

MINUTES
LENOIR COUNTY BOARD OF COMMISSIONERS
December 6, 2010

The Lenoir County Board of Commissioners met in open session at 9:00 a.m. on Monday, December 6, 2010 in the Board of Commissioners Main Meeting Room in the Lenoir County Courthouse at 130 S. Queen St., Kinston, NC.

Members present: Jackie Brown, J. Mac Daughety, Reuben Davis, George W. Graham, Jr. Tommy Pharo, Eric Rouse 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; and members of the general public and the news media.

Administration of Oaths of Office: Newly Elected Lenoir County Board of Commissioners: By the Clerk of Court, Ms. Dawn Stroud:

*J. Mac Daughety
Eric S. Rouse
George W. Graham, Jr.*

Election of Chairman **Attorney Robert W. Griffin**
Mr. Davis 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. Sutton 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.

PUBLIC INFORMATION

Dr. Brantley Briley, President of Lenoir Community College (LCC), thanked the Board for allowing him to speak. Dr. Briley stated enrollment at LCC is up 42% from five (5) years ago; current enrollment is 3,791 students. LCC has something for every adult in Lenoir County from basic life skill classes up to 2 year degree programs. LCC partners with many organizations throughout Lenoir County such as: The Community Council for the Arts, the Neuse Regional Library, Boy Scouts, the Boys and Girls Club and the Department of Social Services just to name a few. Dr. Briley stated LCC is also a partner with local government in helping train today's workforce. LCC thanks the Board for the \$15,000 appropriation for an additional parking lot; the goal was 100 spaces, but with the appropriation a total of 175 parking spaces were created. Again, Dr. Briley thanked the Board for all it has done for LCC throughout the years.

Ms. Sandy Landis, Community Council for the Arts (CCA) Director, addressed the Board. Ms. Landis stated the CCA have been excellent stewards of all funds received from local appropriations to donations. Ms. Landis stated the CCA is a non-profit organization that is dedicated to helping Lenoir County residents experience the joy, promise, and the pursuit of artistic excellence. The Arts Council's home, the Arts Center, is nestled in the heart of downtown Kinston at 400 North Queen Street. The council is housed in a historic building which has been renovated and is handicap accessible. CCA celebrated 45 years in the community in October 2010. Hours of operation are Tuesday through Friday 10:00 a.m. to 6:00 p.m. and Saturday 10-2pm, with 2 1/2 full time employees. The CCA operates six (6) galleries representing 350 artists annually. The CCA annually receives \$75,000-100,000 in grant funding; this year \$1 million in grant funds were received through many applications. The CCA cut its operating budget six (6) years ago and has been operating at a deficit of \$50,000-100,000 annually for the last three years. Ms. Landis concluded her presentation to the Board by thanking them for its recent appropriation to the CCA of \$50,000.

Mr. Rob Bizzell, President of the Committee of 100 thanked the Board for its support for being the local government entity to match the Committee of 100's \$50,000 donation to the CCA.

Ms. Agnes Ho, Neuse Regional Library Director, also thanked the Board for its recent commitment to appropriate funds for a replacement roof for the old section of the library.

ITEMS FROM THE CHAIRMAN/COMMISSIONERS

Mr. Graham reminded Board members that all communities in Lenoir County i.e. Pink Hill, LaGrange, have very important needs. Mr. Graham stated each person represents 1/7 of the Board; as a Board, the County is strong and can move the county forward or hold it hostage. It is important the Board comes together and establish goals. Budget Work Sessions will begin soon so the entire Board will get a full understanding of the county budget. New Board members will see the requests and sacrifices that are made annually to hold down expenditures and increase revenues. The North Carolina Department of Commerce has declared Lenoir County as a Tier 1 County; Tier 1 determines the amount of monies received for new jobs or expanding companies. The Tier 1 category provides a \$12,500 tax credit for each new job or expansion. Mr. Graham concluded his statements by asking each Board member to work together for the good of all Lenoir County.

ITEMS FROM THE COUNTY MANAGER

Item No. 2 was Items from the County Manager. Mr. Jarman informed the Board of the workshops for newly elected and Veteran County Commissioners sponsored by the UNC School of Government. Ethics training will also be available and required for each new Commissioner and re-elected Commissioner at these workshops. The NCACC Legislative Goals Conference will be held January 20-21, 2011; the Board will have to choose a voting delegate to represent the County at the conference. Mr. Jarman stated jail construction is moving forward, there have been a few problems associated with construction, but overall the process has been going very well.

CONSENT AGENDA

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

3. Approval of Minutes: Regular Board Meeting: November 15, 2010 Hall/Jarman
4. Resolution Approving the Releases and Refunds to the Individuals Listed Herein Parrish/Martin
5. Budget Ordinance Amendment: Transportation Administration: \$1,261: Increase Bryan/Martin

BUDGET ORDINANCE AMENDMENTS/RESOLUTIONS

Item No. 6 was a Resolution Honoring Barbara Sykes. Ms. Sutton read the resolution aloud for the Board and the viewing public. Ms. Sykes thanked the Board for the recognition and stated it had been a pleasure working for the Department of Social Services. 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: Capital Projects Fund: Jail Project-BB&T Funds: \$18,500,000: Increase. Mr. Hollowell stated the amendment appropriates loan proceeds from BB&T received on October 14, 2010 for the new jail construction project. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 7 was unanimously approved.

Item No. 8 was a Budget Ordinance Amendment: General Fund/Capital Improvements Fund/Outside Agencies/Contingency/Community Development: \$100,000: Increase. Mr. Pharo requested to recues himself from the vote due to his association with the agencies involved. Upon a motion by Mr. Davis and a second by Ms. Sutton, the Board excused Mr. Pharo from the vote. Mr. Graham asked Mr. Griffin if a Board member recues himself from a vote, that vote becomes a "yes" vote for the item. Mr. Griffin stated the information was correct. The amendment budgets \$50,000 for the CCA, \$15,000 for repaving of the parking lot at LCC, and \$35,000 to be used toward re-roofing of the old portion of the Library and for capital improvements at the SPCA. The amounts for the Library and SPCA have not yet been determined. This action was approved by the Board of Commissioners at the November 15, 2010 meeting. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 8 was approved with Mr. Rouse and Mr. Daughety dissenting.

Item No. 9 was a Resolution Approving 2011 County Holidays. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 9 was unanimously approved.

Item No. 10 was a Resolution Approving the 2011 Calendar of Board Meeting Dates and Times. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 10 was unanimously approved.

Item No. 11A was a Resolution Approving the Purchase of a Patrol/Narcotics Canine: \$13,300. Sheriff Smith stated Southern Police Canine, Inc. has been supplying canines to the Sheriff's Office over the past several years. The Sheriffs' Office has negotiated with Southern Police Canine, Inc., to purchase a patrol/narcotics canine for \$13,300, which includes canine handler training. The Sheriff will use state controlled substance tax funds and donated funds to facilitate the purchase of this canine. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 11A was unanimously approved.

Item No. 11B was a Budget Ordinance Amendment: Sheriff/Finance: \$13,300 Increase. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 11B was unanimously approved.

Item No. 12 was a Resolution Approving the Endorsement of a Revision to the County HCCBG Funding Plan and Budget Ordinance Amendment Increasing Expenditures and Revenues for the Home & Community Care Block Grant. Mr. Jack Jones, Director of Social Services, addressed the Board. Mr. Jones stated The Home and Community Care Block Grant, effective July 1, 1992, is comprised of funding for in-home and community based services currently available through the Division of Aging as well as a portion of funding targeted for in-home and community based services previously administered by the North Carolina Division of Social Services. Older Americans Act funds constitute approximately 45% of Home and Community Care Block Grant funding and are intended to develop and enhance comprehensive and coordinated community based systems of services, opportunities and protections for older adults. The block grant gives Commissioners maximum discretion in deciding how aging funds will be administered and budgeted in the county. By endorsing a local Funding Plan, Boards of County Commissioners will define the services to be provided, determine funding levels for services, and identify the community service providers to be involved with providing Home and Community Care Block Grant services. These are 90% Federal and State funds requiring 10% county match. We are requesting to use appropriated funds from our Foster Care line item number 10-5346-4971 to fund the 10% county match with no new or additional county funding needed over and above the original County Budget Ordinance. The new HCCBG funds will help to provide additional services to the elderly citizens of Lenoir County. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 12 was unanimously approved.

Item No. 13 was a Resolution Approving Contract Amendments for Legal Services: Dal Wooten & Chris Rogerson- Not to exceed \$165,900 annually Griffin and Griffin and Annette Turik --Not to exceed \$125,000 annually Griffin and Griffin—Not to exceed \$500 annually. Mr. Jones stated Lenoir County Department of Social Services has contracted with different attorneys' to provide legal services for many years. These contracts have historically been established on an annual basis. However, the Department is currently surveying other counties and researching the various options for legal services to ensure quality services at the most competitive rate and costs. The Department expects to report to the Board of Social Services the various Legal Services options available for consideration in the FY 2011/2012 Budget. The continuation of the current contracts in place is necessary for the continuation of legal services for the Department in FY 2010/2011. Sufficient funds were budgeted and appropriated in the current budget to cover all the legal costs noted herein. No new or additional appropriations are needed. The state/federal reimbursable rate is approximately 87.5% for Child Welfare and Adult Services, 66% for Child Support and 61% for personnel/administrative services. Upon a motion by Mr. Davis and a second by Ms. Sutton, Item No. 13 was unanimously approved.

Item No. 14 was a Resolution and Budget Ordinance Amendment Appropriating \$528,000 in Federal TANF Funds and Private Foundation Funds for a New Subsidized Employment Program called JobBoost. Mr. Jones stated The Division of Social Services is taking advantage of approximately \$4 million Federal Temporary Assistance for Needy Families (TANF) and \$1.5 million private foundation funds that are available for a new subsidized employment program called JobBoost. The program will create up to 1,000 jobs for TANF eligible individuals and provide needed experience to maintain long-term employment.

TANF eligible individuals must be U.S. citizens or legal residents with a minor child under the age of 18 and the family income is at or below 200% of the federal poverty level. Lenoir County was selected for this program because of its unemployment rate. As of October 2010 data from the NC Employment Security Commission, Lenoir County's unemployment rate was 9.7%. US Census data estimates out of 56,387 people living in Lenoir County, approximately 40.5 percent or 22,837 citizens of Lenoir County are potentially eligible for this program based on information from the North Carolina Budget and Tax Office. The JobBoost program would help to employ more citizens of Lenoir County hopefully lowering the unemployment rate. The Lenoir County Department of Social Services submitted a plan and was approved for \$528,000 to employ 100 citizens in Lenoir County. The program will provide an employment subsidy of \$6.00 per hour to employers for a maximum of 20 weeks or until funds are expended. The Department of Social Services will partner with Mark Pope, Economic Development Director, to place participants in new and expanding businesses in Lenoir County. The JobBoost funds are 100% Federal and private foundation funds requiring NO COUNTY MATCH. The funds are available until spent or a maximum of 20 weeks once implemented. The Department of Social services is allowed 10% of the allocation for administrative costs. Mr. Jarman stated the grant helps to create permanent full time employees for companies throughout Lenoir County. Upon a motion by Mr. Davis and a second by Ms. Sutton, Item No. 14 was unanimously approved.

Item No. 15 Resolution Authorizing Lenoir County to enter into an Operating Agreement with the Woodmen Foundation and the City of Kinston for the Woodmen Community Center. Mr. Bill Ellis, Parks and Recreation Director, addressed the Board. Mr. Ellis stated he is very passionate about the Woodmen of the World Community Center. Mr. Ellis stated this project is the most important thing that Parks and Recreation has done in Kinston-Lenoir County. Mr. Ellis stated the Woodmen Foundation will be contributing \$7 million to the project. Any construction cost overruns shall be paid by the Woodmen Foundation. The City and County shall fund \$500,000 each for this project and the Golden Leaf Foundation shall fund \$350,000. All operational deficits are funded 100% by Woodmen Foundation for the first five (5) years after the pool/water park are opened. The Kinston-Lenoir County Parks and Recreation Department will have additional operating costs of approximately \$100,000 per year, which will include a Center Supervisor, lifeguards and maintenance costs. Those costs will be split between the City and County. Parks and Recreation administrative offices will have a cost of approximately \$550,000 (\$110/sq. ft.). The City will have to reimburse the Woodmen Foundation \$200,000 of this cost and will have 18 months after the center is opened or until the old offices are sold at 0% interest before payment is due. The Woodmen of the World will pay fair market value rent for their office space even though their foundation is paying for the construction of these offices. The term of this agreement shall be 30 years from the first day of the month the center is to open. Mr. Daughety stated he knows the Woodmen is a great organization and that the facility will be great as well. He does have a problem with even more tax payer dollars being used to fund the project. Approving this type of expenditure may set a precedent for future organizations. Mr. Daughety stated the county has declining tax revenues, a possible short fall in school bond debt, jail debt services and up to \$50,000 in debt loss if the community center loses money; that is too much for the citizens of Lenoir County to pay. Mr. Pope stated as the community moves forward, the county will have to provide quality of life pieces in order to continue growing. Mr. Pharo requested to recuse himself from the vote due to his possible association with the agency involved. Upon a motion by Mr. Davis and a second by Ms. Brown, Item No. 15 was approved with Mr. Rouse and Mr. Daughety dissenting.

Item No. 16 was a Resolution Approving Code of Ethics for the Board of County Commissioners Lenoir County, North Carolina. Mr. Hollowell stated each county must adopt a Code of Ethics policy per G.S. 160A-86. Mr. Hollowell noted that Lenoir County’s policy has been patterned after the Institute of Government and several surrounding counties. The Code of Ethics Policy charges public officials with upholding the trust of the citizens and residents of Lenoir County and obeying the law. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 16 was unanimously approved.

APPOINTMENTS

Item No. 17 was a Resolution Appointing Citizens to Boards, Commissions, Etc. Item No. 17 was tabled.

<u>BOARD/COMMITTEE/COMMISSION</u>	<u>APPLICANT/ CURRENT MEMBER</u>	<u>TERM EXPIRATION</u>
Lenoir County Planning Board 1 st Appearance	Morris Barbee, Jr. (Alternate #2)	December 2013

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

Mr. Graham requested that Mr. Daughety be appointed to following Boards and Commissions: Lenoir County Transit Advisory Committee, Lenoir County Transportation Committee, Rural Planning Organization (RPO), and the US 70 Corridor Commission. Mr. Rouse was appointed to the following: Fire and Rescue Task Force, Green Lamp, Lenoir County Board of Health, and the Local Emergency Planning Committee.

CLOSED SESSION

Upon a motion by Mr. Rouse and a second by Ms. Brown, and unanimous approval, closed session was entered at approximately 11:45 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. Mr. Jarman addressed the Board regarding the potential to purchase additional property in Lenoir County. After discussion the Board decided to take no action at this time but allow County Administration, Commissioners Rouse and Davis to do more research. Upon a motion by Ms. Brown and a second by Mr. Pharo, the Board moved out of closed session at 12:14 p.m.

Upon a motion by Ms. Brown and a second by Mr. Daughety, and unanimous approval, the Board went back into closed session at approximately 12:16 p.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. A County employee issue was discussed, after discussion a committee was formed of Mr. Jarman, Mr. Davis and Mr. Rouse to resolve the issue if it arises in the future.

OPEN SESSION AND ADJOURNMENT

Upon a motion by Mr. Graham and a second by Mr. Davis Open Session re-convened at 12:53 p.m. a.m. Mr. Graham stated an employment matter was discussed; no action was taken. The Board adjourned at 12:54 p.m.

Respectfully submitted,

Reviewed By

Lashanda A. Hall
Clerk to the Board

Michael W. Jarman
County Manager