

MINUTES
LENOIR COUNTY BOARD OF COMMISSIONERS
December 5, 2011

Item No. 3

The Lenoir County Board of Commissioners met in open session at 9:00 a.m. on Monday, December 5, 2011 in the Board of Commissioners Main Meeting Room in the Lenoir County Courthouse at 130 S. Queen St., Kinston, NC.

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

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

Election of Chairman

Attorney Robert W. Griffin

Ms. Sutton nominated Mr. George Graham, Jr.; there was no opposition to the nomination and no further nominees; Mr. Graham was named Chairman by unanimous approval by the Board – One Year Term.

Election of Vice-Chairman

Attorney Robert W. Griffin

Ms. Brown nominated Mr. Reuben J. Davis; there was no opposition to the nomination and no other nominees; Mr. Davis was named Vice-Chairman by unanimous approval by the Board – One Year Term.

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. Mr. Graham thanked everyone for their confidence in him as Chairman.

PUBLIC INFORMATION

NONE SCHEDULED

ITEMS FROM CHAIRMAN/COMMISSIONERS

Mr. Daughety stated it is time to reflect on where Lenoir County is presently and the future of the County. This is his first year serving as a Commissioner. Many functioning bodies have a strategic plan for the future. The City and County have a suitable plan, but no long term strategic plan for the County. He asked the Board to be proactive in establishing a Strategic Planning Committee for Lenoir County. The Committee can be composed of key figures from the Global TransPark, Lenoir Community College, Chamber of Commerce, Committee of 100, Town of Pink Hill, Town of LaGrange, Lenoir County Public Schools, and other key agencies in the County. Mr. Daughety stated the Committee would develop a plan for the future of Lenoir County. A long term plan is needed for infrastructure and education, among other things. He would like to see the community as a whole think about future goals and how to meet the goals. Mr. Daughety stated he hopes the Board will proactively move forward to establish the Strategic Planning Committee. The group could meet on an annual basis with the Board to provide updates along with reviewing the goals and adjusting them if necessary. The first step of the Committee would be to set a Vision and Mission Statement. They would move forward with planning from there.

Mr. Rouse suggested the Planning Board be incorporated into the Committee. He agreed with Mr. Daughety and stated the Wayne County Planning Board is proactive in future development of their county. This will hopefully encourage people to want to be a citizen of Lenoir County. Mr. Daughety stated he would like leaders of individual groups to be on the Committee. The Planning Board can implement the mechanics of the plan once it is established. A plan cannot be implemented without a vision. Ms. Sutton

agreed stating we need to look to the future and develop a plan, but this does not happen overnight. The key is getting people together and working together to commit to a plan. Representatives from the City, County, and Municipalities were supposed to form a joint committee, but the idea was put on hold because of the City not having a manager at the time. Ms. Sutton states she would like to start the process to get the subcommittee together and working. A working relationship needs to be established in order to be effective. Mr. Graham stated developing a strategic plan is important for the County. The idea will be pursued in the upcoming year.

Mr. Rouse presented a Resolution in the form of a Legislative Request to Introduce a Local Bill Requiring Voter Identification Prior to Voting in Local Elections. Governor Perdue recently vetoed the bill at the state level. Mr. Rouse stated it is important to put all political climates aside and consider the bill which crosses ethnic and religious boundaries. The bill would require photo identification to be presented at the time of placing a vote. Mr. Davis stated Greene County had a few issues recently regarding voter fraud, but not Lenoir County. Mr. Pharo stated some of the attempts of fraud were caught. Mr. Rouse motioned to accept the bill and Mr. Pharo seconded the motion. Mr. Graham stated the current debates at the Federal and State level on this topic are not a reason to react. He motioned for the request to be tabled due to the national and state-wide discussions on the topic. Mr. Graham believed voting in favor of the request would disenfranchise some individuals and their opportunity to vote. Senior citizens, minorities, women, and people from all nationalities would be affected. Implementing a voter identification law should be dealt with at the State and Federal level. Ms. Sutton seconded Mr. Graham's motion to table the discussion due to it being a State issue. She encouraged citizens to contact their State representatives on the issue as the decision was not something she was elected to debate. Ms. Brown stated Mr. Griffin provided an article from the *News and Observer* via e-mail on the topic. Chief Deputy Attorney General Grayson Kelley wrote "it is likely the tactic would be held unconstitutional by the courts because of the equal protection issues it raises." The article continued, "Recently, several counties have passed resolutions in support of such local bills, which must affect fewer than 15 counties and cumulatively cover less than half of the state's 100 counties." Mr. Pharo stated the request has already been before the Supreme Court to be deemed constitutional. Mr. Jarman stated he saw and appreciated the article provided by Mr. Griffin. The letter from the Attorney General addressed local counties implementing a bill and not the state. The issue is statewide and should not become a local county issue.

Mr. Griffin stated the issue is not whether the voter identification is constitutional. Certain things have to be uniform statewide and others can be implemented through local bills. Governor Perdue vetoed the bill and the legislature did not override her decision. Mr. Griffin's opinion is that the voter identification bill should be statewide. Mr. Daughety stated this is the wrong time to consider the resolution. His position is the decision should be made at the State and/or Federal level. State law should not be mandated at the Local level. The Commissioners were elected to improve Lenoir County. They should focus on job creation and tax reduction for the citizens. Mr. Daughety stated "It's time for some of us to stop acting like teenagers and start acting like responsible leaders." Mr. Graham compared the law to poll taxes, literacy tests, and other regulations in the past that kept black citizens and the poor from voting. He stated the County does not need to revert back to such things. Mr. Rouse stated he is not asking for a literacy test, just identification that proves the person is who they claim to be. Mr. Pharo stated the issue deals with honesty. Upon voting to table the issue, the motion was approved to table the discussion by a 5 to 2 vote with Mr. Rouse and Mr. Pharo dissenting.

ITEMS FROM COUNTY MANAGER

Mr. Jarman stated at the previous meeting, Mr. Joe Testino, Chief Court Counselor, extended an invitation for an upcoming Community Forum on Improving Outcomes for Our Youth. The forum will be held on December 9, 2011 from 10:00 a.m. to 2:00 p.m. The goal is to provide an opportunity for in-depth discussion and to help plan better outcomes for our youth. The event will feature presentations about

strategies for dealing with undisciplined and lower-risk youth within the community rather than using secure juvenile detention as a first response. An estimated 400-500 people will attend. Greene Lamp has provided their program summary for the Board to review. This is an annual requirement and no action is required by the Board. Mr. Jarman shared a flyer regarding an upcoming Gang Conference. This will be held January 23, 2012 at Lenoir Community College from 8:30 a.m. to 4:00 p.m. The purpose is to bring awareness of gangs to our community.

An update on post Hurricane Irene activity was provided. Mr. Jarman stated approximately \$762,090 has been spent to date. He is anticipating a total of \$1.7 million will be spent. Some or all of the funds will be reimbursable by FEMA. Mr. Jarman reminded the Board of the Employee Appreciation Christmas Luncheon on Friday, December 16, 2011 at King's Restaurant on Hwy 70 from 11:30 a.m. to 1:30 p.m. The Commissioners Christmas Dinner will be held on Monday, December 19, 2011 at the Barn Steakhouse. The reservation is for 6:15 p.m.

CONSENT AGENDA

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

- 3. Approval of Minutes: Regular Board Meeting: November 21, 2011 Banks/Jarman
- 4. Resolution Approving the Releases and Refunds to the Individuals Listed Herein Parrish/Martin
- 5. Budget Ordinance Amendment: General Fund: Process Funds: \$1,504.33. Increase Martin

RESOLUTIONS /BUDGET ORDINANCE AMENDMENTS

Item No. 6 was a Resolution Approving 2012 Calendar of Board Meeting Dates and Times. It is good practice to officially adopt an annual calendar. The calendar can then be published as well as sent to all news media. The Clerk to the Board is responsible for maintaining the calendar so citizens and staff have proper advance notice of times, days and dates of meetings. Commissioners can modify the calendar if situations or emergencies warrant it to be changed. Historically, the Board meets only once during the months of July and December. Upon a motion by Ms. Brown and a second by Mr. Pharo, Item No. 6 was unanimously approved.

Item No. 7 was a Resolution Approving and Adopting the Revised Planning and Zoning Fee Schedule of Lenoir County, NC. Mr. Gary O'Neal, Chief Building Inspector, stated the current fee schedule has been in effect since July 1, 2003. After a recent review, the Planning and Inspections Department found their current zoning fees were not covering the cost of the process for the applicants for rezoning, special use permit, planned unit development, variance, and ordinance text amendment. The current fee for each is \$150. The current cost for the application processes will range from approximately \$400 to \$425, with the range mainly depending on the number of mailings and copying/printing required. An estimated \$375 of the total cost is associated with the required advertising in the local newspaper. Each application process requires a public hearing and proper notice of the hearing. Mr. Graham stated the cost seems high. Mr. O'Neal stated Duplin, Greene, and Jones County don't have zoning. The cost in Wayne County is \$300 for less than three (3) acres. Pitt County charges \$350 plus \$20 per acre over two (2) acres. Onslow County charges \$400 and Craven County charges \$250 plus the cost of postage and advertising. Mr. Jarman stated when a fee does not cover the cost of actions; the remaining amount is paid by general fund property taxes. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 7 was unanimously approved and the new fee schedule will begin January 1, 2012.

Item No. 8 was a Resolution Approving the Revised Regional Agreement for Neuse Regional Library. At the October 17, 2011 Board Meeting, the Board approved a Revised Regional Agreement for Neuse Regional Library. Since that time, discussions with Greene County, the Town of Snow Hill, and the State

Library of North Carolina have led to further revisions to the current draft of the Regional Agreement. The revisions have no effect on the respective roles in the Neuse Regional Library System; rather they are relevant to Greene County's status as the governing body for the Greene County Public Library. The latest revisions only affect Greene County; otherwise the content is similar to the previous draft approved. Upon a motion by Mr. Daughety and a second by Ms. Brown, Item No. 8 was unanimously approved.

Item No. 9 was a Budget Ordinance Amendment: General Fund: Health: (Adult Health-BCCCP) Increase: \$2,550. This budget amendment was to allocate additional State funding provided to support Contracted Services Cancer Detection. Upon a motion by Mr. Davis, and a second by Ms. Brown, Item No. 9 was unanimously approved.

Item No. 10 was a Budget Ordinance Amendment: Trust and Agency Fund: Finance/Extension-Family Caregiver: \$9,785. Increase. This budget amendment was to increase the budgeted amounts of the Partnership for Children Program. The County received notification on November 23, 2011, that the Parents as Teachers Program would be receiving an additional \$9,785 for its program. Upon a motion by Mr. Davis, and a second by Ms. Brown, Item No. 10 was unanimously approved.

Item No. 11 was a Budget Ordinance Amendment: General Fund/Capital Improvements Fund: Buildings and Grounds: \$140,000: Increase. This budget amendment was to appropriate funds for the purchase of real property located at 105, 105A, and 107 McLewean Street. The Board approved this purchase on November 21, 2011, Item No. 17. Mr. Rouse stated he does not think the purchase should be made at this point in time. Mr. Jarman responded the funds were set aside in previous years in anticipation of having to purchase property for the expansion. Upon a motion by Mr. Davis, and a second by Ms. Brown, Item No. 11 was approved by a 4 to 3 vote with Mr. Rouse, Mr. Pharo, and Mr. Daughety dissenting.

Item No. 12 was a Resolution Approving Purchase of Equipment for the 2012 Dodge Chargers: \$15,949.68. Sheriff Billy Smith stated the department recently purchased eight (8) Dodge Chargers because Ford stopped producing the Ford Crown Victoria. Most of the Sheriff's fleet is Crown Victoria's and all of the equipment is primarily designed to fit this type of vehicle. The Dodge Chargers require new equipment such as consoles, rhino bumpers, cages, mounting brackets, and computer stands. The Sheriff will use Federal asset forfeiture funds to make this purchase, which will not affect the Sheriff's budget or burden the county taxpayers. Mr. Graham inquired if the new Chargers would be six (6) or eight (8) cylinders. Sheriff Smith responded the Dodge Chargers are eight (8) cylinder vehicles. They are expected to last longer. Mr. Graham asked if there were going to be any savings on gas. Sheriff Smith stated they are doing research on a natural gas engine. Some big agencies are moving to this type of vehicle, but the Sheriff's Department needs to do more research. Upon a motion by Ms. Sutton and a second by Mr. Daughety, Item No. 12 was unanimously approved.

Item No. 13A was a Resolution Authorizing the Purchase of a New Repeater for the Northeast Sector of Lenoir County, Not to Exceed \$450,000. The Lenoir County 800MHz radio system was purchased in 1994. The original system structure was for a primary site and two (2) non-trunked 800MHz conventional repeater sites to support county-wide coverage at that time. The original primary site was located at 604 Plaza Boulevard, Kinston; however, that site was moved to 272 Central Avenue in 2001. The original 800MHz conventional repeater sites remain in LaGrange and Deep Run. There has been degradation of signal strength in the Hugo/Grifton area over the last five (5) years. Through a series of tests, staff has eliminated the possibility of interference with other public safety 800MHz radio systems, as well as local cellular companies as a reason for the increasing loss of coverage in the area. The result of the degradation of signal strength in this area has become an increasing concern to the public safety responders in that area. Staff has determined placing a non-trunked 800MHz conventional repeater site identical to LaGrange and Deep Run would temporarily resolve the signal issues in the area, pending an overall upgrade of the 800MHz radio system to a digital system in Lenoir County. The NC911 Board that governs the funding for the Special Revenue funds has agreed to a "one-time" expenditure from the fund balance of Public Safety Answering

Points (PSAPs) in NC to allow for public safety related purchases. The purchase of the repeater and all necessary licenses and permits would be 100 percent allowable under the agreement. Mr. Dail stated this will be a short term solution to this issue. After the beginning of the new year, he will meet with others to discuss funding options for an entire new system. Upon a motion by Ms. Sutton and a second by Mr. Daughety, Item No. 13A was unanimously approved.

Item No. 13B was a Budget Ordinance Amendment: Emergency Telephone Fund Finance/Telephone Expense: \$450,000. Increase. This budget amendment is to appropriate additional funds from the E911 fund balance to cover the costs of installing a repeater in the Grifton/Hugo area. The money in the E911 fund has very strict guidelines as to what is an eligible expenditure. During FY 2009-2010, the funding formula to counties was changed, and a one-time "Public Safety Needs" expenditure of 1/2 of the fund balance at June 20, 2010 was approved for entities that were holding a fund balance. This one time expenditure has to be approved by the E911 Board, and must be expended before June 30, 2012. Upon a motion by Ms. Sutton and a second by Mr. Daughety, Item No. 13B was unanimously approved.

Item No. 14A was a Resolution Approving the Acceptance of Donated Property and the Expenditures for an Appraisal, Current Year Property Taxes, and Associated Closing Costs. Mr. Kenneth Talton wishes to donate a 200,000 square foot warehouse and approximately 26 acres of land to the County of Lenoir. This property is located in the Contentnea Neck Township of Lenoir County adjacent to the Kinston DuPont property. The building was leased to DuPont for many years as a warehouse and processing facility. The current tax value of this property is \$949,195. The County will be responsible for the cost of an appraisal (\$4,500), current year property taxes in the amount of \$7,973.24, and associated closing costs. The property can be marketed by the County for a future industrial, warehousing, or distribution client. Mr. Mark Pope, Lenoir County Economic Development Director displayed pictures of the property taken on Friday, December 2, 2011. Mr. Rouse asked if there were any leaks in the building. Mr. Pope stated the building had no leaks and a new roof was put on about five (5) to seven (7) years ago. Some of the electrical wiring had been stripped, but all major boxes were still in place. Ceiling heights are approximately 25 – 30 feet with Hwy 11 and rail spur access. There are no known environmental issues at this particular site. Upon a motion by Mr. Davis and a second by Ms. Sutton, Item No. 14A was unanimously approved.

Item No. 14B was a Budget Ordinance Amendment: General Fund/Capital Improvements Fund: Buildings and Grounds: \$12,500. Increase. This budget amendment is to appropriate funds to cover expenditures associated with the donation by Kenneth Talton of real property to the County. The Board approved the acceptance of this donation and payment of associated costs to complete the transaction on December 5, 2011. Upon a motion by Mr. Davis and a second by Ms. Sutton, Item No. 14B was unanimously approved.

APPOINTMENTS

Item No. 15 was a Resolution Appointing Citizens to Boards, Commissions, Etc. Mr. Graham appointed Ms. Linda Sutton as the Advisory Liaison between the Board and Lenoir Community College. Upon a motion by Ms. Brown and a second by Mr. Daughety, the following second appearances were appointed.

<u>BOARD/COMMITTEE/COMMISSION</u>	<u>APPLICANT/ CURRENT MEMBER</u>	<u>TERM EXPIRATION</u>
Lenoir County Economic Development Board 2 nd Appearance	Harold Thomas	November 2014
Town of Grifton Planning Board 2 nd Appearance	Darryl Rodgers	January 2015

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)
CJPP – Three (3) Vacancies
Kinston Board of Adjustment – Two (2) ETJ Members; (1) Primary – (1) Alternate

ADD-ON

Add-on No. 1 was a Budget Ordinance Amendment: General Fund: Health (Immunization Program State) Increase. \$5,014. This budget amendment is to allocate State funding from Immunization Branch to help the clinic improve its capability to provide immunization services. Additional revenues would be used for recurring monthly expenditures. The monies must be spent by December 31, 2011. Upon a motion by Ms. Brown and a second by Ms. Sutton, Add-on No. 1 was unanimously approved.

Add-on No. 2 was a Resolution Authorizing Expenditure of Remaining RAFI-USA (Rural Advancement Foundation International) Grant Funds: \$13,210. Ms. Tammy Kelly, Cooperative Extension Director, stated the Lenoir County Farmer's Market provides community access to local foods and produce through local farmers that produce fresh vegetables and other vendors that produce and provide items such as homemade baked goods, fresh eggs, local honey, etc. The Board approved acceptance of a RAFI-USA Grant in the amount of \$22,596 on April 4, 2011. The grant is being used for renovations and upgrades to the Lenoir County Farmer's Market and surrounding parking lot areas. The remaining grant dollars in the amount of \$13,210 must be expended prior to December 31, 2011. These funds have been earmarked for grounds and parking lot repairs, December supplemental salary for the Market Manager, general supplies, one outstanding electrician bill, and a few other small repairs and upgrades. Upon a motion by Mr. Daughety and a second by Ms. Brown, Add-on No. 2 was unanimously approved.

ADJOURN

Mr. Bill Ellis, Parks and Recreation Director, informed the Board of the 250th Anniversary of Kinston coming up. This year on December 31, there will be two (2) New Year's Celebrations; one for the English New Year at 7 p.m. and the traditional American New Year at midnight. The Dick Knight band will be performing at 6:30 pm. Tea and crumpets will be served for the English New Year. In honor of Spirit Aerosystems, a plane will be raised instead of a ball dropping. Mr. Pharo stated himself, Ms. Brown, and Ms. Sutton are on the planning committee for the celebration. Ms. Sutton stated they have worked hard and many entities across the County are involved.

Mr. Ellis stated the Woodmen Center is progressing. In approximately three (3) weeks, the steel will arrive. The water park is under construction and the permit for the pool has been approved. Memorial Day weekend 2012 is the opening date for the water park and the community center will be opening sometime in August 2012. Mr. Daughety stated he appreciates all that Mr. Ellis has accomplished. He has done a tremendous job with the Moss Hill Ruritan Club and saved the voting site. Mr. Jarman thanked Mr. Ellis for his service as Interim City Manager. Mr. Ellis stated he is in the process of closing on the Pink Hill Gym. The County will then own the facility. The Town of Pink Hill has committed funds for an after school program in Pink Hill next year. Ms. Sutton stated she is proud of the way Mr. Ellis conducted and carried out business as Interim City Manager. Mr. Ellis thanked everyone. Mr. Davis stated the Veteran's facility looks almost complete on the outside. The home is scheduled to open April 2012.

Mr. Graham congratulated the Kinston High School Vikings football team on making it to the State playoffs in Raleigh. Approximately 3,000 to 4,000 people were present to support the team. Mr. Davis stated Kinston High should be congratulated by the Board on their achievements. Mr. Jarman stated they should be congratulated on their athletics, academics, community involvement, and leadership abilities. Ms. Brown

commended Coach Anderson of Kinston High on their achievement. This has been the closest they have come to the playoffs since 1955. She suggested inviting the coaches and team during an evening meeting to formally congratulate them. Ms. Sutton offered condolences to Mr. Bill Allison, Lenoir County Transit Director, on his mother's passing and also to Mr. Mike Wiggins, Maintenance Director, on his brother's passing. She stated she will not be able to attend the County Luncheon due to work obligations and wanted to wish everyone a Merry Christmas and Happy New Year.

Mr. Graham stated the County has had a successful year in terms of job creation and education. In the upcoming year, the Board will continue to work with schools, students, Lenoir Community College and other entities to ensure success. Ms. Sutton commented on the Lenoir Stem Initiative and funds from the Gates to assist in preparing the citizens for employment. The County has accomplished a lot in 2011. Ms. Brown expressed accolades to the citizens in assisting LaGrange Elementary in obtaining a \$50,000 grant from US Cellular. Ms. Sutton stated now is the time to reflect on all the positive activity in the County. The citizens and the economic status of the County have been blessed. She expressed appreciation to the County employees for their dedicated service. Mr. Davis thanked Mr. Daughety on his work with the Transportation Committee in other areas of the County.

Upon a motion by Mr. Graham and a second by Ms. Brown the Board adjourned at 10:33 a.m.

Respectfully submitted,

Reviewed By

April L. Banks
Interim Clerk to the Board

Michael W. Jarman
County Manager