

**MINUTES  
LENOIR COUNTY BOARD OF COMMISSIONERS  
December 7, 2009**

The Lenoir County Board of Commissioners met in open session at 9:00 a.m. on Monday, December 7, 2009 in the Board of Commissioners Main Meeting Room in the Lenoir County Courthouse at 130 S. Queen St., Kinston, NC.

Members present Commissioners: Jackie Brown, Reuben J. Davis, George Graham, Jr., Chris Humphrey, Tommy Pharo, Claude Stroud, 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.

**PUBLIC INFORMATION:**

Ms. Lucy Marston, Lenoir County Tourism Director, thanked everyone for attending North Carolina Governor’s Volunteer Awards Ceremony. Ms. Marston stated all three recipients were very deserving and their service to Lenoir County has been very appreciated. Ms. Ora Lee Brown helped to create many of the by-laws of Inner Church Outreach (ICOR) Program. This program has helped many citizens throughout Lenoir County and continues to be a vital resource in these troubled economic times. Ms. Brown’s brother Mr. Robert Brown accepted the award in her absence. Ms. Jewel Rider has volunteered at Caswell Center for over 40 years. Ms. Rider has enjoyed being an asset to her Caswell family and hopes to continue many more years of volunteering. Mr. Earl Harper has served as a Red Cross Chapter volunteer for over 30 years. Mr. Harper believes that giving blood is one of the most important contributions anyone can make. Mr. Harper continues to encourage everyone to give blood. Mr. Tate Johnson, Governor’s Eastern Representative, read a prepared statement from Governor Beverly Perdue thanking each recipient for volunteering their time to each of their respective organizations.

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

*Election of Vice-Chairman* **Attorney Robert W. Griffin**  
*Mr. Pharo nominated Mr. Claude Stroud; there was no opposition to the nomination and no other nominees; Mr. Stroud was named Vice-Chairman by unanimous approval by the Board – One Year Term.*

Mr. Chris Humphrey introduced Mr. Matthew Best and his Student Leadership Institute class of Bethel Christian Academy. Mr. Best stated the class is in the process of learning how local government works; he thanked the Board for allowing the class to attend the meeting.

## ITEMS FROM CHAIRMAN/COMMISSIONERS

Item No. 1 was Items from the Chairman and Members of the Board. Mr. Graham reviewed some statistics of Lenoir County provided by North Carolina Eastern Region. Mr. Graham stated the statistics note areas the county needs to improve, but the county is in line and even ahead with state numbers. Ms. Brown asked the Chairman to invite Kinston High School's football team to the next meeting to congratulate them on playing so well this season. Mr. Jarman stated he would schedule the meeting.

## ITEMS FROM THE COUNTY MANAGER

Item No. 2 was Items from the County Manager. Mr. Jarman reviewed a slide presentation of each property and discussed the current conditions of each property. Mr. Jarman recommended the Board approve the bids on the following: 4751 Willie White Rd. LaGrange, NC (\$1,500 Bid); 1018 Liberty Hill Road Kinston, NC (\$1,000) and 4776 Mays Store Rd. LaGrange, NC (\$5,000). Upon a motion by Mr. Davis and a second by Ms. Sutton the bids were approved as recommended.

Ms. Linda McCoy addressed the Board stating on November 20, 2009 her nephew was denied the right to dispose of waste material at the county landfill until payment was received. Ms. McCoy stated landfill employees notified her they had no records that her taxes had been paid hence the landfill user-fee charge. Ms. McCoy stated she has paid her taxes and had to go to the tax department in order to get proof her taxes had been paid. Ms. McCoy stated she does not feel the landfill keeps proper records. Mr. Graham stated Ms. McCoy had a legitimate complaint and that the county strives to offer all citizens quality customer service. Mr. Graham assured Ms. McCoy that the issue would be resolved.

## CONSENT AGENDA

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

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| 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   |

## **PROCLAMATION/BUDGET ORDINANCE AMENDMENTS/RESOLUTIONS**

Item No. 10 was a Budget Ordinance Amendment: General Fund: Non-Departmental: \$35,000: Increase. Ms. Martin stated the amendment budgets funds from the sale of foreclosed 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. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 10 was unanimously approved.

Item No. 11 was a Budget Ordinance Amendment: General Fund: Process Funds: \$50,000: Increase. Ms. Martin stated the amendment appropriates funds from the North Carolina Department of Juvenile Justice and Delinquency Prevention (DJJDP). On November 2, 2009, the Commissioners accepted 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 Commission 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. Upon a motion by Ms. Brown and a second by Mr. Stroud, Item No. 11 was unanimously approved.

Item No. 12 was a Budget Ordinance Amendment: Community Development Block Grant Fund: 2009 CDBG Scatter Site #09-C-1997: \$400,000 Increase. Ms. Martin stated the amendment sets up and appropriates 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. Upon a motion by Mr. Stroud and a second by Ms. Brown, Item No. 12 was unanimously approved.

Item No. 13 was a Budget Ordinance Amendment: General Fund: Finance: \$503,152: Increase. Mr. Hollowell stated the amendment budgets funds in the amount of \$958,750 received from the NC Department of Transportation for the sale of land in the Hwy. 70 W. 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. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 13 was unanimously approved.

Item No. 14 was a 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). Mr. Jarman stated 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. Per North Carolina General Statute 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.

Upon a motion by Mr. Davis and a second by Ms. Sutton, Item No. 14 was unanimously approved. Mr. Bruce Hill, ABC Board Secretary addressed the concern of the ABC becoming a state entity. Mr. Hill stated many legislators have to be educated on the actual process of the ABC Board. Counties own the ABC System, but the states receive 80% of the revenues; the county receives only 20%. Mr. Graham stated Board members would do a better job in keeping legislators better informed.

Item No. 15 was a Resolution Authorizing FY 2009-10 Purchase Order for 800 MHz Radio: \$2,914.29. Mr. Roger Dail, Emergency Services Director, addressed the Board. Mr. Dail stated in October 2009, one of the 800 MHz radios was lost while on an EMS call. This radio was insured and an insurance check was received and approved into the EMS budget on November 2, 2009. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 15 was unanimously approved.

Item No. 16 was a Resolution Authorizing the Renewal of the Support & Maintenance for NeverFail for the SQL Server: \$3,000. Mr. Dail stated the 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. The 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. Upon a motion by Ms. Brown and a second by Mr. Pharo, Item No. 16 was unanimously approved.

Item No. 17 was a Resolution Approving the Acceptance of a Proposal for Advertisement by Right-On Signs and Graphics on three (3) Lenoir County Transit (LCT) Vehicles in Exchange for Color Graphics on Fifteen (15) Lenoir County Transit Vehicles and the Execution of a Contract. Ms. Sue Powell, Transit Director, addressed the Board. Ms. Powell stated 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. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 17 was unanimously approved.

Item No. 18 was a Resolution Authorizing Lenoir County Health Department to Purchase Equipment Using State Immunization Grant Funds and Aid to County Grant Funds. Mr. Joey Huff, Lenoir County Health Director, addressed the Board. Mr. Huff stated the money is to be used to purchase equipment to ensure adequate storage and proper functioning of immunization services. The generator is required by contract agreement with the Division of Public Health and Immunization Branch. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 18 was unanimously

approved. Mr. Huff stated the Health Department would be holding a H1N1 Clinic on Friday, December 11<sup>th</sup> from 8-12 p.m. and Monday, December 14<sup>th</sup> from 1-4 p.m.

Item No. 19 was a Resolution Authorizing the Purchase of Software to Upgrade to Cott Resolution #3: \$15,000. Ms. Margaret Seymour, Register of Deeds Director, stated 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. Upon a motion by Mr. Humphrey and a second by Ms. Brown, Item No. 19 was unanimously approved.

Item No. 20 was a 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. Ms. Martin stated 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. The three firms and their bid amounts are as follows:

<u>Firm Name</u>	<u>Bid Amount</u>
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

Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 20 was unanimously approved.

Item No. 21A was 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. Mr. Hollowell stated 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, the Board must make certain "findings of fact" to support the County's application for the LGC's approval of the proposed revenue bonds. 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. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 21A was unanimously approved.

Item No. 21B was a Resolution Approving Engineering Services Agreement: Municipal Engineering Services Company, Inc.: NTE: \$200,000. Mr. Hollowell stated 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 so that the landfill may continue to operate and grow in an efficient and responsible manner. Upon a motion by Ms. Brown and a second by Ms. Sutton, Item No. 21B was unanimously approved.

Item No. 22 was a Resolution Appointing Citizens to Boards, Commissions, Etc. The following reflects existing vacancies and appointments.

<u>BOARD/COMMITTEE/COMMISSION</u>	<u>APPLICANT/ CURRENT MEMBER</u>	<u>TERM EXPIRATION</u>
Kinston-Lenoir County Tourism Development Authority 2 <sup>nd</sup> Appearance	Guy Smith (Re-appointment)	June 2012

**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

**OTHER ITEMS**

Mr. Graham reminded the Commissioners of the Employee's Christmas Luncheon on Friday, December 18<sup>th</sup> at the Shrine Club from 11:30 to 2:00 p.m. The County Commissioners will be having their Christmas Dinner on December 21<sup>st</sup> at the Baron and the Beef starting at 6:00 p.m.

Mr. Davis recognized Ms. Margaret Whitfield in attendance; Ms. Whitfield stated she is glad to see the Board so organized; she told them to keep up the good work.

Mr. Griffin stated the Commissioner's Meetings held on July 1<sup>st</sup> and December 20<sup>th</sup> in 2010 should be canceled now and taken off the schedule. Upon a motion by Ms. Brown and a second by Mr. Humphrey, the meetings were taken off the schedule.

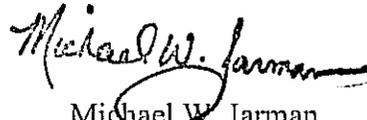
ADJOURNMENT

Upon a motion by Mr. Graham and a second by Ms. Brown, the Board adjourned at 11:15 a.m.

Respectfully submitted,

  
Lashanda Aytch  
Clerk to the Board

Reviewed By

  
Michael W. Jarman  
County Manager