoke about, he was aware of the low pricing, but it did not fit the County's needs for the jail expansion. The cost to renovate the existing building for jail use would have been extremely expensive. The County is working trying to obtain a jail design incorporating a central tower where fewer employees can observe more inmates. If the jail was put in the building, costs would also rise for transfer of inmates to and from court. Mr. Jarman stated he does know of the existence of ServPro. To offer incentives to a company, they have to meet IRS certain codes and ServPro did not. Most of these businesses that meet the codes are manufacturing, distribution, or warehousing. Mr. Jarman apologized to Mr. Hartis for the delay in meeting with him. If Mr. Hartis supplies the County with all the information on his building vacancies, they can be added into the sitesearch database.

### **CONSENT AGENDA**

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

3. Approval of Minutes: Regular Board Meeting: October 3, 2011

Banks/Jarman

Ms. Brown informed the Board Ms. Sutton had fallen ill and motioned to excuse Ms. Sutton from the Board Meeting. Mr. Daughety seconded the motion. The Board unanimously agreed to excuse her absence.

## **RESOLUTIONS /BUDGET ORDINANCE AMENDMENTS**

Item No. 4 was a Resolution for Acceptance of the Revised Regional Agreement for Neuse Regional Library. Mr. Jarman stated there were a few changes to the State Administrative Code. The changes are requiring regional libraries to revise their agreements. Accepting the agreement is not final. If the Board accepts the revision, the State Library still has to approve the revision to make it final. The previous agreement was signed in 1962. The document will bear the signature of each participating unit of local government to ensure compliance with the changes to the Administrative Code. The Library has worked closely with the State Library of North Carolina to prepare the draft of the revised Regional Agreement. The Commission considered the revised rules at the March 17 meeting and approved the rules for Organization of Regional Libraries, 07 NCAC 02I.0301I – 07NCAC 02I.0308. These rules became effective April 1, 2011. At the July 26 meeting of the Neuse Regional Library Board, the Board approved the draft. Upon a motion by Mr. Daughety and a second by Ms. Brown, Item No. 4 was unanimously approved.

Item No. 5 was a Resolution to Approve a Drug and Alcohol Testing Policy for Lenoir County Transit. Ms. Sally Durst, Transit Safety Officer addressed the Board. She stated FDA did an audit of the current Drug and Alcohol Policy. Some changes have been made, but there is still zero tolerance in the County. The changes are: An addition to the definition of qualified Substance Abuse Professionals (state-licensed marriage and family therapist), changes and updates to the phrasing in what is required in pre-employment “previous DOT-Employer” reports and changes to the phrasing within the “Random Testing” section. Upon a motion by Mr. Pharo and a second by Mr. Daughety, Item No. 5 was unanimously approved.

Item No. 6 was a Budget Ordinance Amendment: Finance/Sheriff’s Department: \$3,334. Increase. This amendment is to budget insurance proceeds received from Trident Insurance Company on 10/11/11 in the amount of \$3,333.54 for an accident that occurred on October 1, 2011 when a vehicle driven by one of our deputies was involved in an accident. Upon a motion by Mr. Davis and a second by Mr. Daughety, Item No. 6 was unanimously approved.

Item No. 7A was a Resolution to Authorize Lenoir County Cooperative Extension to Continue to Manage and Facilitate the Seniors Health Insurance Information Program (SHIIP) and Authorize Tammy Kelly, County Extension Director, to Execute the Contract in the Amount of \$4,128. Lenoir County Cooperative Extension assumed the role of host to the SHIIP Program in FY 2006-2007. The program is implemented by a staff of trained volunteers, and administered by Lenoir County Cooperative Extension. Volunteers are trained and updated by the division of Seniors Health Insurance Information Program (SHIIP) of the North Carolina Department of Insurance. Currently there are 3-4 trained volunteers who have agreed to continue to provide the consultations with the Department of Insurance. The SHIIP program is an important resource for the senior citizens of Lenoir County. This is critical information available in assisting seniors in choosing the type of insurance they need. Last year approximately 489 Medicare recipients were assisted in selecting a prescription drug plan during open enrollment October-December. Upon a motion by Mr. Daughety and a second by Ms. Brown, Item No. 7A was unanimously approved.

Item No. 7B was a Budget Ordinance Amendment: General Fund: Process Funds-Cooperative Extension: \$4,128. Increase. This amendment is to budget funds from a grant from the NC Department of Insurance for the SHIIP Program. Cooperative Extension applied for and will manage the grant. The grant will provide one on one help with the Medicare issues and enrollment. Upon a motion by Mr. Daughety and a second by Ms. Brown, Item No. 7B was unanimously approved.

Item No. 7C was a Resolution Authorizing Acceptance of a Grant in the Amount of \$15,000 from the North Carolina Tobacco Trust Fund Commission. The Lenoir County Farmer's Market, a shake-roof wood structure of three (3) large open-sided octagonal units linked by two (2) rectangular units, was built in 1979. The Market's bathrooms, which serve both vendors and the public, and the office, are antiquated and inadequate. A new community-based Food System Team, focused on finding ways to support the NC 10% Campaign, established a Market Advisory Committee of key community leaders to set new policies for the Market, prompting area food producers to participate in the Market. A Pride of Kinston grant matched by Lenoir County provided basic landscaping, repairs, and painting. This resulted in an increase from four (4) vendors to 15 vendors. The increased activity made obvious the need for major renovations; the parking lot's condition deterred some potential customers and is a liability for vendors. The Tobacco Trust Fund Money will be used to renovate the Market's bathrooms, including low-flush toilets and automatic faucet lavatories and repairs and painting of the floors and walls. Upon a motion by Mr. Daughety and a second by Mr. Pharo, Item No. 7C was unanimously approved.

Item No. 7D was a Budget Ordinance Amendment: General Fund: Process Funds: \$15,000. Increase. This amendment is to appropriate a grant from the NC Tobacco Trust Fund Commission in the amount of \$15,000. These funds will be used to renovate / repair the bathrooms at the Farmer's Market and will also aid in the repair / painting of floors and walls. Upon a motion by Mr. Daughety and a second by Mr. Pharo, Item No. 7D was unanimously approved.

Item No. 7E was a Budget Ordinance Amendment: Trust and Agency Fund: Extension-Family Caregiver: \$54,381. Increase. This amendment is to increase the budgeted amounts of the Partnership for Children Program. Whenever the budget was being compiled, it was thought that the Partnership for Children would be receiving the same funding as FY 10-11. However, on August 16, the County received notification from the Lenoir-Greene Partnership that they had currently received only 25% funding from the NC Partnership for Children, and the budget was decreased accordingly. On October 3, 2011, the County received notice that the program was being increased by \$54,381. This amendment will increase the program by the said amount. Upon a motion by Mr. Daughety and a second by Ms. Brown, Item No. 7E was unanimously approved.

Item No. 8 was a Resolution Approving Purchase of Ten (10) Dell Vostro 3450 Laptop Computers: \$13,014.75. Major Christopher Hill of the Sheriff's Department addressed the Board. Each Lenoir County Sheriff's patrol car is equipped with an in-car laptop computer. These computers allow the officer to access various local, state, and federal databases to retrieve information about a persons and vehicles they come in contact with. Several of the Sheriff's Office computers are damaged beyond repair and must be replaced. The Dell Corporation has quoted ten (10) Vostro 3450 laptop computers with an in-car mount at a cost of \$1,301.47 each. The Sheriff will utilize civil process funding to facilitate the purchase of these computers. Civil process funds are derived from the fees collected for the service of civil papers. Mr. Rouse asked if the funds used for the computers will impact any other programs. Major Hill responded the funds will not impact any other programs in the department. Mr. Graham asked if the old computers could be salvaged and perhaps placed in classrooms for students. Major Hill stated the computers are not operational and therefore cannot be used. Mr. Davis inquired if the equipment will have a salvage value. Major Hill stated the computers will be listed on the County website as surplus. Mr. Daughety applauded the Sheriff's Department in working with the citizens setting up Neighborhood and Community Watches. Mr. Rouse asked if the civil process funds can be accumulated from year to year. Major Hill stated the funds can roll over from year to year and the amount will increase due to the cost of charges on civil papers rising to \$15.00 from \$7.50. Upon a motion by Ms. Brown and a second by Mr. Davis, Item No. 8 was unanimously approved.

Item No. 9 was a Resolution Approving Jail Project Special Inspections Services Agreement: KCI Associates of NC, PA. Mr. Hollowell stated the company will perform field inspections of the HVAC mechanical installations, smoke control and evacuation testing, and code required reporting for the jail project and to authorize the County Manager to execute the agreement. The project plans specify that special inspections are required. These third-party special inspections are the responsibility of the owner and the tests must be performed in accordance with Chapter 9, paragraph 909.18.8 of the North Carolina Building Code. North Carolina General Statute 143-64.31 requires that public agencies select architects, engineers, surveyors, and construction managers "at risk" based on qualifications instead of bid prices. Other firms solicited for proposals were Froehling & Robertson, Inc. of Raleigh, N.C., Terracom Consultants, Inc., of Winterville, N.C., and The East Group, of Greenville, N.C. KCI Associates of N.C., P.A. was the lowest qualified bidder. Upon a motion by Mr. Daughety and a second by Ms. Brown, Item No. 9 was unanimously approved. Mr. Rouse questioned the amount budgeted for these services. Mr. Hollowell responded \$100,000.

**APPOINTMENTS**

Item No. 10 was a Resolution Appointing Citizens to Boards, Commissions, Etc. Upon a motion by Ms. Brown and a second by Mr. Daughety, Ms. Helen Wiggins was appointed to the Lenoir County Transit Advisory Board.

<b><u>BOARD/COMMITTEE/COMMISSION</u></b>	<b><u>APPLICANT/ CURRENT MEMBER</u></b>	<b><u>TERM EXPIRATION</u></b>
<b>Lenoir County Jury Commission</b> 1 <sup>st</sup> Appearance	Annie Ruth Parrish	October 2013
<b>Lenoir County Transit Advisory Board</b> 2 <sup>nd</sup> Appearance	Helen Wiggins	October 2014

**CURRENT VACANCIES**

- Lenoir County Economic Development Board – At-Large Member
- Lenoir County Health Board – (1) Veterinarian, (1) Optometrist, (2) Public Members
- Lenoir County Planning Board – Districts One (1) and Four (4)
- Grifton Planning Board – One (1) Vacancy
- CJPP – Three (3) Vacancies
- Kinston Board of Adjustment – Two (2) ETJ Members; (1) Primary – (1) Alternate

**CLOSED SESSION**

Upon a motion by Mr. Daughety and a second by Ms. Brown, and unanimous approval, closed session was entered at approximately 5:33 p.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 Mr. Daughety and a second by Mr. Pharo; the Board moved out of closed session at approximately 5:54 p.m.

**OPEN SESSION**

Mr. Graham stated the Board discussed acquisition of property and no decision was made. Mr. Daughety stated on Monday, November 7, 2011 at 10 a.m. there will be a regional gathering at the Eastern Region Office on the Work Ready Communities Program. All of the Commissioners are invited to attend. The counties are trying to form a regional partnership for all counties in the Eastern Region. Mr. Daughety will be a member of the Board. Mr. Graham stated the Board should think

about assembling a taskforce. The taskforce can be made up of twelve (12) to fifteen (15) individuals from around the County. They can be nominated or recommended. This team will research the sales tax in Lenoir County and determine the impact. Citizens are paying these taxes regardless, but the County is not collecting them. Mr. Davis stated the Chamber of Commerce would have to back this group. They possibly already have a committee that could do the research. Mr. Daughety and Mr. Graham stated that would be an excellent idea. The citizens would have to support the idea. Mr. Daughety stated if the sales tax were to increase, then possibly the citizens can get a property tax reduction. Mr. Graham stated he does not want to pass an increase if there is no benefit.

**ADJOURN**

Upon a motion by Mr. Graham and a second by Ms. Brown the Board adjourned at 6:04 p.m.

Respectfully submitted,

Reviewed By

April L. Banks  
Interim Clerk to the Board

Michael W. Jarman  
County Manager