

**MINUTES**  
**LENOIR COUNTY BOARD OF COMMISSIONERS**  
**February 20, 2006**

The Lenoir County Board of Commissioners met in regular session at 4:00 p.m. on Monday, February 20, 2006 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 Paul Taylor and Commissioners, Jackie Brown, Claude Davis, Earl Harper, Chris Humphrey, and Wayne Pittman.

Members absent: None

Also present were: Michael W. Jarman, County Manager; Tommy Hollowell, Assistant County Manager; 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. Mr. Pittman offered the invocation and Mr. Graham led the audience in the pledge of allegiance.

**PUBLIC INFORMATION**

Mr. Carl Early of the Criminal Justice Partnership Program (CJPP): Lenoir County Day Reporting Center. Mr. Early stated since 1996 the county has had a satellite substance abuse program. This program is funded by a state grant totaling \$86,000. CJPP is looking to expand the program into a DRC (Day Reporting Center). The CJPP program is requesting an additional \$20,000 from the county in order to fund the DRC. The center will service non-violent offenders. To house an offender cost \$45-\$60 per day depending of the level of custody. The cost of operating a DRC cost \$12 per offender. In FY 2005 Lenoir County, based on the number of offenders who participated in the satellite substance abuse program, and the cost of incarceration versus the Day Reporting Center (DRC) saved \$400,000. The DRC will enhance the existing program and help the offenders become law-abiding citizens. The DRC would be a "one-stop shop" where offenders could receive a number of services such as substance abuse treatment, GED programs, and vocational rehabilitation. The program will be modeled after the Wayne County program already in place. Mr. Graham asked how many offenders have been kept out of jail due to the program. Mr. Early stated the goal is 87 people per year, with a success rate of 42%. Judge Beth Heath stated that the offenders have to complete certain requirements in order to be a part of the program. Judge Heath stated that it is important that the center be created to help the offenders succeeded. This center would be a place to go everyday where offenders can work on their probation. Mr. Graham asked where would the DRC be located . Mr. Early stated they are looking into utilizing a portion of the Mental Health building. Mr. Jarman stated he would like to speak to representatives from Wayne County after which the program is modeled to get additional information before the Board makes a final decision. Upon a motion by Mr. Davis and a second by Ms. Brown the Board tabled the issue until more information could be obtained.

## **CONSENT AGENDA**

Upon a motion by Mr. Harper and a second by Ms. Brown, the Board approved the following items on the Consent Agenda.

1. Approval of Minutes: Regular Board Meeting: February 6, 2006  
Closed Session Meeting: February 6, 2006 Aytch/Jarman  
Aytch/Jarman
2. Budget Ordinance Amendment: General Fund: DSS: \$1,301.50: Increase Jones/Hollowell

## **PUBLIC HEARING/RESOLUTIONS**

Item No. 3 was a Public Hearing regarding the Emergency Medical Services Franchise Ordinance for Lenoir County. Mr. Graham opened the Public Hearing at 4:23 p.m. Mr. Roger Dail, Emergency Services Director, addressed the Board stating that the ordinance is necessary for the county to have in place. The ordinance does not regulate wheelchair transportation. There is a grandfather clause in place stating that any companies in operation now can continue providing service. The Medical Control Committee would make a recommendation to the Board of Commissioners in regards to granting another franchise. There are more counties that have franchise ordinances than do not. Mr. Griffin stated the Executive Committee of the Lenoir County Emergency Medical Services Medical Control Committee shall make recommendation to the Lenoir County Board of Commissioners for the granting or denial of any franchise. The Committee shall also make a recommendation for the renewal, extension, or amendment of any franchise. Mr. Griffin stated if the ordinance is adopted, no one would be able to provide non-emergency or emergency transport in Lenoir County without a franchise. Ms. Brown stated that the public should have more information in regards to non-emergency transportation. Mr. Dail stated the ordinance would be before the Board whether or not the county was providing non-emergency transportation. Mr. Humphrey stated he does not feel the Board has the authority to prevent another person from creating a franchise. Mr. Griffin stated that he does not feel the county has the power to prevent another business from opening. Mr. Griffin stated the county's power is limited to writing a plan that describes who is operating. Mr. Pittman stated that he would like to see the Board investigate the issue more and provide more information to the public. Mr. Humphrey stated that he does not feel the Board has the right to block other companies from acquiring a franchise. Mr. Taylor asked if the ordinance is not adopted could anyone get into the non-emergency transport service. Mr. Dail responded all new companies would have to receive a provider number and be written into the county's plan before opening a business.

Ms. Mary Lee, business owner, stated she was against the county creating a franchise ordinance. As long as the companies that are in existence now follow the state and local laws, they should not be prohibited from working in Lenoir County. She believes the Board needs more information before they proceed with the ordinance.

Mr. Jeff Thomas, Council Member Town of LaGrange, quoted General Statute 153a-250 which states "A County may by ordinance franchise ambulance services provided in the county to the public at large." Mr. Thomas stated that he does not feel private enterprise should have to compete against county government.

Mr. Mitch Cooper, Vice-President of Tourism for the Chamber of Commerce, recommended the county get more information out to the public for clarification. The county should not compete with private enterprise.

Ms. Ann Moore stated that she feels emergency transportation will be in trouble if the county takes on non-emergency transportation as well.

Mr. Doug Bostic, Owner of Bostic Transportation, stated that he is against the franchise ordinance agreement. He feels that the private companies will be devalued if the ordinance is passed. Mr. Bostic asked the Board to make the franchise ordinance available to the public for review, and then bring it back before the Board for a vote.

Dr. Carl Haynes stated that he is not in favor of the franchise ordinance. Dr. Haynes stated that this ordinance would put people out of work and that should not be the goal of the county.

Mr. Ralph Shaffer, Managing Director of AmBumed, addressed the Board. Mr. Shaffer stated over the last 2 months his company has taken over the payroll for Convalescent Transport which totals over \$500,000. Five new ambulances have been purchased; a new computerized dispatch system will be implemented soon. The payroll for Convalescent Transport last year was over \$2 million. AmBumed would like to increase their presence in the community. Mr. Shaffer stated he has been involved in emergency and non-emergency services for 31 years. Mr. Shaffer asked the Board to delay their decision until more information is obtained. Upon a motion by Mr. Graham and a second by Ms. Brown the Board Closed the Public Hearing at 5:09 p.m.

Item No. 4 was a Resolution Approving Adoption of Emergency Medical Services Franchise Ordinance for Lenoir County. Upon a motion by Ms. Brown and a second by Mr. Davis the Board tabled the resolution until more information could be obtained.

### **RESOLUTIONS/ORDINANCE AMENDMENT**

Item No. 5 was a Resolution Authorizing the Lenoir County Health Department and Parks and Recreation Department to Execute a Purchase Order Contract to: Hoist Fitness Systems to Purchase Fitness Equipment: K.L. Circuit (9 pieces) with casters: \$25,299. The Health Department was awarded a grant in the amount of \$25,000 (Adolescent Diabetes Prevention Program) by the Office of Minority Health and Health Disparities. The program is designed to address issues of children between the ages of K-12<sup>th</sup> grade who are overweight, at risk of being overweight, or diabetic. The program will assist the youth with developing a healthy lifestyle, which includes physical activity, nutritional awareness, and self-esteem building. The Health Department and the Department of Parks and Recreation will be working in partnership to provide the fitness equipment. Upon a motion by Mr. Harper and second by Mr. Pittman, Item No. 5 was unanimously approved.

Item No. 6 was a Budget Ordinance Amendment – Lenoir County 2003 Concentrated Needs – Community Development Block Grant. Lenoir County received approval of its 2003 CDBG Concentrated Needs grant in March of 2003 for the replacement and/or rehabilitation of homes in the Arnold Family Road area.

The grant included funding for street improvements, flood drainage improvements and water improvements in the Arnold Family Road area under the C-1 portion of the project. The Lenoir County Finance Department needs to amend the C-1 portion of the budget of the 2003 CDBG Concentrated Needs Project by transferring funds within the project. The transfer of funds is necessary in order to complete the street improvement portion of the project. Upon a motion by Mr. Harper and second by Ms. Brown Item No. 6 was unanimously approved.

Item No. 7 was an Introduction of Bond Order Authorizing the Issuance of General Obligation School Bonds in the Maximum Amount of \$69,700,000. Mr. Bob Jessup of Sanford Holshouser addressed the Board. Mr. Jessup stated the formal action requested is the introduction of the Bond Order, setting the public hearing, and authorizing filing of debt statement. Upon a motion by Mr. Davis and a second by Ms. Brown, Item No. 7 was unanimously approved.

Item No. 8 was a Resolution Setting the Public Hearing and Authorizing Filing of Debt Statement. Upon a motion by Mr. Davis and a second by Ms. Brown, Item No. 8 was unanimously approved.

**APPOINTMENTS**

Item No. 9 was a Resolution Appointing Citizens to Boards, Commissions, Etc. The following reflects existing vacancies and appointments.

<b><u>BOARD/COMMITTEE/COMMISSION</u></b>	<b><u>APPLICANT/ CURRENT MEMBER</u></b>	<b><u>TERM EXPIRATION</u></b>
<b>Neuse River Development Authority 2<sup>nd</sup> Appearance</b>	Frank J. Cobia (Re-Appointment)	January 2009 <b>M: Brown S: Davis</b>
<b>Lenoir County Equalization &amp; Review Board 2<sup>nd</sup> Appearance</b>	William (Bill) Howard (Re-Appointment)	January 2009 <b>M: Brown S: Davis</b>
<b>Lenoir County Board of Health 2<sup>nd</sup> Appearance</b>	Dale Hardy (Re-Appointment)	January 2009 <b>M: Brown S: Davis</b>
<b>Kinston/Lenoir County Parks and Recreation 2<sup>nd</sup> Appearance</b>	Tony Turner (Re-Appointment)	March 2009 <b>M: Brown S: Davis</b>

**CURRENT VACANCIES:**

- Lenoir County Health Board – One (1) Vacancy; (1) Veterinarian**
- Grifton Planning Board – One (1) Vacancy; Expired Term; Does Not Desire Re-Appointment**
- JCPC – One (1) Vacancy; 1-Juvenile Attorney;**
- Lenoir County Planning Board – One (1) Vacancy; Resignation: District Six**
- CJPP – Four (4) Vacancies**
- Kinston Board of Adjustment – Two (2) ETJ Members; (1) Primary – (1) Alternate**

**ITEMS FROM THE COUNTY MANAGER/COMMISSIONERS/COUNTY ATTORNEY**

Item No. 10 was a memo from Mr. Jarman regarding Items of Interest. Joint Meeting with the City of Kinston February 21, 2006 at 6:00 p.m. Due to the NACo Legislative Conference in Washington, D.C. the March 6<sup>th</sup> commissioners meeting has been rescheduled for Wednesday, March 8, 2006 at 9:00 a.m. Mr. Graham asked Mr. Humphrey, Mr. Taylor, Mr. Dail and Mr. Griffin to work together to clarify the law in regards to the Franchise Ordinance for the public. The Board would like a recommendation from the Attorney General’s office.

**ADDENDUM:**

Mr. Taylor has contacted local and state officials and the President of the Lenoir County Hunting Association for clarification on the existing law. The proposed law will read as follows:

Dogs will be required to have a collar with the owner’s name, address, and phone number. If the dog is caught trespassing on private property the 1<sup>st</sup> offense will be a \$250 fine. The 2<sup>nd</sup> offense will be a \$500 fine along with the loss of the owners hunting license for one year. The Wildlife Association will be the primary enforcer and the Sheriff’s Department will be secondary. The recommendation will go before the Local Government Commission and the Bill will be introduced to the General Assembly. Upon a motion by Mr. Taylor and a second by Mr. Humphrey, the Board approved the language of the proposed law.

Mr. Harper wanted an update regarding the Junkyard Ordinance issue. Mr. Jarman stated that the junkyards were not registered in 2002 when the Junkyard Ordinance was approved. Mr. Gary O’Neal, Chief Building Inspector, has started the registration process to get the junkyards in compliance.

**ADJOURNMENT**

Upon a motion by Ms. Brown and a second by Mr. Pittman the Board adjourned at 5:32 p.m.

Respectfully submitted,

Reviewed By

Lashanda Aytch  
Clerk to the Board

Michael W. Jarman  
County Manager