

**MINUTES**  
**LENOIR COUNTY BOARD OF COMMISSIONERS**  
**November 3, 2008**

The Lenoir County Board of Commissioners met in regular session at 9:00 a.m. on Monday, November 3, 2008 in the Board of Commissioners Main Meeting Room in the Lenoir County Courthouse at 130 S. Queen St., Kinston, NC.

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

Members absent: None

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

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

**PUBLIC INFORMATION**

Proclamation: Salute! To Veterans - Mr. Stroud read the proclamation aloud for the Board and the viewing public. The Board thanked all Veterans for their service and sacrifice.

**ITEMS FROM THE CHAIRMAN/COMMISSIONERS**

No items from Commissioners were discussed.

**ITEMS FROM THE COUNTY MANAGER**

Item No. 2 was Items from the County Manager. Mr. Jarman stated an invitation from the National Guard has been received regarding the deployment of the North Carolina Army National Guard's 230<sup>th</sup> Brigade Support Battalion Company E on November 15, 2008 at 10:00 a.m. The Ceremony will be held at the Bethel Free Will Baptist Church, Highway 258 North, 1936 Banks School Road, Kinston. The Kinston Christmas Parade Committee invites all Commissioners to participate in the Kinston Christmas Parade on Saturday, December 13, 2008. Mr. Jarman stated the Board directed County Administration to obtain more information on the requested Veterans Service Officer. Mr. Jarman stated he has been contacted by members of the Veterans Service Office; they are requesting the opportunity to speak about the request further at the November 17, 2008 Board Meeting. The Board granted the request and will hold all other information pertaining to the request until that time.

**CONSENT AGENDA**

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

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|----|--|---------------|
| 3. | Approval of Minutes: Regular Board Meeting: October 20, 2008                       | Aytch/Jarman  |
| 4. | Budget Ordinance Amendment: General Fund: Finance/Sheriff Dept.: \$3,372: Increase | Jarman/Martin |

## **BUDGET ORDINANCE AMENDMENT/RESOLUTIONS**

Item No. 5 was a Budget Ordinance Amendment: Capital Improvements Fund: Economic Development: \$174,137: Increase. Mr. Tommy Hollowell, Assistant County Manager addressed the Board. Mr. Hollowell stated the amendment budgets a NC Rural Center Building Reuse Grant for Premier Trailers. Lenoir County applied for this grant on behalf of Premier Trailers in January 2008. These funds are being used to retrofit a vacant/unused building for the purpose of stimulating economic development and job creation. The grant was awarded May 21, 2008 and is a pass through grant. Premier Trailer is a new division of Double D Trailers and will be manufacturing a new line of aluminum horse trailers. Upon a motion by Mr. Stroud and a second by Ms. Brown, Item No. 5 was unanimously approved.

Item No. 6 was a Budget Ordinance Amendment: Capital Projects Fund MSW Landfill Cell #2: \$225,000: Increase. Mr. Hollowell stated the amendment, budgets funds in the Capital Projects Fund for the construction of the MSW Landfill Cell #2. The engineering portion of this new cell construction had previously been budgeted in the Solid Waste Fund in the amount of \$225,000. The transfer of this appropriation into the Capital Projects Fund will allow for tracking over consecutive years. Upon a motion by Mr. Davis and a second by Ms. Brown, Item No. 6 was unanimously approved.

Item No. 7 was a Budget Ordinance Amendment: Capital Projects Fund: Jail Expansion Project: \$2,487,450: Increase. Mr. Hollowell stated the amendment Budgets funds for land acquisition, environmental testing, architect/engineer design fees, and construction management fees in the capital project fund for the Lenoir County Jail Expansion Project. Members of the Board and County Administration discussed jail information; upon a motion by Mr. Graham and a second by Ms. Brown, Item No. 6 was approved by a 6 to 1 vote with Mr. Humphrey dissenting.

Item No. 8A was a Resolution Authorizing Lenoir County Cooperative Extension to Continue as Host for Seniors Health Insurance Information Program (SHIIP). Ms. Tammy Kelly, Cooperative Extension Director, addressed the Board. Ms. Kelly stated Lenoir County Cooperative Extension assumed the role of host to the SHIIP Program in FY 2006-2007. A staff of trained volunteer's implements the program; these volunteers are trained and updated by the division of Seniors' Health Insurance Information Program (SHIIP) of the North Carolina Department of Insurance. Currently there are 3-4 trained volunteers who have agreed to continue to provide the consultants with Seniors searching for information. The SHIIP Program is currently housed at Cooperative Extension in several surrounding counties. Upon a motion by Mr. Harper and a second by Ms. Brown, Item No. 8A was unanimously approved.

Item No. 8B was a Budget Ordinance Amendment: General Fund: Process Funds: \$4,200: Increase. Upon a motion by Mr. Harper and a second by Ms. Brown, Item No. 8B was unanimously approved.

Item No. 9 was a Resolution Adopting the Schedules, Standards, and Rules for the January 1, 2009 Revaluation. Mr. Darrell Parrish, Tax Administrator, addressed the Board. Mr. Parrish stated N.C.G.S. 105-317(c) requires that the values, standards, and rules to be used in the county revaluation shall be reviewed and approved by the Board of County Commissioners before January 1 of the year they are applied. The Lenoir County Tax Department has gathered sales data since the last revaluation in 2001.

This data has been analyzed to develop a schedule of values, standards, and rules to be used in the county revaluation January 1, 2009. This schedule of values, standards, and rules is and has been available for public inspection in the assessor's office. A public hearing was held during the Commissioners meeting on October 20, 2008. No objections or concerns have been raised regarding this schedule of values. Upon a motion by Mr. Stroud and a second by Mr. Davis, Item No. 9 was unanimously approved.

Item No. 10 was a Resolution Authorizing Establishment of an Ordinance Levying Tax on Gross Receipts Derived from Retail Short-term Lease on Rental of Heavy Equipment. This resolution constitutes a second appearance/reading before the Board for approval. Mr. Parrish stated pursuant to Senate Bill 1852, the property tax on rental or leased heavy equipment has been repealed effective July 1, 2009. While Senate Bill 1852 repeals the law allowing for property taxation on rental or leased heavy equipment, it also authorizes counties to levy a gross receipts tax of one and two tenths percent (1.2%) as a substitute revenue source. Upon a motion by Mr. Davis and a second by Ms. Brown, Item No. 10 was approved by a 6 to 1 vote with Mr. Humphrey dissenting.

Item No. 11A was a Resolution Approving Purchase Order with Highland Television: \$2,606. Mr. Bill Ellis, Parks and Recreation Director addressed the Board. Mr. Ellis stated the Lenoir County Board of Realtors has donated \$2,500 to the Lenoir County Visitors Center towards the purchase of two (2) 37" flat screen televisions. The televisions will be a welcomed addition to the other equipment utilized by the Visitors Center to promote business and other activities in Kinston-Lenoir County. Upon a motion by Ms. Brown and a second by Mr. Stroud, Item No. 11A was unanimously approved.

Item No. 11B was a Budget Ordinance Amendment: Capital Improvements: Community Development: \$2,500: Increase. Upon a motion by Ms. Brown and a second by Mr. Stroud, Item No. 11B was unanimously approved.

Item No. 12 was a Resolution Approving Purchase Order with Creech's Painting Inc.: \$9,700. Major Chris Hill, Lenoir County Sheriff's Department, addressed the Board. Major Hill stated two (2) cellblocks within the Lenoir County Jail would be converted from a sliding door locking system to a swinging door system locking system. The two cellblocks are also in dire need of new paint. This represents Phase II of the jail door replacement project. Creech's Painting Inc., painted the first two cellblocks during the Phase I project in 2007. The updated quote covers sanding, cleaning, and painting the bars, tables, walls, and metal beds in two cellblocks. Upon a motion by Mr. Harper and a second by Ms. Brown, Item No. 12 was unanimously approved.

Item No. 13 was a Resolution Approving Purchase Order with Royal Coat: \$9,800. Major Hill stated The Lenoir County Jail system consists of two independent jails, one located on the 4<sup>th</sup> floor of the courthouse and the other in the basement. The main jail (basement) consists of five cellblocks, which have cement floors. Over the years the cement floors have been repeatedly painted with epoxy paint. Because of the high foot traffic on these floors, the epoxy paint lasts approximately 6-8 months before they began to show considerable wear. The epoxy paint has worn away leaving the floors uncovered and having an unsightly appearance. The Franklin County Sheriff's Office jail was contacted about a new flooring system they had installed one-year prior. The method utilizes a xylene-based product to cover the floors. According to the representatives of the Franklin County

jail, the floors of the jail were finished as well as other high traffic areas within the courthouse and show no wear. Royal Coat of New Bern provided an estimate of \$4900 per cellblock (1200 sq. ft) to perform the work. The quote includes diamond grinding the floors, applying a penetrating coating and two coats of an acrylic paint with a flake appearance. According to Royal Coat, the coating should last 12-15 years. Royal Coat treated and painted the floors in two cellblocks in 2007. The floors still look exceptional and show little to no wear. The Sheriff only intends to have the floors refinished in the two cellblocks that will undergo a jail door refit. Upon a motion by Mr. Stroud and a second by Mr. Humphrey, Item No. 13 was unanimously approved.

Item No. 14 was a Resolution Approving Contract with Grayco Detention Equipment for Jail Door/Lock Replacement: \$100,900.28. Major Hill stated the current doors slide in a track on rollers and are powered by electric motors. It is routinely reported that jailed inmates have escaped from their jail cells by sabotaging the locking mechanisms. In addition the detention staff is constantly reporting mechanical issues with the jail doors, which necessitates repairs that are expensive. The swinging door system requires little maintenance, is simplistic in its design, and is much less costly. The Sheriff entertained proposals from two different detention equipment vendors. Grayco provided a proposal to convert the entire jail (56 doors) to a swinging door operation for \$235,434. To convert 24 doors in two cellblocks is \$100,900.28. Security Detention Equipment provided a proposal for the same type of work for the cost of \$324,800 (56 doors) or \$139,200 for 24 doors. The Grayco proposal was incorporated into the Jail's 2008-2009 budget. This is phase II of the jail door replacement project. Upon a motion by Mr. Stroud and a second by Ms. Brown, Item No. 14 was approved unanimously approved.

Item No. 15A was a Resolution Approving Sale of Land to State of North Carolina: \$958,750. Mr. Jarman stated the County owns certain parcels of land with road frontage on Hwy 70 west of Kinston, Enterprise Boulevard, Industrial Drive, and Landmark Dive. This land is located in an area known as the Lenoir County Hwy 70 West Industrial Park. The State of North Carolina, through the NC Department of Transportation, wishes to acquire portions of this land in conjunction with the construction of two highway projects: (1) the US 70 Bypass Project and (2) the Crescent Road in Kinston from US 70 to US 258 Project. NC Department of Transportation Designated Parcel #016 involves the purchase of 15.50 acres from Lenoir County for the highway right-of-way at a price of \$388,200. Designated Parcel #018 involves the purchase of 7.06 acres from Lenoir County for the highway right-of-way at a price of \$515,600. Designated Parcel #027 involves the purchase of 2.07 acres from Lenoir County for the highway right-of-way at a price of \$54,950. The NC Department of Transportation has been working with all property owners affected by these highway construction projects and is ready to proceed with construction as soon as all right-of-ways are obtained. Both of these highway projects are essential for the future economic growth and transportation needs of the area. Upon a motion by Mr. Davis and a second by Ms. Brown, Item No. 15A was unanimously approved.

Item No. 15B was a Budget Ordinance Amendment: General Fund: Finance: \$958,750: Increase/Decrease. Upon a motion by Mr. Davis and a second by Ms. Brown, Item No. 15B was unanimously approved.

**APPOINTMENTS**

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

<b><u>BOARD/COMMITTEE/COMMISSION</u></b>	<b><u>APPLICANT/ CURRENT MEMBER</u></b>	<b><u>TERM EXPIRATION</u></b>
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**NO APPLICATIONS FOR APPOINTMENT**

**CURRENT VACANCIES:**

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

**OTHER ITEMS**

Mr. Joey Huff, Health Director addressed the Board. Mr. Huff stated the Lenoir County Health Department has just completed the accreditation process. The accreditation process ensures the department is enforcing public health laws. The Department hopes to receive the findings of the process before the Thanksgiving Holidays; the overall tone was very positive. Accreditation staffers stated the facilities were extremely clean and well maintained, the department is utilizing space efficiently, community collaboration with outside agencies are very good. They spoke highly of the environmental health staff. Mr. Huff also stated the Health Department would be hosting a Flu Clinic on November 7<sup>th</sup> from 8:00 a.m. to Noon and also on November 17<sup>th</sup> from 1 to 5:00 p.m.

**CLOSED SESSION**

Upon a motion by Mr. Taylor and a second by Ms. Brown, and unanimous approval, closed session was entered at approximately 10:07 a.m. and the following cited: Number Six (6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance, by or against an individual public appointment of a member of the public officer or employee. The Closed Session will not include discussion of the appointment of a member of the public body, or a vacancy on the public body, and any final action on appointment, discharge or removal by the public body will be made in open session: 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 heard comments from two former employees of Lenoir County; the Board directed the employees on steps to take to file their complaint with the appropriate agency; the Board took no action. Mr. Jarman updated the Board on the potential purchase price of property. There was no action taken by the Board. Upon a motion by Mr. Harper and a second by Mr. Davis, the Board moved out of closed session at 10:30 a.m.

**OPEN SESSION AND ADJOURNMENT**

Upon a motion by Mr. Harper and a second by Mr. Davis, the Board moved into open session at 10:31 a.m. Mr. Taylor stated a complaint was heard from two former Lenoir County employees, no action was taken. Mr. Jarman updated the Board regarding the purchase of property; the Board took no action. Upon a motion by Mr. Graham and a second by Ms. Brown, the meeting adjourned at 10:31 a.m.

Respectfully submitted,

Reviewed By

Lashanda Aytch  
Clerk to the Board

Michael W. Jarman  
County Manager