MINUTES
LENOIR COUNTY BOARD OF COMMISSIONERS
October 19, 2009

The Lenoir County Board of Commissioners met in open session at 4:05 p.m. on Monday, October 19, 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: 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 4:05 p.m. Ms. Brown offered the invocation and Mr. Stroud led the audience in the pledge of allegiance.

PUBLIC INFORMATION:

Mr. Ken Jones, Director of Eastpointe addressed the Board. Mr. Jones stated Eastpointe is a Local Management Entity for services to persons with a mental illness, developmental disability and/or substance abuse issue. Eastpointe serves Wayne, Lenoir, Sampson and Duplin counties; 12,000 clients are served. Revenues last fiscal year total $26 million. Eastpointe's funding has been cut 15 to 22% since September 10th, with an additional 5% cut coming in the near future. There will be major changes to Medicaid services such as elimination of Community Support, elimination of residential services for children, streamlining case management services and a reduction of 5% to Medicaid services. State cuts will result in $179 million shortfall in 2009-10 and an additional $240 million shortfall in 2010-11. Eastpointe is in the process of helping providers prepare for these budget cuts. Eastpointe has monthly provider meetings and has kept the Providers informed at these meetings regarding the budget cuts. Letters were sent to providers on June 29th notifying them of the potential 10 to 20% budget cuts. Eastpointe LME Board of Directors moved $1,000,000 of local funds to offset budget cuts for this fiscal year. Immediate action taken by Eastpointe was to move consumers from 1 and 2 bed group homes to 3, 4, 5 and 6 bed group homes. Contracts were reduced by as much as 10 to 22%, and client visits were reduced to the consumers. For more information regarding Eastpointe call 1-800-513-4002; for an emergency call 1-800-913-6109. The Board thanked Mr. Jones for his presentation.

Mr. Darrell Parrish, Tax Administrator, addressed the Board regarding the Debt Setoff Program. Mr. Parrish stated 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. 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 Department collected over $349,000 in interest. The tax department is in need of new computer software; the current software will not work with the debt setoff program. The Board thanked Mr. Parrish for the information.

ITEMS FROM CHAIRMAN/COMMISSIONERS

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

ITEMS FROM THE COUNTY MANAGER

Item No. 2 was Items from the County Manager. Mr. Hollowell stated Jones County has contacted Lenoir County to discuss partnering with smaller entities to create a regional 911 Center. Mr. Roger Dail, EMS Director has been in communication with Jones County and more information is being reviewed. Mr. Hollowell presented the Board with an Addendum Resolution Declaring Property as Surplus and Authorizing the Sale of the Surplus Property. Mr. Hollowell stated the property at 4776 Mays Store Rd. was omitted from the surplus listing at the October 5th meeting; the property was advertised with the other properties following the last meeting. Upon a motion by Ms. Brown and a second by Mr. Pharo, the addendum was unanimously approved. Mr. Hollowell then presented the Board with the bids that have been received on the properties for their acceptance or denial. Mr. Griffin stated he would like to see the Board consider setting a minimum bid for the surplus properties. Mr. Griffin stated the minimum should be set for at least 50% of the tax value and attorney's fees; more information should be available on each property in order for the Board to make a good decision. Mr. Griffin also suggested more advertisement should be made showing the properties are available for bid. Mr. Davis suggested signage should be placed on the properties so their availability will be known. Upon a motion by Ms. Brown and second by Ms. Sutton the acceptance of bids were tabled for more information. Mr. Hollowell stated the Census 2010 is coming April 1st. Lenoir County is the lead agency for the area in getting community leaders together to stress the importance of the Census. A "Complete Count Committee" is being formed and will meet on November 10th at the Gate Center to meet with Census officials. Mr. Hollowell asked each Board member to stress the importance of the Census to all the citizens of Lenoir County.

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: October 5, 2009 Closed Session Meeting: October 5, 2009	Aytch/Jarman
4.	Budget Ordinance Amendment: General Fund: DSS: $3,873: Decrease	Parrish/Martin
5.	Budget Ordinance Amendment: General Fund: Health (Immunization Program): $7,000: Increase	Huff/Martin

BUDGET ORDINANCE AMENDMENTS/ORDINANCE/RESOLUTIONS

Item No. 6 was a Budget Ordinance Amendment: Solid Waste Fund: Landfill: $18,500: Increase. Mr. Hollowell stated the amendment appropriates the funds from the sale of fixed assets. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 6 was unanimously approved.

Item No. 7 was a Budget Ordinance Amendment: General Fund: Health (Bio-terrorism Program): $33,664: Increase. Mr. Joey Huff, Health Director, addressed the Board. Mr. Huff stated the amendment budgets additional state funding provided to support Bio-terrorism Program. Upon a motion by Mr. Humphrey and a second by Ms. Sutton, Item No. 7 was unanimously approved.

Item No. 8 was a Budget Ordinance Amendment: Capital Improvements Fund: Economic Development: $75,000: Increase. Ms. Martin stated the amendment sets up the West Pharmaceutical No. 2 State One NC Grant Funds. This is ¼ of a $300,000 grant from the North Carolina Dept of Commerce; One NC awarded this grant to West Pharmaceutical on October 26, 2007. This is a performance-based grant, with the balance of the grant to be awarded at 25% intervals. This is a pass-through grant – the County will write a check to West Pharmaceutical in the amount of $75,000. Upon a motion by Mr. Davis and a second by Ms. Brown, Item No. 8 was unanimously approved.

Item No. 9 was an Ordinance to Establish an Identity Theft Detection and Prevention Program Utilizing Guidelines set Forth in the Federal Fact Act (2003). Mr. Hollowell stated 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. 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. 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. 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. 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. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 9 was unanimously approved.

Item No. 10A was a Resolution Authorizing Approval for the Lenoir County Emergency Services Department to Conduct Criminal History Background Checks on Employees. Mr. Dail stated the Lenoir County Emergency Services Department has been using the Lenoir County Sheriff's Office to conduct the background checks for hiring employees for their 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. 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. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 10A was unanimously approved.

Item No. 10B was the Lenoir County Criminal History Check Ordinance. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 10B was unanimously approved.

Item No. 11 was a Resolution Authorizing the Purchase of Additional Items to Upgrade Existing Furniture Items NTE: $2,734. Mr. Dail stated 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, 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. This purchase is necessary to allow the Communications Center to be a fully functionally, aesthetically pleasing workplace. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 11 was unanimously approved.

Item No. 12 was a Resolution Approving Purchase of an Interface to the LSS Fingerprint Machine $3,900. Major Chris Hill of the Lenoir County Sheriff's Department addressed the Board. Mr. Hill stated 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. The LSS livescan machine is a Motorola (MorphoTrak) product. MorphoTrak quoted the interface with the livescan machine for $3,900. 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. Upon a motion by Ms. Sutton and a second by Mr. Pharo, Item No. 12 was unanimously approved.

Item No. 13 was a 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. 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. The 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. Upon a motion by Mr. Davis and a second by Ms. Brown, Item No. 13 was unanimously approved.

Item No. 14 was a Resolution Authorizing the Award of a Contract to Ormond Utilities for Highway 70 West Industrial Park Water Line Project: $338,016.80. Mr. John Jarrell, City Engineer, stated 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. 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. Upon a motion by Ms. Sutton and a second by Mr. Humphrey, Item No. 14 was unanimously approved.

Item No. 15 was a Resolution Appointing Citizens to Boards, Commissions, Etc. The following reflects existing vacancies and appointments. Item was tabled.

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

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

ADJOURNMENT

Upon a motion by Mr. Stroud and a second by Ms. Brown, the Board adjourned at 5:07 p.m.

Respectfully submitted,

Lashanda Aytch
Clerk to the Board

Reviewed By

Michael W. Jarman
County Manager