Item NO. 3

MINUTES

LENOIR COUNTY BOARD OF COMMISSIONERS

December 2, 2013

The Lenoir County Board of Commissioners met in open session at 9:00 a.m. on Monday, December 2, 2013 in the Board of Commissioners Main Meeting Room in the Lenoir County Courthouse at 130 S. Queen St., Kinston, NC.

Members Present: Chairman Reuben J. Davis, Vice-Chairman Jackie Brown and Commissioners, Roland Best, Mac Daughety, Craig Hill, Eric Rouse, and Linda Rouse Sutton

Members Absent: None

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

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

Election of Chairman **Attorney Robert W. Griffin**
Ms. Sutton nominated Mr. Craig Hill and Mr. Daughety seconded the nomination; there was no opposition to the nomination and no other nominees; Mr. Hill was named Chairman by unanimous approval by the Board – One Year Term.

Election of Vice-Chairman **Attorney Robert W. Griffin**
Ms. Sutton nominated Ms. Jackie Brown and Mr. Best seconded the nomination; there was no opposition to the nomination and no other nominees; Ms. Brown was named Vice-Chairman by unanimous approval by the Board – One Year Term.

There was a three minute recess to allow for congratulations and reorganization.

PUBLIC INFORMATION:

Mr. Mark Pilgreen with the Lenoir County Fair Association addressed the group and said he was asking for permission to extend the current driveway at the Cooperative Extension building. This extension would cross a ditch at the back of the Cooperative Extension property and connect to the fairground parking lot. Mr. Pilgreen said this would not only give the fair more visibility off of Hwy 11, it would also allow for an entrance as well as an exit from the fairgrounds on Hwy 11 during the week of the fair. He also said there would be a gate erected where the driveway would cross the ditch and this would allow Cooperative Extension to access the fairground parking lot for any overflow of parking they may have during different events.

Mr. Jarman asked Tammy Kelly, Cooperative Extension Director if she would come forward and express her feelings as to how she might be impacted by this move. Ms. Kelly said she had

already discussed the traffic issue with her staff, and it had been determined 90% of the fair traffic would take place after 5:00 p.m. She said there may be a scheduling issue with some of the classes they offer at night, but it should be a minor thing. Ms. Kelly also said there may be some resurfacing issues in the parking lot, since there are already holes in the parking lot.

Ms. Brown asked Mr. Pilgreen if the Fair Association would be putting up signs to let people know there was now an access to the fairgrounds off of Hwy 11 and he answered yes. Mr. Rouse asked if the Fair Association would be responsible for upkeep of the road. Mr. Griffin asked if the Fair Association was requesting an easement across the property, and if so, would the responsibility of road maintenance be included in the easement. Mr. Pilgreen said the Fair Association would be willing to maintain the road from the end of the Cooperative Extension parking lot to their property. Mr. Rouse asked the issue be tabled until some of their questions could be answered. Ms. Sutton made a motion to table the request and Mr. Daughety seconded the motion. The decision to table the motion until further information could be derived was unanimous.

Mr. Pilgreen reminded the commissioners several years ago the Fair Association granted permission for the County to build a road for EMS and the trash dropoff site, as well as donating land to the Sheriff Department for an impound lot.

Mr. Hill said the County appreciates all of the work of the Fair Association and the commissioners would discuss this issue at a later date.

ITEMS FROM THE CHAIRMAN/COMMISSIONERS:

Ms. Sutton mentioned LaGrange and Pink Hill had already had very successful Christmas parades.

Mr. Hill stated the Kinston Christmas parade is coming up and encouraged everyone to participate. He also reminded everyone December is a busy month with a lot of activities such as their invitation to LCC, the Lights of Love ceremony at Lenoir Memorial, the dedication of the African American Music Trail and the Downtown Holly Days celebration.

ITEMS FROM THE COUNTY MANAGER:

Mr. Jarman stated the commissioners have their Christmas get together on Monday night, December 16, 2013. He reminded everyone this was "dutch treat" and he will get the details of where it will be held to them.

Mr. Jarman stated there was a request from Eastpointe to designate one commissioner to serve on the County Commissioner Advisory Board. He said this board will probably meet once a quarter and it does not replace the Eastpointe Board already in place. Mr. Hill said Mr. Roland Best had expressed an interest in serving on this board, and by common consent the commissioners agreed to Mr. Best serving in that capacity.

CONSENT AGENDA:

3. Approval of Minutes: Regular Board Meeting: November 18, 2013

4. Resolution Approving the Releases and Refunds to the Individuals Listed Herein.

Upon a motion by Ms. Brown and a second by Mr. Daughety, the consent agenda was unanimously approved.

BUDGET ORDINANCE AMENDMENTS/RESOLUTIONS:

Item No. 5 was a Resolution Supporting the Naming of the Bridge/Overpass as the Dr. George L. Edwards, Jr. Bridge: North Carolina Department of Transportation Mark Pope addressed the group and said there had been special circumstances arise in the Hwy. 70 Industrial Park due to the new roads and overpass. He further stated there had been a special request by NCDOT to name the bridge/overpass directly behind Affordable Dentures in honor of Dr. Edwards. Mr. Pope read much of the resolution expounding on the service of Dr. Edwards and the many benefits still in existence today in Lenoir County as well as other parts of the country, due to the foresight of Dr. Edwards. Upon a motion by Mr. Rouse and a second by Ms. Sutton, Item No. 5 was unanimously approved.

Item No. 6 was a Budget Ordinance Amendment: Trust and Agency Fund: Finance/Extension-Family Caregiver: $7,951: Increase Ms. Tammy Kelly addressed the audience and stated this was additional funding for the Parents as Teachers Program. Upon a motion by Mr. Daughety and a second by Ms. Sutton, Item No. 6 was unanimously approved.

Item No. 7 was a Budget Ordinance Amendment: General Fund: Process Funds: $42,000: Increase Ms. Kelly addressed the group and said these funds were a grant from the NC Tobacco Trust Fund Commission and would be used to correct drainage issues, grade the parking lot and pave a portion of the parking lot in front of the newly remodeled Farmers' Market Annex. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 7 was unanimously approved.

Item No. 8 was a Resolution Approving the Payment of two Invoices to Ernie Everett Site Preparation, Inc. for Parking Lot Renovations at the Lenoir County Farmers' Market: $21,000 and $5,127 Ms. Kelly stated a portion of the work at the Farmers' Market was done back in 2011 with grant funds from RAFI, but there was not enough funding for all improvements to be made at that time. This grant will allow for additional improvements and the same contractor was chosen that was used in the beginning of the improvements project. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 8 was unanimously approved.

Item No. 9-A was a Resolution Authorizing the Lenoir County Health Department to Repay a Medicaid Overpayment to Carolina Care Plan of Eastern Norht Carolina (CCPEC): $100,155 Mr. Joey Huff addressed the group and stated this was to reimburse CCPEC for Medicaid overpayments received during the period from September 2011 through December 2012. Mr. Huff explained the methodology behind how the Health Department received their Medicaid funding and how, due to different circumstances within the department, all of the funds received

had not been expended. Upon a motion by Mr. Rouse and a second by Mr. Daughety, Item No. 9-A was unanimously approved.

Item No. 9-B was a Budget Ordinance Amendment: General Fund: Health: $100,155 Increase Mr. Huff explained this was the Budget Ordinance Amendment appropriating the funds in order to pay back the Medicaid overpayment addressed in Item No. 9-A. Upon a motion by Mr. Rouse and a second by Mr. Daughety, Item No. 9-B was unanimously approved.

Mr. Jarman explained to the group this was just one incidence of the push for transparency and accountability. He also mentioned the County had also been involved in a Medicaid audit for EMS services and was required to pay back $271. He further stated our County's payback was due to a rounding issue, not an oversight, and that many other counties had to pay back much larger amounts, some over $100,000. Mr. Jarman said there would probably be more incidences of audits in the future.

Item No. 10 was a Resolution Authorizing County Administration to Advertise and Interview Candidates for the Position of Clerk to the Lenoir County Board of Commissioners Mr. Jarman addressed the group and said due to various reasons, Administration has operated without a clerk for about 50% of the time over the past three years. He said during the budget discussions, whenever the clerk's position was taken out, he had said he might come back before them and ask for the position to be reinstated. Mr. Jarman stated he was asking for this position to be reinstated due to many reasons. He said there are many different issues. Some of these issues involved tasks that are not being performed properly due to a lack of continuity, there are things that are just not getting done, such as keeping up with boards and board vacancies and there are issues with scheduling the use of public facilities. Mr. Jarman said with no one person responsible for the tasks, there is no person to hold responsible. He also said with the upcoming budget process, someone is needed to coordinate and process the budget information, and the ones currently taking on the additional responsibilities need to be focused on the budget.

Ms. Sutton made a motion to reinstate and fill the position of Clerk to the Board.

Mr. Best asked if this was the same position previously held by Ms. Roberts? Mr. Jarman answered yes and said this process would be handled by HR and the position would be offered for in-house applicants first, in order to give everyone a fair chance. Mr. Best asked if a person already employed was qualified, did they still have to go through the hiring process? Ms. Brown asked if applications had to go through HR for HR to approve? Mr. Jarman answered all of the applications would go to HR, but each department manager has the opportunity to choose the applicants for the interview process.

Mr. Rouse asked if this position could be filled with a part-time employee? Mr. Jarman said there would be the same issue of shuffling job duties to other people whenever that person was not at work. Mr. Rouse then asked if the budget could be kept neutral by eliminating a position somewhere else? Mr. Rouse made a motion to amend Ms. Sutton's motion to include eliminating a position somewhere else. Mr. Jarman said he was not comfortable with eliminating positions in other departments, and due to cuts already made, there are no positions that can be eliminated at this time. Mr. Hill said there should be some savings due to not having someone in this position

for the first half of the year. Mr. Jarman said there were other departments that may be cutting positions in the upcoming year.

Mr. Jarman said not having a clerk is currently stretching his existing staff and this may be something that can be addressed in the upcoming budget process, but not at this time. He also said he was back before the commissioners with this request because the citizens were not being served. Ms. Sutton agreed. She said there needs to be consistency in the position, and she currently doesn't know how to direct people with questions/needs.

Mr. Davis seconded Ms. Sutton motion to reinstate the Clerk to the Board position.

Mr. Daughety said he agreed the position could be reinstated as long as the budget remained neutral, and seconded Mr. Rouse's amendment. He said the citizens had already been hit by a tax increase for FY13-14.

The question was called for the amendment made by Mr. Rouse and seconded by Mr. Daughety. The motion failed – Mr. Rouse and Mr. Daughety were the only yes votes.

The question was called for the original motion made by Ms. Sutton and seconded by Mr. Davis to reinstate the Clerk to the Board position. Item No. 10 passed with Mr. Rouse and Mr. Daughety casting the only dissenting votes.

Mr. Jarman reminded everyone the tax increase approved with the FY 13-14 budget was earmarked 100% for debt service on the school bonds that the citizens of the County approved.

Item No. 11 was a Resolution Approving the Installation of a Fiber Connection between the Lenoir County Courthouse and the New MIS Building Located at 103 S. McLewean Street: East Coast Power and Lighting: $9,739 Joey Bryan addressed the group and said in order for his department to move to the newly remodeled building at 103 S. McLewean Street, new 12 strand fiber would have to be installed to allow for data and voice connectivity. He said several options had been explored, but the cheaper method was to tie into the existing cable that comes out by the Administration building and run it over to the McLewean Street building. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 11 was unanimously approved.

Item No. 12 was a Resolution Declaring Property as Surplus and Authorizing the Sale of the Surplus Property by Auction Mr. Jarman addressed the group and said there was one van from Transit, several old trucks and other equipment the Sheriff's Department had acquired through Federal Surplus that were in need of disposal. He also said these items would be posted on Govdeals.com. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 12 was unanimously approved.

Item No. 13 was a Resolution Authorizing Award of Contract for Asbestos Abatement Services: 2011 CDBG Catalyst Project: Eastern Environmental, Inc.: $1,783 Martha Martin addressed the group and said bids were taken on Friday, November 22, 2013 for both CDBG projects for asbestos abatement, demolition and the provision and installation of modular homes. Ms. Martin said this resolution was for the abatement of asbestos from two homes in the Catalyst project.

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

Item No. 14 was a Resolution Authorizing Award of Contracts for Asbestos Abatement Services: 2012 CDBG Scattered Site Project: Enviro Assessments East, Inc.: $1,200 and Eastern Environment, Inc.: $995 Ms. Martin stated this resolution was for the abatement of asbestos in the two homes approved for the 2012 Scattered Site project. Upon a motion by Ms. Sutton and a second by Mr. Best, Item No. 14 was unanimously approved.

Item No. 15 was a Resolution Authorizing Award of Contract for Demolition Services: 2011 CDBG Catalyst Project: Rick Bostic Construction and Demolition: $9,749 Ms. Martin said this resolution was for the demolition and clearance of two dwellings in the Catalyst Project. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 15 was unanimously approved.

Item No. 16 was a Resolution Authorizing Award of Contracts for Demolition Services: 2012 CDBG Scattered Site Project: Bobby Cahoon Construction, Inc.: $5,580 and Rick Bostic Construction and Demolition, Inc.: $4,973 Ms. Martin stated bids were taken for the demolition and clearance of three structures in the Scattered Site project. Two of these are being approved today and are for the candidates chosen for the project, while the third bid is for the alternate candidate. This alternate beneficiary will not receive any assistance unless for some reason one of the two chosen candidates does not participate, or if the County receives additional funding. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 16 was unanimously approved.

Item No. 17 was a Resolution Authorizing Award of Contract for Provision and Installation Services of Modular Homes: 2011 CDBG Catalyst Project: Atlantic Housing, Inc.: $157,935 Ms. Martin said bids were taken for the provision and installation of two modular homes in the Catalyst project and Atlantic Housing, Inc. was the lowest bidder. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 17 was unanimously approved.

Item No. 18 was a Resolution Authorizing Award of Contract for Provision and Installation Services of Modular Homes: 2012 CDBG Scattered Site Project: Atlantic Housing, Inc.: $173,263 Ms. Martin stated bids were taken for the provision and installation of three modular homes in the Scattered Site project, and as was stated in Item No. 16, the third bid will only be used if the third beneficiary becomes eligible. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 18 was unanimously approved.

Item No. 19 was a Resolution Authorizing Submittal of FY14-15 Community Services Block Grant (CSBG) Application by Greene Lamp: $287,834 Ms. Mary Lovick, CSBG Program Director addressed the group and said her appearance today was to make the commissioners aware of their application and allow for a thirty day review period. She said the commissioners would not need to vote on allowing them to make application until the first meeting of Janaury 2014. Ms. Lovick also introduced Ms. Angela Bates, Executive Director of Greene Lamp. Ms. Brown commended Ms. Bates for a job well done in the selling of plates for their 2nd annual BBQ fund raiser. No action was taken.

Item No. 20 was a Resolution to Allow Sheriff Chris Hill to Purchase a Canine Vehicle: $26,330 Sheriff Hill addressed the group and said his department had recently purchased two additional canines. Due to these purchases, two new canine equipped vehicles are required. One of the existing Ford Crown Victorias will be converted to one of the canine units. Sheriff Hill explained the current State Contract vehicle, the Dodge Charger is not large enough for the other canine vehicle. A 2014 Ford Police Interceptor was available in Wilmington, and is what a lot of the surrounding counties currently use for regular patrol and canine operations. Since the cost of this vehicle is more than the state contract price of the Dodge Charger, the difference in the cost will be paid using Federally Seized Property Funds. Upon a motion by Ms. Sutton and a second by Mr. Best, Item No. 20 was unanimously approved.

Item No. 21 was a Resolution to Allow Sheriff Chris Hill to Purchase a Vehicle: $38,378.50 Sheriff Hill said this resolution was to allow for the purchase of a 2013 Chevy Tahoe for his use. His current Ford Crown Victoria is an older model, but doesn't have many miles, so it will be outfitted for one of the canine vehicles. Sheriff Hill explored many different vehicle options and went with the durability, comfort and compatibility of the Tahoe. He said this vehicle was not on state contract, so the difference between the state contract price of the Dodge Charger and the Chevy Tahoe will be paid from Federally Seized Property Funds. Mr. Jarman reminded the Board that the policy of the County is to replace eight Sheriff's vehicles per year in order to keep a fully functional fleet, but in FY12-13 in order to save money, there were no new vehicles purchased. Upon a motion by Ms. Sutton and a second by Mr. Best, the motion passed with Mr. Daughety casting the only dissenting vote.

Item No. 22 was a Resolution to Allow Sheriff Chris Hill to Purchase Six (6) 2014 Dodge Chargers: $136,710 Sheriff Hill stated the state contract price for the 2014 Dodge Chargers was actually a little less than last year's price. He also said each year, except for FY12-13, the Sheriff's Department replaces eight vehicles in order to maintain a fleet of vehicles with less than 125,000 miles. Upon a motion by Ms. Sutton and a second by Mr. Best, Item No. 22 was unanimously approved.

Item No. 23 was a Resolution Requesting to Disperse Lenoir County's Net Share of Funds from the North Carolina's Eastern Region Mr. Jarman addressed the group and said this resolution was to approve Administration requesting the funds derived from the additional motor vehicle registration tax within the Global Transpark area currently being held by the Eastern Region. He said HB107 allows a County from the Eastern Region to receive a disbursement of its share of the motor vehicle registration tax proceeds. Any funds received from this disbursement may be used by the County for economic development purposes, including the provision of land, buildings, facilities, programs, information and data systems, or infrastructure required to promote business or industry in the County. He also said the Eastern Region will no longer exist after June 30, 2014, and it is not sure at this time if the County will remain in the new Eastern Alliance. Mr. Jarman also said this resolution ties in with Item No. 24, which asks permission to pay off the existing loan the County has outstanding with the Eastern Region. Upon a motion by Mr. Daughety and a second by Ms. Sutton, Item No. 23 was unanimously approved.

Item No. 24 was a Resolution Approving to Pay-off the Outstanding Loan with the North Carolina's Eastern Region for Industrial Shell Building #3: $1,450,100 Mr. Jarman stated if we

request from the Eastern Region what we are owed before we pay off the debt, we will only receive about $171,000. He said if we don't pay off the loan and leave it with the Eastern Region, the loan would go to the State at June 30, 2014, and the County would have to pay the State a service fee for handling the loan. Mr. Jarman went on to say the County has pushed for involvement in regional development in the past, but now he is not sure how the County needs to proceed with the dissolution of the Eastern Region. He did say the County had time to make a decision as to what we want to do in the future.

Mr. Hill said this is a good time to ask the Eastern Region for our funds, but he doesn't think the County needs to pull out of the Eastern Region just yet. He said he felt there would be time to make that decision after more guidelines have been established. Mr. Rouse then asked when the dues for the Eastern Alliance would be due? Mr. Hill replied they would kick in the 3rd year after the Alliance was formed, and the amount would be pro rated. He also said this may depend on whether or not the Eastern Alliance can keep the interest earned on the funds they held. Those interest funds went back to the State in the situation similar to this with the Rural Center, but no one is sure of how it will be handled.

Upon a motion by Mr. Daughety and a second by Ms. Sutton, Item No. 24 was unanimously approved.

APPOINTMENTS:

There were no appointments, so no action was taken.

OTHER ITEMS:

Mr. Hill said this is the last meeting prior to the Christmas holidays and on behalf of all the commissioners, he wanted to wish all of the citizens of Lenoir County a safe and wonderful holiday.

Ms. Sutton asked if whenever a motion is made by someone, doesn't there have to be a second to the motion before any discussion can begin. Mr. Griffin said that was correct if using Roberts Rules of Order, which he thought the County had adopted several years ago. Mr. Jarman said old records had been checked, but it could not be found when the County had decided to use Roberts Rules of Order.

BUDGET ORDINANCE AMENDMENTS/RESOLUTIONS:

Item No. 27 was an add-on Resolution Allowing Sheriff Chris Hill to Purchase Tasers and Equipment: $22,991.95 Sheriff Hill addressed the Board and stated the Sheriff's office has been using tasers for approximately eight years. He stated with the former layout of a jail in the basement and a jail upstairs, the two tasers per shift were adequate. Now, with the layout of the new detention center and the continued use of the jail in the basement, there are fourteen detention officers on each shift. Each one of these officers requires a taser to protect themselves from attack. The tasers, the taser cams, taser holsters and taser cartridges will be purchased using

Federally Seized Property Funds. Upon a motion by Ms. Sutton and a second by Mr. Best, Item No. 27 was unanimously approved.

Mr. Hill adjourned the meeting at 10:28 a.m.

Respectfully submitted,

Martha H. Martin
Clerk to the Board

Reviewed By

Michael W. Jarman
County Manager