LENOIR COUNTY BOARD OF COMMISSIONERS REGULAR MEETING: AGENDA
MONDAY, DECEMBER 7, 2009 TIME: 9:00 A.M.
COMMISSIONERS' MEETING ROOM, LENOIR COUNTY COURTHOUSE
130 S. QUEEN ST., KINSTON, N.C.

Election of Chairman	**Attorney Robert W. Griffin**
Election of Vice-Chairman	**Attorney Robert W. Griffin**

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE: 5 Min. Est.

PUBLIC INFORMATION: PROCLAMATION: North Carolina Governor's Volunteer Awards: Mr. Tate Johnson; Governor's Representative **15 Min.**

1.	**Items from Chairman/Commissioners: 5 Min.**	Board
2.	**Items from County Manager: 5 Min.**	Jarman
	CONSENT AGENDA: 10 Min.	**ACTION**
3.	Approval of Minutes: Regular Board Meeting: November 16, 2009	Aytch/Jarman
4.	Resolution Approving the Releases and Refunds to the Individuals Listed Herein	Parrish/Martin
5.	Budget Ordinance Amendment: General Fund: Health (Environmental Health Program): $450: Increase	Huff/Jarman
6.	Budget Ordinance Amendment: General Fund: Health (Environmental Health Program): $1,460: Increase	Huff/Jarman
7.	Budget Ordinance Amendment: Finance/Sheriff's Department: $794: Increase	Martin/Jarman
8.	Resolution Approving 2010 Calendar of Board Meeting Dates and Times	Board/Jarman
9.	Resolution Approving 2010 County Holidays	Board/Jarman

END OF CONSENT AGENDA

RESOLUTIONS: 40 Min.

10.	Budget Ordinance Amendment: General Fund: Non-Departmental: $35,000: Increase	Jarman/Martin
11.	Budget Ordinance Amendment: General Fund: Process Funds: $50,000: Increase	Jarman/Martin
12.	Budget Ordinance Amendment: Community Development Block Grant Fund: 2009 CDBG Scatter Site #09-C-1997: $400,000: Increase	Jarman/Martin
13.	Budget Ordinance Amendment: General Fund: Finance: $503,152: Increase	Jarman/Martin
14.	Resolution to Exempt Lenoir County ABC Board Members, Excluding the Chairman, from the Bond Requirements as Set Forth in North Carolina General Statute 18B-700 (i)	Jarman/Board

15. Resolution Authorizing FY 2009-10 Purchase Order for 800 Mhz Radio: $2,914.29 — Dail/Martin

16. Resolution Authorizing the Renewal of the Support & Maintenance for NeverFail for SQL Server: $3,000 — Dail/Martin

17. Resolution Approving the Acceptance of a Proposal for Advertisement by Right-On Signs and Graphics on Three (3) Lenoir County Transit Vehicles in Exchange for Color Graphic on Fifteen (15) Lenoir County Transit Vehicles and the Execution of a Contract — Powell/Martin

18. Resolution Authorizing Lenoir County Health Department to Purchase Equipment Using State Immunization Grant Funds and Aid to County Grant Funds — Huff/Martin

19. Resolution Authorizing the Purchase of Software to Upgrade to Cott Resolution #3: $15,000 — Seymour/Martin

20. Resolution Approving Engineering Services for Waterline Improvements in the Hwy. 70 Industrial Park Waterline Extension Project: H.C. Harris Jr., Engineering & Surveying, P.A.: $26,952 — Jarman/Martin

21. **A.** Resolution Supporting an Application to the North Carolina Local Government Commission for its Approval of County Revenue Bonds in the Estimated Amount of $4,000,000 — Hollowell/Martin
    B. Resolution Approving Engineering Services Agreement: Municipal Engineering Services Company, Inc.: NTE: $200,000

APPOINTMENTS: 5 Min.

22. Resolution Approving Citizens to Boards, Commissions, Etc. — Aytch

OTHER ITEMS: 10 Min.

23. **Items from County Manager / County Attorney / Commissioners Public Comments/**

ADJOURNED:

Item No. 2

TO: **Chairman and Members of the Board**

FROM: **Mike Jarman, County Manager**

DATE: **December 7, 2009**

SUBJECT: **Items of Interest**

1. Acceptance of Bids on Property

2. Lenoir County Inspections Permit/Inspection Report: November 2009

LENOIR COUNTY
PLANNING & INSPECTIONS DEPARTMENT
PO BOX 3289
101 NORTH QUEEN STREET
KINSTON, NC 28502
PHONE: 252-559-2260
FAX: 252-559-2261

LENOIR COUNTY INSPECTIONS
PERMIT/INSPECTION REPORT

NOVEMBER 2009

PERMITS ISSUED: 105

PERMITS VALUE: $ 565,191

PERMIT FEES: $ 6,401

SINGLE FAMILY DWELLINGS: 1

MOBILE HOMES: 5

COMMERCIAL: 0

ADDITIONS: 5

ELECTRICAL: 35

PLUMBING: 8

MECHANICAL: 30

OTHER: 21

TOTAL INSPECTIONS: 264

KINSTON/LENOIR COUNTY

PERIODIC REPORT OF PERMITS ISSUED (GROUPED BY REPORT CODE)

DATE RANGE: 11/01/09 TO 11/30/09 Printed on: DECEMBER 1, 2009

	CODE	PRMS	VALUATION	FEES PAID	UNITS
NEW RES. HOUSEKPING - LENOIR COUNTY					
* Single Family Houses Detached	101B	0	0.00	0.00	0
* Single Family Houses Attached	102B	0	0.00	0.00	0
* 2 Family Building	103B	0	0.00	0.00	0
* 3 and 4 Family Buildings	104B	0	0.00	0.00	0
* 5 or More Family Buildings	105B	0	0.00	0.00	0
*TOTAL INFORMATION 101-105	109B	0	0.00	0.00	0
NEW RESIDENTIAL NON-HOUSEKEEPING BL:					
* Hotels, Motels & Tourist Cabins ..	213B	0	0.00	0.00	0
* Other Non-Housekeeping Shelter ...	214B	0	0.00	0.00	0
NEW NON-RESIDENTIAL BUILDINGS:					
* Amusement, Social, & Recreational	318B	0	0.00	0.00	0
* Churches & Other Religious	319B	0	0.00	0.00	0
* Industrial	320B	0	0.00	0.00	0
* Prkng Garages (Blds & Open Decked)	321B	0	0.00	0.00	0
* Service Stations & Repair Garages	322B	0	0.00	0.00	0
* Hospitals & Institutional	323B	0	0.00	0.00	0
* Offices, Banks, & Professional ...	324B	0	0.00	0.00	0
* Public Works & Utilities	325B	0	0.00	0.00	0
* Schools & Other Educational	326B	0	0.00	0.00	0
* Stores & Customer Services	327B	0	0.00	0.00	0
* Other Non-Residential Bldgs	328B	0	0.00	0.00	0
* Stuctures Other than Buildings ...	329B	0	0.00	0.00	0
ADDITIONS, ALTERATIONS, & CONVERSION					
* Residential	434B	5	193,090.00	390.00	5
* Non-Residential & Non-Housekeeping	437B	0	0.00	0.00	0
* Adds of Res. CP/Garages(Atch/Detc)	438B	0	0.00	0.00	0
DEMOLITIONS AND RAZING OF BUILDINGS:					
* Single Family Houses (Atch/Detach)	645B	0	0.00	0.00	0
* 2 Family Buildings	646B	0	0.00	0.00	0
* 3 & 4 Family Buildings	647B	0	0.00	0.00	0
* 5 or More Family Buildings	648B	0	0.00	0.00	0
* All Other Buildings and Structures	649B	0	0.00	0.00	0
TOTALS FOR PERMITS THIS PAGE		5	193,090.00	390.00	5

KINSTON/LENOIR COUNTY

PERIODIC REPORT OF PERMITS ISSUED (GROUPED BY REPORT CODE)

DATE RANGE: 11/01/09 TO 11/30/09 Printed on: DECEMBER 1, 2009

	CODE	PRMS	VALUATION	FEES PAID	UNITS
MOBILE/MODULAR OFFICE/CLASSROOM					
*MOBILE OFFICE	740B	0	0.00	0.00	0
*MODULAR CLASSROOM	750B	0	0.00	0.00	0
*MODULAR OFFICE	730B	0	0.00	0.00	0
ELECT./PLUMB/HEAT/A/C/INS/TEMP POLE:					
*ELECTRICAL	800B	35	47,300.00	1,879.00	35
*PLUMBING	810B	8	12,750.00	400.00	8
*HEATING/ AIR CONDITIONING	820B	30	103,060.00	1,675.00	30
*INSULATION	830B	5	10,770.00	250.00	5
*TEMPORARY POLE	840B	4	3,250.00	175.00	4
RESIDENTIAL ACCESSORY STRUCTURES					
*STORAGE/PORCHES/PATIOS/DECKS	900B	0	0.00	0.00	0
MISCELLANEOUS:					
*CHANGE OF OCCUPANCY	910B	1	50.00	25.00	1
*INSPECT DWELLING	920B	0	0.00	0.00	0
*TENTS	930B	0	0.00	0.00	0
*SATELLITE DISH	940B	0	0.00	0.00	0
*AWNING	950B	0	0.00	0.00	0
*EXTRA INSPECTIONS	960B	11	699.00	859.00	11
*FIRE PROTECTION SPRINKLER SYSTEM	966B	0	0.00	0.00	0
*MOVING DWELLING ONLY	970B	0	0.00	0.00	0
*SIGN	980B	0	0.00	0.00	0
*FIREWORKS	985B	0	0.00	0.00	0
*SWIMMING POOL	990B	0	0.00	0.00	0
*TANKS	995B	0	0.00	0.00	0
MOBILE HOMES					
*SINGLE WIDE MOBILE HOME	700B	4	91,900.00	400.00	4
*DOUBLE WIDE MOBILE HOME	710B	1	52,322.00	125.00	1
*MODULR HOME	720B	1	50,000.00	223.00	1
TOTALS FOR PERMITS ABOVE (incl. pg 1)		105	565,191.00	6,401.00	105
Totals of other permits in the period		0	0.00	0.00	0
TOTAL FOR ALL PERMITS IN THE PERIOD		105	565,191.00	6,401.00	105

SUMMARY OF INSPECTIONS COMPLETED BY INSPECTOR ID DURING THE PERIOD 11/01/09 THROUGH 11/30/09

THIS REPORT WAS PRINTED ON DECEMBER 1, 2009

KINSTON/LENOIR COUNTY

((S T A T I S T I C A L B R E A K O U T))

	(---------- Inspections ----------)			(---------- Re-Inspections ----------)			Based On # Activities
# ACTIVITIES	INSPECTIONS (I)	PASSED	CORRECTIONS	RE-INSPECTIONS (R)	PASSED	CORRECTIONS	RE-INSPECTIONS REQUIRED
264	225	192	33	39	31	6	39
	% INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECT. REQUIRED
	85	85	15	15	79	15	15

MINUTES
LENOIR COUNTY BOARD OF COMMISSIONERS
November 16, 2009

The Lenoir County Board of Commissioners met in open session at 4:00 p.m. on Monday, November 16, 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: Michael Jarman, County Manager, 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 4:00 p.m. Ms. Brown offered the invocation and Mr. Graham led the audience in the pledge of allegiance.

Mr. Stroud introduced Boy Scout Troop 322 to the meeting. Ms. Tammy Gray stated the Church of Jesus Christ of Latter Day Saints sponsors the troop. Ms. Gray stated the troop is learning about how government is run for their merit badges. The Board thanked the troop for attending and observing the session.

PUBLIC INFORMATION:

Mr. Graham stated "Leadership Lenoir" was held today in the Commissioners' Meeting Room. Leadership members met with Lenoir County Department Manager's and discussed issues pertaining to their respective departments and how their departments effect the county as a whole. Mr. Graham also addressed the group and discussed the need for county governments and the role county government plays with State and Federal matters. Mr. Graham stated the county has great, up and coming leadership.

ITEMS FROM CHAIRMAN/COMMISSIONERS

Item No. 1 was Items from the Chairman and Members of the Board. Mr. Graham asked Mr. Jarman to send a letter of congratulations to Mayor-Elect BJ Murphy and Councilman Bobby Merritt. Mr. Graham stated the Board is looking forward to a great working relationship.

Mr. Graham showed the rendering of the Veterans Skilled Nursing Facility, which will be built on Hull Road. The facility is 118,000-sq. ft. and will employ 170 people. Construction is set to begin March 2010.

ITEMS FROM THE COUNTY MANAGER

Item No. 2 was Items from the County Manager. Mr. Jarman updated the Board on the status of county surplus property. Mr. Jarman reviewed a slide presentation of each property as follows with a recommendation for approval: 901 William Vause Lane Kinston, NC ($1,000 Bid); 422 E. Bright St. Kinston, NC ($1,200 Bid); Ed Herring Rd. – Vacant Lot-Kinston, NC ($3,000 Bid); 304 N. Adkin St. Kinston, NC ($500 Bid); 522 Tobacco Lane Kinston, NC ($500 Bid). Mr. Jarman recommended the Board decline the following bids: 4776 Mays Store Rd. LaGrange, NC ($3,000); 1018 Liberty Hill Rd. Kinston, NC ($105). Upon a motion by Ms. Sutton and a second by Ms. Brown, the recommendations were approved.

Ms. Tammy Kelly, Cooperative Extension Director, addressed the Board. Ms. Kelly stated the Farmers Market would be closed until Monday, November 23rd. At the end of the year the market will close and will reopen in the Spring of 2010. Improvements will be made to the facility during this time to make the facility more inviting to all types of vendors. More regulations will be drafted and enforced at the facility to make it fair to all vendors.

Mr. Jarman reminded the Board of the upcoming 2010 Census in April 2010.

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: November 2, 2009	Aytch/Jarman
4.	Budget Ordinance Amendment: Sheriff's Department: $5,030: Increase	Smith/Martin
5.	Budget Ordinance Amendment: Federally Seized Property: Sheriff Federally Seized Property: $6,800: Increase	Smith/Martin

BUDGET ORDINANCE AMENDMENTS/RESOLUTIONS

Item No. 6 was a Budget Ordinance Amendment: General Fund Non-Departmental: $25,000: Increase. The Amendment brings forward and budgets in unexpended JCPC and ROAP Funds from the prior fiscal year. These funds were received in FY 08-09 and were unexpended on June 30, 2009. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 6 was unanimously approved.

Item No. 7 was Budget Ordinance Amendment: General Fund/Emergency Telephone Fund Transfer to Other Funds/Emergency Telephone: $34,795.37: Increase. Mr. Hollowell stated the amendment appropriates funds from General Fund Fund Balance to cover telephone expenditures from FY 08-09 that are ineligible for expenditure from E911 Funds. These Funds were budgeted in the E911 Fund in Fiscal Year 08-09 and expended in Fiscal Year 08-09. However, due to many changes in the guidelines for E911 eligibility, these are not allowable. Upon a motion by Mr. Stroud and a second by Ms. Sutton, Item No. 7 was unanimously approved.

Item No. 8 was a Budget Ordinance Amendment: General Fund/Emergency Telephone Fund Emergency Management/Emergency Telephone: $34,934.25: Increase/Decrease. Mr. Hollowell stated the amendment appropriates funds from General Fund Fund Balance to cover telephone expenditures in FY 09-10 that are ineligible for expenditure from E911 Funds. These funds were budgeted in the E911 Fund for FY 09-10 and have been expended in FY 09-10. However, due to many changes in the guidelines for E911 eligibility, these are no longer allowed to be charged 100% to E911. Mr. Graham stated a joint meeting should be scheduled with legislators to discuss the restrictions of using E-911 funds. Upon a motion by Mr. Stroud and a second by Ms. Sutton, Item No. 8 was unanimously approved.

Item No. 9 was a Budget Ordinance Amendment: General Fund/State Controlled Substance: Sheriff-State Controlled Substance: $43,134. Ms. Martin stated the amendment re-appropriates funds for the Sheriff's Department and the State Controlled Substance Fund. On June 15, 2009, the Board approved the purchase of night vision goggles and universal night sights for the Special Response Team (SRT). This equipment was not received until this fiscal year, so therefore the funds need to be re-appropriated in this fiscal year to allow for the receiving and payment of the equipment. Upon a motion by Ms. Brown and a second by Mr. Stroud, Item No. 9 was unanimously approved.

Item No. 10 was a Budget Ordinance Amendment: Trust and Agency Fund: Extension-Family Caregiver: $54,050: Increase. Ms. Tammy Kelly, Cooperative Extension Director, addressed the Board. Ms. Kelly stated the amendment increases previously budgeted amounts. On August 17, 2009, the Smart Start Program was cut by 60% due to the decreases by the State – this will put back 85% of the previous budget cut. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 10 was unanimously approved.

Item No. 11 was a Resolution Authorizing a Purchase Order in the Amount of $7,000 to Research Casting International for a Life Size Dinosaur Dig Pit for Neuseway Park. Mr. Bill Ellis, Parks and Recreation Director addressed the Board. Mr. Ellis stated the dig pit will be 31' by 8' and will allow for school groups and visitors to explore a dinosaur skeleton. This exhibit is a floor sample from the National Parks and Recreation tradeshow and is approximately 40% off of the retail price. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 11 was unanimously approved.

Item No. 12A was a Resolution: Request for Abandonment for State Maintained Secondary Road System: SR 1581 John Mewborne Road. Mr. Jarman stated NCDOT is requesting approval to abandon .91 mile of SR 1581 (John Mewborne Rd.) from the intersection of John Mewborne and Aerosystems Blvd. to SR 1541 (Institute Rd.). Upon a motion by Mr. Davis and a second by Ms. Brown, Item No. 12A was unanimously approved.

Item No. 12B was a Resolution: Request for Abandonment for State Maintained Secondary Road System: SR 1541 Institute Road. Mr. Jarman stated NCDOT is requesting approval to abandon .54 mile of SR 1541 (Institute Rd.) on the NC 58 end. Upon a motion by Mr. Davis and a second by Ms. Brown, Item No. 12B was unanimously approved.

Item No. 12C was a Resolution: Request for Addition for State Maintained Secondary Road System: Spirit Way-length 1.85 miles. Mr. Jarman stated NCDOT is requesting approval for the addition of 1.85 miles of Spirit Way to the state road system. Upon a motion by Mr. Davis and a second by Ms. Brown, Item No. 12C was unanimously approved.

Item No. 12D was a Resolution: Request for Addition for State Maintained Secondary Road System: Aerosystems Boulevard-length .53 mile. Mr. Jarman stated NCDOT is requesting approval for the addition of .53 mile of Aerosystems Boulevard to the state road system. Upon a motion by Mr. Davis and a second by Ms. Brown, Item No. 12D was unanimously approved.

Item No. 19 was a Resolution Appointing Citizens to Boards, Commissions, Etc. The following reflects existing vacancies and appointments.

BOARD/COMMITTEE/COMMISSION	APPLICANT/ CURRENT MEMBER	TERM EXPIRATION
Criminal Justice Partnership Program (CJPP) 2nd Appearance	Anthony D. Hall (Alternate)	November 2012 M: Brown S: Pharo **Tabled**
Kinston-Lenoir County Tourism Development Authority 1st Appearance	Mr. Guy Smith (Appointment)	November 2012 M: Brown S: Pharo **Tabled**

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

Mr. Pope stated the Feed Mill site of Sanderson Farms will be constructed by December 14, 2009. The company is moving very quickly and is on schedule.

Mr. Davis voiced concerns regarding transportation issues in the county concerning Hwy. 70. Mr. Pope stated roads and infrastructure has to grow with the economy and the growth of the county. Mr. Jarman stated the county is fortunate to have a very active Transportation Committee; the Transportation Committee is very informed with transportation issues in the county and is keeping the Board informed about all issues.

Ms. Sutton stated the Golden Leaf Foundation has reviewed 32 projects; all projects will be ranked and recommendations will be heard in April 2010.

ADJOURNMENT

Upon a motion by Mr. Graham and a second by Ms. Brown, the Board adjourned at 5:14 p.m.

Respectfully submitted,

Lashanda Aytch
Clerk to the Board

Reviewed By

Michael W. Jarman
County Manager

INTRODUCED BY: Michael Jarman, County Manager **DATE:** 12/07/09 **ITEM NO.:** 4

Resolution Approving the Releases and Refunds to the Individuals Listed Herein

SUBJECT AREA: Finance

ACTION REQUESTED: Approval of Releases and Refunds as Prepared

HISTORY/BACKGROUND:

Releases and refunds result from listing and assessing due to incorrect and incomplete information.

EVALUATION:

Taxpayers will or have overpaid taxes. Board action rectifies the mistake.

RELEASES OVER $100

Year	Name	Account	Amount	Reason
2006	Othello Solomon	37255	$191.43	Corrected Listing
2009	Jeffery Jenkins	771	322.51	Adjusted Value
2009	Richard Casteen	58046	225.21	Adjusted Value
2004	Erasmo Landaverde	25148	182.63	Corrected Listing
2005	Erasmo Landaverde	25148	171.72	Corrected Listing
2006	Erasmo Landaverde	25148	174.87	Corrected Listing
2008	Patricia Moreno	7945	216.35	Corrected Listing
2007	Patricia Moreno	7945	249.31	Corrected Listing
2006	Patricia Moreno	7945	281.04	Corrected Listing
2009	Patricia Moreno	7945	179.21	Corrected Listing
2007	Debra Dukawicz	48216	154.50	Adjusted Value
2009	George Sutton	68218	1662.11	Adjusted Value
2009	NC Dept of Transportation	60789	212.94	Legal Exemption
2009	NC Dept of Transportation	60789	776.34	Legal Exemption
2009	Dupont EI Denemours Co	7658	14678.93	Adjusted Value
2009	Ralph Humphrey	14453	870.61	Corrected Farm Audit
2009	Ralph Humphrey	14453	119.97	Corrected Farm Audit
2009	Edward Dudley	494	345.43	Age Exemption
2009	Fairway Outdoor Advertising	21187	1002.08	Adjusted Value
2009	Fairway Outdoor Advertising	21187	867.03	Adjusted Value
2009	Fairway Outdoor Advertising	21187	372.73	Adjusted Value
2009	Fairway Outdoor Advertising	21187	3362.12	Adjusted Value
2009	Fairway Outdoor Advertising	21187	884.41	Adjusted Value
2009	Fairway Outdoor Advertising	21187	210.39	Adjusted Value
2009	Robert Bland	2128	124.07	Adjusted Value
2008	Robert Bland	2128	151.80	Adjusted Value
2009	James Black	46794	150.14	Legal Exemption
2009	Donna Ingram	7938	657.00	Legal Exemption
2009	Tage Equipment Financial	80	132.81	Corrected Listing
2009	Kynwood Holland	13520	885.54	Corrected Listing
2009	Deere Credit Inc	15284	167.18	Corrected Listing
2009	Ashland Warren Inc	1385	555.95	Adjusted Value
2009	Ashland Warren Inc	697	452.06	Adjusted Value
2009	Kenneth Jones	5985	179.92	Adjusted Value
2009	Freddie Tyson	0632	312.08	Corrected Listing
2009	Freddie Tyson	30632	312.08	Corrected Listing
2009	Erwin Parrott	22257	331.81	Adjusted Value
2009	Pat Hardy Enterprises Inc	23852	160.97	Adjusted Value
2009	Patricia Hardy	43571	158.03	Adjusted Value
2009	Riley Landscaping & Lawn	13861	463.19	Adjusted Value
2009	Boddie Noell Rest Prop Inc	2241	115.45	Adjusted Value
2009	A Holloman	54497	2084.85	Adjusted Value
2009	Charles Griffith	20469	228.14	Adjusted Value
2009	Laura Grant	10254	262.50	Adjusted Value
2009	Merryearn Investments LLC	46611	17667.93	Adjusted Value
2009	Timothy Lanier	47938	141.55	Adjusted Value

2009	Keith Rouse	24957	135.63	Adjusted Value
2009	Jack Grady	10044	120.00	Corrected Listing
2009	Keith Thompson	29785	1144.64	Adjusted Value
2009	LaGrange Village LLC	49745	196.14	Adjusted Value
2009	LaGrange Village LLC	49745	195.53	Adjusted Value
2009	LaGrange Village LLC	49745	363.89	Adjusted Value
2009	LaGrange Village LLC	49745	392.07	Adjusted Value
2009	LaGrange Village LLC	49745	359.51	Adjusted Value
2009	LaGrange Village LLC	49745	392.01	Adjusted Value
2009	LaGrange Village LLC	49745	174.25	Adjusted Value
2009	LaGrange Village LLC	49745	396.33	Adjusted Value
2009	LaGrange Village LLC	49745	388.53	Adjusted Value
2009	LaGrange Village LLC	49745	982.72	Adjusted Value
2009	LaGrange Village LLC	49745	353.88	Adjusted Value
2009	LaGrange Village LLC	49745	432.48	Adjusted Value
2009	Billy Paderick	21957	420.00	Corrected Listing
2009	Billy Paderick	21957	120.00	Corrected Listing
2009	Kenneth Byrd	3714	866.36	Adjusted Value
2009	LaGrange Meadows LTD	17537	1516.38	Adjusted Value
2009	LaGrange Meadows LTD	17537	1229.53	Adjusted Value
2009	Leo Sutton	28625	261.29	Adjusted Value
2009	Fairfield Square of Kinston	18064	445.32	Adjusted Value
2009	Johnnie Tyndall	30539	141.72	Adjusted Value
2009	Johnnie Tyndall	30539	258.42	Adjusted Value
2009	Johnnie Tyndall	30539	316.41	Adjusted Value
2009	Marsha Rose	58568	189.00	Adjusted Value
2009	Jeffrey Hall	62017	285.15	Adjusted Value
2009	James Hertz	6047	340.25	Corrected Listing
2009	Kenneth Mashburn	12552	376.10	Adjusted Value
2009	Bryan Carlyle	4040	242.58	Adjusted Value

Refunds

Year	Name	Account	Amount	Reason
2009	John Flowers	57794	$1115.47	Keying Error
2009	Robert Freeman	9141	240.00	Corrected Listing
2009	Leslie Moore	20431	171.75	Adjusted Value
2009	Robert Bland	2128	272.44	Adjusted Value
2009	Moses Covington	63339	248.80	Adjusted Value
2009	Morris Conner	5247	110.15	Adjusted Value
2009	Karen Davis	5020	300.00	Corrected Listing

MANAGER'S RECOMMENDATION:

Approval of releases as set out above.

AMENDMENTS:

MOVED _____ **SECOND** _____

APPROVED _____ **DENIED** _____ **UNANIMOUS** _____

YEA VOTES: Brown _____ **Davis** _____ **Graham** _____ **Humphrey** _____

Pharo _____ **Stroud** _____ **Sutton** _____

_____ 12/07/09
George W. Graham Jr., Chairman Date

_____ 12/07/09
ATTEST Date

BUDGET ORDINANCE AMENDMENT: GENERAL FUND: HEALTH (Environmental Health Program)
Increase $450.00

Item No. 5

LENOIR COUNTY, NORTH CAROLINA

BUDGET AMENDMENT REQUEST

FY 2009- 2010
Appropriations

Budget Amendment #_____
Date Approved _____

Distribution - Finance Office:

FUND	DEPARTMENT	LINE ITEM DESCRIPTION
GENERAL	HEALTH	VARIOUS

Check One Box	Check One Box
New Appropriation: [x]	New Appropriation: [x]
Line Item Transfer: [ ]	Line Item Transfer: [ ]
REVENUES	**EXPENDITURES**

Account # and Title	Amount	Account # and Title	Amount
INCREASE		**INCREASE**	
ENVIRONMENTAL HEALTH (State)		ENVIRONMENTAL HEALTH DEPT SUPPLIES	
10-3518-4100	$ 450.00	10-5180-2900	$ 450.00
Total	$ 450.00	Total	$ 450.00

Reason and Justification for Request:
Additional state funding allotted to reimburse Health Department for implementing and enforcing this new law which goes into effect January 2, 2010 - $450.0

Department Head Approval	Date	Finance Officer Approval	Date
[signature]	12/2/09	Martha H. Martin	12/2/09
Budget Officer Approval	Date		
[signature]	12/3/09		
Board Approval (When Applicable)	Date	Date of Minutes	

Finance Office - Copy Department - Copy Administration - Copy

BUDGET ORDINANCE AMENDMENT: GENERAL FUND: HEALTH (Environmental Health Program)
Increase $1,460.00

Item No. 6

LENOIR COUNTY, NORTH CAROLINA

BUDGET AMENDMENT REQUEST

FY 2009- 2010
Appropriations

Budget Amendment #_____
Date Approved _____

Distribution - Finance Office:

FUND	DEPARTMENT	LINE ITEM DESCRIPTION
GENERAL	HEALTH	VARIOUS

Check One Box	Check One Box
New Appropriation: [x]	New Appropriation: [x]
Line Item Transfer: [ ]	Line Item Transfer: [ ]
REVENUES	**EXPENDITURES**

Account # and Title	Amount	Account # and Title	Amount
INCREASE		**INCREASE**	
ENVIRONMENTAL HEALTH (State)		ENVIRONMENTAL HEALTH DEPT SUPPLIES	
10-3518-4100	$ 1,460.00	10-5180-2900	$ 1,460.00
Total	$ 1,460.00	Total	$ 1,460.00

Reason and Justification for Request:
Additional state funding allotted to reimburse Health Department for implementing and enforcing this new law, which goes into effect January 2, 2010- $1460.

Department Head Approval	Date	Finance Officer Approval	Date
[signature]	12/2/09	Martha H. Martin	12/2/09

Budget Officer Approval	Date
Mike W. Jarman	12/3/09

Board Approval (When Applicable)	Date	Date of Minutes

Finance Office - Copy Department - Copy Administration - Copy

Item No. 7

BUDGET ORDINANCE AMENDMENT: FINANCE/SHERIFF'S DEPARTMENT: $794. INCREASE

LENOIR COUNTY, NORTH CAROLINA

BUDGET AMENDMENT REQUEST

FY 2009 - 2010
Appropriations

Budget Amendment #_____
Date Approved _____

Distribution - Finance Office:

FUND	DEPARTMENT	LINE ITEM DESCRIPTION
GENERAL FUND	FINANCE/SHERIFF DEPARTMENT	10-3842-8500 INSURANCE - MISCELLANEOUS 10-4310-3530 VEHICLES REPAIR/MAINTENANCE

Check One Box		Check One Box	
New Appropriation:	[x]	New Appropriation:	[x]
Line Item Transfer:	[ ]	Line Item Transfer:	[ ]
REVENUES		**EXPENDITURES**	
Account # and Title	Amount	Account # and Title	Amount
INCREASE		INCREASE	
10-3842-8500 INSURANCE-MISCELLANEOUS	794.00	10-4310-3530 VEHICLES REPAIR/MAINTENANCE	794.00
Total	794.00	Total	794.00

Reason and Justification for Request:
TO BUDGET PROCEEDS RECEIVED FROM GMAC INSURANCE COMPANY ON 11/19/09 IN THE AMOUNT OF $793.35. THESE FUNDS ARE THE RESULT OF AN INCIDENT THAT OCCURRED ON 10/27/2009. A VEHICLE BACKED INTO A LENOIR COUNTY SHERIFF'S PATROL VEHCILE.

Department Head Approval	Date	Finance Officer Approval	Date
Martha H. Martin	11/19/09	Martha H. Martin	11/19/09

Budget Officer Approval	Date
Michael W. Farmer	11/23/09

Board Approval (When Applicable)	Date	Date of Minutes

Finance Office - Copy Department - Copy Administration - Copy

INTRODUCED BY: Michael Jarman, County Manager **DATE:** 12/07/09 **ITEM NO.** 8

Resolution Approving 2010 Calendar of Board Meeting Dates and Times

SUBJECT AREA: Administrative

ACTION REQUESTED:

Formally approve all meeting dates and times of the Lenoir County Board of Commissioners.

HISTORY / BACKGROUND:

It is good practice to officially adopt an annual calendar. This calendar can then be published as well as sent to all news media.

EVALUATION:

Of course Commissioners can modify the calendar if situations or emergencies warrant it to be changed. Nevertheless, the Clerk to the Board is responsible for maintaining this calendar so that citizens and staff have good advance notice of times, days and dates of meetings. Due to annual out-of-town conferences, the Board meets only once during the months of March and July. Also, the Board generally has a Christmas dinner in lieu of the second meeting in December.

MANAGER'S RECOMMENDATION:

Respectfully recommend approval.

_____
Initials

RESOLUTION:

NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that the attached 2010 calendar of Board meeting dates and times, herein incorporated into this resolution by reference, is approved.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Davis _____ Graham _____ Humphrey _____

Pharo _____ Stroud _____ Sutton _____

_____ 12/07/09
George W. Graham Jr., Chairman Date

_____ 12/07/09
ATTEST Date

2010 CALENDAR

REGULAR MEETINGS

LENOIR COUNTY BOARD OF COMMISSIONERS

DAY	DATE	TIME
Monday	January 4	9:00 a.m.
Tuesday	January 19	4:00 p.m.
Monday	February 1	9:00 a.m.
Monday	February 15	4:00 p.m.
Monday	March 1	9:00 a.m.
Monday	March 15	4:00 p.m.
Monday	April 5	9:00 a.m.
Monday	April 19	4:00 p.m.
Monday	May 3	9:00 a.m.
Monday	May 17	4:00 p.m.
Monday	June 7	9:00 a.m.
Monday	June 21	4:00 p.m.
Monday	July 5	9:00 a.m.
Monday	July 19	4:00 p.m.
Monday	August 2	9:00 a.m.
Monday	August 16	4:00 p.m.
Tuesday	September 7	9:00 a.m.
Monday	September 20	4:00 p.m.
Monday	October 4	9:00 a.m.
Monday	October 18	4:00 p.m.
Monday	November 1	9:00 a.m.
Monday	November 15	4:00 p.m.
Monday	December 6	9:00 a.m.
Monday	December 20	4:00 p.m.

All meetings held in the First Floor Main Meeting Room of the Lenoir County Board of Commissioners, Lenoir County Courthouse, 130 South Queen Street, Kinston, North Carolina, unless modified and the media notified. The above-referenced calendar of regular meetings was unanimously adopted by the Lenoir County Board of Commissioners on December 7, 2009.

Michael W. Jarman
County Manager

INTRODUCED BY: Michael Jarman, County Manager **DATE:** 12/07/09 **ITEM NO.** 9

Resolution Approving 2010 County Holidays

SUBJECT AREA: Administrative

ACTION REQUESTED:

Formally approve dates of County holidays.

HISTORY / BACKGROUND:

It is good personnel management practice to officially adopt an annual calendar of County holidays in order to reduce ad hoc questions (when holidays arise) and in order to better schedule completing tasks and managing work load.

EVALUATION:

As per prior policy and practice, the County holidays are patterned after the schedule adopted by the State of North Carolina.

MANAGER'S RECOMMENDATION:

Respectfully recommend approval.

_____
Initials

RESOLUTION:

NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that the attached 2010 Schedule of County Holidays, herein incorporated into this resolution by reference, is approved.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Davis _____ Graham _____ Humphrey _____

Pharo _____ Stroud _____ Sutton _____

_____ 12/07/09
Chairman Date

_____ 12/07/09
ATTEST Date

LENOIR COUNTY GOVERNMENT

2010 HOLIDAY SCHEDULE

Holiday	Observance Date(s)	Day(s) Scheduled Off Work
New Year's Day	January 1, 2010	Friday
Martin Luther King, Jr.'s Birthday	January 18, 2010	Monday
Good Friday/Easter Holiday	April 2, 2010	Friday
Memorial Day	May 31, 2010	Monday
Independence Day	July 5, 2010	Monday
Labor Day	September 6, 2010	Monday
Veteran's Day	November 11, 2010	Thursday
Thanksgiving/Holidays	November 25, 26, 2010	Thursday & Friday
Christmas/Holidays	December 23, 24, & 27, 2010	Thursday, Friday, and Monday

Item No. 10

BUDGET ORDINANCE AMENDMENT: GENERAL FUND
NON-DEPARTMENTAL: $35,000. INCREASE

LENOIR COUNTY, NORTH CAROLINA

BUDGET AMENDMENT REQUEST

FY 2009 - 2010
Appropriations

Budget Amendment #_____
Date Approved _____

Distribution - Finance Office:

FUND	DEPARTMENT	LINE ITEM DESCRIPTION
GENERAL	NON-DEPARTMENTAL	VARIOUS

Check One Box		Check One Box	
New Appropriation:	[X]	New Appropriation:	[X]
Line Item Transfer:	[ ]	Line Item Transfer:	[ ]
REVENUES		**EXPENDITURES**	

Account # and Title		Amount	Account # and Title		Amount
INCREASE			INCREASE		
10-3835-8202	SALE OF FIXED ASSETS - LAND	35,000.00	10-4200-4988	TAXES DUE - FORECLOSED PROPERTY	33,100.00
			10-4200-4989	CLOSING COSTS-FORECLOSED PROPERTY	1,900.00
Total		35,000.00	Total		35,000.00

Reason and Justification for Request:
TO BUDGET FUNDS FROM THE SALE OF FORECLOSED PROPERTY. ON OCTOBER 5, 2009, THE COMMISSIONERS DECLARED VARIOUS PROPERTIES THAT THE COUNTY HAD ACQUIRED BY FORECLOSURE, AS SURPLUS PROPERTY. AS THE PROPERTIES ARE SOLD, THE FUNDS COLLECTED WILL BE USED TO HELP OFFSET THE PROPERTY TAXES AND LIENS THAT WERE OWED, AND WILL ALSO HELP PAY FOR THE CLOSING COSTS INCURRED IN PREPARING THE DEEDS AND HAVING THEM RECORDED.

Department Head Approval	Date	Finance Officer Approval	Date
Martha H. Martin	12/2/09	Martha H. Martin	12/2/09
Budget Officer Approval	Date		
Michael W. Jarman	12/3/09		
Board Approval (When Applicable)	Date	Date of Minutes	

Finance Office - Copy Department - Copy Administration - Copy

Item No. 11

BUDGET ORDINANCE AMENDMENT: GENERAL FUND: PROCESS FUNDS: $50,000. INCREASE

LENOIR COUNTY, NORTH CAROLINA

BUDGET AMENDMENT REQUEST

FY 2009 - 2010 (PRIOR YEAR)

Appropriations

Budget Amendment #_____

Date Approved _____

Distribution - Finance Office:

FUND	DEPARTMENT	LINE ITEM DESCRIPTION
GENERAL FUND	PROCESS FUNDS	10-3402-3636 GRANT-GANG-POSITIVE BEHAVIOR 10-4201-6362 GANG GRANT-POSITIVE BEHAVIOR

Check One Box		Check One Box	
New Appropriation:	[x]	New Appropriation:	[X]
Line Item Transfer:	[ ]	Line Item Transfer:	[ ]
REVENUES		**EXPENDITURES**	

Account # and Title		Amount	Account # and Title		Amount
DECREASE			DECREASE		
10-3402-3609	GRANT-GANG-POSITIVE BEHAVIOR	50,000.00	10-4201-6362	GANG GRANT-POSITIVE BEHAVIOR	50,000.00
Total		50,000.00	Total		50,000.00

Reason and Justification for Request:

BUDGET AMENDMENT TO APPROPRIATE FUNDS FROM THE NORTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (DJJDP). ON NOVEMBER 2, 2009, THE COMMISSIONERS VOTED TO ACCEPT A GRANT FROM THE DJJDP TO PROVIDE FUNDING FOR THE LENOIR COUNTY YOUTH BASED POSITIVE BEHAVIOR SUPPORT PROGRAM. THIS MONEY IS COMING FROM A GRANT APPLIED FOR BY THE GOVERNOR'S CRIME COMMISION FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009. THIS MONEY WILL BE A PASS THROUGH TO THE LENOIR COUNTY BOARD OF EDUCATION WHO IS ADMINISTERING THE PROGRAM.

Department Head Approval	Date	Finance Officer Approval	Date
Martha H. Martin	11/20/09	Martha H. Martin	11/20/09

Budget Officer Approval	Date
Michael Lanier	11/23/09

Board Approval (When Applicable)	Date	Date of Minutes

Finance Office - Copy Department - Copy Administration - Copy

Item No. 12

BUDGET ORDINANCE AMENDMENT: COMMUNITY DEVELOPMENT BLOCK GRANT FUND:
2009 CDBG SCATTERED SITE #09-C-1997: $400,000. INCREASE

LENOIR COUNTY, NORTH CAROLINA

BUDGET AMENDMENT REQUEST

FY 2009 - 2010
Appropriations

Budget Amendment #_____
Date Approved _____

Distribution - Finance Office:

FUND	DEPARTMENT	LINE ITEM DESCRIPTION
COMMUNITY DEVELOPMENT BLOCK GRANT	2009 CDBG SCATTERED SITE #09-C-1997	Various

Check One Box
New Appropriation: [x]
Line Item Transfer: [ ]

REVENUES

Account # and Title		Amount
DECREASE		
46-3409-3605	CDBG #09-C-1997	400,000.00
Total		400,000.00

Check One Box
New Appropriation: [x]
Line Item Transfer: [ ]

EXPENDITURES

Account # and Title		Amount
DECREASE		
46-4960-1000	ADMINISTRATION	40,000.00
46-4960-5800	CLEARANCE	30,000.00
46-4960-5820	RELOCATION	330,000.00
Total		400,000.00

Reason and Justification for Request:
TO SET UP AND APPROPRIATE FUNDS FOR THE 2009 COMMUNITY DEVELOPMENT BLOCK GRANT - SCATTERED SITE PROJECT THAT WAS AWARDED TO THE COUNTY ON NOVEMBER 6, 2009. THE GRANT PROJECT ORDINANCE AND FINANCIAL MANAGEMENT RESOLUTION WERE APPROVED BY THE COMMISSIONERS ON NOVEMBER 2, 2009. THIS WILL ALLOW FOR EXPENDITURE OF FUNDS ONCE ALL CONDITIONS OF THE FUNDING APPROVAL HAVE BEEN MET.

Department Head Approval	Date	Finance Officer Approval	Date
Martha H. Martin	11/30/09	Martha H. Martin	11/30/09

Budget Officer Approval	Date
Michael W. Jarman	12/3/09

Board Approval (When Applicable)	Date	Date of Minutes

Finance Office - Copy Department - Copy Administration - Copy

Item No. 13

BUDGET ORDINANCE AMENDMENT: GENERAL FUND
FINANCE: $503,152.00 INCREASE

LENOIR COUNTY, NORTH CAROLINA

BUDGET AMENDMENT REQUEST

FY 2009 - 2010
Appropriations

Budget Amendment #_____
Date Approved _____

Distribution - Finance Office:

FUND	DEPARTMENT	LINE ITEM DESCRIPTION
GENERAL	FINANCE	VARIOUS

Check One Box
New Appropriation: [x]
Line Item Transfer: [ ]

REVENUES

Account # and Title		Amount
INCREASE		
10-3836-8200	SALE OF LAND - INDUSTRIAL PARK	958,750.00
DECREASE		
10-3991-9910	FUND BALANCE APPROPRIATED	-455,598.00
Total		503,152.00

Check One Box
New Appropriation: [x]
Line Item Transfer: [ ]

EXPENDITURES

Account # and Title		Amount
INCREASE		
10-4320-3999	CONTR SVCS-MED SAFEKEEPING	503,152.00
Total		503,152.00

Reason and Justification for Request:
TO BUDGET FUNDS IN THE AMOUNT OF $958,750 RECEIVED FROM THE NC DEPARTMENT OF TRANSPORTATION FOR THE SALE OF LAND IN THE HWY 70 WEST INDUSTRIAL PARK FOR EXTENSION OF THE HARVEY PARKWAY AND REVISIONS TO HWY 70 WEST. OVER $500,000 OF THESE FUNDS WILL BE USED TO OFFSET THE COST OF HOUSING INMATES IN OUT-OF-COUNTY FACILITIES FOR THE CURRENT FISCAL YEAR.

Department Head Approval	Date	Finance Officer Approval	Date
Martha H. Martin	12/1/09	Martha H. Martin	12/1/09

Budget Officer Approval	Date
Michael W. Jarman	12/1/09

Board Approval (When Applicable)	Date	Date of Minutes

Finance Office - Copy Department - Copy Administration - Copy

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 12/07/09 **ITEM NO.** 14

Resolution to Exempt Lenoir County ABC Board Members, Excluding the Chairman, from the Bond Requirements as Set Forth in North Carolina General Statute 18B-700 (i)

SUBJECT AREA: Administrative

ACTION REQUESTED:

The Board is requested to exempt Lenoir County ABC Board members, excluding the Chairman, from additional bonding requirements other than those provided by the public employees liability insurance maintained by the Lenoir County ABC Board.

HISTORY/BACKGROUND:

In the past, all members of the Lenoir County ABC Board have been bonded for the faithful performance of their duties in an amount required to satisfy North Carolina General Statute 18B-700. The bond shall be payable to the local board and shall be approved by the appointing authority for the local board. The appointing authority may exempt from this bond requirement any board member who does not handle board funds, and it may also increase the amount of the bond for any board member who does handle board funds.

EVALUATION:

Per North Carolina General Statue 18B-700, any ABC Board member who handles Board funds shall be bonded in an amount not less than $5,000 secured by a corporate surety, for the faithful performance of his duties. Lenoir County ABC administration has recommended to exempt Lenoir County ABC Board members, excluding the Chairman, from additional bonding other than the amount provided by the public employees liability insurance policy maintained by the Lenoir County ABC system, because no Board members, other than the Chairman, handle Board funds.

MANAGER'S RECOMMENDATION:

Respectfully recommend approval.

_____
Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners, per the authority granted to them by North Carolina General Statute 18B-700 and upon the recommendation of the Lenoir County ABC Administration, do hereby exempt Lenoir County ABC Board members, excluding the Chairman, from additional bonding requirements other than those provided by the public employees liability insurance maintained by the Lenoir County ABC Board.

AMENDMENTS:

MOVED _____ **SECOND** _____

APPROVED _____ **DENIED** _____ **UNANIMOUS** _____

YEA VOTES: Brown _____ **Davis** _____ **Graham** _____ **Humphrey** _____

Pharo _____ **Stroud** _____ **Sutton** _____

_____ 12/07/09
George W. Graham Jr., Chairman Date

_____ 12/07/09
ATTEST Date

Date sent: **Wed, 14 Oct 2009 14:38:57 -0400 (EDT)**
From: **Lenoir County <lenoircoabc@embarqmail.com>**
To: **mjarman@co.lenoir.nc.us**
Copies to: **lenoircoabc <lenoircoabc@embarqmail.com>**
Subject: **Fwd: Board Member Bond**

Mike,

Here is the email I received from Laurie Lee who is with the North Carolina ABC Commission.
Let me know if this is what you need to present to the County Commissioners.
Let me know if there is anything else you may need in conjuction with the email.

Thanks,

Bruce

—— Forwarded Message ——
From: "Laurie Lee" <Laurie.Lee@abc.nc.gov>
To: "Lenoir County" <lenoircoabc@embarqmail.com>
Sent: Monday, October 12, 2009 9:23:42 AM GMT -05:00 US/Canada Eastern
Subject: Board Member Bond

Bruce:

You have asked for a Commission interpretation of GS 18B-700(i). As stated in the statute, if a board member does not handle board funds, the appointing authority may exempt that board member from the bond requirement. If only your Chairman has checking signing responsibilities, then the other board members do not have to be bonded if the Lenoir County Commission gives its approval.

Laurie Lee

ABC Board Auditor
Director, Pricing Division
NC ABC Commission
3322 Garner Road
Raleigh, NC 27610
T. 919-779-0700, ext. 254
F. 919-661-5927

E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

North Carolina General Statutes § 18B-700 Appointment and organization of local ABC boards

http://law.onecle.com/north-carolina/18b-regulation-of-alcoholic-beverages/18b-700.html

(a) Membership. A local ABC board shall consist of three members appointed for three□year terms, unless a different membership or term is provided by a local act enacted before the effective date of this Chapter, or unless the board is a board for a merged ABC system under G.S. 18B□703 and a different size membership has been provided for as part of the negotiated merger. One member of the initial board of a newly created ABC system shall be appointed for a three□year term, one member for a two□year term, and one member for a one□year term. As the terms of initial board members expire, their successors shall each be appointed for three□year terms. The appointing authority shall designate one member of the local board as chairman.
(b) City Boards. City ABC board members shall be appointed by the city governing body, unless a different method of appointment is provided in a local act enacted before the effective date of this Chapter.
(c) County Boards. County ABC board members shall be appointed by the board of county commissioners, unless a different method of appointment is provided in a local act enacted before the effective date of this Chapter.
(d) Qualifications. The appointing authority shall appoint members of a local board on the basis of the appointees' interest in public affairs, good judgment, knowledge, ability, and good moral character.
(e) Vacancy. A vacancy on a local board shall be filled by the appointing authority for the remainder of the unexpired term. If the chairman's seat becomes vacant, the appointing authority may designate either the new member or an existing member of the local board to complete the chairman's term.
(f) Removal. A member of a local board may be removed for cause at any time by the appointing authority. Local board members are subject to the removal provisions of G.S. 18B□202.
(g) Salary. A local board member may be compensated as determined by the appointing authority.
(h) Conflict of Interest. The provisions of G.S. 18B□201 shall apply to local board members and employees.
(i) Bond. Each local board member shall be bonded in an amount not less than five thousand dollars ($5,000), secured by a corporate surety, for the faithful performance of his duties. A public employees' blanket position bond in the required amount satisfies the requirements of this subsection. The bond shall be payable to the local board and shall be approved by the appointing authority for the local board. The appointing authority may exempt from this bond requirement any board member who does not handle board funds, and it may also increase the amount of the bond for any member who does handle board funds.

(j) Limited Liability. A person serving as a member of a local ABC board shall be immune individually from civil liability for monetary damages, except to the extent covered by insurance, for any act or failure to act arising out of this service, except where the person:
(1) Was not acting within the scope of his official duties;
(2) Was not acting in good faith;
(3) Committed gross negligence or willful or wanton misconduct that resulted in the damage or injury;
(4) Derived an improper personal financial benefit from the transaction; or
(5) Incurred the liability from the operation of a motor vehicle.
The immunity in this subsection is personal to the members of local ABC boards, and does not immunize the local ABC board for liability for the acts or omissions of the members of the local ABC board. (1981, c. 412, s. 2; c. 747, s. 50; 1981 (Reg. Sess., 1982), c. 1262, s. 10; 1989, c. 800, s. 19.)
Sections: Previous 18B-600 18B-601 18B-602 18B-603 18B-604 18B-605 18B-606 through 18B-699 18B-700 18B-701 18B-702 18B-703 18B-704 through 18B-799 18B-800 18B-801 18B-802 Next
Last modified: August 6, 2008

INTRODUCED BY: Michael Jarman, County Manager **DATE:** 12/07/09 **ITEM NO.:** 15

Resolution Authorizing FY 2009-10 Purchase Order for 800 MHZ Radio: $2,914.29

SUBJECT AREA: Financial

ACTION REQUESTED:

Authorization for a purchase order for replacement 800 MHZ radio from Account No.: 10-4332-5999.

HISTORY/BACKGROUND:

In October of 2009, one of the 800 MHZ radios was lost while on an EMS call. This radio was insured and insurance check was received and approved into the EMS budget on the November 2, 2009, commissioners' agenda.

EVALUATION:

Staff evaluated the purchase of the radio and due to the radio system is proprietary; we recommend this purchase from Motorola.

MANAGER'S RECOMMENDATION:

Respectfully recommend approval.

_____
INITIALS

RESOLUTION/ORDINANCE: NOW, THEREFORE, BE IT RESOLVED by the Lenoir County Board of Commissioners that the EMS Division be authorized to execute purchase orders up to an amount totaling $2,914.29 to Motorola as approved in the EMS Division's FY 2009-10 operating budget (account # 10 4332 5999).

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Davis _____ Graham _____ Humphrey _____

Pharo _____ Stroud _____ Sutton _____

_____ 12/07/09
George W. Graham Jr., Chairman Date

_____ 12/07/09
ATTEST Date

INTRODUCED BY: Michael Jarman, County Manager **DATE:** 12/07/09 **ITEM NO.:** 16

Resolution Authorizing the Renewal of the Support & Maintenance for NeverFail for SQL Server: $3,000

SUBJECT AREA: Financial

ACTION REQUESTED:

Authorize the renewal of the Neverfail Support & Maintenance for SQL Server bundle in the amount of $3,000.00 from budget line 24-4320-6900.

HISTORY/BACKGROUND:

Contract is for the support and maintenance of the Neverfail SQL server software. The Neverfail SQL server provides a critical service in the day-to-day operations of the Computer Aided Dispatch software for the Communications Division. This software allows the dual CAD servers to run in mirror mode, thereby ensuring that in the event of the primary CAD server having a critical failure, the backup server would assume running CAD with no interruption in service to the Telecommunicators. This also ensures that there is no lapse in the service that is currently provided to the citizens of Lenoir County.

EVALUATION:

Contract is necessary for the proper function of the Neverfail SQL server, which allows the CAD servers in the Communications Center, to run in mirror mode. This equipment serves all our emergency service agencies; therefore, this software must be maintained on a daily basis.

MANAGER'S RECOMMENDATION:
Respectfully recommend approval.

_____
Initials

RESOLUTION: NOW THEREFORE, BE IT RESOLVED by the Lenoir County Board of Commissioners that: the renewal of the Support and Maintenance of the Neverfail SQL Server Bundle at a cost of $3,000.

Account No.: 24-4320-6900.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Davis _____ Graham _____ Humphrey _____

Pharo _____ Stroud _____ Sutton _____

_____ 12/07/09
George W. Graham Jr., Chairman Date

_____ 12/07/09
ATTEST Date

INTRODUCED BY: Michael Jarman, County Manager **DATE:** 12/07/09 **ITEM NO.:** 17

Resolution Approving the Acceptance of a Proposal for Advertisement by Right-On Signs and Graphics on Three (3) Lenoir County Transit Vehicles in Exchange for Color Graphic on Fifteen (15) Lenoir County Transit Vehicles and the Execution of a Contract

SUBJECT AREA: Administrative

ACTION REQUESTED:

Approve / authorize the following advertisement proposal by Lenoir County Transit (LCT) advertisement by Right-On Signs and Graphics on three (3) Lenoir County Transit vehicles for a twelve-month period in exchange for Color Graphic on fifteen (15) Lenoir County Transit Vehicles and the execution of a contract.

HISTORY/BACKGROUND:

Lenoir County Transportation solicits customers to sale ads on vans so that all of the revenue can be returned to the Transit General Fund.

EVALUATION:

Right - On Signs and Graphics has been for many years placing all of the signage on the LCT Vans and other types of signs as requested by LCT. On October 23, 2009, LCT Management contacted Right-On Signs and Graphics about adding some color graphic to the LCT Vehicles. An agreement was made between LCT and Right-On Signs and Graphics to allow Right-On Signs and Graphics to ad some color graphic to LCT Vehicles in exchange for Advertising on the LCT Vehicles at no additional charge to either party. Attached is a sample proof of the ad that will be placed on three (3) LCT vans for Right-On Signs and Graphics for the Board's evaluation. Should LCT have purchased the Color Graphics per vehicle the total cost for fifteen (15) vehicles would have been $4,560.30. Based on advertisement charge by LCT, the following cost to advertise on three (3) vans would have been for a twelve-month advertisement period $9,000. LCT Management is overwhelmed by the twelve-month agreement between LCT and Right-On Signs and Graphics.

MANAGER'S RECOMMENDATION:

Respectfully Recommend Approval

_____
INITIALS

RESOLUTION: NOW, THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that advertisement by Right-On Signs and Graphics on Three (3) Lenoir County Transit Vehicles in Exchange for Color Graphic on Fifteen (15) Lenoir County Transit Vehicles and the Execution of a Contract is approved.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Davis _____ Graham _____ Humphrey _____

Pharo _____ Stroud _____ Sutton _____

_____ 12/07/09
George W. Graham Jr., Chairman Date

_____ 12/07/09
ATTEST Date

INTRODUCED BY: Michael Jarman, County Manager **DATE:** 12/7/09 **ITEM NO.** 18

Resolution Authorizing Lenoir County Health Department to Purchase Equipment Using State Immunization Grant Funds and Aid to County Grant Funds

SUBJECT AREA: Financial

ACTION REQUESTED:

The Board is asked to grant permission to Lenoir County Health Department to utilize State Immunization Grant funds and Aid to County Grant funds to purchase and install a backup generator to maintain vaccine viability during sustained power outage.

Immunization-
10-5114-2900 (Depart. Supplies)------$7000.00
Aid to County-
10-5110-2900 (Essential Services)-----$3000.00

HISTORY / BACKGROUND:

The money is to be used to purchase equipment to ensure adequate storage and proper functioning of immunization services.

EVALUATION:

Required by Contract Agreement with the Division of Public Health and the Immunization Branch.

MANAGER'S RECOMMENDATION:

Respectfully Request Approval.

_____
Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners to authorize a purchase for equipment and installation from Immunization Grant ($7000.00) and Aid to County Grant ($3000.00).

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Davis _____ Graham _____ Humphrey _____
Pharo _____ Stroud _____ Sutton _____

_____ 12/07/09
George W. Graham, Jr. Chairman Date

_____ 12/07/09
ATTEST Date

INTRODUCED BY: Michael Jarman, County Manager **DATE:** 12/07/09 **ITEM NO.:** 19

Resolution Authorizing the Purchase of Software to Upgrade to Cott Resolution #3: $15,000

SUBJECT AREA: Purchase/Bids

ACTION REQUESTED:

Approval of a Resolution authorizing the purchase of software to update the current indexing system for real estate documents, marriage license, birth, delayed births, deaths, maps and etc that are recorded in the Register of Deeds office.

HISTORY/BACKGROUND:

The Register of Deeds office originally typed all records for the indexes manually. In 1983 the first computer system was implemented. In 2005 the system the Register of Deeds used to maintain these records was updated to Resolution, which was the most current for Cott at that time. The data structure and data storage for indexes and images was designed for the available software at that time. This has helped to make the system user friendly, not only to the in house public, but also to the Internet public. With the system now in use, one can search the real estate database for 30+ years of data and print copies of documents that have been filed since October of 2005 from the Internet. While the computer system now in use has made this a possibility, it is also out of date with the new guidelines that have been mandated by the Secretary of State of North Carolina.

EVALUATION:

The information supplied by the current computer system is a vital tool for searching real estate records, not only in the Register of Deeds office, but through the Internet also. Therefore, upgrading with the current vendor would insure that all information, since 1976, that has been stored in the database would be successfully transferred. By using the current vendor, the hardware can be kept to a minimum cost. This resolution would include new updated software, training services and customer support for the software. The capital for this would come from the Automation and Preservation Fund that was established in January 2002 pursuant to General Statue 161-11.3 for the office of Register of Deeds. Ten percent of certain fees collected by the Register of Deeds office are set aside in this fund. The proceeds of which shall be expended on computers or imaging technology and needs associated with the preservation and storage of public records in the office of the Register of Deeds.

Software: Cott Resolution #3 Upgrade $15,000

MANAGER'S RECOMMENDATION:

Respectfully Recommend Approval

RESOUTION: NOW, THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that the County execute a purchase order, not to exceed $15,000 to Cott Systems for the installation of software to initiate the upgrade of the indexing system for the Register of Deeds office.

Line Item Account: #27-3418-4100 AUTOMATION-PRESERVATION FEES

ADMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Davis _____ Graham _____ Humphrey _____

Pharo _____ Stroud _____ Sutton _____

_____ 12/07/09
George W. Graham Jr., Chairman Date

_____ 12/07/09
ATTEST Date

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 12/07/09 **ITEM NO.** 20

Resolution Approving Engineering Services for Waterline Improvements in the Hwy 70 Industrial Park Waterline Extension Project: H.C. Harris Jr., Engineering & Surveying, P.A.: $26,952.

SUBJECT AREA: Purchases/Bids

ACTION REQUESTED:

The Board is requested to approve an engineering services proposal for construction inspection services on the Hwy 70 Industrial Park Waterline Extension Project.

HISTORY/BACKGROUND:

On July 21, 2008, the Board approved a resolution, authorizing the County to make application for infrastructure grants on behalf of the City of Kinston, for waterline improvements within the Hwy 70 Industrial Park. Whenever funds were awarded, the City of Kinston would be responsible for overseeing the construction and would provide the operations and maintenance of the lines after the project was completed. Lenoir County was awarded a grant from The Rural Center on February 9, 2009, in the amount of $275,633.60. The County also received a grant in the amount of $253,175.00 from the Department of Commerce on October 14, 2009. These two grants plus a local match from the City of Kinston in the amount of $22,460.00, provides funding for the entire waterline expansion project. On September 9, 2009, the City of Kinston sent out Request for Proposals to three engineering firms that handle construction inspection services.

EVALUATION:

The City of Kinston sent out Request for Proposals to three engineering firms that handle construction inspection services on water line extension projects. The three firms and their bid amounts are as follows:

Firm Name	Bid Amount
H.C. Harris Engineering & Surveying, P.A.	$55.00 per hour not to exceed $26,952.00
N-Focus Design, Inc.	Declined participation
Construction Dynamics Group	Did not return a reply

MANAGER'S RECOMMENDATION:

Respectfully recommend approval. _____

RESOLUTION: NOW THEREFORE BE IT RESOLVED That the Lenoir County Board of Commissioners approve an engineering services proposal for construction inspection services on the Hwy 70 Industrial Park Waterline Extension Project with H.C. Harris, Jr., Engineering & Surveying, P.A. in the amount of $26,952.00, be approved and be it further resolved that the County Manager or the Chairman of the Board is authorized to execute an agreement for these engineering services.

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Davis _____ Graham _____ Humphrey _____

Pharo _____ Stroud _____ Sutton _____

_____ 12/07/09
George W. Graham Jr., Chairman Date

_____ 12/07/09
ATTEST Date

KINSTON PUBLIC SERVICES

Buildings & Grounds, Business Office, Electric, Engineering, Environmental Services, Fleet Maintenance, Meter Reading, Stormwater, Streets, Wastewater, and Water

Kinston, the right place ... Kinston Public Services, the right choice.

Kinston All-America City 2009

MEMORANDUM

TO: Michael Jarman, County Manager

FROM: Steve Miller, City of Kinston Water Resources Manager

DATE: November 13, 2009

RE: Award of Contract for Construction Inspection on Highway 70 Industrial Park Water Line Project

Background:

At the October 19, 2009 County Commissioner meeting, Ormond Utilities was awarded the construction contract for this project. The project has a budget of $551,267.20, which includes 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. The work involves the extension of 16" and 12" water lines along Enterprise Boulevard, Smithfield Way and Hill Farm Road.

The City of Kinston solicited and received a proposal from H.C. Harris, Jr. Engineering & Surveying, P.A. to perform construction inspection on the project. This is needed to ensure the contractor performs the construction work properly. The proposal is based on an hourly rate of $55.00 per hour, with a total cost not to exceed $26,952.00. Payment will only be for actual hours worked. Hours worked will be authorized by city staff to ensure total cost does not exceed the amount proposed. This is the amount that was included in the project budget for Engineering Inspections.

I have reviewed the proposal and recommend the Lenoir County Commissioners authorize Chairman Graham to sign the attached Work Authorization form.

Action Requested

Authorize Chairman George Graham to execute a Work Authorization for Inspection Services on the Highway 70 West Industrial Park Water Improvements Project with H.C. Harris, Jr. Engineering & Surveying, for an amount not to exceed $26,952.00.

H.C. HARRIS JR.
ENGINEERING & SURVEYING, P.A.

12 November 2009

Mr. George W. Graham, Jr. Chairman
Lenoir County Board of Commissioners
Post Office Box 3289
Kinston, North Carolina 28502

RE: Work Authorization for Inspection Services for the Lenoir County Highway 70 Industrial Park Water Project, Kinston, North Carolina

Dear Mr. Graham,
I would like to thank you for the opportunity to provide this work authorization form to you and Lenoir County for the above referenced project. Based upon your review of our cost proposal letter to the city of Kinston Engineering Department, I offer the following for your approval and signature:

H.C. Harris, Jr. Engineering & Surveying, P.A. shall provide an inspector for this project for an hourly rate of $55.00 with a not to exceed total project cost of $26,952.00. For this hourly rate the City of Kinston shall receive the following:

An inspector of NCDOT Technician III (or above) Qualification
Dependable vehicle for transportation
Cell phone for instant communication
Daily Field Reports (Project Diaries)
All necessary inspections supplies

Our inspector shall report to and be directed by City of Kinston Engineering Department personnel. With minimal assistance from the City Engineer or his representative, the inspector shall be responsible for keeping and maintaining project diaries, reviewing contractor's monthly pay requests, attending monthly project meetings, and observing utility construction during critical path operations, such as traffic control, pipe laying, and testing, as directed by the City of Kinston. The inspector shall coordinate the work of this project with NCDOT officials and shall also be responsible for the preparation of final project punch list items.

216 Main Street – Winterville, NC 28590
Phone: (252) 321-5607 Fax: (252) 321-6208 hcharris@hcharris.net

The hourly rate, as stated above, includes all overhead expenses such as salary, insurances, retirement, social security, Medicare, un-employment, vehicle expenses, phone expenses, profit, and contingencies.

Due to Kinston being within our normal working area, compensation for per diem charges shall not be required.

If you are agreeable to the terms as stated herein, please sign below and fax or email this signed agreement back to our office at your earliest convenience. Again, thank you for this opportunity and we look forward to working with you on this project.

Respectfully,

H.C. (Cliff) Harris, Jr, PE, PLS

Proposal Accepted by:

Lenoir County

(seal)

By: _____

George W. Graham, Jr.
Chairman
Lenoir County Board of Commissioners

Attest:

_____

Lashanda Aytch
Clerk to the Board

216 Main Street – Winterville, NC 28590
Phone: (252) 321-5607 Fax: (252) 321-6208 hcharris@hcharris.net

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 12/07/09 **ITEM #** 21A.

RESOLUTION: Supporting an Application to the North Carolina Local Government Commission for its Approval of County Revenue Bonds in the Estimated Amount of $4,000,000

SUBJECT AREA: Administration

WHEREAS,
Lenoir County has previously approved, in principal, a plan to construct a new municipal solid waste disposal cell (MSW #2) at the County landfill (the "project"). The County plans to finance the project through the use of special obligation revenue bonds, which will be payable primarily from the operating revenues of the County's landfill operations.

North Carolina law requires that the County's issuance of these revenue bonds be approved by the North Carolina Local Government Commission (the "LGC"), a division of the North Carolina State Treasurer's office. Under the LGC's guidelines, this Board must make certain "findings of fact" to support the County's application for the LGC's approval of the proposed revenue bonds.

***THEREFORE, BE IT RESOLVED* by the Board of Commissioners of Lenoir County, North Carolina,** that the County makes a preliminary determination to finance project costs through the issuance of special obligation revenue bonds in an estimated amount of $4,000,000.

The Board will determine the final amount to be financed by a later resolution. The total amount financed may be somewhat higher or lower than $4,000,000. Some of the financing proceeds may represent reimbursement to the County for prior expenditures on project costs, and the County may use additional bond proceeds to pay financing costs.

***BE IT FURTHER RESOLVED* that the Board of Commissioners makes the following findings of fact:**

1. The project is necessary and appropriate for the County under all the circumstances. Expanding the landfill by the construction of an additional disposal cell at this time is necessary and appropriate for the continued orderly operation of solid waste disposal in the County.

2. The project is feasible. The County expects to pledge to the repayment of the revenue bonds the net revenues from the County's solid waste system. The County's analysis reflects that these revenues should be sufficient to provide for payments on the proposed bonds, while keeping disposal charges at reasonable levels.

3. As confirmed to the Board at this meeting by the County's Finance Officer, (a) the County's debt management procedures and policies are sound and in compliance with law, and (b) the County is not in default under any of its debt service obligations.

4. The County will be able to market the bonds at reasonable rates of interest. The County will closely review proposed lending rates against market rates with guidance from the LGC. All amounts financed will reflect either approved contracts or previous actual expenditures.

***BE IT FURTHER RESOLVED* as follows:**

(a) The County Manager and all other County officers are authorized and directed to take all appropriate steps toward the completion of the financing, including completing an application to the LGC for its approval of the proposed revenue bonds, and soliciting proposals from one or more financing institutions to provide financing through the purchase of the revenue bonds.

(b) The County intends that the adoption of this resolution will be a declaration of the County's official intent to reimburse project expenditures from financing proceeds. The County intends that funds that have been advanced for project costs, or which may be so advanced, from the County's solid waste system enterprise fund, or any other County fund, may be reimbursed from the financing proceeds.

(c) All County officers and employees are authorized and directed to take all such further action as they may consider necessary or desirable in furtherance of the purposes of this resolution. All such prior actions of County officers and employees are ratified, approved and confirmed.

(d) This resolution takes effect immediately.

MOVED_____ **SECONDED**_____

APPROVED_____ **DENIED**_____ **UNANIMOUS**_____

Yea Votes: Graham____ **Stroud**____ **Brown**____ **Davis**____ **Humphrey**____

Pharo____ **Sutton**____

_____
George W. Graham, Jr., Chairman

The undersigned Clerk of the Board of Commissioners of Lenoir County, North Carolina, certifies that the foregoing is a correct and complete copy of a resolution duly adopted by the Board of Commissioners at a regular meeting duly called and held on December 7, 2009. A quorum was present and acting throughout such meeting. Such resolution has not been repealed, revoked, rescinded or amended, but remains in full effect as of today.

WITNESS my signature and the seal of Lenoir County, North Carolina, this _____ day of December, 2009.

[SEAL]

_____
Clerk, Board of Commissioners
Lenoir County, North Carolina

INTRODUCED BY: Michael W. Jarman, County Manager **DATE:** 12/07/09 **ITEM NO.** 21B.

RESOLUTION: Approving Engineering Services Agreement: Municipal Engineering Services Company, Inc.: Not to Exceed $200,000

SUBJECT AREA: Purchases / Bids

ACTION REQUESTED: The Board is requested to authorize the acceptance of a proposal from Municipal Engineering Services Company, Inc., to perform construction administration and observation services to oversee construction of Phase 3 (a 5 year MSW landfill cell currently shown on Facility Plan as Phase 2) on approximately 8 acres of the existing Lenoir County landfill facility, and pursuant to legal authorization, allow it to be exempted from announcing and competitively bidding these services.

HISTORY/BACKGROUND: Article 3D of G.S. 143 allows local governments to exempt themselves from its provisions, ie., to announce all requirements for architectural, engineering, and surveying services. Units of local government may exempt particular projects in writing: (1) if the estimated professional fee for the proposed project is less than $30,000 or (2) in any case, regardless of fee amount, if the unit chooses to do so in it's "sole discretion" and states its reasons and the attendant circumstances (NCGS 143-64.32). Municipal Engineering Services Company Inc. has performed engineering services for Lenoir County for over 19 years, fairly exclusively as the "landfill engineer". Municipal Engineering Services Company, Inc. performed a site suitability study and in 1991 performed design work for the landfill. In 1995 Municipal Engineering Services Company, Inc. designed the landfill transfer station and administration building. In 2000 Municipal Engineering Services Company, Inc. designed for Lenoir County a 5-year cell to Subtitle D standards. In 2003, Municipal Engineering Services Company, Inc. oversaw construction of the 5-year cell to receive municipal solid waste. This cell was constructed in an effort to eliminate the cost of contracting with an outside firm to haul municipal solid waste to a regional landfill. Due to proper compaction methods being utilized by the landfill director, the estimated remaining life of this 5-year MSW landfill cell is one (1) year. Lenoir County contracted with Municipal Engineering Services Company, Inc. in July of 2008 to provide the engineering services to obtain the environmental permits necessary to construct Phase 3. The process to obtain the necessary environmental permits to construct Phase 3 has taken over one (1) year to complete. Construction of a new cell will take approximately one (1) year after the permitting process is completed. Municipal Engineering Services Company, Inc. continues to monitor the entire landfill facility for environmental compliance and closure and post-closure requirements.

EVALUATION: The existing MSW landfill cell was constructed in 2003 with a five (5) year life expectancy. The estimated remaining life of this cell is approximately one (1) year. The permitting process for a new cell has taken over one (1) year to complete and the construction of a new cell will take approximately one (1) year after the necessary permits are issued by the State; therefore, the construction process needs to begin as soon as possible. Municipal Engineering Services Company, Inc. has worked with Lenoir County for many years, fairly exclusively as the "landfill engineer" and continues to provide engineering services to the County for the operation and monitoring of the entire landfill facility. Approval of this resolution will allow Municipal Engineering Services Company, Inc. to begin the process for the construction of Phase 3 (currently shown on Facility Plan as Phase 2) so that the landfill may continue to operate and grow in an efficient and responsible manner.

MANAGER'S RECOMMENDATION:

Respectfully recommend approval. _____

RESOLUTION: NOW THEREFORE BE IT RESOLVED that the Lenoir County Board of Commissioners approve an engineering services agreement with Municipal Engineering Services Company, Inc., to perform construction administration and observation services to oversee construction of Phase 3 (a 5 year MSW landfill cell currently shown on Facility Plan as Phase 2) on approximately 8 acres of the existing Lenoir County landfill facility and be it further resolved pursuant to NCGS 143-64.32 (b) allow it to be exempted from announcing and competitively bidding these engineering services in its "sole discretion" for the following reasons: (1) Municipal Engineering Services Company, Inc. has performed engineering services for Lenoir County for over 19 years, fairly exclusively as the "landfill engineer": (2) Municipal Engineering Services Company, Inc. has performed work under contracts for Lenoir County during this time frame: (3) Municipal Engineering Services Company, Inc. performed the site suitability study for the landfill, performed design work for the landfill, designed the transfer station and administration building, designed a 5-year cell to Subtitle D standards: (4) obtained necessary environmental permits for construction of Phase 3: (5) provides monitoring services for the landfill: and (6) Municipal Engineering Services Company, Inc. is the engineering firm most familiar with the Lenoir County landfill: and be it further resolved that the County Manager is authorized to execute this agreement in an amount not to exceed $200,000 pending approval of the project and the financing by the North Carolina Local Government Commission.

AMENDMENTS:

MOVED _____ **SECONDED** _____

APPROVED _____ **DENIED** _____ **UNANIMOUS**

Yea Votes: Graham____Stroud____Brown____Davis____Humphrey____

Pharo____Sutton____

_____

George W. Graham, Jr., Chairman

_____

Date

_____

Attest

_____

Date

INTRODUCED BY: Michael Jarman, County Manager **DATE:** 12/07/09 **ITEM NO.** 22

Resolution Approving Citizens to Boards, Commissions, Etc.

SUBJECT AREA: Boards and Commissions

ACTION REQUESTED:

Officially and publicly appoint various applicants to various vacancies on boards, commissions, task forces, etc.

HISTORY / BACKGROUND:

The County Manager/County Clerk advertises vacancies on boards, commissions, committees, task forces, etc. The County Manager/County Clerk serves only clearinghouse functions with respect to the appointment process; no influence is exerted in this role. Commissioners are welcome to recruit applicants, or citizens may apply on their own free will.

EVALUATION:

The following Boards currently have existing vacancies/expiring terms. No applications at this time.

BOARD/COMMITTEE/COMMISSION	APPLICANT/ CURRENT MEMBER	TERM EXPIRATION
Kinston-Lenoir County Tourism Development Authority 2nd Appearance	Mr. Guy Smith (Re-Appointment)	June 2012

CURRENT VACANCIES:

Lenoir County Health Board – (1) Veterinarian, (1) Optometrist, (1) Pharmacist
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

MANAGER'S RECOMMENDATION:

_____
Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED by the Lenoir County Board of Commissioners that the following appointments are made:

BOARD/COMMITTEE/COMMISSION	APPLICANT/ CURRENT MEMBER	TERM EXPIRATION
Kinston-Lenoir County Tourism Development Authority 2nd Appearance	Mr. Guy Smith (Re-Appointment)	June 2012

AMENDMENTS:

MOVED _____ SECOND _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Brown _____ Davis _____ Graham _____ Humphrey _____

Pharo _____ Stroud _____ Sutton _____

_____ 12/07/09
George W. Graham Jr., Chairman Date

_____ 12/07/09
ATTEST Date

Kinston-Lenoir County Convention & Visitors Bureau
301 N. Queen Street, Kinston, NC 28501
Embracing the past...Defining the present...Shaping the future

October 7, 2009

Mike W. Jarman
County Manager
County of Lenoir
PO Box 3289
130 South Queen Street
Kinston, NC 28502

Dear Mr. Jarman,

In 2006, Mr. Guy Smith was appointed by Lenoir County Board of Commissioners to fill a seat on the Kinston-Lenoir County Tourism Development Authority Board. In July 2009 his seat is back up for re-appointment.

The Tourism Development Authority Board Recommendation Committee respectfully suggests that the Board of Commissioners re-appoint Mr. Guy Smith, director of the CSS Neuse State Historic Site to the TDA board. Mr. Smith has been a valuable member of the Tourism Development Authority Board serving in the past as Chairperson. His commitment and understanding of tourism development serves Lenoir County well.

He will be re-appointed to a three year term position which will expire in June, 2012.

Sincerely,

Laura Lee Sylvester
Executive Director
Kinston-Lenoir County Tourism Development Authority