



## REQUEST FOR BOARD ACTION

ITEM NO. 19

**DATE OF MEETING:** September 8, 2009

**REQUESTED BY:** Rick Benton, County Manager

**SHORT TITLE:** Resolution Authorizing Approval and Chairman Signature on CDBG-ED Grant Documents

**BACKGROUND:** On August 17, 2009 the Board authorized submission of a CDBG-ED application for a shell building project in partnership with Pender Progress Corporation, Town of Burgaw, WID, and Four County EMC. The Board Chairman is required to execute a variety of CDBG documents within the application including the application, a resolution approving the grant, benefit certification, disclosure report, environmental review, release of funds and disbarment certification.

**SPECIFIC ACTION REQUESTED:** To adopt a resolution approving these items and authorizing the Chairman and County Manager to execute each of them.

**COUNTY MANAGER'S RECOMMENDATION**

Respectfully recommend approval.

JB  
Initial

**RESOLUTION**

**NOW, THEREFORE BE IT RESOLVED** by the Pender County Board of Commissioners that:

the attached resolution and documents for the Shell Building CDBG-ED application are hereby approved and the County Manager and Chairman of the Board of Commissioners are authorized to execute any/all documents related to the application.

**AMENDMENTS:**

MOVED \_\_\_\_\_ SECONDED \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS

YEA VOTES: Tate \_\_\_ Brown \_\_\_ Blanchard \_\_\_ Rivenbark \_\_\_ Williams \_\_\_

\_\_\_\_\_  
Jimmy T. Tate, Chairman                      Date

\_\_\_\_\_  
ATTEST    Date

**APPLICATION SUMMARY**  
**NC SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM**  
**ECONOMIC DEVELOPMENT**

**Applicant Name:** Pender County

**Address:**

Street/Post Office Box: Post Office Box 5  
805 South Walker Street  
 City: Burgaw Zip: 28425

**County:** Pender

**Contact Person:** David Hartigan Fax: 919-847-6292  
 Telephone: 919-847-9839 Email: dhartigan@nc.rr.com

**Application Type: (mark w/ an X)** Original Application X Amended Application     

**Program Funding Category:** Economic Development Shell Building Loan Program

**Project Name:** Pender Progress Shell Building

CDBG Funds Requested:	<u>\$ 673,250.00</u>
Other Funds and Sources:	
Four County EMC (Loan)	<u>\$ 500,000.00</u>
Local Funds (Loan)	<u>\$ 173,250.00</u>
	<u>\$</u>
	<u>\$</u>
<b>Total Project</b>	<u>\$1,346,500.00</u>

**Certification by the Applicant's Chief Elected Official:**

I certify that, to the best of my knowledge and belief, that: the data in this application is true and correct; that opportunities have been provided for citizen participation and access to information concerning the proposed activities; that this document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached application certifications if the assistance is approved; and that, if funded, this application is a part of the Grant Agreement.

Typed Name of Elected Official: Jimmy T. Tate

Typed Title: Chairman

Signature: \_\_\_\_\_ Date: September 8, 2009

**FOR STATE USE ONLY**

Date Received: \_\_\_\_\_ Special Instructions: \_\_\_\_\_

**RESOLUTION FOR THE COUNTY OF PENDER  
APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT  
FUNDING FOR THE PENDER PROGRESS SHELL BUILDING PROJECT**

**WHEREAS**, the Pender County Board of Commissioners has previously indicated its desire to assist in economic development efforts within the County; and,

**WHEREAS**, the Board has held two public hearings concerning the proposed application for Community Development Block Grant funding; and,

**WHEREAS**, the Board wishes the County to pursue a formal application for Community Development Block Grant; and monies totaling \$673,250 will be invested into the project as committed to in the application through Four County EMC and local funds; and,

**WHEREAS**, the Board certifies it will meet all federal regulatory and statutory requirements of the Small Cities Community Development Block Grant Program,

**NOW, THEREFORE BE IT RESOLVED**, by the Pender County Board of Commissioners that Pender County is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant for Economic Development.

This Resolution is adopted this the 8th day of September, 2009 in Burgaw, North Carolina.

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Jimmy T. Tate, Chairman

ATTEST:

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Rick Benton, County Manager

## Benefit Certification

Pender County hereby assures that it will make a good faith effort to market the shell building to companies that make available 51% of the jobs for low and moderate-income persons.

Signed: \_\_\_\_\_

Jimmy T. Tate, Chairman

# Disclosure Report for Federally Assisted Projects Small Cities Community Development Block Grant Program

1. Applicant/Recipient Name,  
Address, and Phone:

**Pender County**  
**805 South Walker Street**  
**Burgaw NC 28425**

2. Check one:  Initial Report  
 Update Report

3. Social Security Number or  
Employer ID Number:

56-6000329

4. Project Name and Location: **Pender Progress Shell Building Project**  
**Pender County, North Carolina**

5. Total Amount requested/received (including anticipated program income): \$ 673,250.00

6. Other Government Assistance. Check one:

No other government assistance is, or is expected to be, provided for this project.

All other government assistance provided for this project is listed below:

7. Interested Parties. Check one:

No parties have a reportable financial interest in this project. Interested parties include developers, contractors, consultants, individuals, entities including units of government with a financial interest greater than \$50,000 or 10 percent of the assistance (whichever is lower; being a party to a contract procured under Federal procurement regulations at 24 CFR Part 85 does not, by itself, constitute a reportable financial interest).

All parties with a reportable financial interest are listed on the attached page(s).

**Parties with a reportable financial interest include:** **Four County EMC**  
**Pender County**

8. Other Government Assistance (Attachment)

Note: Disclosures must be complete and accurate, but need be made only once for this report. If assistance is reported in the Sources and Uses disclosure section, then it need not also be reported here. If there is assistance reportable here, but reported only in the Sources and Uses disclosure, check here:

Assistance is disclosed in Sources and Uses Attachments

<u>Agency Name and Address</u>	<u>Program and Type of Assistance</u>	<u>Amount Requested/Received</u>
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9. Certification:

I hereby certify that all information in this report and its attachments is true and complete.

Signature- Jimmy T. Tate, Chairman

09-08-09  
Date

**Environmental Review at the Community Level**  
**North Carolina Department of Commerce**  
**Small Cities Community Development Block Grant Program (CDBG)**

**Cover Page**

<b>1. Project Name and Location: (City and/or County)</b>  <p align="center"><b>Pender Progress Shell Building Project</b></p>	<b>2. Grantee Name and Mailing Address:</b>  <p align="center"><b>Pender County</b>  <b>805 South Walker Street</b>  <b>Burgaw NC 28425</b></p>	
<b>3. Grant Category: (Check one)</b> <input type="checkbox"/> Capacity Building <input type="checkbox"/> Community Revitalization <input checked="" type="checkbox"/> Economic Development <input type="checkbox"/> Housing Development <input type="checkbox"/> Homeownership <input type="checkbox"/> Individual Development Account <input type="checkbox"/> Rental Housing <input type="checkbox"/> Infrastructure <input type="checkbox"/> Infrastructure Hook-Up <input type="checkbox"/> Scattered Site Housing <input type="checkbox"/> Urgent Needs	<b>4. Level of Environmental Review Required: (Check one)</b> <input type="checkbox"/> Exempt <input type="checkbox"/> Categorical exclusion <input checked="" type="checkbox"/> Environmental Assessment <input type="checkbox"/> Environmental Impact Statement  <b>5. Chief Elected Official Signature:</b>  Title: <p align="center"><b>Chairman, Pender County Board of Commissioners</b></p> Date:	
<b>6. Project Description:</b> (Briefly describe the project): Pender County is applying for a Shell Building loan from Community Development Block Grant funds for Economic Development. Pender Progress Corporation proposes to enter into an agreement with Pender County, the Town of Burgaw, Wilmington Industrial Development (WID), and Four County EMC for the provision of industrial development services within Pender County. One of the proposed services to be provided by Pender Progress Corporation is to construct an approximate 40,000 square foot shell industrial building within the Pender Progress Industrial Park in Burgaw. Eighty five percent of all industrial clients are looking for an existing suitable building. No shell industrial building exists in Pender County, and clients are directed to adjacent counties where shell buildings are available. The proposed building site is approximately 8 acres located on Worth Beverage Drive (paved). The property is within the town limits of Burgaw. The site is under control of Pender Progress Corporation. All necessary public facilities are available to the site.		
<b>7. Project Activities:</b>	<b>CDBG Funds Budgeted</b>	<b>Other Funds Budgeted</b>
<b>Building Construction</b>	<b>\$ 655,259.00</b>	<b>\$ 673,250.00</b>
<b>Project Administration</b>	<b>\$ 18,000.00</b>	
<b>Total:</b>	<b>\$ 673,250.00</b>	<b>\$ 673,250.00</b>
<b>8. Preparer Contact Information</b> Name: <b>Christopher J. Burkhardt</b> Organization: <b>Froehling and Robertson, Inc.</b> Address: <b>310 Hubert Street</b> City: <b>Raleigh</b> State: <b>North Carolina</b> Zip: <b>27603</b> Phone: <b>919-828-3441</b> E-mail: <b>cburkhardt@fandr.com</b>	<b>9. Preparer Signature:</b>   Date:	
<b>10. Comments by Division of Community Assistance Approving Officer:</b>   		
<b>11. DCA Approving Officer Signature:</b>	<b>Date:</b>	

North Carolina Department of Commerce  
Request for Release of Funds and Certification  
**ENVIRONMENTAL**

1. Recipient's Name: **Pender County** 2. Grant Agreement Number: \_\_\_\_\_  
3. Project Number: **E-1**  
4. Recipient's Address (include Street, City, State and Zip Code):  
**805 South Walker Street  
Burgaw, North Carolina 28425**  
5. Date of Request/Certification: **September 8, 2009**

6. REQUEST FOR RELEASE OF FUNDS.  
Release of approved grant funds for the following is requested:

**Pender Progress Shell Building Project**

**Pender County is applying for a Shell Building loan from Community Development Block Grant funds for Economic Development. Pender Progress Corporation proposes to enter into an agreement with Pender County, the Town of Burgaw, Wilmington Industrial Development (WID), and Four County EMC for the provision of industrial development services within Pender County. One of the proposed services to be provided by Pender Progress Corporation is to construct an approximate 40,000 square foot shell industrial building within the Pender Progress Industrial Park in Burgaw. No shell industrial building exists in the County, and clients are directed to adjacent counties where shell buildings are available. The proposed building site is approximately 8 acres located on Worth Beverage Drive. The property is within the town limits of Burgaw. The site is under control of Pender Progress Corporation. All necessary public facilities are available to the site.**

7. CERTIFICATION: With reference to the above project, the undersigned officer of the recipient hereby certifies that the recipient has fully carries out its responsibilities for environmental review, decision-making, notice, publication and action pertaining the project named above; that the recipient has complied with the National Environmental Policy Act of 1969; that the recipient has complied with the environmental procedures, permit requirements and the statutory obligations under such laws cited in 24 CFR Part 58.5; that the recipient has taken into account the environmental criteria, standards, permits, permit requirements and other obligations applicable to the project under the other related laws and

authorities cited in 24 CFR Part 58; and that the recipient has complied with all applicable regulations of the North Carolina Department of Commerce, that the level of environmental clearance carried out by the recipient in connection with this said project did not require the preparation and dissemination of an environmental impact statement;

That the dates upon which all statutory and regulatory time periods for review, comment or other response or action in regard to this clearance began and ended as indicated below; and that with the expiration of each of the time periods indicated below, the recipient is in compliance with the requirement of 24 CFR Part 58:

ITEM	COMMENCE Month/Day/Year	EXPIRE Month/Day/Year
Notice of Finding of No Significant Environmental Impact: Publication		
Comment Period for same		
Notice of Finding of No Significant Environmental Impact and Notice Of Intent to Request Release of Funds: 15 Day Simultaneous Publication	<b>09-14-09 (combined notice)</b>	
Comment Period for same	<b>09-14-09</b>	<b>09-30-09</b>
Notice of Finding of No Significant Environmental Impact and Notice Of Intent to Request Release of Funds: 18 Day Simultaneous Posting		
Comment Period for same		
Notice of Intent to File EIS: Publication		
Draft EIS: Comment Period		
Same: 90-day Comment Period (CEQ)		
Final EIS: 30-day Comment Period (CEQ)		
7-day Notice of Intent to Request Release of Funds: Publication		
10 day Notice of Intent to Request Release of Funds: Posting		
Request for Release of Funds: 15-day DCA/CFC Comment Period	<b>10-02-09</b>	<b>10-19-09</b>
Other (specify):		

That the undersigned officer is authorized to, and does consent to assume the status of responsible federal official under the National Environmental Policy Act of 1969 and each provision of law specified in 24 CFR 58 insofar as the provisions of these laws apply to the Commerce Finance Center's responsibility for environmental review, decision-making and action assumed and carried out by the recipient; that by so consenting, assumes the responsibilities, where applicable, for the conduct of environmental review, decision-making and action as to environmental issues, preparation and circulation of draft, final and supplemental environmental impact statements, and assumption of lead agency or cooperating agency responsibilities for preparation of such statements on behalf of Federal and State agencies including the Department of Housing and Urban development. When these agencies consent to such assumption;

That the undersigned officer is authorized to consent to, and does not accept on behalf of the recipient and personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in his capacity as certifying officer to the recipient.

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Signature of Certifying Official

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**Jimmy T. Tate, Chairman**

Name and Title

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**805 South Walker Street  
Burgaw, North Carolina 28425**

Agency Address

Warning: Section 1001 of Title 18 of the United States Code and Criminal Procedure shall apply to this certification. Title 18 provides among other things, that whoever knowingly and willfully makes or uses a document or writing and false, fictitious or fraudulent statement or entry in any manner within the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

**CERTIFICATIONS REGARDING DEBARMENT, SUSPENSION AND OTHER  
RESPONSIBILITY MATTERS**

Applicants should refer to the regulations cited below. Applicants should also review the instructions for certification included in the regulations before completing this form, signature on this form provides for compliance with certification requirements implementing Federal Executive Order 12549 and guidance issued in the *Federal Register*, Volume 70, No. 168, pages 51863 through 51880 for "Governmentwide Debarment and Suspension (Nonprocurement)." The certification shall be treated as a material representation of fact upon which reliance will be placed when the Department of Commerce determines to award the covered transaction, grant or cooperative agreement.

**1. DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS**

As required by Executive Order 12549, Debarment and Suspension, for prospective participants in primary covered transactions.

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
  - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a Federal department or agency;
  - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above applicable certification(s).

NAME OF APPLICANT <b>PENDER COUNTY</b>	AWARD NUMBER AND/OR PROJECT NAME <b>PENDER PROGRESS SHELL BUILDING</b>
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE <b>JIMMY T. TATE, CHAIRMAN</b>	
SIGNATURE	DATE <b>09-08-09</b>