

**MINUTES**  
**LENOIR COUNTY BOARD OF COMMISSIONERS**  
**February 5, 2007**

The Lenoir County Board of Commissioners met in regular session at 9:00 a.m. on Monday, February 5, 2007 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 Claude Stroud.

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 9:00 a.m. Ms. Brown offered the invocation and Mr. Graham led the audience in the pledge of allegiance.

**PUBLIC INFORMATION**

Ms. Brown updated the Board regarding the Lenoir County Department of Social Services Major Public Assistance Programs. The county has saved money in the special assistance programs at DSS with savings totaling \$4,238 from the prior year. DSS has also saved funds in the Medicaid program from the prior year totaling \$7,184.20. If the new Medicaid legislation is passed the county could save a tremendous amount of money in the future.

Mr. Griffin stated he has completed the title search for the property located at 200 South Queen Street, for which the county has entered into an agreement to purchase. The current owner purchased the property in 2003 from the widow of the previous owner. The current owner made the assumption that the property was owned by the widow. The property was in the husband's name and there was no will in place. Under the Intestate Succession Law a third of the property will go to the wife and two-thirds to the children. The current owner has paid the widow \$26,000 for what he thought was a clear deed. It is not a clear deed and the county will probably not be able to purchase the property. We are waiting word from the property owner on what to do next.

Sheriff Smith presented the Board information regarding Alternatives to Incarceration Options for the Lenoir County Jail. Sheriff Smith stated a committee consisting of Mr. Harper, Mr. Humphrey, Mr. Stroud and himself met to discuss alternatives to the overcrowding issue in the Lenoir County Jail. Several members from the criminal justice system were contacted and invited to attend. Those members were Greg Smith, Director of Kinston Public Safety, Imelda Pate, Assistant District Attorney, Judge Joesph Setzer, Chief District Court Judge, Carla Bass, Supervisor of Community Corrections, Dawn Stroud, Clerk of Court, and Branson Vickory, District Attorney. There was a lot of discussion at the meeting in regards to court dates, bond recommendations, and the possibility of writing more citations versus jail sentencing. One of the recommendations was the addition of the electronic monitoring program and a court liaison.

This person would meet with officials daily to determine who is in jail, who can be taken to court early, who can be released, and who has serious medical problems that would free up bed space and prevent major medical cost to the county. As of this morning there are 160 people in jail; last Monday there were 165 inmates and it has remained at 150 inmates ever since. Twenty-five of the 160 will be taken to prison tomorrow. That will leave the jail with a population of 135. If the electronic monitoring were available today 12 would qualify for the program. The start-up cost would be \$242,000, which includes the initial purchase of equipment and vehicles for monitoring. After the first year it would be cheaper for the county to do the program on its own. This program will save the county in the long run. A new jail facility should still be constructed in the future; this program will just put a band-aid on the problem. The current jail facility is in need of repair; in this years budget there will be an increase in that budget line. Mr. Harper stated there would be offsetting savings that will occur from getting people out on electronic monitoring. The type of people who would be released to this program will be non-violent, offenders all with misdemeanor charges. Mr. Graham asked how does the program work. Ms. Dawn Stroud, Clerk of Court, stated the anklet will be placed on the prisoner and they will not be able to remove the device. If the person attempts to remove the device or tampers with the device in any way Raleigh will be notified immediately. The prisoner will not know when the device is monitoring them. Mr. Harper stated he would like to start the process of hiring a court liaison now. Mr. Jarman stated a proper resolution would be better to keep a detailed paper trail for budgetary purposes. Mr. Jarman stated a resolution would be prepared by the next Board meeting. Mr. Graham commended the Sheriff and the committee for doing an outstanding job in getting this information together. Mr. Graham stated this would not be a cure-all for the county jail problem. Upon a motion by Ms. Brown and a second by Ms. Harper the Board unanimously approved starting the resolution process to start the electronic monitoring and court liaison process.

**CONSENT AGENDA**

Upon a motion by Ms. Brown and a second by Mr. Taylor, the Board unanimously approved the remaining items on the Consent Agenda:

1. Approval of Minutes: Regular Board Meeting: January 16, 2007 Aytch/Jarman  
 Closed Session Minutes: January 16, 2007
2. Resolution Approving Releases and Refunds to the Individuals Listed Herein Parrish/Board
3. Budget Ordinance Amendment: Deep Run Water & Sewer: Project Budget - \$570: Jarman/Hollowell  
 Increase in Appropriation
4. Budget Ordinance Amendment: State Controlled Substance: Sheriff Controlled Smith/Hollowell  
 Substance: \$2,500: Increase
5. Budget Ordinance Amendment: Scrap Tire Fund: Tire Disposal: \$5,400: Increase Jarman/Hollowell

## **BUDGET ORDINANCE/PROCLAMATION/PUBLIC HEARING/RESOLUTIONS**

Item No. 6 was a Proclamation: Career and Technical Education Month: February 1-28, 2007. Upon a motion by Mr. Harper and a second by Ms. Brown, the Board approved the proclamation.

Item No. 7 was a Certificate of Recognition for the Services of James Jones. Mr. Roger Dail, Emergency Services Director, stated the county is very lucky to have had Mr. Jones here for his 30 years of service to the community. Mr. Jones stated he has appreciated and enjoyed his time working and living in Lenoir County. The Board thanked Mr. Jones for his services and wished him success in his future endeavors.

Item No. 8 was a Resolution Authorizing Donation of Funds to the CSS Neuse Gunboat Association for Demolition of Buildings on Queen Street: \$15,000. Mr. John Marston, Project Manager, CSS Neuse Gunboat Association addressed the Board regarding funds for demolition. A request of \$15,000 is asked from the City and County to help with the demolition of two buildings to enhance the appearance of the Gunboat/Museum site and improve chances for getting state funding to move the CSS Neuse. Mr. Humphrey stated he feels the demolition is a worthwhile project, but if approved the wrong message will be sent out to other entities. When other entities come before the county they will expect to receive funding as well. It leaves the door open for other request for the Board to consider. Mr. Jarman stated he feels the request should be approved to help promote Lenoir County as a whole. Mr. Humphrey stated the Board would be opening a Pandora's box when these types of request are approved. Mr. Graham stated this is an economic development project as well as tourism; this is the type of project that will enhance the county's image. Upon a motion by Mr. Harper and a second by Mr. Taylor, Item No. 8 was approved by a 6 to 1 vote with Mr. Humphrey dissenting. Mr. Jarman stated a Budget Ordinance Amendment would be presented at the next Board meeting.

Item No. 9A. Budget Ordinance Amendment: Transportation: Transportation Administration: \$31,296: Increase. Mr. Joey Bryan, MIS Director, stated on January 29, 2007 EDTAP funds were received. The Project Transit Program has been a great success. The program has been running on Monday, Wednesday, and Friday; as of today the additional funding received will increase Project Transit to five days a week with travel to Lenoir Community College included. Upon a motion by Ms. Brown and a second by Mr. Harper, Item No. 9A was unanimously approved.

Item No. 9B. Budget Ordinance Amendment: General Fund: DSS: \$18,480: Increase. Upon a motion by Ms. Brown and a second by Mr. Harper, Item No. 9B was unanimously approved.

Item No. 10 was a Resolution Authorizing the Purchase of Two (2) Ambulances: \$198,384. Mr. Dail stated Lenoir County EMS currently owns eleven ambulances; most of which have in excess of 100,000 miles, with some in excess of 150,000 miles. With the purchase of two ambulances, staff can take the high-mileage ambulances off the road and use them as replacements when other trucks have to be serviced. The age and high-mileage of our fleet does not allow trading of one vehicle for another. Until EMS can build up the fleet with more reliable vehicles, they will need to keep the higher mileage trucks in reserve so there is no interruption in service. Upon a motion by Ms. Brown and a second by Mr. Taylor, Item No. 10 was unanimously approved.

Item No. 11 was a Public Hearing for the construction of the Proposed Shell Building No. 3. Upon a motion by Mr. Graham and a second by Ms. Brown the Public Hearing opened at 9:53 a.m. Mr. Mark Pope, Economic Development Director, stated the county does not have the inventory to attract new and expansion companies due to lack of a shell building. The shell building is very important and can enhance the industrial park. There are a lot of top quality company's at the industrial park that are continually making the news. The county will borrow up to \$1.6 million from the North Carolina's Eastern Region. This loan will be interest only payments for five years and principle and interest after that at 4% interest for 15 years. The goal is to have a company in the building within 1 year. There were no comments made by the public. Public Hearing Closed at 10:04 p.m.

Item No. 11B was a Resolution Authorizing Spending of Funds for the Lenoir County Shell Building No. 3. Upon a motion by Mr. Harper and a second by Ms. Brown, Item No. 11B was approved.

Item No. 12 was a Resolution Approving Purchase of Law Enforcement Vehicle Equipment: \$6,682.72. Sheriff Smith stated during the 2006-2007 fiscal year the Lenoir County Commissioners approved the purchase of (8) law enforcement vehicles from Capital Ford and Ilderton Dodge. Five of these vehicles are 2007 Ford Crown Victoria's and three are 2007 Dodge Chargers. Specific types of emergency equipment will be required to be purchased and installed to outfit these vehicles, such as consoles, sirens, strobes/LED lights, and flashlight charger kits. Upon a motion by Mr. Harper and a second by Ms. Brown, Item No. 12 was unanimously approved.

Item No. 13 was a Resolution Approving Purchase of (9) X26 Tasers and (10) Taser Cameras: \$11,199.05. Sheriff Smith stated the equipment was tested in the jail and has worked very effectively. Uniformed Officers will have the tasers equipped with cameras. Tasers are a step below having to use a firearm. Each officer will have to be trained to use the tasers. Asset forfeiture monies will be used to purchase this equipment. Upon a motion by Mr. Harper and a second by Ms. Brown, Item No. 13 was unanimously approved.

Upon a motion by Mr. Graham and a second by Ms. Brown, Mr. Claude Stroud was excused from the meeting at 10:12 a.m.

Item No. 14A was a Memo from the Tax Administrator regarding advertisement of Unpaid Real Estate Taxes. Item No. 14B was an Order for the Tax Collector to Advertise 2006 Taxes, which are a lien on Real Property. Mr. Darrell Parrish, Tax Administrator, stated pursuant to G.S. 105-369(a), the Governing Body shall order the Tax Collector to advertise such tax liens. The outstanding 2006 taxes, which are a lien on real estate, are \$2,820,441.68. This figure includes county, fire and late listing penalty as of January 22, 2007. Upon a motion by Mr. Humphrey and a second by Mr. Taylor, Item No. 14B was unanimously approved.

Item No. 15 was a Resolution Authorizing Additional Funds to the Parks and Recreation Budget for Minimum Wage Increase Mandated by the State of North Carolina Effective 01/01/07 and an Increase to Full-Time Employee Salaries as a Result of the Pay Plan Recommendations by Maxwell and Associates, Inc.: \$18,250. Mr. Bill Ellis, Parks and Recreation Director stated the minimum wage was increased by \$1.00 effective January 1, 2007. There are approximately 70 part-time county

employees that keep score, operate gyms, run day camps and maintain parks. Upon a motion by Mr. Taylor and a second by Mr. Humphrey, Item No. 15 was unanimously approved.

Item No. 16 was a Resolution Authorizing Emergency Repair of CAT D6 Bulldozer: Gregory Poole: \$15,000. Mr. Tom Miller, Solid Waste Director stated the CAT D6 bulldozer owned by the landfill is constantly moving dirt and garbage. In December 2006, the bulldozer broke-down and needed emergency repairs. The landfill operations must continue; therefore, it was necessary to rent a bulldozer while the CAT D6 bulldozer was being repaired. This bulldozer operates on tracks. Its intended use is to push dirt and garbage however, due to the lack of a rubber-tired backhoe, this bulldozer is used to haul sand and cover around the landfill. The travel distance from the MSW landfill to any other on-site landfill is no less than a one-mile round trip. This "tracking" back and forth across the landfill caused sand to get into the tracks and break down the equipment. To avoid this happening as often in the future, the landfill director is soliciting prices for purchasing a rubber-tired backhoe. This will keep the bulldozer from performing tasks it is not designed for and prolong the life of the tracks. Upon a motion by Mr. Taylor and a second by Ms. Brown, Item No. 16 was unanimously approved.

Item No. 17 was a Resolution Authorizing Purchase of John Deere 310G 4 X 4 Backhoe: Hertz Equipment Rental: Ayden: N.C.: \$37,000. Upon a motion by Mr. Taylor and a second by Ms. Brown, Item No. 17 was unanimously approved.

Item No. 18 was a Budget Ordinance Amendment: General Fund / Capital Improvements Fund: Finance: \$228,600 Increase. Mr. Hollowell stated this amendment is completed every year. Revenues and expenditures are adjusted as needed for budgetary purposes and to clean up accounts. Upon a motion by Mr. Graham and a second by Ms. Brown, Item No. 18 was unanimously approved.

Item No. 19 was a Budget Ordinance Amendment: MSW Cell #1 Construction: Solid Waste Management: Landfill: \$280,995.27 Increase. Mr. Hollowell stated when the new MSW landfill was constructed the county borrowed \$3 million and took \$1.2 million from the landfill fund as well. The contractor extended its contract for six (6) additional months resulting in more money spent hauling away the county's waste instead of placing it in the landfill. The county ended up in court to dispute the liquidated damages from this incident, which was settled last month. The budget amendment transfers unexpended funds from the MSW Landfill Cell #1 Construction Fund to the landfill fund. These funds remained after construction was completed and the liquidated damage lawsuit was settled. This amendment also budgets funds in revenue and expenditure lines to more accurately reflect actual revenue and expenditures for the remainder of the fiscal year. Upon a motion by Mr. Graham and a second by Ms. Brown, Item No. 19 was unanimously approved.

Item No. 20 was a Budget Ordinance Amendment: School Capital Fund: School Building: \$30,000,000: Increase. Mr. Hollowell stated this amendment is to budget bond proceeds received from sales of series 2007 school bonds sold January 30, 2007. Upon a motion by Ms. Brown and a second by Mr. Davis, Item No. 20 was unanimously approved.

### **WORK SESSION**

Item No. 21 was the 2006 County Departments List of Accomplishments. Mr. Graham asked all Board members to review the listing and keep it in mind during the budgetary process.

**APPOINTMENTS**

Item No. 22 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>Regional Aging Advisory Committee (RAAC) 2<sup>nd</sup> Appearance</b>	Walter D. LaRoque (Re-Appointment)	<b>January 2010</b> M: Harper S: Brown
<b>Eastern Carolina RPO 2<sup>nd</sup> Appearance</b>	Chris Humphrey (Re-Appointment)  Need an Elected Official from Municipality	<b>January 2009</b>  M: Harper S: Brown
<b>Kinston-Lenoir County Tourism Development Authority 1<sup>st</sup> Appearance</b>	Jackie Brown (Re-Appointment)	February 2010
<b>Kinston-Lenoir County Parks &amp; Recreation 1<sup>st</sup> Appearance</b>	Keith King (Appointment)	March 2010
<b>Lenoir Memorial Hospital 1<sup>st</sup> Appearance</b>	Leslie Reynolds (Primary) Michel Haddad (Alternate)  Ray Collier (Primary) Randy Smith (Alternate)  Oscar "Skip" Greene, III (Primary) Loren Edwards (Alternate)	January 2011   January 2011   January 2011

**CURRENT VACANCIES:**

- Lenoir County Health Board – One (1) Vacancy; (1) Veterinarian**
- Grifton Planning Board – One (1) Vacancy**
- JCPC – One (1) Vacancy; 1-Juvenile Attorney**
- Lenoir County Planning Board – K-6 Precinct & At-Large**

**CJPP – Four (4) Vacancies  
Kinston Board of Adjustment – Two (2) ETJ Members; (1) Primary – (1) Alternate  
Lenoir County Transportation Committee – At Large Member – Business Community**

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

Item No. 23 was a memo from Mr. Jarman regarding Items of Interest. Letter: January 18, 2007: NCACC: Re: Congressman G. K. Butterfield and the Medicaid County Protection Act of 2007. Mr. Graham stated the meeting with the Mayors and Town Representatives of the City of Kinston, Town of Pink Hill, and the Town of LaGrange went very well. There was discussion regarding projects that will bring the county as a whole together. There will be budgetary meetings between the County and other municipalities in the upcoming months. Mr. Graham stated the family of former Sheriff Mr. Leo Harper has requested that the southwest bridge in Lenoir County be named after him. Mr. Jarman stated he has contacted NCDOT and would need more time to research the information for the bridge name change.

**ADJOURNMENT**

Upon a motion by Mr. Graham, the meeting was adjourned at 10:33 a.m.

Respectfully submitted,

Reviewed By

Lashanda Aytch  
Clerk to the Board

Michael W. Jarman  
County Manager