

**MINUTES
LENOIR COUNTY BOARD OF COMMISSIONERS
May 5, 2008**

The Lenoir County Board of Commissioners met in regular session at 9:00 a.m. on Monday, May 5, 2008 in the Board of Commissioners Main Meeting Room in the Lenoir County Courthouse at 130 S. Queen St., Kinston, NC.

Members present: Chairman Paul Taylor; Vice-Chairman George Graham 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 Taylor called the meeting to order at approximately 9:00 a.m. Ms. Brown offered the invocation and Mr. Taylor led the audience in the pledge of allegiance.

PUBLIC INFORMATION

Dr. Terry Cline, Superintendent of Lenoir County Schools presented the Board a Powerpoint Presentation. Dr. Cline thanked the Board and the public for their continued support of Lenoir County Schools and its programs. The State of North Carolina provides funding for school systems based on ADM in three ways: Positions, Months of Employment (MOE's), and Dollars (i.e., salaries, materials, and supplies, etc.). Other funding streams come in the form of Federal and State Funds such as: Exceptional children, Title I, academically gifted, Limited English Proficiency (LEP) etc. In 2007-2008 the projected sources of funds were State-59%, Local-12%, Federal-7% and other (capital, food services)-22%. Since 1998 local appropriations have totaled around \$9 million. The cost to Lenoir County Public Schools for providing SRO's at select school sites total well over \$160,000 for FY 07-08. In order to sustain operations, Lenoir County Schools have used fund balance totaling approximately \$3.2 million over the last three years. The balance now stands at \$500,000. There are several reasons why fund balance was used for operations, they are: rising cost of gas and goods, higher salaries for staff (5-8%), higher health insurance premiums, utility costs, loss of State and Federal dollars through reduction of ADM, and payment of \$365,000 to local charter schools for student attendees. Dr. Cline concluded his presentation by stating a positive working relationship is very important to Lenoir County Schools. The Schools requested to meet with the County Commissioners at least twice per year to discuss budgetary concerns and other issues. Dr. Cline thanked the Board for its time and consideration. Mr. Taylor asked Mr. Jarman to set up a meeting with the School Board before the FY 08-09 budget is submitted.

ITEMS FROM THE COUNTY MANAGER

Item No. 2 was Items from the County Manager. Mr. Jarman stated the FY 08-09 Budget will be submitted on May 19, 2008. Mr. Jack Jones, DSS Director's father passed away this weekend. Funeral Service will be held today at 11:00 a.m. at the First Pentecostal Holiness Church at 204 Brinkley Road in Greenville, NC. Ms. Brown thanked the Commissioners who participated in County Government Week.

CONSENT AGENDA

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

3. Approval of Minutes: Regular Board Meeting: April 21, 2008 Aytch/Jarman
Budget Retreat Meeting: April 21, 2008
Joint Meeting: LCC: April 21, 2008
Joint Meeting: City of Kinston: April 28, 2008
4. Budget Ordinance Amendment: Capital Improvements Fund: Community Jarman/Martin
Development: \$1,400: Increase
5. Budget Ordinance Amendment: General Fund: Communications: \$2,457: Increase Jarman/Martin
6. Budget Ordinance Amendment: Trust and Agency Fund: Extension Family Kelly/Martin
Caregiver: \$2,492: Increase
7. Budget Ordinance Amendment: General Fund: Finance/Sheriff: \$3,144: Increase Jarman/Martin
8. Budget Ordinance Amendment: General Fund: Health (Environmental Hlth/Food Huff/Martin
Lodging) Increase: \$11,607
9. Budget Ordinance Amendment: Vehicle Replacement Fund: \$14,532: Increase Jarman/Martin

RESOLUTIONS

Item No. 10 was a Budget Ordinance Amendment: General Fund: DSS: \$19,330: Increase. Mr. Tommy Hollowell, Assistant County Manager addressed the Board. Mr. Hollowell stated the amendment includes line item transfers to reflect increased needs in various lines through end of FY 07-08. Upon a motion by Mr. Harper and a second by Mr. Stroud, Item No. 10 was unanimously approved.

Item No. 11 was a Budget Ordinance Amendment: MSW Cell #1/Solid Waste: MSW Cell #1: \$22,000: Increase. Amendment budgets interest earned for FY 07-08 on Funds in the MSW Cell #1 Debt Service Fund. These funds were transferred from the Solid Waste Fund for Debt Service on the Series 2003 MSW Cell #1 Special Revenue Bonds. This amendment also transfers this interest earned back to the Solid Waste Fund. The final debt service payment on the Series 2003 MSW Cell #1 Special Revenue Bonds will be made in August 2008 and any remaining interest earned from prior years will be transferred back to the Solid Waste Fund in FY 08-09. Final payment will be made August 15, 2008. Upon a motion by Mr. Harper and a second by Mr. Stroud, Item No. 11 was unanimously approved.

Item No. 12 was a Budget Ordinance Amendment: General Fund: Transportation Fund: DSS, Transportation Administration: \$26,249: Increase. Mr. Hollowell stated the amendment moves Supplemental EDTAP Funds from the Department of Social Services' Medical Assistance Department to the Transportation Fund for the transport of patients through the ROAP grant. Upon a motion by Ms. Brown and a second by Mr. Stroud, Item No. 12 was unanimously approved.

Item No. 13 was a Budget Ordinance Amendment: Solid Waste Management Fund: Landfill: \$40,040: Increase. Mr. Hollowell stated the amendment covers unanticipated fuel increases for remainder of FY 07-08. Upon a motion by Mr. Stroud and a second by Ms. Brown, Item No. 13 was unanimously approved.

Item No. 14 was a Budget Ordinance Amendment: General Fund: DSS: \$44,000: Increase. Mr. Hollowell stated the amendment appropriates additional funds in the Medical Transportation lines to reflect increased costs through the remainder of FY 07-08. Upon a motion by Mr. Harper and a second by Ms. Brown, Item No. 14 was unanimously approved.

Item No. 15 was a Budget Ordinance Amendment: Scrap Tire Disposal Fund: Solid Waste: Scrap Tire Disposal: \$60,000: Increase. Mr. Hollowell stated the amendment adjusts budgeted revenues and expenditures to more accurately reflect actual revenues and expenditures for the first nine (9) months of FY 07-08 and project needs to handle scrap tires for the remainder of the fiscal year. Upon a motion by Ms. Brown and a second by Mr. Stroud, Item No. 15 was unanimously approved.

Item No. 16 was a Resolution Authorizing Payment to Gately Communications for Replacement/Repair of Copper for Central AV Tower Site: NTE: \$3,200. Mr. Roger Dail, Emergency Services Director, addressed the Board. Mr. Dail stated On March 10, 2008, staff was performing routine generator checks at all radio tower site for Lenoir County Emergency Services Department. Upon arriving at the main 800MHz tower site, located at 272 Central Avenue, Kinston, it was discovered that the secured gate at the highway had been tampered with by unknown person(s) having cut the locking mechanism on the gate. Upon entry onto the property, it was further determined that unknown person(s) had also cut the locking mechanism at the tower compound itself. Staff notified the Lenoir County Sheriff's Office. Upon arrival of a deputy and a detective, it was determined that unknown person(s) had removed all copper grounding for the tower, the buildings housing the infrastructure, as well as the copper grounding for five- (5) of the six- (6) tower guide lines. Copper grounding is imperative to protect against and potentially prevent electrical strikes from lightning created by thunderstorms. The replacement of and subsequent repair to the copper grounding at the Central Ave. 800MHz tower site is necessary to ensure the security of the 800MHz infrastructure and to guarantee further two-way radio service between the 911 Communications Center and the emergency responders for Lenoir County. A report was taken by the Lenoir County Sheriff's Office, OCA# 200802858 and was submitted to the county's insurance provider, along with all invoices associated with all necessary repairs and/or replacement of materials to ensure the security of the 800MHz radio infrastructure. Upon a motion by Mr. Harper and a second by Ms. Brown, Item No. 16 was unanimously approved.

Item No. 17A was a Resolution Authorizing Lenoir County Health Department to Execute a Purchase Order Contract to Advance Mechanical, Inc.: NTE: \$4,830. Mr. Hollowell stated preparedness planning for the Health Department includes an appropriate isolation facility to remove air born agents such as tuberculosis, measles, chicken pox, etc. Persons who are potentially infectious can be isolated while being evaluated by communicable disease nurse, therefore, preventing further contamination of agency and exposing other people. Advance Mechanical, Inc. will install an isolation room within the Lenoir County Health Department. Upon a motion by Ms. Brown and a second by Mr. Davis, Item No. 17A was unanimously approved.

Item No. 17B was a Resolution Authorizing Lenoir County Health Department to Execute a Purchase Order Contract to Advance Mechanical, Inc.: NTE: \$6,000. Mr. Hollowell stated respiratory isolation is required for inmates who may have air born infectious diseases and also for individuals who have been charged with a public health law violation and need to be in respiratory isolation pending trial. Advance Mechanical, Inc. will install an isolation room within the Lenoir County jail. Upon a motion by Mr. Harper and a second by Mr. Stroud, Item No. 17B was unanimously approved.

Item No. 18 was a Resolution Approving Acceptance and Execution of Contract to Acumen Counseling Services Beginning July 1, 2008: Fiscal Year 2008-2009: \$23,000. Mr. Carl Early, Director of the Day Reporting Center addressed the Board. Mr. Early stated on March 17, 2007, the Board accepted a proposal from Acumen Counseling Associates, LLC to provide counseling services for the Day Reporting Center for FY 07-08 at an annual cost of \$20,000. The DRC proposes to enter a new contract with Acumen Services for \$23,000. This represents a \$3,000 increase to offset the cost of an additional counselor to provide daytime counseling. Acumen counseling is well qualified and meets all state requirements to provide counseling services. Upon a motion by Ms. Brown and a second by Mr. Stroud, Item No. 18 was unanimously approved.

Item No. 19 was a Resolution Approving Purchase Order with Capital Ford: \$23,502. Major Chris Hill, Lenoir County Sheriff's Department addressed the Board. Major Hill stated the Sheriff's Office annually replaces patrol vehicles that are approaching or exceeds 125,000 miles. The vehicle of choice for law enforcement has primarily been the Ford Crown Victoria. As such, most of the Sheriff's fleet is Ford Crown Victoria's. The vehicles have proven to perform rather well for law enforcement purposes. During March 2008 a Sheriff's patrol vehicle was involved in a wreck in Pitt County. The vehicle was totaled and must be replaced. The county has received funds from the county's insurance carrier which, was transferred into the vehicle replacement funding line. Capital Ford of Raleigh will provide the 2008 Ford Crown Victoria for the price of \$23,502. Upon a motion by Mr. Davis and a second by Mr. Humphrey, Item No. 19 was unanimously approved.

Item No. 20 was a Resolution Approving Acceptance of Fee Arrangements for Bond Counsel Services in Connection with Proposed Authorization and Issuance of \$39.7 million Series 2008 General Obligation School Bonds: Sanford Holshouser, Attorneys at Law: Per Proposal Dated December 9, 2005: \$39,700. Mr. Hollowell stated the Board received a request from the Lenoir County School Board to proceed with a referendum on the issuance of general obligation bonds to provide for construction and improvement of school facilities. Representation for the County by a qualified Bond Counsel was required. At the request of management, the law firm of Sanford Holshouser provided the County with a proposal for this service. The County sold \$30 million in bonds on February 1, 2007. On February 18, 2008, the Lenoir County Board of Commissioners adopted a resolution approving the fee arrangement of \$20,000 with Sanford Holshouser for a second bond sale of \$20 million. On April 17, 2008, the Local Government Commission gave permission to the County to combine the remaining un-issued \$20 million school bonds and the remaining \$19.7 million un-issued school bonds and conduct the second sale of school bonds in the amount of \$39.7 million instead of just \$20 million. The County is now preparing for this second Bond sale in the amount of \$39.7 million on May 13, 2008. Sanford Holshouser's original proposal covered both sales and their fee arrangement remains the same for this second bond sale. Upon a motion by Mr. Harper and a second by Mr. Davis, Item No. 20 was unanimously approved.

Item No. 21 was a Resolution Approving the Acceptance of a Title VI Plan for Lenoir County Transportation as Requested by North Carolina Department of Transportation (NCDOT). Mr. Sue Powell, Transit Coordinator addressed the Board. Ms. Powell stated Lenoir County Transportation has always complied with the Title VI Program and has been audited several times, but NCDOT has never required transit systems to have a policy in place. After excessive Title VI training, the NCDOT has made it mandatory for each transit system to have a Title VI Policy in place. The Title VI Policy is being required by NCDOT to insure that each system is complying with the requested guidelines. This plan is divided into two parts: Title VI (Environmental Justice) and the Public Involvement Process. Although they are separate, Environmental Justice and Public Involvement compliment one another in ensuring fair and equitable distribution of transportation services and facilities. Public participation is essential to the success of any public planning program or project. Without the involvement of local citizens, it is difficult to design a program that meets the needs of the public or to gauge the project's success. Effective public involvement not only provides transportation officials with new ideas, but it also alerts them to potential environmental justice concerns during the planning stage of a project. Perhaps the most important element of public participation is to engender a sense of ownership among the people, especially among those who are often at the mercy of their surroundings. These reasons, combined with a national history of discrimination against persons on the basis of race, color, ethnic origin, age, sex, disability, religion and economic status, have led federal and state governments to set requirements to ensure equity of public involvement in federally funded agencies and their associated organizations. It is through the details of these individual programs that the equity and democracy we embrace in this country is exercised. Upon a motion by Mr. Humphrey and a second by Ms. Brown, Item No. 21 was unanimously approved.

Item No. 22 was a Resolution Approving the Rezoning of Properties on Hwy. 11 North from Rural to Commercial. The property is located approximately one mile north of the village center of Graingers and the Dupont plant site and approximately 1 mile south of the Town of Grifton. The property is also located along the Hwy. 11 Commercial Corridor as designated by the Lenoir County Future Land Use Plan. These areas are well suited for a mixture of commercial and business uses that typically require high visibility and good road access, or which cater to passing motorists. The Lenoir County Planning Board held a public meeting on Thursday, April 17, 2008 to review and make a recommendation for the Hwy. 11 North properties to be rezoned. Through extensive investigation, the Lenoir County Planning and Inspections Department found that the rezoning would be consistent with the intent of the Lenoir County Land Use Plan. There was only one public opposition and the Planning Board voted unanimously to recommend to the County Commissioners for the rezoning of those properties along Hwy. 11 North for Commercial use. Dr. Doug Hill, owner of the Hwy. 11 North Property stated he would like the property re-zoned for potential commercial use. Upon a motion by Mr. Graham and a second by Mr. Davis, Item No. 22 was unanimously approved.

APPOINTMENTS

Item No. 23 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 Library Board 2nd Appearance	Michael Parker (Re-appointment) Lloyd R. Moody (Appointment)	April 2014 M: Brown S: Davis
Department of Social Services Board 1st Appearance	Jackie Brown (Re-appointment)	June 2011
Criminal Justice Partnership Program (CJPP) 1st Appearance	Carla Bass (Re-appointment)	May 2011

CURRENT VACANCIES:

- Lenoir County Health Board – Four (4) Vacancies; (1) Veterinarian, (1) Optometrist, (2) Public Members**
- 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**

AMENDMENT

Item No. Amendment 1 was a Resolution Approving Grant Funding from the North Carolina Department of Juvenile Justice and Delinquency Prevention in the Amount Estimated at \$212,712 for Fiscal Year 08-09. Mr. Hollowell stated the Lenoir County JCPC has the responsibility to review the needs of juveniles in the county who are at risk of delinquency or who have been adjudicated undisciplined or delinquent; to review the resources available to address those needs; to prioritize community risk factors; and to determine the services needed to address those problem areas. The Lenoir County JCPC also develops and submits a funding plan to the County Commissioners for approval. The Lenoir County Juvenile Crime Prevention Council (JCPC) met in regular session on April 14, 2008 and unanimously approved recommending to the Lenoir County Board of Commissioners that available DJJDP's grant funds in the amount of \$212,712 be approved for the Juvenile Crime Prevention Council and allocated as follows for FY 2008-2009.

8 th Judicial District Structured Day Program (Juvenile Restitution included)	\$129,052
Teen Court	\$32,897
Psychological Services	\$13,500
Parenting Matters	\$34,263
JCPC Administration Expense	\$3,000
Total	\$212,712

Upon a motion by Mr. Harper and a second by Ms. Brown, Amendment 1 was unanimously approved.

CLOSED SESSION

Upon a motion by Mr. Stroud and a second by Mr. Humphrey, and unanimous approval, closed session was entered at approximately 9:48 a.m. and the following cited: Number four (4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by Lenoir County. The Board discussed economic development issues. The Board took no action. Upon a motion by Mr. Graham and a second by Ms. Brown, the Board moved out of closed session at 10:08 a.m.

ADJOURNMENT

Upon a motion by Mr. Harper, the meeting was adjourned at 10:09 a.m.

Respectfully submitted,

Reviewed By

Lashanda Aytch
Clerk to the Board

Michael W. Jarman
County Manager