

MINUTES
LENOIR COUNTY BOARD OF COMMISSIONERS
November 6, 2017

The Lenoir County Board of Commissioners met in open session at 9:00 a.m. on Monday, November 6, 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-Chairman Linda Rouse-Sutton, Commissioners, Roland Best, Mac Daughety, Reuben Davis, and Eric Rouse.

Members Absent: Jackie Brown.

Also present were: Michael W. Jarman, County Manager, Joey R. Bryan, Assistant County Manager, Tracy Chestnutt, Finance Officer, Vickie Freeman 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 9:00 a.m. Ms. Sutton offered the Invocation, and Mr. Best led the audience in the Pledge of Allegiance.

Mr. Hill asked for a moment of silence in honor of the victims that lost their lives in the deadly shooting in Texas. He also asked for a moment of reverence for our veterans in honor of Veterans Day.

PUBLIC INFORMATION:

None Scheduled

PUBLIC COMMENTS:

Scheduled: None

Non-Scheduled

CONSENT AGENDA:

1. Approval of Minutes: Regular Board Meeting: September 18, 2017.
2. Resolution Approving the Releases and Refunds to the Individuals Listed Herein.

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

BUDGET ORDINANCE AMENDMENTS/RESOLUTIONS:

Item No. 3 was a Resolution Approving the Rezoning of Property on Hwy 11 North from Rural to Commercial: Case No.: RZ-17-001. Mr. Wayland Humphrey, Addressing/GIS Coordinator, stated the current use of the property in question is agricultural. It is adjacent to existing commercial property to the northwest and in proximity to DuPont to the south. The property is located at the intersection of Hwy 11 North and Braxton Rd. which will provide visibility and adequate road access and other business amenities. The property has approximately 1400 feet of road frontage located on Hwy 11 North and approximately 1000 feet of road frontage on Braxton Rd. The Lenoir County Planning Board scheduled a public hearing on Thursday, September 21, 2017, to review and make a recommendation for the subject property to be rezoned. The Planning Board did not have a quorum of members needed to proceed with a public hearing, so no recommendation is forthcoming. Also, no citizens attended the public hearing. The Zoning Ordinance states, if no recommendation is received from the Planning Board within thirty (30) days after the public hearing, the proposed amendment shall be deemed to have been approved by the Planning Board. The Board of County Commissioners may proceed in the regulatory approval process of the rezoning application. Upon a motion by Mr. Daughety and a second by Mr. Best, Item No. 3 was unanimously approved.

Mr. Daughety asked what the reason for the rezoning was. Mr. Humphrey replied they received an application.

Mr. Jarman stated in regards to approving citizens to boards on this resolution; it shows Lenoir County Planning & Inspections districts having vacancies in districts 1, 4, 5, 6, at-large, and alternate #2. Mr. Jarman advised the Board that he would highly recommend them to seek citizens that could fill these roles. Also, they should try to get them motivated to serve. He recommends they get people to fill these seats to help the board accomplish their goals. If there is not a board in place, then you will have to start sitting, hearing the questions and going through the process so planning and inspections will have the assistance they need. Mr. Rouse stated he felt like he might know one person that is interested in serving. However, he would have to check to see if he would be in one of the districts or at-large. Mr. Jarman stated although the process of that particular board involves more open discussion with the members the ultimate decision lies with this Board. If this Board is going to be making the ultimate decision, then you will want to start asking the questions and knowing what happens during the process. Mr. Rouse asked if planning & inspections districts for their board members were like the commissioners, and if not, could he get a copy of the districts for the planning board. Mr. Rouse asked Mr. Humphrey if the votes are based on a quorum of the elected board members or a quorum based on 50% present. Mr. Humphrey replied voting members present. Mr. Rouse stated the Board might need to consider adjusting this as they did for the Health Board so that if they are voting it would be members that are present, not the number of members on the board.

Item No. 4 was a Resolution Appointing Review Officer. Mr. Darrell Parrish, Tax Administrator, stated that Guy F. Thompson, was serving as the Lenoir County Land Records Manager, and is hereby appointed to perform all responsibilities as required for Review Officer under the appropriate North Carolina General Statutes. Also, the Review Officer may designate appropriate Deputy Review Officers in his department as qualified and determined necessary for the performance of these responsibilities and verifies the correctness of the 911 road names for Lenoir County. A copy of this Resolution designating the Review Officer should be recorded in the Lenoir County Register of Deeds Office and indexed in the name of the Review Officer. Also, this Resolution shall become effective November 6, 2017, as specified in S.L. 1997-309. Upon a motion by Ms. Sutton and a second by Mr. Daughety, Item No. 4 was unanimously approved.

Item No. 5 was a Resolution Declaring Property as Surplus and Authorizing the Sale of the Surplus Property by Auction. Mr. Darrell Parrish, Tax Administrator, stated the County owns various properties that are of no useful value to the County. In accordance with procedures set forth in N.C. General Statute 160A-269, County Administration is requesting the approval of the Board to sell the following properties through the negotiated offer an upset bid process. The sale of these properties will return them to private owners and add them once again to the tax scrolls. Upon a motion by Mr. Davis and a second by Mr. Rouse, Item No. 5 was unanimously approved.

Item No. 6 was a Resolution Authorizing Change of Operating Hours on Saturdays at the Landfill Located at 2949 Hodges Farm Road, Kinston, N.C. Mr. Hal Oliver, Landfill Manager, stated for many years the Lenoir County Solid Waste Department has been operating on Saturdays from 8:00 a.m. – 4:30 p.m. Due to the decreased volume coming into the landfill after 12:30 p.m., and after consulting with staff and reviewing the costs incurred, Lenoir County Solid Waste Department recommends the closing of the landfill grounds on Saturdays be changed to 12:30 p.m. Also, after taking an average of expenses for a year of operating the landfill grounds after 12:30 p.m. at \$964.81 against the average income of \$261.00, closing early is the most cost-effective and will be in the best interest of the county. Upon a motion by Mr. Rouse and a second by Ms. Sutton, Item No. 6 was unanimously approved.

Mr. Hill thanked Mr. Oliver for attempting to save the county funds. He stated when the Board passed last year's budget; they said they would look for different ways and adjustments that could be made over the course of the year to save the county money. While this adjustment might seem small each decrease the county can make is important. Mr. Hill also thanked county administration for their role in helping the Board to accomplish these goals.

Item No. 7 was a Resolution Approving the Lenoir County Transit Purchasing and Procurement Policy. Ms. Angie Greene, Transit Director, stated on April 26, 2017, Lenoir County Transit had a Federal and State Compliance, Capacity and Proficiency Review (CCAP Review) with KFH Group, a contractor for the NCDOT/PTD who administers the reviews. CCAP reviews are to be completed every three (3) years. However, the last CCAP Review was in 2010.

Lenoir County Transit received the review findings from KFH Group on May 25, 2017, and given 30 days to respond back to the review team with actions being taken to correct the deficiencies that were found. There were several deficiencies in our policies and procedures that were found. The review team allowed Lenoir County Transit time to revise existing policies or to create policies to become compliant with federal and state guidelines. On August 21, 2017, and October 2, 2017, Lenoir County Board Commissioners approved several policies and procedures that were found deficient during the review. Lenoir County Transit has established the Lenoir County Transit Purchasing and Procurement Policy. This policy is the last of the deficiencies that were found during the Compliance Review. This policy will assist in establishing an efficient and equitable set of guidelines for Lenoir County Transit employees in the purchasing and procurement process. It will also ensure the acceptable behavior of employees of Lenoir County Transit. The approval of this policy will ensure compliance with federal and state guidelines established by NCDOT and FTA. Upon a motion by Mr. Rouse and a second by Mr. Daughety, Item No. 7 was unanimously approved.

Item No. 8 was a Resolution Declaring Property as Surplus and Authorizing the Sale of the Surplus Property by Auction. Ms. Angie Greene, Transit Director, stated Lenoir County Transit has one (1) vehicle that has exceeded its useful life. This vehicle is no longer of use to any county department, and there are no plans to put the vehicle back into service. If authorized, this vehicle will be auctioned on GovDeals.com. In accordance with procedures set forth in G.S. 153A-176, County Administration is requesting the approval of the Board to sell the following vehicle by auction on GovDeals.com within the next 120 days. Proceeds resulting from the sale of this van less expenses will be appropriated to the Transportation Fund. Upon a motion by Mr. Best and a second by Mr. Daughety, Item No. 8 was unanimously approved.

Item No. 9 was a Resolution Approving Economic Development Grant Agreement: EZ-Flo International, Inc.: \$17,363. Mr. Mark Pope, Economic Development Director, stated EZ-Flo International, Inc., headquartered in Rockwall, Texas, is a global manufacturer and distributor of plumbing, HVAC and hardware products. A division of the Eastman brand, EZ-Flo International, Inc. has been in operation for more than fifty (50) years and is synonymous with premium quality water connectors and stop valves trusted by the generation of professional plumbers. EZ-Flo International, Inc. is committed to quality and fine workmanship of their products. EZ-Flo International, Inc. wishes to locate its operations at 206 US Hwy 58 South in Kinston, North Carolina. The company will invest at least \$1.6 million in non-depreciated capital investment in real property, machinery, and equipment and create ten (10) new full-time positions. As with previous grants, the grant will be performance-based and distributed based upon the actual goals achieved. If EZ-Flo International, Inc. is unable to meet the total investment goals, the grant will be prorated based on the actual investment created. We will report this performance to the Board on an annual basis. Upon a motion by Mr. Davis and a second by Ms. Sutton, Item No. 9 was unanimously approved.

Item No. 10 was a Resolution Approving Blanket Purchase Order for Emergency Repair of Detention Center A/C Chiller: Brady Trane Service, Inc.: \$5,760.26. Sheriff Ingram stated the Lenoir County Sheriff's Office currently uses Brady Trane Services Inc. to conduct preventive maintenance on the Detention Center air conditioning units. As part of their contact, one of the air chillers experienced mechanical issues and had to be repaired. During the repair, another issue was found that required attention. Anthony Howard with Lenoir County Maintenance worked with Brady Trane Services and advised the Sheriff's Office the repairs were required to get the chillers running again and needed to be completed immediately. The Sheriff's Office authorized the repair as an emergency and the work has already been completed. The funds for these repairs came out of the budgeted Detention Center maintenance line. No other funding is required. Upon a motion by Mr. Rouse and a second by Ms. Sutton, Item No. 10 was unanimously approved.

Item No. 11 was a Budget Ordinance Amendment: Capital Outlay Vehicles: Fund 150: Increase: \$20,000. Sheriff Ingram stated the purpose of this amendment is to cover the cost of invoices and to provide the needed equipment for the command center. The Sheriff's Department purchased a mobile command center that was approved by resolution last fiscal year which included repair, striping, and lighting. These services were not completed until this fiscal year, and additional fund balance is needed. Upon a motion by Ms. Sutton and a second by Mr. Daughety, Item No. 11 was unanimously approved.

Item No. 12 was a Resolution Declaring Property as Surplus and Authorizing the Sale of the Surplus Property by Auction. Ms. Jerri King, EMS Assistant Director, stated Lenoir County Emergency Services has a total of one (1) vehicle which has outlived its useful life. This vehicle is a decommissioned patrol car from Lenoir County Sheriff's Office, that has since served as an administrative support vehicle for the office of Emergency Services. This vehicle is no longer of use to any county department. If authorized, this vehicle will be auctioned on GovDeals.com. In accordance with procedures set forth in G.S. 153A-176, County Administration is requesting the approval of the Board to sell the following vehicle by auction on GovDeals.com within the next 120 days. Upon a motion by Ms. Sutton and a second by Mr. Best, Item No. 12 was unanimously approved.

Item No. 13 was a Resolution Approving the Purchase of Two (2) APX6000 700/800 Model 2.5 Portable Radios: Motorola Solutions: \$7,180.50. Ms. Jerri King, EMS Assistant Director, stated the Lenoir County Emergency Services utilizes an 800MHz P25 Astro digital radio system. The new upgraded radio offered by Motorola is the APX version. The digital radio offers a wide range of capabilities in an ever-expanding electronic age. The APX6000 700/800 Model 2.5 portable radio will allow the Emergency Services department the capability of programming both a 700MHz and an 800MHz radio system into one radio. Once purchased it will allow for more interoperability with other agencies. Upon a motion by Mr. Daughety and a second by Mr. Best, Item No. 13 was unanimously approved.

Item No. 14 was a Resolution Approving the Purchase of a DLX Shelter Kit: Deployed Logix, Inc.: \$23,690. Ms. Jerri King, EMS Assistant Director, stated Lenoir County experiences a number of incidents every year that require in the field operations; however, those incidents occur during all types of weather. The need to take shelter from the elements are important to the responders and aids in the overall organization at the scene. Through North Carolina Emergency Management, there is a grant known as the Homeland Security Grant Program (HSGP), and a proposal of this kind could be submitted to the Domestic Preparedness Region Committee for approval. Lenoir County Emergency Services started to research the options of a mobile shelter that was lightweight, rugged and could be easily deployed during field operations. After considering all options, it was found that Deployed Logix had the equipment available to fulfill the requirements of having an easily deployed shelter for responders. The complete kit will include a metal structure membrane shelter with a heater and AC unit. Other items to include: a hard case, anchor bags, duct work, insulation liner, table kit, and floor. This kit will serve as a quick and easy way to provide shelter in a controlled environment. Since this equipment is part of a grant, it will be available to respond to any incident in the state. Adding this equipment is a great opportunity to enhance the all-hazard approach in having resources available to deploy when needed. The proposal for a DLX shelter kit was submitted to the Domestic Preparedness Region Committee and was approved for Lenoir County. This money is 100% refundable grant money through the Homeland Security Grant Program. Upon a motion by Mr. Daughety and a second by Mr. Best, Item No. 14 was unanimously approved.

Item No. 15 was a Resolution Authorizing Lenoir Soil & Water to Purchase One (1) 2018 Ford F150 4x4 Truck: Capital Ford: \$32,133. Ms. Mary Parker, Soil & Water District Administrative Specialist, stated the Lenoir Soil & Water Conservation District assigns a vehicle for the use of the District personnel to assist cooperators, landowners, and the community with the installation of best management practices on their land to address water quality concerns thru State and Federal Programs. The District personnel assists county residents with drainage problems and water quality issues within the county. District personnel is required to attend training, specific area 6 meetings as well as the NC Association of Soil and Water Conservation Annual meeting. The district personnel coordinates and executes an environmental educational program (K-12) within the local school systems as well as conduct informational meetings to educate landowners and farmers of best management practices and the advantages they can make to the health of their land. As a result of the job responsibilities, the district puts a lot of miles and wear on the district vehicles, between visiting farms, landowners, required training and meetings. The district's current vehicle is a 2004 Ford Explorer, with 89,106 miles on the odometer. The Lenoir Soil & Water Conservation District assigns the district staff a vehicle to carry out the requirements of the State and Federal Programs: NC Agricultural Cost Share Program, Conservation Community Assistant Program, Agricultural Water Resources Assistance Program, and Environmental Quality Improvement Program and the Environmental Educational Program. The District staff vehicle is overdue for replacement. The district supervisors recommend that the county utilize the State Contract vendor, Capital Ford, located in Raleigh, NC for the purchase of this replacement vehicle.

Mr. Daughety asked why did Soil & Water need another vehicle. Mr. Jarman replied the 89,000 miles are probably a surprise considering the 200,000 plus they are used to seeing. Some of the miles on this Explorer are from when they are visiting the farms and other things. These aren't highway miles that some of our vehicles get, they have been off-road. However, there is still some good left in the Explorer and we are going to find it a suitable home within Lenoir County Government to run it further. It does not meet Soil & Water needs for hauling, and it is the only vehicle they have. Upon a motion by Mr. Davis and a second by Mr. Best, Item No. 15 was unanimously approved.

Item No. 16 was a Budget Ordinance Amendment: Capital Funds: \$30,718. Ms. Tracy Chestnutt, Finance Officer, stated the purpose of this amendment was to revise the capital fund budget to reflect the receipt of additional insurance proceeds as a result of property damage caused by Hurricane Matthew to the Livestock Arena. The amendment results in an increase to insurance revenue and a decrease to fund balance appropriated. Upon a motion by Mr. Davis and a second by Mr. Daughety, Item No 16 was unanimously approved.

Item No. 17 was a Budget Ordinance Amendment: Process Funds: \$948,223. Ms. Tracy Chestnutt, Finance Officer, stated the purpose of this amendment was to revise the 2016 disaster recovery programs storm debris removal budget to reflect receipt of additional funding. Upon a motion by Mr. Daughety and a second by Mr. Rouse, Item No. 17 was unanimously approved.

Item No. 18 was a Budget Ordinance Amendment: Capital Funds: \$2,149,957. Ms. Tracy Chestnutt, Finance Officer, stated the purpose of this amendment was to appropriate funds for the Cooperative Extension construction budget. This request includes \$1,406,700 in grant funds, \$257,214 in new fund balance appropriated and \$486,013 in roll forward insurance funds for a grand total of \$743,257 to be budgeted out of fund balance for this project. The total construction project budget is \$2,117,800, and this amendment also requests to use \$32,157 in insurance proceeds to pay for temporary rental space at the Kinston Enterprise Center. Upon a motion by Ms. Sutton and a second by Mr. Rouse, Item No. 18 was unanimously approved.

Item No. 19 was a Resolution Approving Citizens to Boards, Commissions, Etc. Upon a motion by Mr. Daughety and a second by Mr. Best, Item No. 19 was unanimously approved for the appointment of Ms. Marva Brown to the Jury Commission. This was the first appearance for others. Therefore no action is required at this time.

Mr. Jarman stated he would like to comment regarding the appointing of Jury Commission. Mr. Bryan researched and brought this to his attention. It is a good idea for all of the information to be seen so that the Board are aware of the appointments to the Jury Commission. However, in essence, this Board does not have to approve the members being appointed by the Clerk of Court, and the Superior Court Judge. This Board is only responsible for appointing one of its members, which in this case, is Wilbert Bernard Johnson, which has to go through the process. The others are listed for informational purposes only.

Item No. 20 was items from the County Manager; Mike Jarman. Mr. Jarman stated for informational purposes he would like to point out a few things. He would like to point to Item No. 11 regarding the \$20,000 budget ordinance amendment from the Sheriff department. That is federal money, so this Board did not dip into the regular fund balance. Also, Item No. 15, the truck for Soil & Water for \$32,133, is either state or federal money set aside which has been sitting there for years. We are in agreement with that Board to use these funds for the purchase of this truck. Therefore, it is not coming out of the regular county tax funds either.

Mr. Jarman stated at the last meeting when talking about the Cooperative Extension building bids, this Board mentioned local bidding preferences and requested information. Mr. Jarman shared a statement from Eileen R. Youens, Attorney, and former faculty of UNC School of Government. She stated, “The US Constitution and the North Carolina General Statutes place substantial restrictions on how and when local governments in North Carolina may institute local preferences, carefully worded preferences are permissible in a few limited contexts.” It is legal, and this Board can do it. He stated there is something called “grants management common rule” which applies to federal grants. This rule prohibits geographic preferences. Mr. Jarman shared some possible advantages to having a preference policy that he received from different readings: 1. Achieve local social policy goals to assist the local economy. 2. Represents commitment to local businesses. 3. Improve relationships with local business. 4. Provide business development opportunities for local companies, potentially resulting in a broader local tax base. 5. Improves and protects the local economy. While procurement expenditures may rise in response to a local preference program, some governments believe the additional costs are outweighed by the support for the development, enrichment, growth, expansion and the retention of the local business community, thereby keeping any tax dollar spent on contracts in the area. Mr. Jarman shared some possible concerns about having a preference policy: 1. Increased cost to the local taxpayers and government to implement such a program. 2. Limits supplier competition. 3. Reduces the incentive for local businesses to provide the best value for the dollar for the goods and services. 4. Complicates and potentially burdens the procurement administrative processes. 5. Defining a defensible fair process to determine the definition of a local business including, but not limited to, geographic location requirements, management, and ownership control. 6. Bidder preference can decrease competition on public construction projects by discouraging “non-local” businesses from bidding in the first place, thereby driving up project cost ultimately borne by taxpayers.

Mr. Jarman stated in his personal opinion, preference policies, including local preferences, conflict with the fundamental public procurement principles of impartiality and full and open competition.

Mr. Daughety asked Mr. Jarman if he would forward a copy of the information he received to Board. Mr. Jarman replied he would. Mr. Jarman stated UNC School of Government has a great blog with the information broken down.

Mr. Best stated he attended the East Carolina's Workforce Development recognition program. Each year they recognize counties in which they work together with that are doing a good job creating jobs for citizens. He is pleased to announce that Lenoir County was one of the counties at the top again. He thanked Mark Pope, Economic Development Director for doing a fine job. He stated they couldn't thank Lenoir Community College enough for the services they provide and the fine job they are doing. Also, with making sure citizens are job ready when they report to work.

Ms. Sutton echoed Mr. Best sentiments. It was a great affair. She was very proud of the accomplishments by Lenoir County, and Mr. Pope. Lenoir County received far more recognition than any other county.

Mr. Hill stated he attended the Southeast Regional meeting last week. Secretary of Commerce, Tom Copeland was present and spoke on a lot of different issues. He shared information regarding the restructuring of economic development departments, secretary of commerce department, and the Global Transpark on the changing dynamics of the inner point of Rocky Mt. He shared a lot about what's happening in the southeast region. It was a very informative meeting. The data that they have shared has been very transparent. You can see the leads that come from the county, the region, and the state. It does not seem to be a credit-driven organization; they seem to be an organization that is trying to help the region as a whole. Thus far their working relationship with the southeast region has been good, and he will continue to monitor. Mr. Hill stated UNC Lenoir had a new chief medical officer on board.

Ms. Sutton asked if the Commissioners and their spouses could get together this year to celebrate the Christmas holiday. Mr. Jarman stated he would have Ms. King check on some sites and respond to the Board in a timely manner.

Upon a motion by Ms. Sutton and a second by Mr. Daughety, a closed session was entered into at approximately 9:36 a.m. with 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 the (public body). Also, Number Six (6): To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance, by or against an individual public officer or employee. The Closed Session will not include discussion of the appointment of a member of the public body, or a vacancy on the public body, and any final action on appointment, discharge or removal by the public body will be made in open session.

CLOSED SESSION

Upon a motion by Ms. Sutton and a second by Mr. Daughety and unanimous approval, the Board moved out of closed session at approximately 10:05 a.m. The meeting reconvened in open session at approximately 10:06 a.m.

Mr. Hill stated we are back in open session. The Board went into closed session to discuss personnel matters and potential industry in Lenoir County. No action was taken. Mr. Hill asked if there were any additional comments?

Meeting Adjourned at 10:06 a.m.

Respectfully submitted,

Vickie F. King
Clerk to the Board

Reviewed by,

Joey R. Bryan
Assistant County Manager