

MINUTES

LENOIR COUNTY BOARD OF COMMISSIONERS

October 16, 2017

The Lenoir County Board of Commissioners met in open session at 4:00 p.m. on Monday, October 16, 2017, in the Board of Commissioners' Main Meeting Room in the Lenoir County Courthouse at 130 S. Queen St., Kinston, NC.

Members present: Chairman Craig Hill, Vice-Chair, Linda Rouse Sutton, Commissioners, Roland Best, Mac Daughety, Reuben Davis, and Eric Rouse.

Members Absent: Ms. Jackie Brown.

Also present were: Michael W. Jarman, County Manager, Joey R. Bryan, Assistant County Manager, Tracy Chestnutt, Finance Officer, Vickie F. King, Clerk to the Board, Robert Griffin, County Attorney, members of the general public and news media.

Chairman Hill called the meeting to order at approximately 4:00 p.m. Ms. Linda Rouse Sutton offered the Invocation and Mr. Eric Rouse, led the audience in the Pledge of Allegiance.

PUBLIC INFORMATION:

None

PUBLIC COMMENTS:

Mr. Oscar Greene, Group III Management, stated Group III Management has been in business in Lenoir County and building facilities for over thirty (30) years. Some of the projects they have completed are Lenoir Memorial Hospital Cancer Center, Kinston/Lenoir County Public Library additions, Lenoir Community College Waller Building and Culinary Arts, Smith Field Packing Foods Office, West Company, and LaGrange Elementary. Group III Management was not the low bidder on the Ag Extension bid; they were the second lowest bidder. He stated he had sent the Board an email with his concerns. They were \$8,000 out on a \$2 million project. However, in the instructions to bidders, it talks about completing the project within a specified time limit and the contractor selected should be fully equal to the task and done satisfactorily. Each commissioner received the bid tabulation and if you notice there is a completion and instruction time. The low bidder stated they could build the building in 210 days. If you were to take Group III bid out of it and average the rest of them, it averages 315 days. He is sure the other contractor might be good, but he is not 40% better than the rest of the bidders. He does not feel that the low bidder's bid is proper and it does not meet the requirements in the instructions to bidders to be able to complete the work within a specified time limit.

Mr. Greg Theodorakis, Group III Management, shared bid qualifications as Mr. Greene did and stated he would like to dispute the low bidders time frame of completing the job in 210 days and would prefer the project/money to stay within Lenoir County instead of Pitt County.

Mr. J. Michael Dunn, Dunn and Dalton Architects, stated the bid information that they presented is correct. Also, he did follow up with the apparent low bidder Burney & Burney Construction and asked them to describe how they intended to meet the specified time commitment of 210 days. They reassured him that they could use the combination of their selected sub-vendors, as well as filling in gaps as needed, and as they would devote their entire attention to that project. Yes, this is a tall order, in essence, you can consider this as a bid informality, and at your choosing, you can waive it. However, it is up to this Board to make that decision. After researching the company, and other projects they completed, it appears that they can do the work, and he was unable to find anything negative in regards to their company.

CONSENT AGENDA:

1. Approval of Minutes: Regular Board Meeting: September 18, 2017.

Upon a motion by Ms. Sutton and a second by Mr. Davis, the consent agenda was unanimously approved.

PUBLIC HEARING/RESOLUTIONS:

Item No. 2A was a Public Hearing Regarding Proposed Community Transportation Program. Upon a motion by Mr. Rouse and a second by Mr. Best a Public Hearing regarding Proposed Community Transportation Program was entered into at 4:10 p.m. Common Consent

Ms. Angie Greene, Transit Director, stated they are seeking permission to apply for Public Transportation Program funding and to enter into an agreement with the North Carolina Department of Transportation. Also, they are seeking permission to apply for Human Service Transportation funding. Ms. Greene addressed the Board and asked if there were any comments. There were no comments from the Board. Upon a motion by Mr. Daughety and a second by Mr. Best, the Public Hearing was closed at 4:15 p.m.

Item No. 2B was a Resolution Supporting Public Transportation Program. Ms. Angie Greene, Transit Director, stated the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to assist with rural public transportation projects. The purpose of the funds is to provide grant monies to local agencies for the provision of rural, small urban, and urban public transportation services consistent with the policy requirements of each funding source for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements and programs. Upon a motion by Mr. Daughety and a second by Mr. Best, Item No. 2B was unanimously approved.

Item No. 2C was a Resolution Supporting Human Service Agency Transportation Program. Ms. Angie Greene, Transit Director, stated the North Carolina Department of Transportation receives funds from the North Carolina General Assembly to assist with rural public transportation projects. The purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services.

The funds applied for may be administrative, operating, planning or capital funds and will have different percentages of federal, state, and local resources. Upon a motion by Mr. Daughety and a second by Mr. Best, Item No. 2C was unanimously approved.

Item No. 2D was a Resolution Authorizing Persons to Execute Required Documents for Community Transportation Grant: FY18/19. Ms. Angie Greene, Transit Director, stated the N.C. Department of Transportation initiated the Community Transportation Program (CTP) to enhance transportation in counties and to meet the community transportation needs. The CTP FY 2018-19 grant application includes approximately \$253,567 for administrative funding and \$427,000 for capital funding. The administrative funding will cover 85% of salaries and fringes for four administrative employees and other administrative expenditures. This requires a 15% local match. Capital funding to replace seven (7) vehicles and other equipment is 90 % NCDOT/PTD funded and requires a 10 % local match. Local funding will be secured through transit revenues. The Transportation Department advertised on October 6, 2017, for any public and agency comments regarding the proposed Community Transportation Program Grant Application. They also announced a public hearing to be held at 4:00 pm during the Commissioner's regularly scheduled board meeting beginning at 4:00 pm on October 16, 2017, to receive comments regarding the application. If approved, this resolution will allow designated persons to apply for the CTP grant and to execute the grant documents on behalf of the County if the grant for FY 2018-2019 is awarded. Upon a motion by Mr. Daughety and a second by Mr. Best, Item No. 2D was unanimously approved.

Item No. 3A was a Public Hearing Regarding Community Development Block Grant (CDBG) Disaster Recovery Program for Hurricane Matthew Recovery. Upon a motion by Ms. Sutton and a second by Mr. Best, a Public Hearing regarding Community Development Block Grant (CDBG) was entered into at 4:16 p.m. Common Consent

Mr. David Harris, RSM Harris and Associates, Inc., CDBG Project Manager, addressed the Board and asked if there were any comments. There were no comments from the Board. Upon a motion by Ms. Sutton and a second by Mr. Best, the Public Hearing was closed at 4:18 p.m.

Item No. 3B was a Resolution Authorizing the Submittal of an Application for a 2017 CDBG-Disaster Recovery Grant: \$1,000,000. Mr. David Harris, Project Manager, stated Lenoir County was one of 50 counties declared a Hurricane Matthew Disaster County in October 2016 under Presidential Declaration 4285. NC Emergency Management and the NC Department of Commerce are making funds available to 46 of the 50 counties of the NC CDBG-Disaster Recovery Grant (CDBG-DR) allocated by the US Department of Housing and Urban Development (HUD) in December 2016 to the State of NC for unmet hurricane recovery needs. A total of \$32.5 million is available for the 46 lesser impacted counties, and the maximum grant request per county is \$1,000,000. Eligible activities include homeowner and rental rehabilitation, single-family housing reconstruction, rental unit construction, temporary rental assistance, supportive housing and services for the homeless, rehabilitation of community facilities and public infrastructure (storm drainage). Households receiving CDBG-DR housing assistance must meet the low/moderate income limit of 80% of median household income established by HUD for the County.

Although the County expects to receive HMGP funds for acquisition of flood-damaged properties, many disaster-related housing needs remain throughout the County. Hurricane Matthew damaged all types of housing, but the most significant remaining unmet need is housing assistance for single-family homeowners. Proposed CDBG-DR funds will be used to rehabilitate houses or reconstruct a new home on the same site if the house is beyond repair/rehab. Temporary rental assistance will be provided to homeowners displaced as a result of house reconstruction. Homes in the 100-year floodplain will be elevated if the cost of rehabilitation exceeds 50% of the value of the house. Funds will be used to pay flood insurance premiums for homes receiving rehabilitation or reconstruction assistance that are located in the 100-year floodplain. All CDGB-DR housing assistance will be in the form of a self-amortizing, interest-free, deferred loan, secured by a note and deed of trust for 5-10 years (depending on the amount of housing assistance). Any owner who sells the house during this recapture period will have to repay the balance remaining on loan. These requirements are identical to the self-amortizing, deferred loan requirements of the County's previous CDBG Scattered Site Housing Projects. Any house located in the 100-year floodplain will be required to maintain flood insurance forever and will execute a deed restriction to be recorded on the property requesting the perpetual maintenance of flood insurance for all current and future property owners. Prospective owners who fail to maintain flood insurance will be ineligible for any form of state or federal disaster assistance if the house is flooded or damaged. Upon a motion by Ms. Sutton and a second by Mr. Daughety, Item No. 3B was unanimously approved.

Item No. 3C was a Resolution Authorizing the Filing of an Application for CDBG Disaster Recovery Funds. Mr. David Harris, Project Manager, stated the NC Division of Emergency Management and the NC Department of Commerce had made Community Development Block Grant-Disaster Recovery (CDBG-DR) Grant Funds under Federal Public Law 117-223/254 available to impacted counties for Hurricane Matthew recovery activities; and the County of Lenoir is authorized to accept Federal and State grants and to appropriate and expend funds for community development programs and activities, including housing and public facility improvements; and the Lenoir County Board of Commissioners has held two public hearings concerning a proposed application for CDBG-DR funding; the County of Lenoir desires to undertake certain hurricane recovery activities and to prepare an application for 2017 CDBG-DR Funds; the Chairman be authorized and directed to submit an application to the NC Division of Emergency Management for 2017 CDBG-DR Funds in the amount of \$1,000,000; and if CDBG-DR Funds are received, the County will carry out eligible hurricane recovery-related activities in the following funding categories: Housing Recovery, including rehabilitation, reconstruction, temporary rental assistance and flood insurance assistance; and any other CDBG-DR eligible recovery activity that may benefit the County; and , if CDBG-DR Funds are received, suitable hurricane recovery activities will be undertaken with the primary objective of benefiting low to moderate persons in accordance with goals established by the NC Department of Commerce in the "State of North Carolina CDBG-DR Action Plan" dated April 21, 2017. Upon a motion by Ms. Sutton and a second by Mr. Daughety, Item No. 3C was unanimously approved.

BUDGET ORDINANCE AMENDMENTS/RESOLUTIONS:

Item No. 4 was a Resolution Authorizing Solid Waste Department to Contract with Nathan's Outdoor Products: \$2,898.26. Mr. Hal Oliver, Landfill Manager, stated Lenoir County Solid Waste Department Deep Run Site #4 is in need of significant repairs. After careful consideration, it was determined that it would be more cost effective to replace the building. We received four (4) bids, and Nathan's Outdoor Products was the low bidder. Upon a motion by Mr. Rouse and a second by Mr. Daughety, Item No. 4 was unanimously approved.

Item No. 5 was a Resolution Authorizing Lenoir County Health Department to Execute a Purchase Order to Paragard: \$4,902.60. Ms. Tracy Chestnutt, Finance Officer, stated the planning process for the Infant Mortality Agreement Addenda Activity 165 FY 2018 informs patients of their birth control options including the availability of Long Acting Reversible Contraceptives, follows up on provider orders, and counsels/educates patients who choose Long Acting Reversible Contraceptives (LARC). This action is necessary to support health department services needed for fiscal year 17/18 in regards to the Infant Mortality Program. Upon a motion by Mr. Davis and a second by Mr. Rouse, Item No. 5 was unanimously approved.

Item No. 6 was a Resolution in Support of Reviewing Traffic Movement at the Intersection of Highway 70 West at the Chick-Fil-A/Lowe's Entrance by the NC Department of Transportation to Determine if Crossover Upgrades are Necessary. Mr. Eric Rouse read the resolution. Upon a motion by Mr. Davis and a second by Mr. Best, Item No. 6 was unanimously approved.

Item No. 7 was a Resolution in Support of Improvements of NC 55 at SR 1341 (Tyree Road) in Kinston by the NC Department of Transportation. Mr. Eric Rouse read the resolution and stated this resolution is only giving support.

Mr. Bill Whaley, Transportation Committee Chairman, gave a general description of the noted changes mentioned in the resolution. Mr. Whaley stated this decision was based off a five-year data from the crash study. What was surprising to him was out of the 47 accidents 33 were in the daytime, and most were cars or passenger vehicles. Also, of the most severe accidents occurred 21 out of the 27 were Lenoir County residents. He would have thought it would have been individuals that were not familiar with the intersection. A lot of the accidents were turn light, T-bones. This is a safety project, and the committee felt like with an 80% projected reduction in crashes they wanted to bring it to this Board for consideration and will yield to the Board's decision.

Mr. Daughety stated one fatality in 5 years was not a lot and the people in this county/community did not ask for a change in that area, neither have they been approached regarding what their thoughts are regarding this change. This seems unnecessary and is a waste of tax dollars. What makes it even harder for him to understand is three years ago he went to DOT on behalf of some business owners and asked them to conduct a safety study to consider reducing the speed limit from Jackson Cross Road to Skinners by-pass to 45 mph to slow traffic down for safety reasons.

DOT performed the research and came back to him and stated that could not be done because it was unenforceable. Several weeks ago, he asked DOT to reconsider conducting a crash study for a year, and at that time if the data justified making the change they can review. Mr. Daughety stated he felt like reducing the speed limit would eliminate the accidents. Also, the community should be given the opportunity to voice their opinion at a public hearing before DOT making a final decision that the community does not want.

Mr. Hill stated he understands the feelings of the portion of the community that do not want the change. He also understands that this Board has the decision in its hands about the safety and well-being of the community at large. It is those two things that are in a balancing test. It's either the people or should the government make the right decision for the people. That is the question that's before the Board which can be a difficult decision. When it's put to a balancing test, and the engineers say they can reduce the number of serious accidents anywhere from 77%-89% he is in favor of doing that. On the other hand, you have a business owner to call, and it tilts back the other way. Then you listen to the funding formula, intersection, or utilize the last fatality in the statistical data to help receive the funding that the county can collect now to make the change at that intersection. If we waited a year to do that who is to say we would still be able to receive those dollars, or do we wait for another fatality to change the mind of those who are opposing the change. It is better to weigh and balance than to have to look a family in the face and say we had the opportunity to do something and we did not. He is in favor of looking after the safety and well-being of the citizens even at the risk of balancing against their will. With that being said he is in favor of supporting DOT with this change. Mr. Hill stated it is always difficult whenever you have to decide against the will of the people.

Mr. Daughety stated in 5 years one fatality was not enough to warrant a change. If there were more he would possibly say yes because it would be in the public's best interest. However, he is not in favor of forcing a community into something that they do not want, and if people can't depend on government who do they have.

Mr. Hill stated to keep in mind that the other part of the statistical data regarding that intersection is it is within the top 10 intersections of that type regarding the number of accidents in the state of North Carolina. It's the highest rating you can get on that kind of intersection.

Ms. Sutton stated nobody likes change. However, DOT has provided the statistical data to support their findings, and this Board's decision should be based on facts that they have been given. Another vital piece of information from the data is the majority of the accidents were caused during the daytime, and it was from members Lenoir County, not individuals from out of town. She feels like DOT are professionals and has history enough at telling us what will help things either way.

Mr. Hill stated the round-about concept is relatively new in this area but is being utilized across the state in more congested areas, and there are positives and negatives to everything.

Mr. Rouse stated he understands that the community is ultimately against this. He has spent time overseas, and round-about is used profusely. He sees the pros and the cons, and regardless of whichever way he votes, it's going to upset somebody. Initially, he was completely against it, and now he is not sure he is still on the fence. He would like to postpone it for a bit longer. It's not being able to say we can save lives and but it's also another thing when you have the community screaming they don't want it.

Ms. Sutton stated based on the facts they were given and the additional information she makes a motion to approve Item No. 7. Item No. 7 died for lack of a second.

Mr. Best asked if the people in the community had been given the statistical data information that the Board received?

Mr. Daughety replied that they had not been presented with anything and no one has asked them any questions nobody has shared anything with them. This came about by the transportation committee, dot and to the commissioners, on public hearings or anything. This is everything people hate about government.

Mr. Jarman stated there are numerous times that he will look at this Board and say that most of you are in a district and that district is when you get elected. But when you are in a setting such as this you are here to serve all of the people. In his personal opinion, you are looking at not only people from Lenoir County, but you should be making a decision that represents all the people that will drive through that intersection. Just realize that in this case, you are serving a more substantial number of people.

Mr. Rouse asked Mr. Whaley what time frame did DOT have.

Mr. Whaley replied he was not sure the exact number this is based on. However, it's because of that one fatality that DOT has been granted the funds, but he is not sure of the cut off period when DOT will not have access to those resources. It will be bad for the state to risk losing those funds.

Mr. Griffin stated that DOT was in the business if handling these types of situations such as hearings. He would suggest that if this Board is going to pass a motion, it would be that DOT will hold a public hearing regarding the Resolution in Support of Improvements of NC 55 at SR 1341 (Tyree Road) in Kinston by the NC Department of Transportation.

Mr. Jarman stated technically DOT did not have to ask permission from this Board. If it's a safety issue, traffic concerns, or a major through fare, it's up to them.

Mr. Hill asked Attorney Griffin what should the Board do at this point from a legal standpoint.

Mr. Griffin stated at this point the motion made by Ms. Sutton dies for lack of a second. Mr. Griffin suggested that the Lenoir County Board of Commissioners request the NC DOT to hold a public hearing on the proposed improvements of NC 55 at SR 1341 (Tyree Road) in Kinston.

Also, keep in mind that it is up to them because they did not have to ask for this Board's approval to move forward. Mr. Griffin stated technically it would be cleaner if someone would make a motion to table Item No. 7 until after the public hearing.

Upon a motion by Mr. Rouse and a second by Mr. Daughety, Item No. 7 was tabled to give NC DOT the opportunity to hold a public hearing regarding the Resolution in Support of Improvements of NC 55 at SR 1341 (Tyree Road) in Kinston.

Item No. 8 was a Resolution Authorizing the County Finance Officer and County Cooperative Extension Director to Sign Annual Partnership for Children Grant Agreements and Financial Status Reports for the Parents as Teachers Program Administered by Lenoir County Cooperative Extension. Ms. Tracy Chestnutt, Finance Director, stated the County Finance Officer and Lenoir County Cooperative Extension Director have historically signed grant agreements with the Lenoir/Greene Partnership for Children. The Lenoir/Greene Partnership for Children must adhere to State contract standards. Authority to sign contracts with the Partnership for Children can be delegated by resolution approved by the Board of Commissioners to satisfy contract standards. It is recommended to delegate authority to sign grant agreements and financial status reports to the Finance Officer and County Cooperative Extension Director going forward. Upon a motion by Ms. Sutton and a second by Mr. Davis, Item No. 8 was unanimously approved.

Item No. 9 was a Resolution Approving Acceptance of Extension and Execution of Contract for Independent Audit Services: Carr, Riggs & Ingram, L.L.C., LaGrange, NC: \$48,000. Ms. Tracy Chestnutt, Finance Officer, stated the Finance and Human Resources department began a software conversion at the beginning of FY 16-17. Carr, Riggs & Ingram is familiar with the new software system and the accounts and practices of the County. The FY 16-17 audit was expanded from a typical 4-day examination to 7 days due to an expansion of testing required by the State Treasurer's office. The finance office is requesting a one-year extension to allow the current auditors to assist our office with the expanded audit requirements and correcting any potential deficiencies discovered during the FY 16-17 audit. The finance office will solicit new proposals for FY 18-19 audit services in 2018. The Board is reminded it is mandatory that this independent audit is undertaken. The auditor works at the behest of the Board, not the County Administration. This proposal involves a one-year contract extension with Carr, Riggs & Ingram at an increase of \$1,000. The Board is requested to authorize an extension of the audit contract with Carr, Riggs & Ingram, L.L.C. of LaGrange, NC, to perform independent audit services and continuing disclosure for FY 2017-18 and also authorize the Finance Officer and the Chairman of the Board of Commissioners to execute the contract for Fiscal Year 2017-2018 in the amount of \$48,000. Upon a motion by Mr. Best and a second by Ms. Sutton, Item No. 9 was unanimously approved.

Mr. Rouse asked if this was a one-year extension based on the original contract. Ms. Chestnutt replied yes, \$1,000 more. This is the second time she has asked requested an extension. This year the auditors extended their visit. Normally they stay 2-3 days, but due to the state treasury more extensive request to review their documents, their stay was a week and a half because there was a lot more involved.

Therefore, she would like to continue the contract with them for another year so they can help finance to learn all of the new regulations they are not aware of and to continue to help them with the transition of the new software. Mr. Rouse asked if there was a provision in the contract for this? Ms. Chestnutt replied no sir. Mr. Jarman stated it is not. However, they extended it before. Also, they have talked about bidding it, and they would do the 3-year contract. He understands the need to bid it, however, with the new financial software the audit company is learning as well and he would recommend extending it for another year and at that time bidding it.

Item No. 10 was a Resolution Approving the Award of Contract and Authorizing County Administration to Execute the Contract for the Construction of the New Lenoir County Cooperative Extension Building. Mr. Joey Bryan, Assistant County Manager, stated after Hurricane Matthew and the subsequent flooding, the Lenoir County Cooperative Extension Building was inundated with approximately 48+ inches of flood waters for over a week. The wind and rain damage along with the prolonged exposure to the flood waters caused extensive damage. It was established that this building could only be put back if it was constructed above the Flood Plain Elevation. On June 19, 2017, the Lenoir County Commissioners approved to accept a Golden Leaf Grant for \$1,406,700 and to bundle this with the Insurance proceeds and put out to bid the new elevated design by Dunn and Dalton for the Lenoir County Cooperative Extension Building. This was done, and bids were solicited and then opened on October 4th, 2017. Lenoir County Administration placed the request for bid out on the county website soliciting base bid prices for main work and 2(two) alternate bids – Alternate #1 – Deduct for parking – Option A; Alternate #2 – Add Septic System & waste line to the building. Seven (7) bid packages were received, and Burney & Burney Construction Company, Inc. was the low bidder.

Mr. Daughety stated he understood that there are some questions as to whether or not the contractors can complete the job in 210 days. What will happen if the contractors do not finish the task in the stated time? Mr. Jarman replied anytime you have a contract there are liabilities built in if someone does not perform in the manner they are supposed to. Mr. Rouse asked what the liabilities on this project were. Mr. Dunn replied there are none in place. Mr. Daughety asked what would happen if this Board would defer to the local bidder? Mr. Jarman replied if this Board was going to defer based on the time frame the contractor could challenge this Board by saying they had the lowest price. Mr. Jarman stated Mr. Dunn called the contractors personally and talked with them and felt like their reasons for meeting the time frame were valid. Mr. Hill stated this is not a decision that the Board can defer to someone else. This is a decision that they would have to make as a Board. As a Board, they have to protect the safety of the process as well as following the law. Mr. Jarman stated unless this group has passed some local ordinance or resolution stating that you would favor local bidders the other person can have a very valid challenge. If you do pass something saying you favor local bidders you may hamper all of your other future bids because people who were going to bid in the community and they knew there was a local bidder that was relatively strong might not give a competitive bid. Therefore, there are multiple things that this Board has to process.

Mr. Dunn stated this decision was up to the Board. However, he would like to address the liquidated damages issue. If you are going to include liquidated damages, you should include liquidated rewards for early completion. He knew the board would not want to go down that road so they placed in the contract the stipulation of the number of days they felt like they could complete it in without any enforcement on the part of the county to say yes you will have to pay if you don't finish it on time. If these were private funds yes, the liquidation damages in place. Mr. Dunn stated as a county/owner have the right to waive this requirement as an informality and accept the bid anyway you choose to do so.

Mr. Hill asked Mr. Griffin from a legal standpoint he doesn't have in front of him hard evidence to say the other person can't meet the 210 days. What he has is the person that finished second saying that the other company is no better than they are, he understands and respects that. However, he does have evidence from the administrative team and architects has asked the questions that should have been asked. Also, the question should be asked do we as a Board have a justifiable reason to step outside the process and make a decision outside of the normal since this is a legal bid.

Mr. Griffin replied he is not clear on a few things: Burney & Burney said they could complete the project in 210 days, Group III Management said they could finish it in 300 days. The question is, is there something about Burney & Burney bid that would indicate that they are not responsible when the county was looking for the lowest responsible bidder. Suppose Burney & Burney completes this project in 300 days which is what Group III Management says, he is having a hard time seeing how anybody would be hurt by that.

Mr. Hill stated in his opinion he can tell how that would hurt them. If the 210 days and the \$8,000 is the factor that they use to weigh to help award the bid as well as the numbers, it influences that number as well; then it cost one firm a \$1.8 million project.

Ms. Sutton stated it seems like this Board doesn't have a legal alternative, according to the general statute unless the board can show they are not responsible they don't have a choice.

Mr. Hill asked Mr. Griffin as the Boards attorney if this Board changed this what is the argument coming back on the Board?

Mr. Griffin stated Burney & Burney response would not only be they the lowest bidder they were going to do it faster, and they would have a good case.

Ms. Sutton asked Mr. Dunn if he was familiar with Burney & Burney. Mr. Dunn replied only by name and the fact that they had bid other projects for them for different clients. He has checked several of their references, and they have come back with an excellent reputation. They also stated currently they are very lean, and they can devote a lot of time to this project, and they were going to throw everything they had to get it done quickly.

Mr. Hill stated somehow; they lost focus he was asking for advice from the attorney not questions from others. Let's bring it back to the Board.

Mr. Jarman stated no matter who gets the bid, and as it pertains to days, it's been projected before, and if it rains for days it will affect the process, and situations beyond their control are factored in.

Ms. Sutton stated she always like to use locally. However, the general statute 143-129 states the award should go to the lowest responsible bidder and unless this board can say Burney & Burney is not responsible this Board does not have a choice.

Mr. Jarman stated county administration and the architects they asked that it be vetted to see if they could find any valid reason why they were not responsible, and none was found.

Upon a motion by Ms. Sutton and a second by Mr. Best, Item No. 10 a Resolution Approving the Award of Contract and Authorizing County Administration to Execute the Contract for the Construction of the New Lenoir County Cooperative Extension Building was unanimously approved.

Mr. Daughety asked if it was possible from this point forward for the county to do like the federal government does on bases and offer a 5% offset for bidders for local contractors. Mr. Jarman replied he would have to research further, but he felt like the board would have to adopt a resolution or ordinance formally.

Item No. 11 was a Resolution Approving the Transferring of Property Ownership from Lenoir County to the NC Global Transpark Authority. Mr. Mike Jarman, County Manager, stated in June 1988 the City of Kinston and Lenoir County deeded property located at the Kinston/Lenoir County Regional Jetport to the State of North Carolina to be the site of a National Guard Armory. This deed contained a reverter that stated the property would revert to the city and county if the armory were not built in the next five (5) years. In January of 1995, this property was deeded back to the City of Kinston and Lenoir County. This property should have been deeded to the State of North Carolina when the remaining airport property was transferred. In 2008 when this error was noted the city and county again transferred the property to the State of North Carolina. In 2017 the NC Global Transpark Authority during their efforts to locate a natural gas line across this property found that the Council of State had not voted to accept this property so, therefore, it was still deeded to the City of Kinston and Lenoir County. The N.C. Attorney General's office decided not to accept the property and ask the city and county to deed the property to the state again but this time deed it to the North Carolina Global Transpark Authority. Approval of this deed will accomplish the City of Kinston and Lenoir County's intent of transferring this property to the North Carolina Global Transpark Authority. Upon a motion by Mr. Daughety and a second by Mr. Davis, Item No. 11 was unanimously approved.

Item No. 12 was a Resolution Approving Citizens to Boards, Commissions, Etc. Since this is the first appearance, no action is needed at this time.

Item No. 13 was items from the county manager Mike Jarman. Mr. Jarman stated at this time he would ask the Board to accept the bid for \$600 for county-owned property located on Dunn Road. Upon a motion by Mr. Rouse and a second by Mr. Best Item No. 13 for property located on Dunn Road was unanimously approved.

Meeting Adjourned at 5:22 p.m.

Respectfully submitted,

Vickie F. King
Clerk to the Board

Reviewed by,

Joey R. Bryan
Assistant County Manager