

LENOIR COUNTY BOARD OF COMMISSIONERS REGULAR MEETING: AGENDA
MONDAY, OCTOBER 19, 2009 – 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 COMMENTS: 10 Min.

PUBLIC INFORMATION: Mr. Ken Jones, Director of Eastpointe: Eastpointe Update **10 Min.**
 Mr. Darrell Parrish, Tax Administrator: Debt Setoff Program **10 Min.**

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 5, 2009 Aytch/Jarman
 Closed Session Meeting: October 5, 2009

4. Budget Ordinance Amendment: General Fund: DSS: \$3,873: Decrease Jones/Martin
5. Budget Ordinance Amendment: General Fund: Health (Immunization Program):
 \$7,000: Increase Huff/Martin

END OF CONSENT AGENDA

BUDGET ORDINANCE AMENDMENTS/ORDINANCE/RESOLUTIONS: 40 Min.

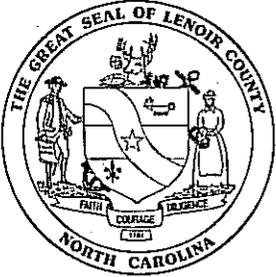
6. Budget Ordinance Amendment: Solid Waste Fund: Landfill: \$18,500: Increase Miller/Martin
7. Budget Ordinance Amendment: General Fund: Health (Bioterrorism Program):
 \$33,664: Increase Huff/Martin
8. Budget Ordinance Amendment: Capital Improvements Fund: Economic
 Development: \$75,000: Increase Pope/Martin
9. Ordinance to Establish an Identity Theft Detection and Prevention Program
 Utilizing Guidelines set Forth in the Federal Fact Act (2003) Hollowell/Martin
10. **A.** Resolution Authorizing Approval for the Lenoir County Emergency Services
 Department to Conduct Criminal History Background Checks on Employees Dail/Board
B. Lenoir County Criminal History Check Ordinance
11. Resolution Authorizing the Purchase of Additional Items to Upgrade Existing
 Furniture Items: NTE: \$2,734 Dail/Martin
12. Resolution Approving Purchase of an Interface to the LSS Fingerprint Machine
 \$3,900 Smith/Martin
13. Resolution Approving Two Deeds of Easement for Water & Sewer Lines Between
 Lenoir County and the City of Kinston for Sanderson Farms Feed Mill and
 Hatchery Sites Pope/Martin
14. Resolution Authorizing the Award of a Contract to Ormond Utilities for Highway
 70 West Industrial Park Water Line Project: \$338,016.80 Pope/Martin

APPOINTMENTS: 5 Min.

15. Resolution Approving Citizens to Boards, Commissions, Etc. **5 Min.** Aytch

OTHER ITEMS: 10 Min.

16. **Items from County Manager / County Attorney / Commissioners /
 Closed Session (if necessary)**



County of Lenoir

Office of the
Tax Administrator

Drawer 3289
Kinston, N.C. 28502

MEMORANDUM

To: Mike Jarman, Lenoir County Manager

From: Darrell Parrish

Subject: Debt Setoff Program

Date: October 5, 2009

The Local Government Debt Setoff Program allows cities and counties to submit to the NC DOR delinquent debts in order to match them against individual income tax refunds.

As always, there are several requirements that have to be met:

First, a debt must be over \$50.00 and it must be a minimum of 60 days delinquent before it can be submitted for Debt Setoff. Also, proper notice must be given to the debtor. Letters must be mailed informing the debtor that the debt is subject to be submitted to the DOR for Setoff, and the debtor has 30 days to file a written request for a hearing. The purpose of the hearing is to determine the validity and amount of the debt. After the 30 day letter and the 60 days have expired, the debt can be submitted.

Due to these date requirements, the Debt Setoff Program would have minimal effect on our current year collection rate.

Real Property taxes become delinquent on Jan. 6th of each year, so the earliest that a debt could be submitted for real property taxes is March 8th. By law, property tax becomes an automatic 1st lien on real property if it is not paid by the Jan. 6th delinquent date. This 1st lien basically gives the County a 100 % guarantee that we will eventually collect these taxes.

Motor vehicle taxes are due on the first day of the fourth month after license tags are purchased or renewed. In North Carolina, it is estimated that 66% of motor vehicle bills are paid timely, while 34% become delinquent. Taxes have to be paid before someone can renew the license tags, which means that the majority of the 34% that become delinquent will be paid within the next eight months, with no additional collection efforts.

Lenoir County's current year collection rate has remained steady at just over 94 % in recent years. The second year we collect approx. 4 % more to bring us over 98 %, and by the 4th year, we are over 99%.

It is important to point out that we also receive 10.25 % interest on 1st year delinquent accounts, and 9 % interest on subsequent years. This past year, the Tax Dept. collected over \$349,000 in interest.

During the 3 years that it takes to raise our collection rate to over 99 %, the Tax Office uses several collection remedies that are very effective, such as garnishment of wages, executions against personal property, and foreclosure on real property. In my opinion, these methods are more efficient than the Debt Setoff Program. The Tax Office has access to Employment Security Commission records to verify employment before a garnishment is issued, and we also have access to DMV records to verify ownership of vehicles before an execution is served. This helps assure that the action taken will be productive.

Collection figures from the Debt Setoff Program that were provided to me at a workshop showed an average collection rate of 9 % of the debts submitted by all cities and counties that participate. In my opinion, due to the 1st lien on the real property, and the DMV block on the motor vehicles, the majority of the 9% collected would have been paid within the next year with minimal collection expenses.

The software that our tax system runs on is the "Bormuth" system, and though it has served the Tax Dept. well, it is not geared towards the collection side of taxes. Practically every step of the Debt Setoff Program has to be performed manually.

At this time, the collection staff of the Tax Dept. does not have the manpower available to implement the Debt Setoff Program on a large scale basis without the need to hire another employee, unless we shift priorities and reduce other, more efficient collection activities.

In October of 2005, I got a price quote from a consulting company that specializes in working with local government agencies and has experience in assisting county tax departments with the Debt Setoff Program. The quote was \$14,250., and included:

- Installing the Access debt setoff program for sending the data weekly
- Extracting, formatting, preparing the data from Bormuth list file
- Preparing & sending batch file to Accurint for obtaining SSNs
- Preparing & printing the debt setoff letters for delinquent bills greater than \$50
- Folding & placing the letters in envelopes & delivering them to tax office
- Assist the tax dept by answering questions & preparing collection reports
- Interface to Five Star to load data

The proposal did not include: envelopes & postage, or the Accurint charges to obtain the required social security numbers. These costs are estimated to be approx, \$5,000., bringing the total cost close to \$20,000.

It is my opinion that it is not in the County's best interest to pay for this service at this time.

What we would be paying for, in effect, is the shifting of some of the taxes that we are currently collecting in years 3 & 4, to year 2, and the total cost is not worth it. In addition to the \$20,000 cost of implementing the program, it will reduce the interest that we collect by an estimated \$20-30,000 annually.

The billing and collection process for motor vehicles is about to change drastically with the implementation of HB 1779, scheduled to take effect in July of 2011. The new law will switch the billing and collection of vehicle taxes to DMV, and will require taxes to be paid before license tags are issued, which should result in a 100% collection rate for motor vehicle taxes.

I am also hoping that, within the next couple of years, the Tax Department can look into changing the software that our tax system runs on. We have been using the "Bormuth" system since 1991, and it is a proprietary system with a dwindling customer base. The newer software that is available today has more tools that enhance the collection of taxes, including the ability to take advantage of the Debt Setoff Program.

TO: Chairman and Members of the Board

FROM: Mike Jarman, County Manager

DATE: October 19, 2009

SUBJECT: Items of Interest

1. Regional Communications

2. Acceptance of Bids on Property

3. Minutes: Kinston/Lenoir County Parks and Recreation: September 10, 2009

4. Lenoir County Inspections Permit/Inspections Report: September 2009

Property	Bid
901 William Vause Lane	\$100.00
308 E. Washington St.	\$2050.00
4751 Willie White Road	\$200.00
702 Quinerly St.	\$1500.00
4776 Mays Store Rd.	\$200.00
4860 David Avenue	\$1000.00

All persons are eligible to bid on these properties except those who were directly involved in the decision making process that declared the property surplus.

The sale of these properties will return them to private owners and add them once again to the tax scrolls.

Prospective bidders have ten days from the date of this publication to offer an upset bid. Upset bids must be accompanied by a 5 percent bid deposit; the bids may be raised by not less than 10 percent of the first \$1,000 originally bid, plus 5 percent of any amount above \$1,000 of the original bid.

MINUTES
KINSTON/LENOIR COUNTY PARKS & RECREATION COMMISSION MEETING
SEPTEMBER 10, 2009
6:30 P.M.
ADMINISTRATIVE OFFICE

MEMBERS PRESENT

Bill McMahon **Jill Croom**
Will Barker **Chuck Blake**
Joel Smith **Garland Nobles**

MEMBERS ABSENT

Darrell Parrish **John Jones**
Sue Ellen Maddux **Matt Sullivan**
Keith King **Christopher Bradshaw**
Christi Fillippeli **Ricky Killinger**

The commission was called to order by the Chairman, Bill McMahon. The August, 2009 minutes were not approved due to lack of a quorum.

Bill Ellis distributed a Memorandum of Understanding for the Woodmen of the World Community Center. It stipulated that the City of Kinston and Lenoir County would each contribute up to \$500,000 toward the funding of this center and also listed commitments and obligations from all concerned parties. Bill Ellis stated that he visited the community center in Smithfield, which has been open now for four (4) months and they have approximately 1,250 members to date. The location of the Woodmen facility has not been decided but two locations are being considered, Barnet Park and the old Smithfield Packing location on Vernon Avenue. It has also been brought up to move the Recreation Administrative offices that are currently located on Mclewean Street to the new community center and sell the old office building.

Gloria Blake, President of the Contentnea Recreation Association and Beth Groff, Treasurer of the Contentnea Recreation Association were present at the meeting on behalf of their association to discuss the old Contentnea School and gymnasium. Ms. Blake stated that now the school and gym have been purchased, the association is concerned about where their teams are going to practice and play. The new owners would like them to play at the new school, however there are concerns about not having enough fields and no lighting. The restroom facilities at the new school was also a concern, since the only restrooms are located on the inside of the building and none at the ballfields. Bill Ellis stated that he had talked with the principal at the new Contentnea/Savannah school and it may be that the recreation teams may have to go back playing on one (1) field and on Saturday mornings or Sunday afternoons. Mr. Ellis recommended that the Contentnea players go to the new school for their practices and to play their games and he would see that the Recreation Department would work on getting the ballfields lighted and restrooms built.

Mr. McMahon recommended that a subcommittee be formed consisting of himself, Bill Ellis, Chuck Blake, Darrell Parrish and Keith King to discuss this situation with the new owner to try and come up with a solution for both the school and the Contentnea Recreation Association.

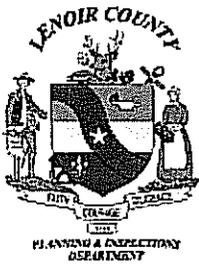
Bill Ellis informed the commission that a bidder for Pink Hill School had requested that the Recreation Department withdraw their \$5,000 bid, and if they were successful of winning the bid, they would donate the gym and the ballfields to the Recreation Department.

Bill Ellis updated the commission on fall baseball and softball.

Bill Ellis informed the commission that the department is now able to do online registration for all sports through the department's website, www.kinstonrec.com.

With no further business, the meeting was adjourned.

Debra Wicker, Secretary
Kinston/Lenoir County Parks & Recreation Commission



**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 2009

PERMITS ISSUED: 167

PERMITS VALUE: \$ 3,346,892

PERMIT FEES: \$ 13,949

SINGLE FAMILY DWELLINGS: 6

MOBILE HOMES: 15

COMMERCIAL: 1

ADDITIONS: 10

ELECTRICAL: 53

PLUMBING: 25

MECHANICAL: 33

OTHER: 24

TOTAL INSPECTIONS: 307

KINSTON/LENOIR COUNTY

PERIODIC REPORT OF PERMITS ISSUED (GROUPED BY REPORT CODE)

DATE RANGE: 09/01/09 TO 09/30/09

Printed on: SEPTEMBER 30, 2009 Page 1

	CODE	PRMS	VALUATION	FEES	PAID	UNITS
	-----	-----	-----	-----	-----	-----
NEW RES. HOUSEKEEPING - LENOIR COUNTY						
* Single Family Houses Detached	101B	2	381,000.00		963.00	2
* Single Family Houses Attached	102B	0	0.00		0.00	0
* 2 Family Building	103B	0	0.00		0.00	0
* 3 and 4 Family Buildings	104B	0	0.00		0.00	0
* 5 or More Family Buildings	105B	0	0.00		0.00	0
*TOTAL INFORMATION 101-105	109B	0	0.00		0.00	0
NEW RESIDENTIAL NON-HOUSEKEEPING BL:						
* Hotels, Motels & Tourist Cabins ..	213B	0	0.00		0.00	0
* Other Non-Housekeeping Shelter ...	214B	0	0.00		0.00	0
NEW NON-RESIDENTIAL BUILDINGS:						
* Amusement, Social, & Recreational	318B	0	0.00		0.00	0
* Churches & Other Religious	319B	0	0.00		0.00	0
* Industrial	320B	0	0.00		0.00	0
* Prkng Garages (Blds & Open Decked)	321B	0	0.00		0.00	0
* Service Stations & Repair Garages	322B	0	0.00		0.00	0
* Hospitals & Institutional	323B	0	0.00		0.00	0
* Offices, Banks, & Professional ...	324B	0	0.00		0.00	0
* Public Works & Utilities	325B	0	0.00		0.00	0
* Schools & Other Educational	326B	0	0.00		0.00	0
* Stores & Customer Services	327B	0	0.00		0.00	0
* Other Non-Residential Bldgs	328B	0	0.00		0.00	0
* Structures Other than Buildings ...	329B	0	0.00		0.00	0
ADDITIONS, ALTERATIONS, & CONVERSION						
* Residential	434B	9	173,995.00		922.00	9
* Non-Residential & Non-Housekeeping	437B	1	25,000.00		100.00	1
* Adds of Res. CP/Garages (Atch/Detc)	438B	1	20,160.00		50.00	1
DEMOLITIONS AND RAZING OF BUILDINGS:						
* Single Family Houses (Atch/Detach)	645B	0	0.00		0.00	0
* 2 Family Buildings	646B	0	0.00		0.00	0
* 3 & 4 Family Buildings	647B	0	0.00		0.00	0
* 5 or More Family Buildings	648B	0	0.00		0.00	0
* All Other Buildings and Structures	649B	0	0.00		0.00	0

TOTALS FOR PERMITS THIS PAGE		13	600,155.00		2,035.00	13

KINSTON/LENOIR COUNTY

PERIODIC REPORT OF PERMITS ISSUED (GROUPED BY REPORT CODE)

DATE RANGE: 09/01/09 TO 09/30/09

Printed on: SEPTEMBER 30, 2009 Page 2

	CODE	PRMS	VALUATION	FEEES	PAID	UNITS
	-----	-----	-----	-----	-----	-----
MOBILE/MODULAR OFFICE/CLASSROOM						
*MOBILE OFFICE	740B	0	0.00	0.00	0.00	0
*MODULAR CLASSROOM	750B	0	0.00	0.00	0.00	0
*MODULAR OFFICE	730B	0	0.00	0.00	0.00	0
ELECT./PLUMB/HEAT/A/C/INS/TEMP POLE:						
*ELECTRICAL	800B	53	52,958.00	3,254.00	0.00	53
*PLUMBING	810B	25	44,000.00	1,492.00	0.00	25
*HEATING/ AIR CONDITIONING	820B	33	133,100.00	1,880.00	0.00	33
*INSULATION	830B	4	8,703.00	200.00	0.00	4
*TEMPORARY POLE	840B	5	4,900.00	250.00	0.00	5
RESIDENTIAL ACCESSORY STRUCTURES						
*STORAGE/PORCHES/PATIOS/DECKS	900B	0	0.00	0.00	0.00	0
MISCELLANEOUS:						
*CHANGE OF OCCUPANCY	910B	0	0.00	0.00	0.00	0
*INSPECT DWELLING	920B	0	0.00	0.00	0.00	0
*TENTS	930B	0	0.00	0.00	0.00	0
*SATELLITE DISH	940B	0	0.00	0.00	0.00	0
*AWNING	950B	0	0.00	0.00	0.00	0
*EXTRA INSPECTIONS	960B	14	2,850.00	705.00	0.00	14
*FIRE PROTECTION SPRINKLER SYSTEM	966B	1	1,700,000.00	0.00	0.00	1
*MOVING DWELLING ONLY	970B	0	0.00	0.00	0.00	0
*SIGN	980B	0	0.00	0.00	0.00	0
*FIREWORKS	985B	0	0.00	0.00	0.00	0
*SWIMMING POOL	990B	0	0.00	0.00	0.00	0
*TANKS	995B	0	0.00	0.00	0.00	0
MOBILE HOMES						
*SINGLE WIDE MOBILE HOME	700B	12	96,900.00	2,200.00	0.00	12
*DOUBLE WIDE MOBILE HOME	710B	3	172,300.00	475.00	0.00	3
*MODULR HOME	720B	4	531,026.00	1,458.00	0.00	4

TOTALS FOR PERMITS ABOVE (incl. pg 1)		167	3,346,892.00	13,949.00	0.00	167

Totals of other permits in the period		0	0.00	0.00	0.00	0

TOTAL FOR ALL PERMITS IN THE PERIOD		167	3,346,892.00	13,949.00	0.00	167

THIS REPORT WAS PRINTED ON SEPTEMBER 30, 2009

KINSTON/LENDIR COUNTY

((STATISTICAL BREAKOUT))

(----- Inspections -----) (----- Re-Inspections -----) Based On # Activities

# ACTIVITIES	INSPECTIONS (I)	PASSED	CORRECTIONS	RE-INSPECTIONS (R)	PASSED	CORRECTIONS	RE-INSPECTIONS REQUIRED
307	256	212	44	51	48	3	47
	% INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECT. REQUIRED
	83	83	17	17	94	6	15

MINUTES
LENOIR COUNTY BOARD OF COMMISSIONERS
October 5, 2009

The Lenoir County Board of Commissioners met in open session at 9:00 a.m. on Monday, October 5, 2009 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 Claude Stroud and Commissioners, Jackie Brown, Reuben Davis, Chris Humphrey, Tommy Pharo and Linda Rouse Sutton

Members absent: None

Also present were: Michael Jarman, County Manager, Tommy Hollowell, Assistant County Manager, Martha Martin, Finance Officer, Robert Griffin, County Attorney; Lashanda Aytch, Clerk to the Board and members of the general public and the news media.

Chairman Graham called the meeting to order at approximately 9:00 a.m. Ms. Brown offered the invocation and Mr. Graham led the audience in the pledge of allegiance.

PUBLIC INFORMATION:

Mr. Humphrey introduced Mr. Bonar and the senior class of Bethel Christian Academy's Worldviews curriculum. Mr. Bonar stated the class was studying governmental operations and wanted the class to experience county government at work. Mr. Graham along with the Board welcomed the students to the meeting and welcomed any questions. The Board thanked the class for visiting.

Mr. Larry Moolenaar, Executive Director of the Eastern Carolina Council addressed the Board. Mr. Moolenaar stated "Regionalism" is becoming more important throughout the County. The concept of regionalism has been around for more than 50 years. The term regionalism is most often used to describe an environment where local government officials work together across jurisdictional boundaries. These efforts typically focus on community and infrastructure projects, economic development, housing, energy, transportation, water resources and workforce development. The current recession and a general decline in local resources are dictating that local jurisdictions look for cost cutting measures, many of which are found in regional cooperation. With no questions from the Board or the public, the Board thanked Mr. Moolenaar for his presentation.

ITEMS FROM CHAIRMAN/COMMISSIONERS

Item No. 1 was Items from the Chairman and Members of the Board. There were no items discussed.

ITEMS FROM THE COUNTY MANAGER

Item No. 2 was Items from the County Manager. Mr. Jarman stated the North Carolina Fisheries Society wants the Board and the public to know that freshwater fishing in North Carolina is not only an enjoyable family recreational activity, but also a major economic engine, with a total statewide economic effect estimated at \$1.04 billion in 2006. North Carolina Fisheries wants the help of all citizens by maintaining water quality and healthy aquatic ecosystems.

Mr. Jarman stated to date in the current fiscal year, the county has spent \$180,000 in the housing of inmates in Pamlico, Sampson, and New Hanover counties. The average cost per day is \$55, with New Hanover charging \$80 per day. The \$180,000 does not include transportation costs, or the loss of personnel in other assigned areas. Major Chris Hill of the Lenoir County Sheriff's Department addressed the Board. Mr. Hill stated the Sheriff's Department has been assisted by the Transit Department to transport inmates to the aforementioned jail facilities. The county cannot continue to rely on other counties holding inmates, due to capacity issues in their own facilities. Counties with bed space are further away, and require more money in transportation costs. Mr. Jarman stated the jail is currently in the design phase, with a possible bid process starting in January. After the bid process is initiated, it will take a year and a half before construction is complete. Ms. Sutton stated the Sheriff's department should be commended for keeping the population down as much as they have. Mr. Hollowell updated the Board on the 2010 Census and the Complete Count Committee. Mr. Hollowell stated the Census Bureau has asked the county to form a Complete Count Committee to ensure every citizen is accounted for. Letters will be sent out to select agencies to form the committee; the committee will then meet on November 10, 2009. It is very important for every Kinston-Lenoir County resident to be counted due to the potential increase in federal dollars.

CONSENT AGENDA

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

- | | | |
|----|---|----------------|
| 3. | Approval of Minutes: Regular Board Meeting: September 21, 2009 | Aytch/Jarman |
| 4. | Resolution Approving the Releases and Refunds to the Individuals Listed Herein | Parrish/Martin |
| 5. | Budget Ordinance Amendment: General Fund: Health (Environmental Health/Child Health Programs) Decrease: \$5,000 | Huff/Martin |
| 6. | Budget Ordinance Amendment: General Fund: DSS: \$9,393: Decrease | Jones/Martin |
| 7. | Budget Ordinance Amendment: General Fund: CJPP: \$2.00: Increase | Early/Martin |
| 8. | Budget Ordinance Amendment: Finance/Emergency Medical Services: \$1,348: Increase | Martin/Jarman |

BUDGET ORDINANCE AMENDMENTS/RESOLUTIONS

Item No. 9 was a Budget Ordinance Amendment: General Fund: Process Funds: \$10,873: Decrease. Mr. Hollowell stated the amendment decreases the appropriation amounts for the various Juvenile Crime Prevention Council (JCPC) Programs due to a 5% reduction by the state. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 9 was unanimously approved.

Item No. 10 was a Budget Ordinance Amendment: School Capital Fund: School Building: \$4,266,667: Increase. Mr. Hollowell stated the amendment adjust revenues and expenditures in the Public School Building Capital Fund to cover capital projects that have been approved by the state. This includes \$3,100,000 in ADM funds and a local match of \$1,033,334 to cover the increased cost of renovating Moss Hill Elementary School. This \$4,133,334 will be used in conjunction with the School Bond money. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 10 was unanimously approved.

Item No. 11 was a Budget Ordinance Amendment: General Fund; DSS: \$106,493: Decrease. Mr. Jack Jones, Director of Social Services, stated the amendment decreases funding amounts for the Rural Operating Assistance Program (ROAP) through DSS. A public hearing was held during the July 20, 2009 Commissioners' meeting and a resolution was approved to allow transit to apply for ROAP funding. In previous years, DSS was the agency through which EDTAP and EDTAP-Supplemental were funded. Since Lenoir County Transit is now handling the ROAP funding, DSS will no longer receive the above-mentioned funds – funds are now budgeted in Transit. Upon a motion by Ms. Brown and a second by Mr. Pharo, Item No. 11 was unanimously approved.

Item No. 12A was a Resolution Appropriating \$44,188 in American Recovery and Reinvestment Act (ARRA) Funds. Mr. Jones stated The American Recovery and Reinvestment Act of 2009 (ARRA) was signed into law by the President on February 17, 2009. The Act contained provisions that increased the Food and Nutrition Services benefits by 13.6%. North Carolina allocated 90% of the ARRA funds to County Departments of Social Services. The ARRA allocated a second issuance of administrative funds to states available from October 1, 2009 through September 30, 2010. The amount of administrative funds allocated to Lenoir County is \$44,188. These funds are 100% Federal funds with no County matching requirement. ARRA Funds may be used to pay overtime, hire new staff or contract staff to assist states and local governments with the increased demand for food assistance. The funds must be used to provide Food and Nutrition Services benefits to the residents of Lenoir County. The ARRA funds must be used by September 30, 2010. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 12A was unanimously approved.

Item No. 12B was a Budget Ordinance Amendment: General Fund; DSS: \$44,188: Increase. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 12B was unanimously approved.

Item No. 13 was a Resolution/Request for an Addition to State Maintained Secondary Road System: Nautica Place in Hyde Park Subdivision. Mr. Jarman asked the Board to tentatively approve the resolution even though the actual signatures of the residents are not on the request. NCDOT will be contacted for the actual signature page of the document as proof that residents are aware of the proposed changes/addition to the secondary road system. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 13 was unanimously approved.

Item No. 14 was a Resolution Declaring Property as Surplus and Authorizing the Sale of the Surplus Property. Mr. Jarman stated the County owns various properties that are of no useful value to the County. In accordance with procedures set forth in N.C. General Statute 160A-269, County Administration is requesting the approval of the Board to sell the properties through the negotiated offer and upset bid process. The sale of these properties will return them to private owners and add them once again to the tax scrolls. The properties are as follows:

<u>Tax Department Record Number</u>	<u>Property Description</u>
26606	Bagby Alley, Kinston
14584	405 W. Washington Ave., Kinston
12725	911 Chestnut St.
13363	1024 Macon St.
11371	307 E. Blount St.
5599	912 Macon St.
11324	510 Thompson St.
9283	506 Quinerly Lane
4810	304 N. Adkin St.
11041	1008 E. Gordon St.
12924	522 Tobacco Lane
33344	901 William Vause Lane

<u>Tax Department Record Number</u>	<u>Property Description</u>
17295	209 W. King St.
14608	308 E. Washington St.
16872	106 Hill St.
16873	108 Hill St.
13775	706 Chestnut St.
17341	4751 Willie White Rd.
601	Randolph Farrow Rd.
9760	Bagby Alley
9302	311 E. Caswell St.
15707	E. Washington St., LaGrange
8638	702 Quinerly St.
8045	422 E. Bright St.
4860	David Avenue
23848	1313 Railfence Dr.
17097	Ed Herring Rd., LaGrange
17413	County Line Rd., LaGrange
9225	915 E. Gordon St.
9103	403 Mitchell St.
9114	407 Mitchell St.
13362	507 S. Trianon St.
11858	1018 Liberty Hill Rd.

Upon a motion by Mr. Humphrey and a second by Ms. Sutton, Item No. 14 was unanimously approved.

Item No. 15 was a Resolution Approving Purchase of Fingerprint Verifying Software & Equipment: \$4,500. Mr. Hill stated Approximately one month ago the Sheriff was authorized by the Board of Commissions to purchase fingerprint equipment from AFIX technologies. This equipment would allow jail staff to begin fingerprinting inmates, which would then be forwarded to a database. Latent fingerprints recovered from crime scenes could then be scanned and searched against the database for possible matches. A third benefit of this system is the ability of jail staff to have the fingerprint of an inmate cross-checked in the AFIX system to determine the identity of the inmate during the booking and release process. This system will work in conjunction with the other AFIX equipment that has already been purchased. These systems are utilized in various jails and prisons in North Carolina and across the nation. The Sheriff respectfully requests the Board of Commissioners to permit the Sheriff to execute a purchase order with AFIX technologies, Inc. for the purchase of the Verifier fingerprint software and reader equipment. The funds for this purchase will come from the SCAAP reimbursement funds, which must be utilized for the purchase of jail-related equipment or services. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 15 was unanimously approved.

Item No. 16 was a Resolution Appointing Citizens to Boards, Commissions, Etc. The following reflects existing vacancies and appointments. Item was tabled.

<u>BOARD/COMMITTEE/COMMISSION</u>	<u>APPLICANT/ CURRENT MEMBER</u>	<u>TERM EXPIRATION</u>
Juvenile Crime Prevention Council 1 st Appearance	Ella M. Clark Joey Huff Luberta Parker Chris Rogerson (Re-Appointment) Glenn Elmore Wanda H. Jordan Bobby R. Lambert Tara Taylor (Appointments)	June 2011 M: Brown S: Sutton

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), Four (4) and Alternate
- Grifton Planning Board – One (1) Vacancy
- CJPP – Three (3) Vacancies
- Kinston Board of Adjustment – Two (2) ETJ Members; (1) Primary – (1) Alternate

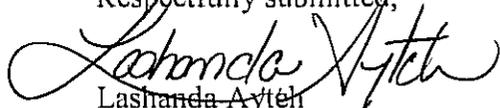
CLOSED SESSION

Upon a motion by Mr. Davis and a second by Ms. Brown, and unanimous approval, closed session was entered at approximately 10:05 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. The Board took no action during closed session. Upon a motion by Ms. Brown and a second by Mr. Stroud, the Board moved out of closed session at 10:31 a.m.

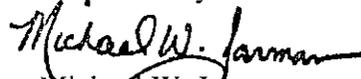
OPEN SESSION AND ADJOURNMENT

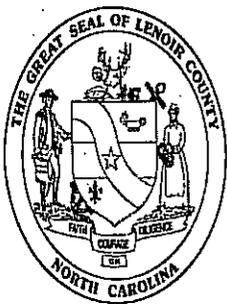
Upon a motion by Ms. Brown and a second by Mr. Stroud Open Session re-convened at 10:32 a.m. Mr. Graham stated a possible contract was discussed, no action was taken. Mr. Graham stated within the next 18 months all County Commissioners would be required to go through ethics training. The NCACC will be sending out a template resolution to be adopted by each Board in regards to ethics procedures. Mr. Graham informed the Board of the Commissioners dinner that will be held on December 21, 2009 at 6:00 p.m. at the Baron and the Beef. Mr. Jarman informed the Board of the Employee Christmas Luncheon that will be held on December 18, 2009 at 11:30 a.m. Upon a motion by Mr. Graham and a second by Mr. Stroud, the Board adjourned at 10:38 a.m.

Respectfully submitted,


Lashanda Aytel
Clerk to the Board

Reviewed By


Michael W. Jarman
County Manager



BUDGET ORDINANCE AMENDMENT:
 General Fund:
 DSS:
 \$3873.00 Decrease

Item No. 4

LENOIR COUNTY, NORTH CAROLINA
 BUDGET AMENDMENT REQUEST

FY 09/10
 Appropriations

Budget Amendment # _____
 Date Approved _____

Distribution - Finance Office:

FUND		DEPARTMENT		LINE ITEM DESCRIPTION	
GENERAL		SOCIAL SERVICES		VARIOUS	
Check One Box New Appropriation: <input checked="" 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		
DECREASE		DECREASE			
103531.3001		105350.4983			
ADMINISTRATIVE REIMBURSEMENT	\$ (3,873.00)	TANF DOMESTIC VIOLENCE	\$ (3,873.00)		
Total	\$ (3,873.00)	Total	\$ (3,873.00)		

Reason and Justification for Request:

Line item adjustments to reflect allocation received. No County match required.

Department Head Approval	Date	Finance Officer Approval	Date
	10-14-09		
Budget Officer Approval	Date		
	10/14/09		
Board Approval (When Applicable)	Date	Date of Minutes	

Finance Office - Copy

Department - Copy

Administration - Copy



LENOIR COUNTY, NORTH CAROLINA
BUDGET AMENDMENT REQUEST

FY 2009-2010

Appropriations

Budget Amendment # _____

Date Approved _____

Distribution - Finance Office:

FUND GENERAL		DEPARTMENT HEALTH		LINE ITEM DESCRIPTION VARIOUS			
Check One Box New Appropriation: <input checked="" type="checkbox"/> XX Line Item Transfer: <input type="checkbox"/>				Check One Box New Appropriation: <input checked="" type="checkbox"/> XX Line Item Transfer: <input type="checkbox"/>			
REVENUES				EXPENDITURES			
Account # and Title		Amount	Account # and Title		Amount		
<u>INCREASE</u>			<u>INCREASE</u>				
10-3516-3302			<u>IMMUNIZATION PROGRAM</u>				
Immunization Action Program (State)		7,000.00	10-5114-2900	Immuniz- Program Supplies	Capacity		7,000.00
		7,000.00	Total				7,000.00

Reason and Justification for Request:

Additional state funding provided to assist in purchase of equipment to ensure adequate and properly functioning services.

Department Head Approval *[Signature]* Date 10/7/09

Finance Officer Approval *Marta A. Marti* Date 10/9/09

Budget Officer Approval *[Signature]* Date 10/13/09

Board Approval (When Applicable) _____ Date _____ Date of Minutes _____

BUDGET ORDINANCE AMENDMENT: SOLID WASTE FUND: LANDFILL: \$18,500. INCREASE



LENOIR COUNTY, NORTH CAROLINA
BUDGET AMENDMENT REQUEST

FY 2009 - 2010
 Appropriations

Budget Amendment # _____
 Date Approved _____

Distribution - Finance Office:

FUND		DEPARTMENT		LINE ITEM DESCRIPTION	
SOLID WASTE		LANDFILL		VARIOUS	
Check One Box New Appropriation: <input checked="" 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>			
66-3835-8201 SALE OF FIXED ASSETS	18,500.00	66-4720-2120 UNIFORMS	10,000.00		
		66-4720-3520 MAINT/REPAIRS-EQUIPMENT	7,100.00		
		66-4720-3995 COMISSION-SALE OF ASSETS	1,400.00		
Total	18,500.00	Total	18,500.00		

Reason and Justification for Request:
 BUDGET AMENDMENT TO APPROPRIATE THE FUNDS FROM THE SALE OF FIXED ASSETS.

Department Head Approval <i>Jamie T. Martin</i>	Date 10/12/09	Finance Officer Approval <i>Martha H. Martin</i>	Date 10/9/09
Budget Officer Approval <i>Michael W. Jarmon</i>	Date 10/13/09		
Board Approval (When Applicable)	Date	Date of Minutes	



LENOIR COUNTY, NORTH CAROLINA
BUDGET AMENDMENT REQUEST

FY 2009-2010

Appropriations

Budget Amendment # _____

Date Approved _____

Distribution - Finance Office:

FUND GENERAL		DEPARTMENT HEALTH		LINE ITEM DESCRIPTION VARIOUS	
Check One Box New Appropriation: <input checked="" type="checkbox"/> XX Line Item Transfer: <input type="checkbox"/>			Check One Box New Appropriation: <input checked="" type="checkbox"/> XX Line Item Transfer: <input type="checkbox"/>		
REVENUES			EXPENDITURES		
Account # and Title	Amount	Account # and Title	Amount		
INCREASE		INCREASE			
BIOTERRORISM PROGRAM		BIOTERRORISM PROGRAM			
10-3511-3301		10-5190-1210	Salaries	22,774.00	
Bioterrorism Program (State)	33,664.00	10-5190-1270	Bonuses	100.00	
		10-5190-1275	Longevity	181.00	
		10-5190-1810	Employer-FICA	1,429.00	
		10-5190-1811	Employer-Medicare	335.00	
		10-5190-1820	Employer-Retirement	1,147.00	
		10-5190-1830	Employer-Group Insurance	2,904.00	
		10-5190-1870	Employer-401K	1,147.00	
		10-5190-2900	Other Supplies	3,647.00	
	33,664.00	Total		33,664.00	

Reason and Justification for Request:

Additional state funding provided to support Bioterrorism Program.

Department Head Approval *[Signature]* Date 10/6/09

Finance Officer Approval *[Signature]* Date 10/7/09

Budget Officer Approval *[Signature]* Date 10/8/09

Board Approval (When Applicable) Date _____ Date of Minutes _____

Item No. 8

BUDGET ORDINANCE AMENDMENT: CAPITAL IMPROVEMENTS FUND:
ECONOMIC DEVELOPMENT: \$75,000. INCREASE



LENOIR COUNTY, NORTH CAROLINA
BUDGET AMENDMENT REQUEST

FY 2009 - 2010
Appropriations

Budget Amendment # _____
Date Approved _____

Distribution - Finance Office:

FUND		DEPARTMENT		LINE ITEM DESCRIPTION	
CAPITAL IMPROVEMENTS		ECONOMIC DEVELOPMENT		40-	WEST PHARM-NO. 2-STATE ONE NC
				40-	GRANT-WEST PHARM NO. 2-ST ONE NC
Check One Box New Appropriation: <input checked="" 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>		
40-3980-9830			40-4920-5842		
40- GRANT-WEST PHARM NO. 2-ST ONE NC		75,000.00	40- WEST PHARM NO. 2-STATE ONE NC		75,000.00
Total		75,000.00	Total		75,000.00
Reason and Justification for Request:					
BUDGET AMENDMENT TO SET UP THE WEST PHARM NO. 2 STATE ONE NC GRANT FUNDS. THIS IS 1/4 OF A GRANT OF \$300,000, FROM THE NORTH CAROLINA DEPT. OF COMMERCE, ONE NC AWARDED TO WEST ON OCTOBER 28, 2007. THIS IS A PERFORMANCE BASED GRANT, WITH THE BALANCE OF THE GRANT TO BE AWARDED AT 25% INTERVEALS WHEN COMPANY REACHES THE NEXT 25% OF ITS NEW JOBS AND HAS MADE ITS REQUIRED INVESTMENT. THIS IS A PASS-THROUGH GRANT - THE COUNTY WILL WRITE A CHECK TO WEST PHARMA IN THE AMOUNT OF THE GRANT, \$75,000					
Department Head Approval		Date	Finance Officer Approval		Date
<i>[Signature]</i>		10-9-2009	<i>[Signature]</i>		10/9/09
Budget Officer Approval		Date			
<i>[Signature]</i>		10/12/09			
Board Approval (When Applicable)		Date	Date of Minutes		

Finance Office - Copy

Department - Copy

Administration - Copy

**FACT Act (2003) ORDINANCE
COUNTY OF LENOIR, NORTH CAROLINA**

TO ESTABLISH AN IDENTITY THEFT DETECTION AND PREVENTION PROGRAM UTILIZING GUIDELINES SET FORTH IN THE FEDERAL FACT Act (2003).

WHEREAS pursuant to federal law the Federal Trade Commission adopted Identity Theft Rules requiring the creation of certain policies relating to the use of consumer reports, address discrepancy and the detection, prevention and mitigation of identity theft;

WHEREAS, the Federal Trade Commission regulations, adopted as 16 CFR § 681.2 require creditors, as defined by 15 U.S.C. § 168a(r)(5) to adopt red flag policies to prevent and mitigate identity theft with respect to covered accounts;

WHEREAS 15 U.S.C. § 1681a(r)(5) cites 15 U.S.C. § 1691a, which defines a creditor as a person that extends, renews or continues credit, and defines 'credit' in part as the right to purchase property or services and defer payment therefore;

WHEREAS the Federal Trade Commission regulations include utility companies in the definition of creditor;

WHEREAS the County of Lenoir is a creditor with respect to 16 CFR § 681.2 by virtue of accepting payment for certain County services in arrears;

WHEREAS the Federal Trade Commission regulations define "covered account" in part as an account that a creditor provides for personal, family or household purposes that is designed to allow multiple payments or transactions;

WHEREAS the Federal Trade Commission regulations require each creditor to adopt an Identity Theft Prevention Program which will use red flags to detect, prevent and mitigate identity theft related to information used in covered accounts;

WHEREAS customer accounts for emergency medical services, health services, property tax payments, certain finance office transactions, certain social service programs, solid waste disposal, and inspections services, for which payment is made after the product is consumed or the service has otherwise been provided, are covered accounts by virtue of being for household purposes and allowing for multiple payments or transactions;

WHEREAS the Federal Trade Commission regulations, adopted as 16 CFR 681.1, require users of consumer credit reports to develop policies and procedures relating to address discrepancies between information provided by a consumer and information provided by a consumer credit company;

WHEREAS the County of Lenoir uses consumer credit reports to establish various customer accounts; and

WHEREAS the duly elected governing authority of the County of Lenoir is the Board of County Commissioners thereof;

Now therefore be it ordained that the County of Lenoir adopts the following Identity Theft Detection and Prevention Program:

Section 1

Identity Theft Detection and Prevention Program

Section 1.1 Purpose:

Lenoir County recognizes its responsibility to safeguard customer's personal information during its collection, recording, and handling within all County departments. The purpose of this ordinance is to create an Identity Theft Detection and Prevention Program that complies with 16 CFR § 681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags, and by responding to such red flags in a manner that will prevent identity theft.

Section 1.2 Scope:

The policies incorporated in this ordinance apply to management and all personnel of the County of Lenoir. The following represents a policy for the development of an Identity Theft Detection and Prevention Program. Any part or the whole of the policies and procedures written and developed will be incorporated into the program where appropriate. This does not replace, but rather supplements, any of the County of Lenoir's current policies.

Section 1.3 Responsibility:

The County of Lenoir must protect its customer data and implement policies and procedures by November 1, 2009 that meet standards established by the Federal Trade Commission regarding Identity Theft Red Flag Rules. Thereafter, the County of Lenoir will continually monitor and report the program's integrity, completeness, and deficiencies. The program will be reviewed and amended annually as needed.

Section 1.4 Definitions:

- (a) 'County' means the County of Lenoir.
- (b) 'Covered account' means (i) An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, covered account, checking account, or savings account; and (ii) Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

- (c) 'Credit' means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.
- (d) 'Creditor' means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes covered companies and telecommunications companies.
- (e) 'Customer' means a person that has a covered account with a creditor.
- (f) 'Identity theft' means a fraud committed or attempted using identifying information of another person without authority.
- (g) 'Person' means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.
- (h) 'Personal Identifying Information' means a person's credit card account information, debit card information, bank account information and drivers' license information and for a natural person includes their social security number, mother's birth name, and date of birth.
- (i) 'Red flag' means a pattern, practice, or specific activity that indicates the possible existence of identity theft.
- (j) 'Service provider' means a person that provides a service directly to the County.

Section 1.5 Privacy Committee:

The County's Privacy Committee is established to create, implement and monitor the program. A Privacy Officer functions as the head of the committee and reports to a member of Senior Administration. The Privacy Officer is responsible for oversight of the program and for program implementation. The members of the Privacy Committee and their roles follows:

Senior Administration	Michael W. Jarman Thomas L. Hollowell	Supplying resources to establish a proactive identity theft program
Human Resources	Rose Fox Sharon Formy-Duval	Personnel information and identity theft training
Management Information Systems	Joey Bryan	Data and network security
Privacy Officer	Joey Huff, Health Director, or his designee	Coordinates audit studies and reviews patterns of incidents

Section 1.6 Policies and Procedures:

The following red flags are potential indicators of fraud. Any time a red flag, or a situation closely resembling a red flag is apparent, it shall be investigated for verification. Once potential fraudulent activity is detected, an employee must act quickly to protect customers and the County from damages and loss.

<u>Flag / Alerts</u>	<u>Action</u>	<u>Mitigation (Steps to Control Losses)</u>
Consumer report indicates fraud or active duty alert	Notify the customer about the alert and ask them to contact the Credit Reporting Agency to resolve the issue	Do not open the account
Credit freeze	Notify the customer about the alert and ask them to contact the Credit Reporting Agency to resolve the issue	Do not open the account
Notice of address discrepancy	Ask the customer to verify their previous and current addresses with supporting documentation if necessary	If customer is unable to verify addresses, open the account and notify the Credit Reporting Agency of new verified address according to address discrepancy policy

Presentation of Suspicious Documents

Identification documents appear altered or forged	Ask the customer to visit the issuing agency (DMV) and get an acceptable copy of the suspicious document	Do not open the account
Photo / physical description Does not match applicant	Ask the customer to visit the issuing agency (DMV) and get an updated copy of the identification document	Do not open the account
Other information on ID is inconsistent with information given on the application. Example-last name is different	Ask the customer to verify the inconsistent information with supporting documentation such as marriage certificate, social security card or other acceptable identification	If customer is able to verify information, no further action should be necessary
Information in existing file is inconsistent with information provided. Example-signatures do not match signature card	Inform the customer of the discrepancy and ask the customer to verify the inconsistent information with supporting documentation such as signature or driver's license	It may be appropriate to notify law enforcement if a customer, who is able to verify his identity to you, believes his signature card has previously been forged in connection with identity theft
Application looks altered or forged or destroyed and reassembled	Ask customer to fill out another application in the office and verify all suspicious information	Do not open the account unless you are able to verify the information on the application

Suspicious Personal Identifying Information:

Identification is inconsistent with external source. Example- address v. address on consumer report	Ask the customer to verify their previous and current address with supporting documentation if necessary	If customer is able to verify addresses, open the account and notify the Credit Reporting Agency of new verified address according to address discrepancy policy
Social Security number not issued or is on Death Master file	Tell the customer about the discrepancy and ask them to contact the Social Security office to resolve the issue	Do not open the account
Inconsistent information, such as lack of correlation between date of birth & social security number	Ask the customer to verify the information with supporting documentation such as social security card and driver's license	If customer is unable to verify information, no further action should be necessary
Applicant fails to provide all personal ID requested	Inform the customer of the requirements to open an account and direct them to where they can obtain this documentation if they do not already have it	Do not open the account unless you are able to verify their identity with other types of acceptable documentation
Change of billing address is followed by request for adding properties to the account (or shortly following the notification of a change in address, the county receives a request for the addition of authorized users on the account)	Verify the identity of all persons requesting address change, adding properties, or changing authorized users	If you are able to verify the identity of the person making the request, then no further action should be necessary
Payments are made in a manner associated with fraud. Example- deposit or initial payment is made and no payments are made thereafter	Contact the customer	Close inactive accounts after a reasonable period of time
Mail sent to customer is repeatedly returned	Contact the customer to verify the correct billing address	If you are able to verify the correct address and then change the address on file, no further action is necessary
Customer notifies the county that they are not receiving their bill	Verify the identity of the customer and then verify the correct address	If you are able to verify the correct address and then change the address on file, no further action is necessary
The County is notified of unauthorized charges or transactions in connection with a customer's account	Ask the customer to supply documentation regarding the possible identity theft such as an affidavit or police report	Notify law enforcement

Notice of Theft:

County is notified by law enforcement officials that it has opened a fraudulent account for a person engaged in identity theft	Follow the instructions of law enforcement officials	Depending on what law enforcement asks you to do, you may close or closely monitor the account
--	--	--

Section 1.7 Updates to the Plan:

At least annually, County Administration will review all incidents of potential or actual security breaches and report findings and recommendations to the County Manager. These findings will be reported to the Board of Commissioners.

Section 1.8 Training:

Staff training shall be conducted for all employees and officials for whom it is reasonably foreseeable may come into contact with accounts or personally identifiable information that may constitute a risk to the County or its customers. Each Department Head shall be responsible for conducting identity theft training for their respective personnel as well as maintaining records showing that each employee receives annual training in all elements of this policy. Employees may receive additional training as changes are made to the program. All employees who manage and work with sensitive and confidential information will be required to read and sign the Sensitive Information User Agreement (see Appendix A) which will be maintained in the employee's personnel file.

Section 1.9 Administration, Maintenance and Storage of Sensitive and Confidential Information:

Employees with access to sensitive and confidential information are required to create, handle, maintain, and dispose of such information with prudent care in order to ensure proper security. Access to sensitive and confidential information will be limited and only provided in order for authorized employees and contractual third parties to perform essential tasks for County business.

The following procedures shall be followed while creating, handling, maintaining, storing and disposing of sensitive information:

- (a) Enter information directly to a final destination (i.e. computer system) and refrain from documenting the information in other areas.
- (b) If sensitive information is written on paper for reference, shred immediately upon recording the information in the final destination.
- (c) Electronic payment data should be handled by authorized personnel and only the last 4 digits of the customer's credit or debit card account number should be visible on reports.
- (d) If credit card payments are received over the internet and processed through a third party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that it is applicable to such payments.
- (e) All credit card payments received over the telephone or the County's web-site shall be entered directly into the customer's account information in the computer data base.
- (f) Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or bank account used for payment of the covered account.
- (g) Sensitive information should not be included on e-mails.

- (h) Sensitive information should not be included on printed reports except as needed for the performance of essential tasks.
- (i) Maintain documents that contain sensitive information in a secured room and limit access to the area.
- (j) If possible, utilize encryption to secure information in the database or storage system.
- (k) Do not leave a computer unattended if sensitive information could be assessed by unauthorized individuals. While away from the computer, log off or lock the workstation.
- (l) Do not store files with sensitive information on laptops or on flash drives unless the information and the device can be secured and not accessible to unauthorized persons.
- (m) Take reasonable measures when destroying sensitive data that will prohibit the information from being read or reconstructed. Documents with sensitive data should be shredded by the individual who has authorized access to the data or by another employee in the presence of the authorized employee. The County may enter into a written contract with a third party in the business of record destruction to destroy sensitive information in a manner consistent with this program.

In order to protect sensitive and confidential information, the County will only release sensitive information to the account holder or individuals who own the information upon confirmation of personal identifying information or a valid picture ID. The confirmed account holder or individual may authorize the release of sensitive information to a third party. Confidential information will only be released in accordance with state statutes. The only exception will be the release of specified information pursuant to a court order, warrant, subpoena or other requirement by law.

Section 1.10 Sensitive and Confidential Information Breach Response Plan:

If an employee deems that a breach has occurred, the employee shall immediately notify his or her immediate supervisor, who in turn immediately notifies the Privacy Officer. The Privacy Officer will initiate an investigation. The Privacy Officer will be charged with determining the type of breach that has occurred and the steps that will be taken. The Privacy Officer will work directly with department heads and supervisors to establish how the breach occurred as well as work to prevent any further breaches from occurring. The Privacy Officer will be charged with completing the appropriate form, Identity Theft Prevention Program Incident Report (Appendix B) and maintaining these for reporting purposes to County Administration and the Board of Commissioners as requested or at a minimum annually.

APPENDIX A

LENOIR COUNTY IDENTITY THEFT DETECTION AND PREVENTION PROGRAM

SENSITIVE INFORMATION USER AGREEMENT

I have read the Security of Sensitive and Confidential Information and Breach Plan policy for the County of Lenoir, North Carolina and understand how to properly manage, maintain, store, and dispose of sensitive and confidential information at the County of Lenoir. I will abide by the policy and will handle sensitive and confidential information with prudent care in order to ensure proper security of the information.

In the event of a suspected or actual breach of sensitive and confidential information, I will notify my immediate supervisor without delay and follow the breach response plan.

I understand that negligent handling or inappropriate use of the County's sensitive and confidential information will be subject to disciplinary action up to and including dismissal and may be criminally and civilly prosecuted as allowed by law.

I have read, understand, and agree to the conditions above.

Printed name of employee _____

Department / Division _____

Signature of employee _____

Date signed _____

Witnessed by _____

APPENDIX B

**IDENTITY THEFT DETECTION AND PREVENTION PROGRAM INCIDENT REPORT
FOR THE COUNTY OF LENOIR, NORTH CAROLINA**

It is the policy of the County of Lenoir to provide an Identity Theft Detection and Prevention Program for customers and employees. The purpose of this report is to promote continued evaluation of the effectiveness of current policies and procedures in compliance with the FACT Act (2003). This document will be used as a tool to make recommendations for changes to the program due to evolving risk and methods of theft.

DATE _____

EMPLOYEE _____

INCIDENT / SIGNIFICANT EVENT

MANAGEMENT RESPONSE

MITIGATION

Section 2

The preamble to this ordinance is hereby incorporated into this ordinance as if set out fully herein.

Section 3

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 4

The adoption date of this ordinance is October 19, 2009

Section 5

The effective date of this ordinance is November 1, 2009

ORDAINED by the Board of Commissioners of the County of Lenoir this the 19 day of October, 2009

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Graham _____ Stroud _____ Brown _____ Davis _____ Hunphrey _____
Pharo _____ Sutton _____

ATTEST:

By _____
Clerk to the Board

George W. Graham, Jr., Chairman
10-19-09
Date

INTRODUCED BY: Michael Jarman, County Manager **DATE:** 10/19/09 **ITEM NO.:** 10A

Resolution Authorizing Approval for the Lenoir County Emergency Services Department to Conduct Criminal History Background Checks on Employees

SUBJECT AREA: Legal

ACTION REQUESTED:

Authorize the approval of Lenoir County-Emergency Services Department to conduct criminal background checks through the SBI-(State Bureau of Investigations) and DCI- (Division of Criminal Investigations) on final applicants for employment with the Lenoir County Emergency Services Department. This action will require an Ordinance and must be in the State Bureau of Investigation's format.

HISTORY/BACKGROUND:

The Lenoir County Emergency Services Department has been using the Lenoir County Sheriff's Office to conduct the background checks for hiring employees for our department. This is a prerequisite for employment. This is for full and part-time employees. The Ordinance to be adopted is pursuant to the authority vested in Lenoir County by General Assembly of the State of North Carolina in Sections 153A-11 and 153A-12 of the North Carolina General Statutes.

EVALUATION:

The Emergency Services Department recommends adoption of this Resolution and the Ordinance that accompanies it to conduct criminal history background checks on final applicants for the Emergency Services Department.

MANAGER'S RECOMMENDATION:

Respectfully recommend approval.

Initials

RESOLUTION: NOW THEREFORE, BE IT RESOLVED by the Lenoir County Board of Commissioners that an Ordinance, which is attached and made a part of this resolution by reference for the Emergency Services Department to conduct criminal history checks on final applicants for the Emergency Services Department be approved.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Davis _____ Graham _____ Humphrey _____

Pharo _____ Stroud _____ Sutton _____

George W. Graham Jr., Chairman 10/19/09
Date

ATTEST 10/19/09
Date

LENOIR COUNTY CRIMINAL HISTORY CHECK ORDINANCE

This Ordinance adopted by the Lenoir County Board of Commissioners is to provide a policy and procedures for conducting criminal history checks through SBI/DCI on final applicants for employment with Lenoir County. This ordinance is adopted pursuant to the authority vested in Lenoir County by the General Assembly of the State of North Carolina in Sections 153A-11 and 153A-12 of the North Carolina General Statutes.

1. In order to protect the citizens of the county and their properties, the procedures herein are established to provide for fingerprinting and criminal history checks on all final applicants for regular full and part-time positions in the county government. Subject to Division C of this section, employment with the county may be denied for those persons convicted of any crime against a person, or crimes against property where intent is an element, or any drug or gambling related offense.
 - (A) The County Manager, or designee, may conduct an investigation of any final candidate for a permanent full-time or part-time position with the county government and it shall be a precondition of employment that an applicant for such a position shall, upon request, provide fingerprints and all other necessary personal identification including a birth certificate, social security number and driver's license, if available, so that the County Manager, or designee may cause a thorough search to be made of local and state criminal records to determine if the applicant has a history of criminal convictions or the crimes enumerated above by use of the Division of Criminal Information Network (DCI).
 - (B) Lenoir County Emergency Services shall provide the findings from the use of the DCI to the County Manager, or designee, provided that all necessary agreements with the State Bureau of Investigations Division of Criminal Information have been executed.

- (C) An evaluation of any crime for purpose of employment will take into account the nature and the circumstance of the offense and the time frame of the offense as it relates to the essential job functions or the position applied.
 - (D) Prior to denial or termination of employment based upon criminal history record information (CHRI) received from Lenoir County Emergency Services, the County Manager or designee, shall verify the existence of a record by either obtaining a certified public record or by submitting a fingerprint card of the individual to the criminal information and identification section for verification that the CHRI record belongs to the individual.
2. If this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given separate effect and to that end the provisions of this Ordinance are declared to be severable.
 3. Any Ordinance or any part of an Ordinance in conflict with this Ordinance, to the extent of such conflict, is hereby repealed.
 4. This Ordinance is adopted in the interest of public health, safety, and general welfare of the inhabitants of Lenoir County, North Carolina, and shall be in full force and effect from and after its adoption.

ADOPTED the 19th day of October 2009.

Clerk to the Board

Lenoir County Board of Commissioners

Approved by:

(seal)

CERTIFICATION

I, Lashanda Aytch, Lenoir County Clerk to the Board, do hereby certify that the above is a true copy of the CRIMINAL HISTORY CHECK ORDINANCE adopted and approved by the Lenoir County Board of Commissioners on the 19th day of October 2009.

INTRODUCED BY: Michael Jarman, County Manager **DATE:** 10/19/09 **ITEM NO.:** 11

Resolution Authorizing the Purchase of Additional Items to
Upgrade Existing Furniture Items NTE: \$2,734

SUBJECT AREA: Financial

ACTION REQUESTED:

Authorize the purchase of additional items, slatwall inserts, fabric inserts and florescent lamps to upgrade existing furniture positions from Wrightline at a cost not to exceed \$2,734.00, from budget line 24-4320-5100.

HISTORY/BACKGROUND:

There are currently six- (6) dispatch workstations in the Communications Center. The Non-Emergency Transport dispatch station and the supervisor station were recently added. These new furniture stations are a new, more user friendly design for the Telecommunicator, reversing the slatwall and fabric inserts for functionality. The existing four- (4) stations have the old design, which creates a problem with functionality. By upgrading the four- (4) older stations, not only will this allow for increased functionality, but will allow for an aesthetic workplace, with all six- (6) stations being identical in look and design.

EVALUATION:

This purchase is necessary to allow the Communications Center to be a fully functionally, aesthetically pleasing workplace.

MANAGER'S RECOMMENDATION:

Respectfully recommend approval.

Initials

RESOLUTION: NOW THEREFORE, BE IT RESOLVED by the Lenoir County Board of Commissioners that the Lenoir County Emergency Management Department is authorized to purchase additional items: slatwall inserts, fabric inserts and florescent lamps to upgrade the existing furniture stations, from Wrightline, at a cost not to exceed \$2,734.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Davis _____ Graham _____ Humphrey _____

Pharo _____ Stroud _____ Sutton _____

George W. Graham Jr., Chairman 10/19/09
Date

ATTEST 10/19/09
Date

INTRODUCED BY: Michael Jarman, County Manager **DATE:** 10/19/09 **ITEM NO.:** 12

Resolution Approving Purchase of an Interface to the LSS Fingerprint Machine: \$3,900

SUBJECT AREA: Financial

ACTION REQUESTED:

The Board is requested to authorize the Sheriff to execute a purchase order with MorphoTrak for the purchase of an interface between the AFIX tracker (fingerprint database) and the LSS livescan machine.

HISTORY / BACKGROUND:

The Sheriff's Office is currently installing a new fingerprint system (AFIX) which will Catalog fingerprints of persons who are incarcerated in the Lenoir County jail. The new system will also compare latent fingerprints from crime scenes to the database of known fingerprints collected in the jail and on the LSS livescan fingerprint machine. To funnel the fingerprints taken from people charged with felonies, an interface must be established between the LSS livescan machine and the AFIX system.

EVALUATION:

The LSS livescan machine is a Motorola (MorphoTrak) product. The interface with the livescan machine was quoted by MorphoTrak for \$3900. There are no other vendors that can provide this interface except for the company that designed the livescan machine. The funding for the interface connection will come from state controlled substance tax revenues. These funds are not derived from tax revenues and will not impact the general fund.

MANAGER'S RECOMMENDATION:

Respectfully Request Approval.

Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that the Sheriff is permitted to execute a purchase order with MorphoTrak for the purchase of an interface with the LSS livescan fingerprint machine.

MorphoTrak----- \$3,900

Funding Account #: 16-4317-5999 \$3,900

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Humphrey _____ Sutton _____ Stroud _____ Graham _____

Pharo _____ Brown _____ Davis _____

George Graham, Chairman 10/19/09
Date

ATTEST 10/19/09
Date

INTRODUCED BY: Michael Jarman, County Manager **DATE:** 10/19/09 **ITEM NO.:** 13

Resolution Approving Two Deeds of Easement for Water & Sewer Lines Between Lenoir County and the City of Kinston for Sanderson Farms Feed Mill and Hatchery Sites

SUBJECT AREA: Economic Development

ACTION REQUESTED:

To approve the attached two Deeds of Easement between Lenoir County and the City of Kinston.

HISTORY/BACKGROUND:

On April 25, 2008 Sanderson Farms announced plans to construct a state-of-the-art poultry complex comprised of a new poultry processing plant, feed mill, hatchery and spray field that will create approximately 1,650 new jobs at full capacity and will require 130 new contract growers in the area to support. On June 26, 2008, Sanderson Farms announced the construction would be delayed due to the high cost of corn and grain created by the flooding in the mid-west.

On July 23, 2009, Sanderson Farms Board of Directors approved to proceed with the construction and start-up of the Company's Kinston, NC poultry complex. Construction of the facilities has begun with initial operation of the new complex scheduled to begin during the first quarter of fiscal 2011. As part of the incentives, Lenoir County and the City of Kinston purchased and swapped land with the State of NC for location of the Hatchery and Feed Mill sites.

EVALUATION:

The attached deeds for easement between Lenoir County and the City of Kinston will allow for water and sewer to be provided to the Feed Mill and Hatchery sites.

MANAGER'S RECOMMENDATION:

Respectfully recommend approval.

Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the **Lenoir County Board of Commissioners** that the attached two Deeds of Easement between Lenoir County and the City of Kinston, dated October 19, 2009, and incorporated by reference into this resolution, be approved; and be it further resolved that the Chairman of the Lenoir County Board of Commissioners is authorized to execute these agreements on behalf of Lenoir County.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Davis _____ Graham _____ Humphrey _____

Pharo _____ Stroud _____ Sutton _____

George W. Graham Jr., Chairman 10/19/09
Date

ATTEST 10/19/09
Date

STATE OF NORTH CAROLINA

DEED OF EASEMENT

COUNTY OF LENOIR

Prepared by: Henry D. McLean

THIS DEED OF EASEMENT, made and entered into this _____ day of Oct., 2009, by and between **LENOIR COUNTY**, a municipal corporation and body politic (hereinafter referred to as "first party"), to the **CITY OF KINSTON**, a municipal corporation and body politic (hereinafter referred to as "second party"):

WITNESSETH:

WHEREAS, first party 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 that Deed recorded in Deed Book, 1563 Page 206, Lenoir County Registry; and

WHEREAS, second party desires to acquire an easement for the purposes of construction, installation and maintenance of a water line, sewer 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.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and in further consideration of the terms and conditions hereinafter set forth, first parties hereby grant and convey to second party, its successors and assigns, the rights, privileges and easement, more specifically described as follows:

Page Two - Easement

1. The right, privilege and easement, now and hereafter, to construct, install, improve, remove, enlarge, duplicate, replace, inspect, repair and maintain a water line, sewer line, and other general utilities, in, over, across, upon, through and under the easement area described as follows:

Beginning at a point on the western edge of an existing 20 foot utility easement, said point being located S 82-25-39 W, 20.00 feet of an existing iron pipe located at grid coordinates N=555,054.890 feet E=2,403,184.533 feet depicted on the Utility/Ingress - Egress Map attached as Exhibit "A" and incorporated herein by reference, running thence from point of beginning along the southern property line of the County of Lenoir S 82-25-39 W, 190.01 feet to a point; thence N 06-56-49 W, 50.00 feet to a point; thence N 82-25-39 E, 50.00 feet to a point; thence S 06-56-49 E, 20.00 feet to the point; thence N 82-25-39 E, 140.01 feet to a point on the western edge of an existing 20 foot utility easement; thence with said existing easement S 06-56-49 E, 30 feet to the point of beginning. Being a portion of the property described in Deed Book 1563, Page 206, Lenoir County Registry.

2. The right of ingress and egress to and from the same on, over and through the lands of the first parties for the purposes of constructing, installing, inspecting, repairing, improving, removing, enlarging, duplicating, replacing and maintaining the aforesaid water line and other general utilities and the appurtenant appliances and fixtures necessary or convenient thereto.

TO HAVE AND TO HOLD the aforesaid rights, privileges and easement unto second party, its successors and assigns, subject to the following conditions:

1. All construction shall be carried out by second party or its duly authorized agent or employees.

2. All maintenance of the water line, sewer line, and other general utilities to be installed upon the above referenced easement shall be the duty and responsibility of second party or its authorized agent or employees.

Page Three - Easement

3. All work to be undertaken by second party or its duly authorized agent or employees shall be performed in a workmanlike manner, and upon completion, the premises shall be returned as nearly as possible to their condition prior to construction.

IN TESTIMONY WHEREOF, first parties have executed and sealed this instrument in the manner prescribed by law, the day and year first above written.

(Seal)

LENOIR COUNTY

BY: _____
GEORGE W. GRAHAM, JR., CHAIRMAN
BOARD OF COMMISSIONERS

ATTEST:

LASHANDA AYTCH
CLERK TO THE BOARD

STATE OF NORTH CAROLINA
COUNTY OF LENOIR

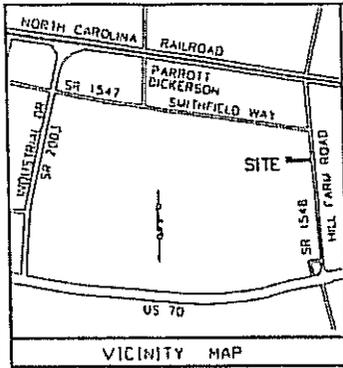
I _____ a Notary Public of said County and State, certify that Lashanda Aytch, personally appeared before this day and acknowledged that she is Clerk to the Board of Commissioners of Lenoir County, a municipal corporation and body politic, and that by authority duly given as the act of the corporation,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

Witness my hand and notarial seal, this _____ day of _____, 2009

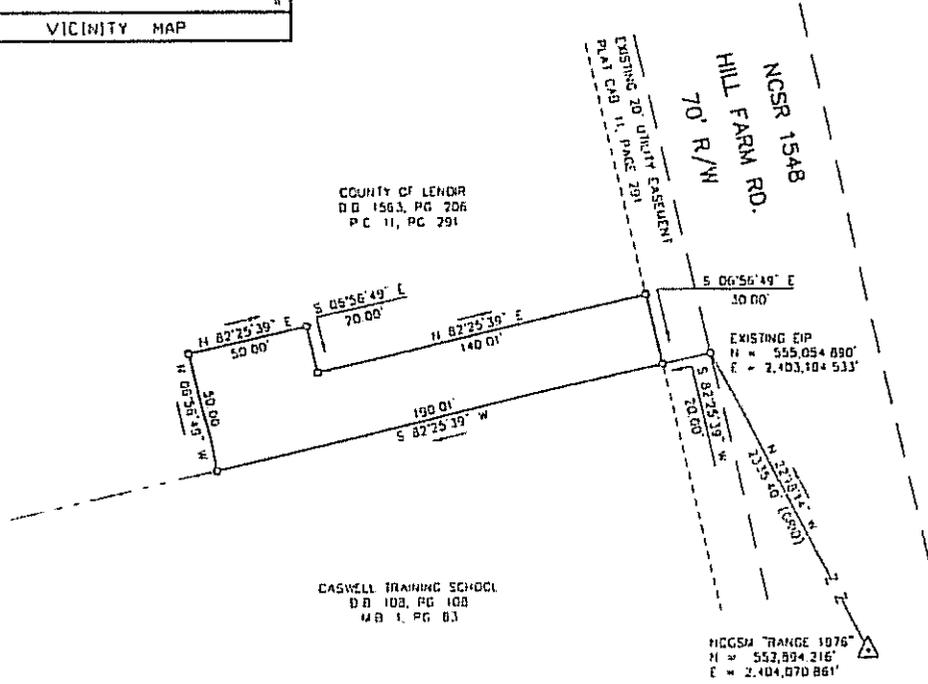
(NOTARY SEAL)

Notary Public

My commission expires: _____



ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS IN FEET AND DECIMALS THEREOF UNLESS NOTED OTHERWISE COMBINED SCALE FACTOR = 0.000073



COUNTY OF LENOIR
D.B. 1563, PG. 206
P.C. 11, PG. 291

CASWELL TRAINING SCHOOL
D.B. 108, PG. 108
M.B. 1, PG. 03

NCGSM RANGE 1076
N = 552,894.216'
E = 2,104,070.861'

MAP FOR DESCRIPTION
**SANDERSON HATCHERY SITE
UTILITY / INGRESS-EGRESS
EASEMENT
FOR THE
CITY OF KINSTON**

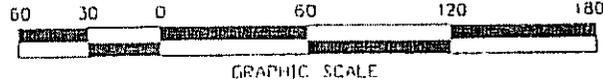
EASEMENT AREA = 0.15 AC ±

LEGEND

- PG. = PAGE
- D.B. = DEED BOOK
- P.C. = PLAT CABINET
- Z-Z- = LINE NOT TO SCALE
- PROPERTY LINE = - - - - -
- RIGHT OF WAY = - - - - -
- EASEMENT BOUNDARY = - - - - -

FALLING CREEK TOWNSHIP
LENOIR COUNTY, N.C.

DATE SEPTEMBER 14, 2009
SCALE: 1" = 60'



I, Michael D. Blackburn, certify that this plat was drawn under my supervision from an actual survey made under my supervision; that the ratio of precision for the field survey, as calculated by latitudes and departures before any adjustments is 1 / 10,000; that the boundaries not surveyed are shown as broken lines platted from information found in (Deed, Map) Plat Cab 11, Page 291, that this plat was prepared in accordance with Standards of Practice, as amended. Witness my original signature, registration number and seal this 14th day of September, A. D. 2009. I hereby certify that the survey is of another category to wit: an exception to the definition of subdivision.

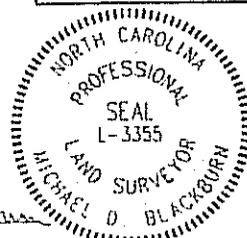
Michael D. Blackburn
1-3355

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

STATE OF NORTH CAROLINA

DEED OF EASEMENT

COUNTY OF LENOIR

Prepared by: Henry D. McLean

THIS DEED OF EASEMENT, made and entered into this _____ day of Oct., 2009, by and between LENOIR COUNTY, a municipal corporation and body politic (hereinafter referred to as "first party"), to the CITY OF KINSTON, a municipal corporation and body politic. (hereinafter referred to as "second party"):

W I T N E S S E T H:

WHEREAS, first party 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 that Deed recorded in Deed Book, 1563 Page 206. Lenoir County Registry; and

WHEREAS, second party desires to acquire an easement for the purposes of construction, installation and maintenance of a water line, sewer line, 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.

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and in further consideration of the terms and conditions hereinafter set forth, first parties hereby grant and convey to second party, its successors and assigns, the rights, privileges and easement, more specifically described as follows:

Page Two - Easement

1. The right, privilege and easement, now and hereafter, to construct, install, improve, remove, enlarge, duplicate, replace, inspect, repair and maintain a water line, sewer line, electric line, and other general utilities, in, over, across, upon, through and under the easement area described as follows:

Beginning at a point, located at grid coordinates N=558,705.569 feet E=2,398,116.613 feet depicted on the Utility Easement Map attached as Exhibit "A" and incorporated herein by reference, said point of beginning being located N 45-41-45 W, 8321.21 from North Carolina Geodetic Survey Monument "Range 1976", located at grid coordinates N=552,894.216 feet E=2,404,070.861 feet and running thence from point of beginning with the curve of a propose right of way having a radius of 1,701.08 feet and a chord bearing of N 34-41-24 E, 45.55 feet to a point; thence S 83-53-02 E, 445.22 feet to a point; thence S 06-06-58 W, 40.00 feet to a point; thence N 083-53-02 W, 467.00 feet to the point of beginning. Being a portion of the property described in Deed Book 1563, Page 206, Lenoir County Registry.

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

TO HAVE AND TO HOLD the aforesaid rights, privileges and easement unto second party, its successors and assigns, subject to the following conditions:

1. All construction shall be carried out by second party or its duly authorized agent or employees.

2. All maintenance of the water line, sewer line, electric line, and other general utilities to be installed upon the above referenced easement shall be the duty and responsibility of second party or its authorized agent or employees.

Page Three - Easement

3. All work to be undertaken by second party or its duly authorized agent or employees shall be performed in a workmanlike manner. and upon completion. the premises shall be returned as nearly as possible to their condition prior to construction.

IN TESTIMONY WHEREOF, first parties have executed and sealed this instrument in the manner prescribed by law, the day and year first above written.

(Seal)

LENOIR COUNTY

BY: _____
GEORGE W. GRAHAM, JR., CHAIRMAN
BOARD OF COMMISSIONERS

ATTEST:

LASHANDA AYTCH
CLERK TO THE BOARD

STATE OF NORTH CAROLINA
COUNTY OF LENOIR

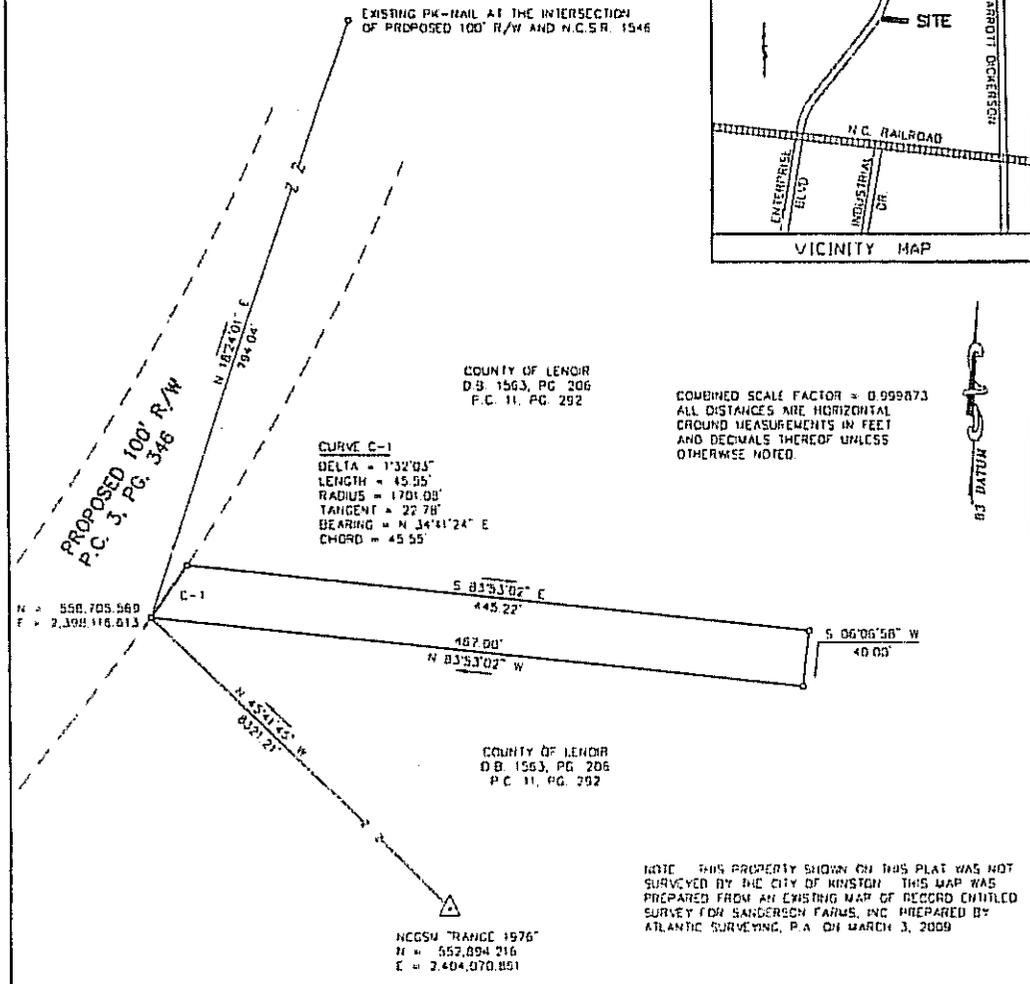
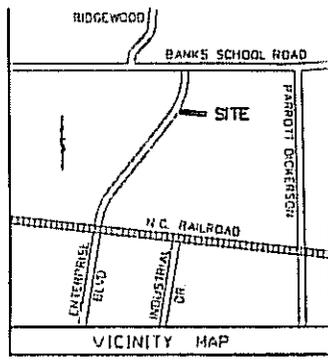
I _____ a Notary Public of said County and State. certify that Lashanda Aytch. personally appeared before this day and acknowledged that she is Clerk to the Board of Commissioners of Lenoir County, a municipal corporation and body politic. and that by authority duly given as the act of the corporation,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

Witness my hand and notarial seal, this _____ day of _____, 2009

(NOTARY SEAL)

Notary Public

My commission expires: _____



COUNTY OF LENOIR
D.B. 1563, PG. 206
P.C. 11, PG. 292

COMBINED SCALE FACTOR = 0.999873
ALL DISTANCES ARE HORIZONTAL
GROUND MEASUREMENTS IN FEET
AND DECIMALS THEREOF UNLESS
OTHERWISE NOTED.

CURVE C-1
DELTA = 132°03'
LENGTH = 45.55'
RADIUS = 1701.08'
TANGENT = 22.78'
BEARING = N 34°41'24" E
CHORD = 45.55'

COUNTY OF LENOIR
D.B. 1563, PG. 206
P.C. 11, PG. 292

NOTE: THIS PROPERTY SHOWN ON THIS PLAT WAS NOT SURVEYED BY THE CITY OF KINSTON. THIS MAP WAS PREPARED FROM AN EXISTING MAP OF RECORD ENTITLED SURVEY FOR SANDERSON FARMS, INC. PREPARED BY ATLANTIC SURVEYING, P.A. ON MARCH 3, 2009.

NCGS "RANGE 1976"
N = 552,094.216
E = 2,404,070.851

MAP FOR DESCRIPTION
**SANDERSON FEED MILL SITE
UTILITY EASEMENT
FOR THE
CITY OF KINSTON**

EASEMENT AREA = 0.42 AC.±

- LEGEND**
 PG = PAGE
 D.B. = DEED BOOK
 P.C. = PLAT CABINET
 EPK = EXISTING PK-NAIL
 —Z— = LINE NOT TO SCALE
 RIGHT OF WAY = - - - - -
 EASEMENT BOUNDARY = ————

FALLING CREEK TOWNSHIP DATE: SEPTEMBER 14, 2009
 LENOIR COUNTY, N.C. SCALE: 1" = 100'

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 is not calculated; that the boundaries not surveyed are shown as broken lines plotted from information found in (Deed, Map) Book 1563, Page 206; that this plat was prepared in accordance with Standards of Practice, as amended. Witness my original signature, registration number and seal this 14th day of September A.D. 2009. 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 Jarman, County Manager **DATE:** 10/19/09 **ITEM NO.** 14

Resolution Authorizing the Award of a Contract to Ormond Utilities for Highway 70 West Industrial Park Water Line Project: \$338,016.80

SUBJECT AREA: Bids

ACTION REQUESTED:

Award bid for the Highway 70 Industrial Park Water Line Project to Ormond Utilities in the amount of \$307,288.00, with a 10% contingency of \$30,728.80 for a total award of \$338,016.80.

HISTORY/BACKGROUND:

The Highway 70 Industrial Park with the expansions and growth, has a shortage of water and sewer infrastructure. As a result the City of Kinston and Lenoir County have partnered to apply for grants to complete the needed infrastructure. The Highway 70 Industrial Park Water Line Project involves the extension of 16" and 12" water lines along Enterprise Boulevard, Smithfield Way and Hill Farm Road. Completion of the project will eliminate existing dead end water lines and provide more reliable water service and improved water pressure in the industrial park, benefiting industries such as West Pharmaceuticals, Smithfield Packing, Sanderson Farms and the new shell building. The location of the extension is shown on the attached map.

The total estimated cost of the project was \$551,267.20. Lenoir County has applied for and been awarded a grant of \$275,633.60 from the North Carolina Rural Center and a grant of \$253,173.60 from the North Carolina Department of Commerce, with a \$22,460.00 cash match by the City of Kinston. The granting agencies will require that the cash match be spent first, then grant funds will reimburse the remaining cost of the project. Unused grant money will be returned to the granting agencies. City of Kinston advertised the project and bids were opened September 14, 2009. Fourteen bids were submitted and after careful review of the bids received, the City of Kinston staff recommends this bid be awarded to Ormond Utilities. Ormond Utilities was the lowest responsive bidder with a bid of \$307,288.00, with a 10% contingency of \$30,728.80 for a total award of \$338,016.80.

EVALUATION:

On July 21, 2008 the Lenoir County Board of Commissioners approved "Authorizing Resolution by Governing Body of the Applicant: NC Economic Infrastructure Program" to apply for the grant.

Lenoir County has applied for and been awarded two grants for this project: NC Rural Center in the amount of \$275,633.60 and NC Department of Commerce in the amount of \$253,173.60—totaling \$528,807.20.

MANAGER'S RECOMMENDATION:

Respectfully recommend approval.

Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED that the Lenoir County Board of Commissioners hereby authorize the award of a contract to Ormond Utilities for the Highway 70 Industrial Park Water Line Project involving the extension of 16" and 12" water lines along Enterprise Boulevard, Smithfield Way and Hill Farm Road (\$307,288.00 with a 10% contingency of \$30,728.80 for a total award of \$338,016.80).

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Davis _____ Graham _____ Humphrey _____

Pharo _____ Stroud _____ Sutton _____

George W. Graham Jr., Chairman 10/19/09
Date

ATTEST 10/19/09
Date



KINSTON PUBLIC SERVICES

Buildings & Grounds, Business Office, Electric, Engineering, Environmental Services,
Fleet Maintenance, Meter Reading, Stormwater, Streets, Wastewater, and Water

Kinston, the right place ... Kinston Public Services, the right choice.



MEMORANDUM

TO: Michael Jarman, County Manager

FROM: Steve Miller, City of Kinston Water Resources Manager *St. Mil*

DATE: October 12, 2009

RE: Award of Contract for Highway 70 Industrial Park Water Line Project

Background:

The Highway 70 Industrial Park Water Line Project involves the extension of 16" and 12" water lines along Enterprise Boulevard, Smithfield Way and Hill Farm Road. Completion of this work will eliminate existing dead end water lines in the industrial park, benefitting industries such as West Pharmaceuticals, Smithfield Packing, Sanderson Farms and the new shell building by providing more reliable water service and improved water pressure. The location of the extension is shown on the attached map.

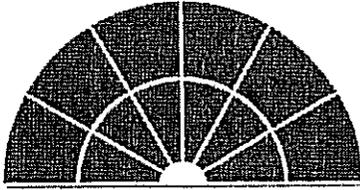
The total estimated cost of the project was \$551,267.20. Lenoir County has applied for and been awarded a grant of \$275,633.60 from the North Carolina Rural Center and a grant of \$253,173.60 from the North Carolina Department of Commerce, with a \$22,460.00 cash match. The granting agencies will require that the cash match be spent first, then grant funds will reimburse the remaining cost of the project. Unused grant money will be returned to the granting agencies.

On September 4, 2009, City of Kinston staff opened bids for this project. Fourteen bids were submitted. After carefully reviewing the bids received, we have found Ormond Utilities to be the lowest responsive bidder with a bid of \$307,288.00. A bid summary of all bids is attached.

Based on our review of the bids, I recommend this bid be awarded to Ormond Utilities in the amount of \$307,288.00, with a 10% contingency of \$30,728.80, for a total award of \$338,016.80.

Action Requested

Award bid for the Highway 70 Industrial Park Water Line Project to Ormond Utilities in the amount of \$307,288.00, with a 10% contingency of \$30,728.80, for a total award of \$338,016.80.



KINSTON PUBLIC SERVICES

Buildings & Grounds Business Office, Electric, Engineering, Environmental Services,
Fleet Maintenance, Meter Reading, Stormwater, Streets, Wastewater, and Water



Kinston, the right place ... Kinston Public Services, the right choice.

MEMORANDUM

TO: Steve Miller, Water Resources Manager

FROM: Henry D. McLean, Engineering Project Manager *HDM*

DATE: September 8, 2009

RE: Bid Results
Phase II Hwy 70 West Industrial Park Waterline Extension (PS 09-04-09)

Sealed bids for the Phase II Hwy 70 West Industrial Park Waterline Extension were opened at 3 p.m. on September 4, 2009. Fourteen bids were received. Three bids were disqualified for not meeting the requirements listed in the bid specifications. Williams Utilities failed to submit the non-collusion affidavit. Landsdown Earth & Pipe failed to submit minority business contract provisions. E&S Backhoe Rental submitted an unsealed bid that was in the form of an proposal, instead of the required bid form. The eleven remaining bids received are tabulated on the attached detailed bid tabulation. A summary of the bids follows:

CONTRACTOR	BID
Williams Utilities	\$302,103.00*
Ormond Utilities	\$307,288.00
Hendrix-Barnhill	\$311,350.40
STEP Construction	\$316,501.50^
T. A. Loving	\$342,280.00
Sappah Brothers	\$355,223.00
State Utility Contractor	\$360,942.00
Wm. J. Keller & Sons	\$377,000.20^
Atwell Construction	\$377,500.00
Landsdown Earth & Pipe	\$380,870.00*
Keen Plumbing	\$394,014.00
Herring-Rivenbark	\$403,785.50
W.O. White, LLC	\$453,222.30
E&S Backhoe Rental	disqualified *

* - disqualified for failing to meet all bidding requirements.

^ - corrected value because of mathematical errors.

As noted several mathematical errors were found, but none were with the apparent low bidder, Ormond Utilities. The errors are as follows:

- STEP Construction
 1. Correct summation is \$316,501.50. Original summation was \$316,506.50.

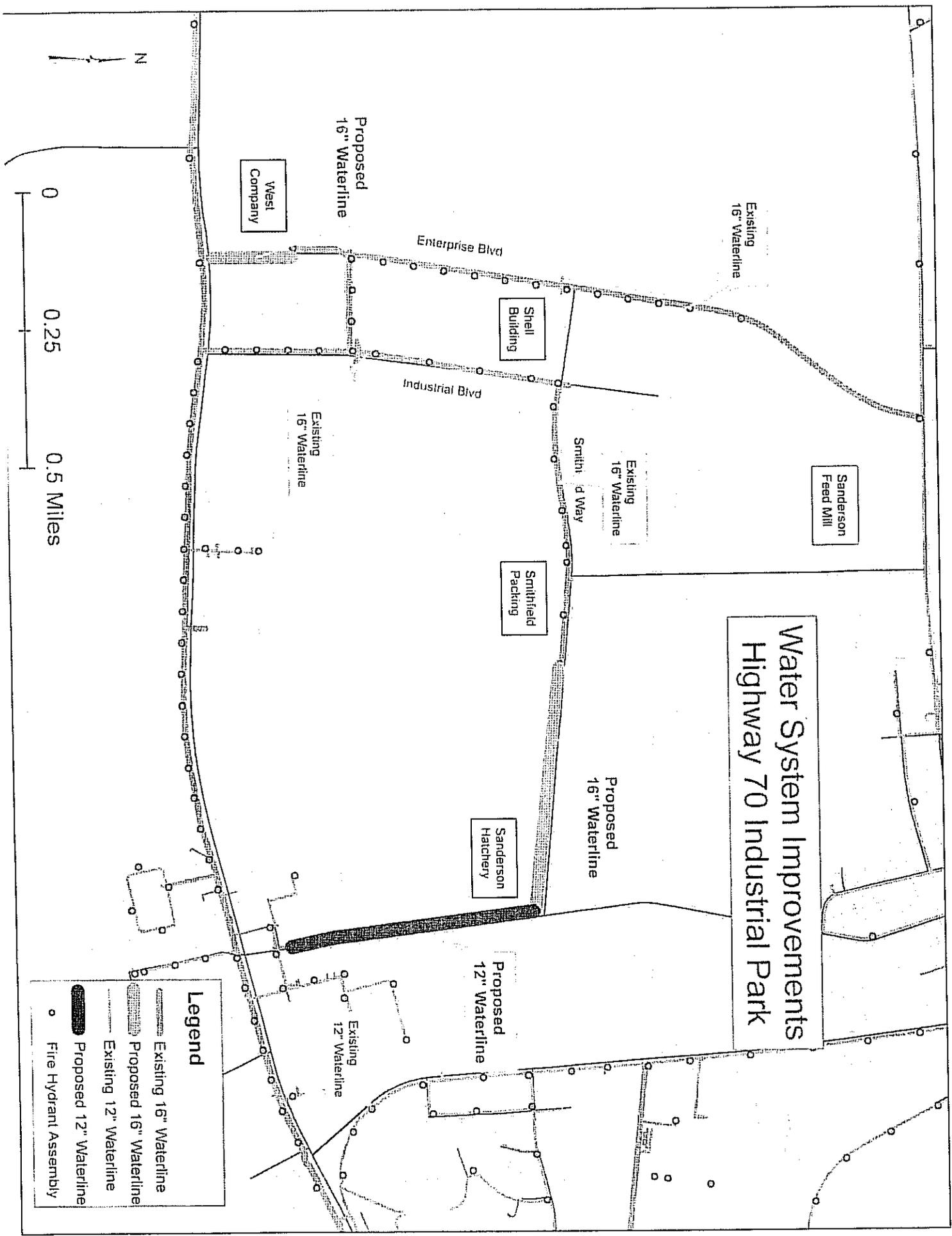
- Wm. J. Keller & Sons
 1. Correct summation is \$377,000.20. Original summation was \$375,959.40.
 2. Error in the line item total for item number 6, 12" ductile Iron Pipe Class 150 waterline. The total for item 6 was incorrectly \$78,840.60. The correct total based upon the quantity and unit price is \$79,881.40.

- Landsdown Earth & Pipe
 1. Correct summation is \$380,870.00. Original summation was \$378,890.00.

- W.O. White, LLC
 1. Correct summation is \$453,222.30. Original summation was \$463,371.30.
 2. Error in the line item total for item number 4, 16" ductile Iron Pipe Class 150 waterline. The total for item 4 was incorrectly totaled \$192,413.10. The correct total based upon the quantity and unit price is \$182,264.10.

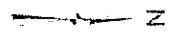
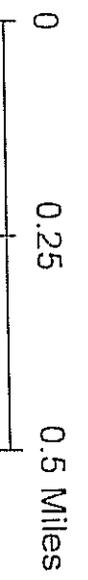
Ormond Utilities provided a bid security in the form of a bid bond of 5 percent. The Noncollusion Affidavit and Minority business contract provisions were completed.

Water System Improvements Highway 70 Industrial Park



Legend

- Existing 16" Waterline
- Proposed 16" Waterline
- Existing 12" Waterline
- Proposed 12" Waterline
- Fire Hydrant Assembly



West Company

Proposed 16" Waterline

Enterprise Blvd

Existing 16" Waterline

Shell Building

Industrial Blvd

Existing 16" Waterline

Smithfield Way

Existing 16" Waterline

Sanderson Feed Mill

Smithfield Packing

Proposed 16" Waterline

Sanderson Hatchery

Proposed 12" Waterline

Existing 12" Waterline

INTRODUCED BY: Michael Jarman, County Manager DATE: 10/19/09 ITEM NO. 15

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. No applications at this time.

<u>BOARD/COMMITTEE/COMMISSION</u>	<u>APPLICANT/ CURRENT MEMBER</u>	<u>TERM EXPIRATION</u>
Criminal Justice Partnership Program (CJPP) 1 st Appearance	Richard Basili (Re-Appointment)	May 2012
Lenoir County Planning Board 1 st Appearance	Barry E. Seay (Alternate)	November 2012

CURRENT VACANCIES:

- Lenoir County Health Board – (1) Veterinarian, (1) Optometrist, (1) Pharmacist
- Lenoir County Planning Board – Districts One (1), Four (4) and Alternate
- Grifton Planning Board – One (1) Vacancy
- CJPP – Three (3) Vacancies
- 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>
Criminal Justice Partnership Program (CJPP) 1 st Appearance	Richard Basili (Re-Appointment)	May 2012
Lenoir County Planning Board 1 st Appearance	Barry E. Seay (Alternate)	November 2012

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Davis _____ Graham _____ Humphrey _____

Pharo _____ Stroud _____ Sutton _____

George W. Graham Jr., Chairman 10/19/09
Date

ATTEST 10/19/09
Date

re appointment

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:

Lenoir County Criminal Justice Partnership / Day Reporting Center

(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: Richard L. Basili

Address: 1011 HARVEY CIRCLE

City/State/Zip: KINSTON, N.C. 28501

Telephone: (Home) 522-5882 (Work) N/A AT PRESENT

Occupation: PURCHASING

Business Address: SAME AS ABOVE

Age: (Optional): _____

Number hours available per month for this position: WHATEVER IT TAKES.

Training: MEMBER SINCE 7-18-07

Business and Civic Experience/Skills: ISM-CV FORMALLY NAPM. 35 YRS., LCMA PRES. 3+ YRS. CURRENT BOARD MEMBER

Other County Boards/Committees/Commissions presently serving on: LCMA GREENELAMP INC. BOARD MEMBER. LENOIR COMMITTEE OF 100 BOARD MEMBER

Expiration date of Term: May 2009

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) |
| <u>K-5 (Spillman Baptist Church)</u> | 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 (Army Reserve Center, Airport) |
| Falling Creek (Banks Elementary School Gym) | 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.

Richard L. Basili
Signature of Applicant

9-25-09
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:

Lenoir County Planning Board (Alternate)

(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: Barry E. Seay
 Address: 2660 Westridge Rd
 City/State/Zip: Kinston, NC 28504
 Telephone: (Home) (252) 560-0627 (Work) (252) 517-3829
 Occupation: Insurance, Real Estate & Tax Preparation
 Business Address: 1609 West Vernon Avenue, Kinston, NC 28504
 Age: (Optional): 48
 Number hours available per month for this position: Flexible, 20+
 Training: See Attached Resume and Addendum
 Business and Civic Experience/Skills: See Attached Resume and Addendum
 Other County Boards/Committees/Commissions presently serving on: None
 Expiration date of Term: N/A

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.

[Signature]
Signature of Applicant

09/05/2009
Date