

MINUTES
LENOIR COUNTY BOARD OF COMMISSIONERS
August 16, 2010

The Lenoir County Board of Commissioners met in open session at 4:00 p.m. on Monday, August 16, 2010 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, Reuben Davis, Tommy Pharo and Linda Rouse Sutton.

Members absent: Chris Humphrey

Also present were: Michael Jarman, County Manager, Tommy Hollowell, Assistant County Manager, Martha Martin, Finance Officer, Robert Griffin, County Attorney; 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.

Upon a motion by Ms. Sutton and a second by Ms. Brown, the Board excused Mr. Humphrey from the meeting.

PUBLIC INFORMATION

Mr. Ken Jones, Director of Eastpointe, addressed the Board. Mr. Jones stated Eastpointe is a Local Management Entity (LME) for services to persons with a mental illness, developmental disability and/or substance abuse issue. Eastpointe serves Wayne, Lenoir, Sampson and Duplin counties serving 14,599 clients on a \$25 million budget. Eastpointe served 2,290 more consumers in FY 09-10 than in FY 08-09. For fiscal year 09-10, 3,267 clients were served from Lenoir County. Adults served in FY 09-10 totaled 11,880, along with 2,719 children being served as well. At the close of FY 09-10, there has been a total of 7,066 new screenings. In comparison to the population, Lenoir served well above its population percentage while the remaining counties, Duplin, Sampson and Wayne were close but still remained below their population percentages. FY 09-10 had an increase of 1,830 new referrals compared to FY 08-09 which had 5,236 new screenings. Eastpointe has implemented a Mobile Crisis Team; since inception in FY 09-10, there have been 1,515 screenings dispatched to the Mobile Crisis Unit for consumers residing in Eastpointe counties. The Mobile Crisis Unit is available 24 hours a day 7 days a week. Eastpointe is the only LME (out of 23) that has a Mobile Crisis Unit; out of the existing 23 LME's, Eastpointe ranks in the top five.

Eastpointe has also created a Crisis Walk-In Centers located in Duplin, Lenoir, Sampson and Wayne Counties. The centers screened a total of 688 consumers in FY 09-10, an increase of 336 more screenings than FY 08-09. Since the crisis walk-in centers began in FY 08-09, a total of 1,040 consumers have been screened. The clinics are available Monday through Friday from 8 a.m. to 5 p.m. Mr. Jones stated Eastpointe may have to merge with another LME in the state by 2015 according to state guidelines to save money. Mr. Jones thanked the Board for their continued support of Eastpointe. Mr. Graham and the Board thanked Mr. Jones for his presentation.

ITEMS FROM THE CHAIRMAN/COMMISSIONERS

Item No. 1 was Items from the Chairman and Members of the Board. Mr. Graham informed the Board that the NCACC Legislative Goals Process has begun. A goal proposal form has to be completed and submitted by September 15, 2010. The goals will be reviewed by a steering committee, with the Legislative Goals Committee meeting following in November 2010. Mr. Graham also addressed the issue of Lenoir County spending \$5 million in providing services to illegal immigrants. Mr. Jack Jones, Director of Social Services (DSS), addressed the Board. Mr. Jones stated DSS is able to get access the State system to verify identities through social security numbers. False identifying information is rejected by the State system. If Adult or Child Protective Services are contacted it does not matter the identity for services to be provided. Currently Lenoir County serves five (5) illegal immigrants through child welfare services. Mr. Graham stated he wanted to make it clear that Lenoir County does not spend \$5 million in servicing illegal immigrants.

ITEMS FROM THE COUNTY MANAGER

Item No. 2 was Items from the County Manager. Mr. Jarman reported the Public Hearing for the County Jail will take place at the Tuesday, September 7, 2010 Board meeting. Some of the packages of the jail have been re-bid and will be presented during the public hearing.

CONSENT AGENDA

Upon a motion by Ms. Sutton and a second by Mr. Stroud, the Board approved the Consent Agenda.

- 3. Approval of Minutes: Regular Board Meeting: August 2, 2010 Hall/Jarman
- 4. Budget Ordinance Amendment: General Fund: Process Funds: \$1,553.00: Increase Jarman/Martin
- 5. Budget Ordinance Amendment: General Fund: Board of Elections: \$1,558: Increase King/Martin

BUDGET ORDINANCE AMENDMENTS/RESOLUTIONS

Item No. 6 was a Resolution of Appreciation for Reverend Cozelle Mills Wilson. Ms. Sutton read the resolution aloud for members of the Board and the viewing public. Ms. Brown thanked everyone for their visits, calls and concern. Upon a motion by Mr. Davis and a second by Ms. Sutton, Item No. 6 was unanimously approved.

Item No. 7 was a Resolution Honoring Edna Stancil. Upon a motion by Ms. Sutton and a second by Mr. Stroud, Item No. 7 was unanimously approved.

Item No. 8 was a Resolution Honoring Beverly Hart. Upon a motion by Ms. Sutton and a second by Mr. Stroud, Item No. 7 was unanimously approved.

Item No. 9 was a Budget Ordinance Amendment: Capital Improvements Fund: Community Development: \$7,497: Decrease. Mr. Hollowell stated the amendment corrects a portion of a budget amendment approved on August 2, 2010. The amount rolled forward for Lenoir Community College on Item #14 was \$27,057. However, on August 5, 2010 an invoice was sent in for prior year expenditures in the amount of \$7,497.10. This budget amendment will correct the amount rolled forward. Upon a motion by Mr. Davis and a second by Ms. Sutton, Item No. 9 was unanimously approved.

Item No. 10 was a Budget Ordinance Amendment: Trust and Agency Fund: Extension-Family Caregiver: \$105,885: Decrease. Ms. Tammy Kelly, Cooperative Extension Director, stated the amendment decreases the budgeted amounts of the Partnership for Children Program. Whenever the budget was being compiled, it was thought that the Partnership for Children would be receiving the same funding as FY 09-10. However, on August 3, 2010, the County received notification from the Lenoir-Greene Partnership, that only 25% of funding has been received. Therefore, it is necessary to adjust the County's funding portion to match that 25% funding. Upon a motion by Mr. Stroud and a second by Ms. Brown, Item No. 10 was unanimously approved.

Item No. 11 was a Budget Ordinance Amendment: General Fund: COOP Ext-Prevention Block Grant: \$48,119: Increase. Ms. Kelly stated the amendment sets up funding for the 4-H All Stars Grant Program – Prevention Block Grant for FY 2010-11. Upon a motion by Mr. Stroud and a second by Ms. Sutton, Item No. 11 was unanimously approved.

Item No. 12 was a Budget Ordinance Amendment: School Capital Fund: School Building: \$1,801,611: Increase. Mr. Hollowell stated the amendment appropriates revenues and expenditures in the Public School Building Capital Fund to cover capital projects that have already been approved by the State. The State's portion comes from the ADM money and the County's portion comes from sales tax. Upon a motion by Mr. Davis and a second by Mr. Stroud, Item No. 12 was unanimously approved.

Item No. 13 Resolution to Support the Temporary Closure of Queen Street (US 70 Business) During the Bridge Replacement Project B-4565 in Kinston and Lenoir County. Mr. Jarman stated similar resolutions have been passed by the City of Kinston and the County Transportation Committee. Due to cost, safety and constructability concerns, NCDOT has requested off-site detours which will detour traffic to Skinner's Bypass (NC 11 and US 70) by temporarily closing a portion of Queen Street. It is expected the project would take 1 to 2 years and would be scheduled to begin after 2012. Recognizing the impact the off-site detour will have on the citizens, NCDOT has agreed to provide permanent roadway and directional sign improvements to the intersection of NC 11 and US 70. They have also agreed to provide vehicle pre-emption for emergency vehicles at each signalized intersection along US 70 from Hillfarm Road to NC 58 South from Kinston's main fire station along Vernon Avenue, Queen Street and King Street. They have further agreed to construct a 1,000 foot two-lane road to serve the proposed fire station at Carey and Rouse Roads. In addition the new bridges will have pedestrian access, bike access, decorative rails and decorative lighting to enhance the entranceway into downtown Kinston. Upon a motion by Mr. Davis and a second by Mr. Graham, Item No. 13 was unanimously approved. Ms. Sutton and Mr. Stroud voiced concerns about the closure of the bridges.

Item No. 14 was Resolution Approving Purchase Order with Danny Smith Landscaping: \$9,625. Major Chris Hill of the Sheriff's Department addressed the Board. Major Hill stated the Sheriff's Office maintains a large secure lot to hold vehicles and other materials that are seized for various reasons. Other large bulky items that will tolerate weather conditions are also placed at the lot, such as stolen and or recovered safe's, bikes, garden tools, ATV's, golf carts, etc. These items are held for a period of time and are eventually released to the owner, destroyed, or sold at auction. The land within the lot had many large sunken areas (holes) causing wrecker drivers who are pulling vehicles to get stuck. Crushed cement from the landfill was used to fill the holes and give the land a firmer surface. The pieces of cement proved to be a little larger than desired and did not cover the lot adequately. This has allowed weeds to grow on the surface between the cement pieces. The best advice we have received is to cover the lot with four inches of ULC base (rock aggregate).

This alternative is far less than paving the lot. The Sheriff's Office solicited two prices from two local vendors (Everette Clearing and Grading, and Danny Smith Landscaping) who have the ability to haul the rock to the site. Danny Smith Landscaping was the cheaper of the two at \$9,625. This project was included in the 2010-2011 Sheriff's Office budget. Upon a motion by Mr. Pharo and a second by Ms. Sutton, Item No. 14 was unanimously approved.

Item No. 15 was a Resolution Approving Acceptance of Fee Arrangements for Special Counsel Services in Connection with Proposed Bank Placement Installment Financing of a New Jail Facility: Sanford Holshouser, Attorneys at Law: Per Proposal Dated August 5, 2010: \$27,500. Mr. Hollowell stated the law firm of Sanford Holshouser has provided a proposal to Lenoir County for services as Special Counsel in connection with proposed bank placement installment financing of a new jail facility. The North Carolina Local Government Commission must approve all local government construction projects involving the issuance of debt. Representation for the County by a qualified Special Council is required. The law firm of Sandford Hoshouser has represented the County in the past as Bond Counsel on previous General Obligation Bond issues in 2007 and 2008. Acceptance of this resolution will allow for the encumbrance of funds and the payment to Sanford Holshouser for Special Counsel Services rendered to the County after closing of the loan. If the Board decides not to proceed with construction of the new jail facility expansion, the County will be billed for services already performed on the basis of the hourly rates of the Sandford Holshouser Law Firm plus out of pocket expenses. Upon a motion by Ms. Sutton and a second by Ms. Brown, Item No. 15 was unanimously approved.

Item No. 16 was a Resolution Approving First Amendment to Pipeline Operating Agreement. On May 29, 1990 Lenoir County entered into a Pipeline Operating Agreement with the North Carolina Natural Gas Company. This operating agreement was to facilitate providing natural gas to Lenoir County's Highway 70 Industrial Park. Lenoir County has constructed and will own the pipeline for 40 years. Piedmont Natural Gas, formerly NCNG operates and maintains the line. It is necessary for the operation of the new Sanderson Farms Feedmill to construct a rail loop which crosses the Lenoir County pipeline. To facilitate this crossing approximately 200 feet of the existing pipeline must be relocated. This relocation would involve lowering the pipeline to a level at least 10 feet below the new rail spur. Article 10 d of the 1990 Operating Agreement reads, "County is the owner of the line and all easements, crossing agreements and other rights and privileges necessary for the location, construction, maintenance and operation of the line as constructed or to be constructed." Sanderson Farms has agreed to reimburse Lenoir County \$88,000 for the cost of this operation. Piedmont Natural Gas, upon review of the relocation plans, requested the relocation of the line include additional footage and agreed to pay \$32,000 for the additional boring and construction. Lenoir County as the owner of the pipeline would be liable for possible additional cost if problems were to occur during construction. County Administration along with Piedmont Natural Gas determined the County should transfer ownership of 684 feet of the Lenoir County Pipeline to Piedmont Natural Gas. This transfer protects Lenoir County from additional liabilities resulting from the increased scope of the construction. Upon a motion by Ms. Sutton and a second by Mr. Pharo, Item No. 16 was unanimously approved.

APPOINTMENTS

Item No. 17 was a Resolution Appointing Citizens to Boards, Commissions, Etc. Items were tabled due to first appearance. Upon a motion by Mr. Stroud and a second by Ms. Sutton, second appearance applicants were unanimously approved.

<u>BOARD/COMMITTEE/COMMISSION</u>	<u>APPLICANT/ CURRENT MEMBER</u>	<u>TERM EXPIRATION</u>
Criminal Justice Partnership Program (CJPP) 2 nd Appearance	Dianne Stadiem	May 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) and Four (4)
- Grifton Planning Board – One (1) Vacancy
- CJPP – Three (3) Vacancies
- Kinston Board of Adjustment – Two (2) ETJ Members; (1) Primary – (1) Alternate

Mr. Pharo asked Mr. Griffin if there was any way to protect the County from the incident that occurred with Piedmont Natural Gas. Mr. Griffin stated he does not know how to make a company do more due diligence in their review in obtaining companies to provide services. Mr. Jarman stated Piedmont Natural Gas never had an agreement with the county, it was with Sanderson Farms. To keep the economic development project in Lenoir County, the issues were brought before the Board for discussion and recommendation. Sanderson Farms was and continues to be a great company for Lenoir County.

ADJOURN

Upon a motion by Mr. Graham and a second by Mr. Stroud the Board adjourned at 5:37 p.m.

Respectfully submitted,

Reviewed By

Lashanda A. Hall
Clerk to the Board

Michael W. Jarman
County Manager