

REQUEST FOR BOARD ACTION

ITEM NO. 7.

DATE OF MEETING: September 19, 2011

REQUESTED BY: Chad McEwen, Town Manager, Town of Burgaw

SHORT TITLE: Resolution Consenting to Allow Town of Burgaw to Lease the Old Jail Building at 106 East Wilmington Street in Burgaw

BACKGROUND: This item was tabled at the September 6 meeting of the BOCC. The Town of Burgaw is asking the Board of Commissioners to authorize the Town to seek and secure a tenant for the old jail building. A letter from Mr. McEwen is attached.

In 2000 the Board of Commissioners approved transferring the old jail property to the Downtown Burgaw Association, Incorporated (DB 1639 Page 230). In 2008, the Board approved transfer of the title from the Association to the Town of Burgaw (DB 3540 Page 216). This conveyance included two conditions:

- (1) the real property, as described herein, and the appurtenance commonly referred to as the "Old Jail", shall not be sold, transferred, or leased without the consent of the Pender County Board of Commissioners;
- (2) the real property will continue to be used for a public purpose, as defined in North Carolina General Statute 160A-279.

A copy of 160A-279 is attached, along with the minutes of the September 5, 2000 and August 18, 2008 minutes of the discussions of this issue.

SPECIFIC ACTION REQUESTED: To consider a resolution consenting to allowing the Town of Burgaw to lease the old jail building at 106 East Wilmington Street in Burgaw.

COUNTY MANAGER'S RECOMMENDATION

This item was tabled from the September 6, 2011 BOCC meeting to provide additional time for the Town to consider options for securing a tenant, and for restoring the historic structure while securing the BOCC's consent to lease the facility as the deed conditions provide. Additional information related to the lease consent request will be provided during the meeting.

TRB
Initial

RESOLUTION

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

the Board hereby consents (does not consent) to allowing the Town of Burgaw to lease the old jail building at 106 East Wilmington Street in Burgaw for the purpose of _____. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Brown ___ Tate ___ Rivenbark ___ Ward ___ Williams ___

George R. Brown, Chairman Date

ATTEST Date



Town of Burgaw

109 N. Walker Street, Burgaw, NC 28425

Phone: (910) 259-2151, Fax (910) 259-6644, email: townofburgaw@townofburgaw.com

Kenneth Cowan
Mayor

Howard Walker
Mayor Pro Tem

Commissioners:
Louis Davis
Jan Dawson
Wilfred Robbins
John Wharton

Chad McEwen
Town Manager

Sylvia Raynor
Town Clerk

Robert Kenan
Town Attorney

August 17, 2011

Mr. Rick Benton, County Manager
Pender County
Post Office Box 5
Burgaw, NC 28425

Dear Mr. Benton;

As we discussed at our meeting on August 11th, 2011, the Town of Burgaw Board of Commissioners wishes to receive permission from the Pender County Board of Commissioner to secure a lease agreement with a tenant for the old jail building located at 106 East Wilmington Street. In accordance with the deed agreed to by and between Pender County, Downtown Burgaw Association, Inc., and the Town of Burgaw, the Town is bound by the following restriction;

"(1) the real property, as described herein, and the appurtenance commonly referred to as the "Old Jail" shall not be sold, transferred, or leased without the consent of the Pender County Board of Commissioners."

In light of the requirement above, the Town of Burgaw Board of Commissioners respectfully request the Pender County Board of Commissioners approve a resolution authorizing the Town to seek and secure a tenant for the old jail building.

Please advise me as to the date of when this issue might be considered by the Pender County Board of Commissioners so that Mayor Cowan and I can plan to attend.

Respectfully Yours,

Chadwick W. McEwen
Town Manager
Town of Burgaw

Town of Burgaw ✓
Pick up

2008 Deed - to

Town
of
Burgaw

FILED

BK 3540PG216

08 OCT 28 AM 11:16

JOYCE M. SWICEGOOD
REGISTER OF DEEDS
PENDER COUNTY, NC

8
PIN # 3229-33-3565-0000
DATE 10/28/08 INTX

Excise Taxes: \$0.00
Parcel Identification Number 3229-33-3565-0000

STATE OF NORTH CAROLINA

COUNTY OF PENDER

This Deed is made and entered into on this the 15th day of September 2008, by and between the County of Pender, a political subdivision of the State of North Carolina and Downtown Burgaw Association, Inc., a North Carolina non-profit corporation, (hereinafter referred to as "Grantors") and Town of Burgaw, a North Carolina municipal corporation (hereinafter referred to as "Grantee");

WITNESSETH:

WHEREAS, the Downtown Burgaw Association, Inc., a North Carolina non-profit corporation was conveyed title to the real property as described in Deed Book 1639, at Page 230 in the Office of the Pender County Register of Deeds, State of North Carolina; and

WHEREAS, as a condition of the conveyance of title to the real property as described in Deed Book 1639, at Page 230 in the Office of the Pender County Registry, State of North Carolina, title to the real property may not be leased, sold or transferred by Downtown Burgaw Association, Inc. without the express consent of the Pender County Board of Commissioners; and

WHEREAS, Downtown Burgaw Association, Inc. has requested the County of Pender through the Pender County Board of Commissioners for the authorization to approve its transfer and conveyance of title to the real property, as described in Deed Book 1639, at Page 230 of the Pender County Registry, to the Town of Burgaw; and

WHEREAS, the Pender County Board of Commissioners approved a resolution on August 18, 2008, that authorized the transfer of title to the real property, as described in Deed Book 1639, at Page 230 of the Pender County Registry, by the Downtown Burgaw Association, Inc. to the Town of Burgaw subject to the restrictions as set forth within Deed Book 1639, at Page 230 of the Pender County Registry; and

Recorded and Verified
Joyce M. Swicegood
Register of Deeds
Pender County, NC

4

BK 3540PG217

WHEREAS, the Downtown Burgaw Association, Inc., has authorized the transfer of title to the real property, as described in Deed Book 1639, at Page 230 of the Pender County Registry, to the Town of Burgaw; and

NOW THEREFORE, Grantors, for good and valuable consideration, the adequacy and sufficiency of which is hereby acknowledged, has by these presents does grant, bargain and convey unto the Grantee in fee simple, subject to the restrictions as hereinafter set forth all of that certain tract of real property located in the Town of Burgaw, Burgaw Township, Pender County, North Carolina and being more fully described as follows:

Being a lot located adjacent to and North of Wilmington Street in the Town of Burgaw, North Carolina and more particularly described as beginning at a stake at the intersection of the northern line of Wilmington Street with the western line of the most eastern alley intersecting Wilmington Street, running thence South 73 degrees 30 minutes West with the northern line of Wilmington Street sixty feet to a stake, thence North 16 degrees 30 minutes West on hundred twenty feet, thence North 73 degrees 30 minutes East sixty feet to an alley, thence South 16 degrees 30 minutes East with said alley one hundred twenty feet to Wilmington Street and the point of beginning, containing one-sixth (1/6) of an acre and being one third of Lot 1, Block 30 of H.A. Colvin's plan of the Town of Burgaw.

This conveyance is made expressly subject to the following restrictions:

(1) the real property, as described herein, and the appurtenance commonly referred to as the "Old Jail" shall not be sold, transferred, or leased without the consent of the Pender County Board of Commissioners;

(2) the real property will continued to be used for a public purpose, as defined in North Carolina General Statute 160A-279.

To have and to hold the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple subject to the conditions as set forth herein.

And the Grantors covenants with Grantee, that Grantors are seized of the premises in fee simple and has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the real property hereinabove described is subject to the following exceptions:

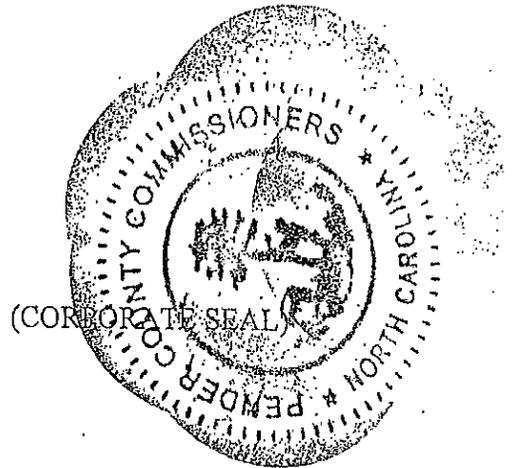
(1) Utility, roadway and right-of-way easements of record, if any.

IN WITNESS WHEREOF, each of the respective Grantors has caused this deed to be signed in its corporate name by its duly authorized officers and its corporate seal to be hereunto affixed on the day and year first above-written.

COUNTY OF PENDER

By: [Signature]
Chairman of Board of Commissioners

Attest to: [Signature]
Clerk to Board of Commissioners



STATE OF NORTH CAROLINA

COUNTY OF PENDER

I, Glenda Pridgen, a Notary Public for the aforesaid County and State, certify that Rick Benton personally came before me this day and acknowledged that she is Clerk to the Board of Commissioners of the County of Pender, a political subdivision of the State of North Carolina and that by the authority duly given and as an official act of the County of Pender, the foregoing instrument was signed in its name by the Chairman of the Board of Commissioners, sealed with its corporate seal, and attested by himself as its Clerk.

Witness my hand and official seal, this the 15th day of September, 2008.

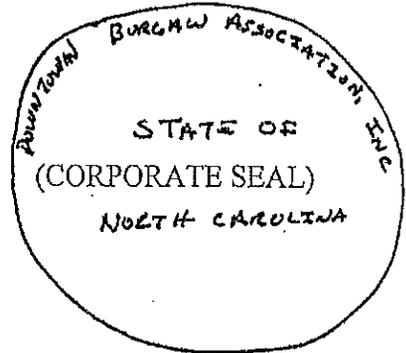
[Signature]
Notary Public

My Commission Expires: 5/23/2011



DOWNTOWN BURGAW ASSOCIATION, INC.

By: *Ronan Harrell*
President



Attested to: *[Signature]*
Secretary
Gailyn Gagliardi

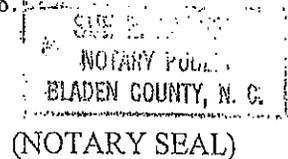
STATE OF NORTH CAROLINA

COUNTY OF PENDER

I, *Sue R. Anders*, a Notary Public for the aforesaid County and State, certify that ~~he~~ ^{Gailyn Gagliardi} ~~alone~~ ~~signed~~ personally came before me this day and acknowledged that he/she is Secretary to the Downtown Burgaw Association, Inc., a North Carolina non-profit corporation and that by authority duly given and as an official act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by himself/herself as its secretary.

Witness my hand and official seal, this the 17 day of September, 2008.

Sue R. Anders
Notary Public



My Commission Expires: 4-22-2011

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tion adopted at a regular meeting of the council upon 10 days' public notice. Notice shall be given by publication describing the property to be leased or sold, stating the value of the properties, the proposed monetary consideration or lack thereof, and the council's intent to authorize the lease, sale or conveyance. (1979, c. 583.)

Local Modification. — Onslow: 1981, c. 115.

§ 160A-278. Lease of land for housing.

A city may lease land upon such terms and conditions as it deems wise to any person, firm or corporation who will use the land to construct housing for the benefit of persons of low income, or moderate income, or low and moderate income. Such a housing project may also provide housing to persons of other than low or moderate income, as long as at least twenty percent (20%) of the units in the project are set aside for the exclusive use of persons of low income. Despite the provisions of G.S. 160A-272, a lease authorized pursuant to this section may be made by private negotiation and may extend for longer than 10 years. Property may be leased under this section only pursuant to a resolution of the council authorizing the execution of the lease adopted at a regular council meeting upon 10 days' public notice. Notice shall be given by publication describing the property to be leased, stating the value of the property, stating the proposed consideration for the lease, and stating the council's intention to authorize the lease. (1987, c. 464, s. 9.)

§ 160A-279. Sale of property to entities carrying out a public purpose; procedure.

(a) Whenever a city or county is authorized to appropriate funds to any public or private entity which carries out a public purpose, the city or county may, in lieu of or in addition to the appropriation of funds, convey by private sale to such an entity any real or personal property which it owns; provided no property acquired by the exercise of eminent domain may be conveyed under this section; provided that no such conveyance may be made to a for-profit corporation. The city or county shall attach to any such conveyance covenants or conditions which assure that the property will be put to a public use by the recipient entity. The procedural provisions of G.S. 160A-267 shall apply. Provided, however, that a city or county may convey to any public or private entity, which is authorized to receive appropriations from a city or county, surplus automobiles without compensation or without the requirement that the automobiles be used for a public purpose. Provided, however, this conveyance is conditioned upon conveyance by the public or private entity to Work First participants selected by the county department of social services under the rules adopted by the local department of social services. In the discretion of the public or private entity to which the city or county

conveys the surplus automobile, when that entity conveys the vehicle to a Work First participant it may arrange for an appropriate security interest in the vehicle, including a lien or lease, until such time as the Work First participant satisfactorily completes the requirements of the Work First program. This subsequent conveyance by the public or private entity to the Work First participant may be without compensation. The participant may be required to pay for license, tag, and/or title.

(b) Notwithstanding any other provision of law, this section applies only to cities and counties and not to any other entity which this Article otherwise applies to.

(c) Repealed by Session Laws 1993, c. 491, s. 1.

(d) This section does not limit the right of any entity to convey property by private sale when that right is conferred by another law, public, or local. (1987, c. 692, s. 1; 1993, c. 491, s. 1; 1998-195, s. 1.)

Local Modification. — Mecklenburg: 1989, c. 354, s. 1; 1993, c. 491, s. 1; city of Charlotte: 1989, c. 354, s. 1; 1993, c. 491, s. 1; city of Durham: 1993 (Reg. Sess., 1994), c. 655, s. 1; city of Monroe: 1991, c. 319, s. 2; city of New Bern: 1993, c. 277, ss. 1, 2; c. 553, s. 76.

Legal Periodicals. — Legal Periodicals. — See Legislative Survey, 21 Campbell L. Rev. 323 (1999).

§ 160A-280: Reserved for future codification purposes.

ARTICLE 13.

Law Enforcement.

§ 160A-281. Policemen appointed.

A city is authorized to appoint a chief of police and to employ other police officers who may reside outside the corporate limits of the city unless the council provides otherwise. (R.C., c. 111, s. 16; Code, c. 3803; Rev., s. 2926; C.S., s. 2641; 1969, c. 23, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 45.)

Local Modification. — (As to Article 13) Eastern Band of the Cherokee: 1987, c. 427.

Legal Periodicals. — For comment, "Municipal Tort Liability for Negligent Failure to Provide Adequate Police Protection," see 20 Wake Forest L. Rev. 697 (1984).

CASE NOTES

Power to Send Policemen to Youth Development Center. — The explicit power of a municipality to appoint and employ police contemplates that the persons so engaged be qualified and competent, and therefore a municipality has implied authority, exercisable within the discretion of its governing body, to send its policemen to a police youth development center and to make proper expenditures for this purpose. *Green v. Kitchin*, 229 N.C. 450, 50 S.E.2d 545 (1948), decided prior to the enactment of § 160A-289, and commented on in 27 N.C.L. Rev. 500 (1949).

Cited in *Isehour v. Hutto*, 350 N.C. 601, 517 S.E.2d 121 (1999).

§ 160A-282. Auxiliary law-enforcement personnel; workers' compensation benefits.

(a) A city may by ordinance provide for the organization of an auxiliary police department made up of volunteer members.

7. **Resolution for Pender to Remain a Standard County for the Work First Program for 2010-2011.**

Dr. Shiver explained that the Pender County Board of Social Services voted unanimously to request that Pender remain a Standard County versus Electing for the Work First Program for 2010-2011. She said the difference is that with a Standard County, the State of North Carolina writes the rules, and with an Electing County, the Board of Commissioners determines the rules and DSS implements the Program accordingly. Mr. Rivenbark made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved.

8. **Resolution Authorizing Contracts and Authorizing Purchase Orders for Fiscal Year 2008-2009: Mega Force: \$60,000; Attorney Tonya Lacewell Turner: \$69,000.**

Dr. Shiver explained that it is mandatory under Title VI of the Civil Rights Act of 1964 that all agencies receiving federal funds have services that are accessible by all eligible clients seeking those services. Staff must be able to communicate with clients who speak little or no English. Title VI mandates that DSS have a Limited English Plan (LEP) in place that explains who will communicate with Hispanic/Latino clients who speak Spanish. DSS contracts with Mega Force Staffing Group, Inc. to employ staff who speaks Spanish fluently. She explained that Attorney Tonya Lacewell-Turner was hired in May, 2008 to replace Attorney Regina Floyd-Davis who had served as DSS Attorney since 1998. Because the number of cases requiring legal counseling have increased tremendously in recent years, DSS needs a full-time attorney so as not to have to utilize services of County Attorney Trey Thurman, who in recent months has assisted the agency with the overflow of cases. Mr. Thurman said that he had worked with Ms. Lacewell-Turner and that he wholeheartedly endorses her. Mr. Blanchard made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

5. **Resolution to Award Design of Building 803 on S. Walker St. to Warren Wilson Architect, in the Amount of \$34,900.**

Health Director Dr. Jack Griffith explained that this resolution will provide for services to improve the effectiveness and efficiency of dental care because the dental clinic presently has a patient base of more than 5,800 patients and treatment is provided in very limited space. Dr. Griffith introduced the Chairman of the Health Board, Ms. Roberta Bost, and the Dentist, Dr. Holmes. Ms. Bost said she is the nurse representative on the Health Board and also the Chairperson. Ms. Bost said that in order for the dental office to continue efficiency and productivity, they need more space. Dr. Holmes spoke of the need for more space because she can't give care to as many patients as she would like because of the limited size - her patient load is currently approximately 5,800 and they are now booking through the fall with people trying to make appointments. Dr. Holmes gave a detailed report which included: the background of dentistry in North Carolina, including the fact that there are four counties in North Carolina with no active dentists, three of which have not had an active dentist in over fifteen years; new dentists are not graduating at a rate fast enough to replace the retiring ones; statistics on the number of dentists in metropolitan and rural counties; statistics on the services Pender County's dental office provides in addition to basic needs; they serve mostly low income patients - more than 50% of their work is written off based on the patient's inability to pay, including several patients that qualify at the 0% pay level; Pender County Health Department recognized as one of the public health care facilities in the state that works directly with expectant mothers to promote good dental health; the entire office has learned and become fairly fluent in Spanish; they are serving some of the counties adjacent to Pender; according to the US Dept. of Health website for all of North Carolina dental health professional shortage areas, there are only seven counties in the state with more need than Pender; and that based on the US Dept. of Health and Human Services, Health Resources and Services Admin., Pender would need three more dentists before it was even considered for removal from the underserved list. Mr. Tate said Dr. Holmes gave good statistics and asked if her report includes anything that would tell them anything special, such as percentage of people to space. Dr. Griffith said there is nothing in the ADA saying anything such as how many people there should be per square feet. Mr. Blanchard asked why they hired Warren Wilson as the Architect and he turned around and hired someone else. It was explained that MCBH Engineers is the subcontractor - they do the mechanical, electrical and plumbing engineering. Mr. Tate said he has been impressed with Dr. Holmes in her old space and he can only imagine what she'll do in new space. Mr. Blanchard made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

6. **Resolution for the Downtown Burgaw Association, Inc. to Deed over the Old Jail Property to the Town of Burgaw.**

Mr. Herb Harrell of the Downtown Burgaw Association, Inc. explained that in the past, the Town of Burgaw wasn't interested in pursuing ownership of the Old Jail but now they are, and that the Town has more resources for repairs than the Downtown Association. Mr. Brown asked if the Town plans to restore the Old Jail and Mr. Harrell said the

August 18, 2008 minutes

Town Board had passed a resolution stating their intent to renovate and continue use of the Old jail for community purposes, with a committee of interested citizens and Town Board members guiding the process. Mr. Parker added that it is a stipulation of the deed that the Association cannot deed the property to the Town without the permission of the Pender County Board of Commissioners. Mr. Blanchard made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

9. Resolution Authorizing the Issuance of a Purchase Order to Open Software Solutions (OSS) for Renewal Annual Maintenance: \$42,641.36.

Sheriff Carson Smith explained that this resolution is for the renewal of annual maintenance fees and that it is a "few dollars higher" than last year. He said this is the last year we'll use OSS since soon we'll be going to the new system. Mr. Rivenbark asked if it is budgeted for and Sheriff Smith responded "yes." Mr. Rivenbark made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

10. Resolution Authorizing One New Detective Position and Two New Deputy Positions in the Sheriff's Office for The Formation Of A Gang Resistance Unit.

Sheriff Smith noted that Ms. Julie Askew, Director of Student Support Services for Pender County Schools was present. Sheriff Smith said that Pender County Schools applied for and received a Safe Schools/Healthy Students Grant that included the formation of a County Gang Resistance Unit through the Pender County Sheriff's Office; that the unit will be made up of three sworn law enforcement officers (one detective and two deputies) who will be employees of the Sheriff's Office, and one case worker who will be hired by the Schools; that the objectives of the Gang Resistance Unit will be to monitor, respond to and combat gang activity in the Schools and County, with a large emphasis on training and education; that the deputies will implement the GREAT (Gang Resistance Education and Training) program which, because it teaches life skills and does contain information on the hazards of illegal drugs, will replace the DARE training currently taught in the Schools; that grant funds will be used to fund the salaries of these three new positions for a period of four years; and that operating expenses will come from the existing Sheriff's Office budget. Mr. Rivenbark was concerned about the law enforcement being in direct contact with the students and asked what standards will be required of them and if they will be certified teachers. Sheriff Smith said they will be like the DARE Officers - some of them are not certified teachers. Mr. Tate asked if they will be looking for people with training and certification and Sheriff Smith said that as far as teaching methodology, but they will be trained in objectives. There was more discussion about law enforcement training and becoming certified teachers. Ms. Askew noted that the classroom teacher will still be in the classroom during the officers' teaching and said it is a team effort by the officer and the teachers. Ms. Askew distributed a report on Safe Schools Healthy Students and gave some of the highlights of the report which is on file with the permanent records in the County Manager's Office. Mr. Tate made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

11. Resolution Authorizing Pender County to Lease to the State of North Carolina Tower Space on the New Emergency Communications Tower.

Sheriff Smith explained that the new County Emergency Communication Tower has been erected and will soon be operational; that the tower was funded through federal funds as a part of the Pender County Emergency Communication Interoperability Project and the initial agreement was that the State would handle construction of the tower, the County would retain ownership, and the State would install and maintain equipment necessary to complete the VIPER radio network in Pender County; that the County will lease tower space to the State for this purpose for an initial term of ten years renewable for another ten years; and that the rent will be one dollar for the term. Mr. Rivenbark made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

12. Resolution Authorizing a Purchase Order to Tim's Heating & Air Conditioning, Inc. to Replace One 5-Ton Trane RTU Heat Pump at the Howard Holly Building: \$11,146.

Mr. Parker explained that \$50,000 is budgeted each year for air conditioning repairs; that numerous repairs have been made to this existing unit; that after evaluation it was determined that the existing unit needs replacement due to mechanical problems with the compressor; and that the existing unit had been more expensive to repair because the contractor has to hire a crane to get on the roof of the building where the unit is located. Mr. Blanchard asked how long the existing unit was installed and Mr. Parker said 1977. Mr. Rivenbark said we will save down the road by putting a unit on the ground instead of on the roof. Mr. Blanchard made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

12000

FILED

09 NOV 16 AM 8:39

JOYCE H. SWICEGOOD
REGISTER OF DEEDS
PENDER COUNTY, NC

2000 Deed
to Downtown
Burgaw Area

No N.C. Real Estate
Excise Tax Affixed

Excise Tax -0-

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No.
Verified by K/S County on the day of
by K/S

Mall after recording to

This instrument was prepared by Harold L. Pollock, Attorney at Law, Burgaw, NC 28425

Brief description for the Index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 1 day of November, 2000, by and between

GRANTOR

GRANTEE

PENDER COUNTY, a municipal corporation

DOWNTOWN BURGAW ASSOCIATION, INCORPORATED

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the ~~XXX~~ ^{Town} of Burgaw, Burgaw Township, Pender County, North Carolina and more particularly described as follows:

Being a lot located adjacent to and North of Wilmington Street in the Town of Burgaw, North Carolina and more particularly described as beginning at a stake at the intersection of the northern line of Wilmington Street with the western line of the most eastern alley intersecting Wilmington Street, running thence South 73 degrees 30 minutes West with the northern line of Wilmington Street sixty feet to a stake, thence North 16 degrees 30 minutes West one hundred twenty feet, thence North 73 degrees 30 minutes East sixty feet to an alley, thence South 16 degrees 30 minutes east with said alley one hundred twenty feet to Wilmington Street and the point of beginning, containing one sixth of an acre and being one third of Lot 1, Block 30 of H.A. Colvins plan of the Town of Burgaw.

[Handwritten initials]
JOYCE H. SWICEGOOD
REGISTER OF DEEDS
PENDER COUNTY, NC

The property hereinabove described was acquired by Grantor by instrument recorded in

A map showing the above described property is recorded in Plat Book page.....

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

This conveyance is made with the special condition that neither the building located on the above described lot and commonly referred to as the "OLD JAIL", nor the above described lot may be leased, sold, or transferred by the Grantee without approval of the PENDER COUNTY BOARD OF COMMISSIONERS.

This conveyance is made pursuant to NCGS 160A-279 and subject to the condition that the above described property shall continue to be used for a public purpose as defined in NCGS 160A-279.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

PENDER COUNTY, a municipal corporation
By: Carolyn Justice, Chairman
Marilyn DeLoach, Clerk of the Board
USE BLACK INK ONLY
(SEAL)
(SEAL)
(SEAL)
(SEAL)

MELINDA K. KNORRER, Notary Public, Pender County, N.C.
NORTH CAROLINA, Pender County.
I, a Notary Public of the County and State aforesaid, certify that Carolyn Justice, Chairman, Pender County Board of Commissioners, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 9th day of November, 2000.
My commission expires: 9-22-2002 Melinda K. Knorrer Notary Public

MELINDA K. KNORRER, Notary Public, Pender County, N.C.
NORTH CAROLINA, Pender County.
I, a Notary Public of the County and State aforesaid, certify that Martin Beach, Clerk of the Board of Municipal Pender County, Grantor, personally came before me this day and acknowledged that he is Clerk of the Board of Municipal Pender County, a municipal corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Chairman, sealed with its corporate seal and attested by himself as its Clerk.
Witness my hand and official stamp or seal, this 9th day of November, 2000.
My commission expires: 9-22-2002 Melinda K. Knorrer Notary Public

The foregoing Certificate(s) of Melinda K. Knorrer

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

JOYCE M. SWINCO, REGISTER OF DEEDS FOR Pender COUNTY
By Patricia Damsewood, Deputy/Assistant - Register of Deeds

Minutes - 9/5/2000

road need to be improved. Mr. Johnson said the Special Use Permit should be revoked to better the lives of the residents of this road. Mrs. Justice closed the public hearing at 1:07 p.m. Mrs. Justice said she thought crowning the road with dirt was an ongoing process. She said if the Board does not revoke the permit, then some type of schedule or plan needs to be determined to keep the road maintained. Mr. Rivenbark asked if the permit is revoked, when could Mr. Shingleton apply again? Mr. Thurman said Mr. Shingleton would have to appeal to the Board. Mr. Rivenbark asked what the penalty would be for operating without a permit, and Mrs. Faison said \$50-100 per incidence. Mr. Strickland motioned to revoke the Special Use Permit based on numbers two and four on page three, that the use for which such approval was granted is not being executed and that the permit granted is being, or recently has been exercised contrary to the terms or conditions of such approval. Mr. Rivenbark seconded the motion, which was approved by the Board with a four to one vote. Mrs. Justice, Mr. Rivenbark, Mr. Strickland, and Mr. Faison voted in favor and Mr. Holland opposed. Mrs. Justice said the Board could re-issue the permit based on more specific conditions.

The Board took a break for lunch at 1:20 p.m. and reconvened at 2:30 p.m.

RESOLUTIONS

Item Number Eleven (11) would be a Blanket Purchase Order for Consulting Services for Walter C. King Consulting in the amount of \$25,000.00. Mr. Beach said the NC General Statutes require the County to complete a revaluation of all properties in the County every eight years. He said to complete this project, the Tax Assessor may hire professional consultants to aid in the appraisal. Mr. Beach said the Tax Assessor has engaged the services of Mr. King on a \$125.00 per day basis. He said this is within the budget. As there were no questions or comments from the Board, Mr. Rivenbark motioned, Mr. Faison seconded, and the Board unanimously approved item number eleven (11), i.e., that a purchase order be issued to Walter C. King Consulting in the amount of \$25,000.00 for appraisal services for the 2000-01 FY.

Item Number Twelve (12) would be a Resolution Approving a Purchase Order in the Amount of \$152,000.00 to 3Di, LLC (formerly American Geographic) of Wilmington NC for E-911 Addressing Services. Mr. Beach said this is within the current budget. He said addressing has been found to be not adequate for the County. Mr. Beach said this project was budgeted out the E-911 fund for the 2000-01 FY. He said work has begun and is progressing rapidly. Mrs. Justice asked if there would be any address changes, and Mr. Beach said only in the case of any duplications. Harold Triplett, Tax Assessor, said this is basically an inventory of addresses in the County. As there were no further questions or comments from the Board, Mr. Strickland motioned, Mr. Holland seconded, and the Board unanimously approved item number twelve (12), i.e., that a purchase order be issued to 3Di, LLC, for E-911 addressing services in the amount of \$152,000.00

 Item Number Thirteen (13) would be a Resolution Rescinding the Transfer of the Old Pender County Jail to the Town of Burgaw and Resolution Approving the Transfer of the Old Pender County Jail to the Downtown Burgaw Association, Incorporated. Mr. Beach

said the Board approved a resolution transferring the Old Pender County Jail to the Town of Burgaw. He said since that time, the Downtown Burgaw Association has filed Articles of Incorporation with the North Carolina Secretary of State as a nonprofit corporation. Mr. Beach said it is the desire of both the Town of Burgaw and the Downtown Burgaw Association that Pender County transfer the Old Jail directly to the Association. Mr. Strickland asked what not having members meant, and Mr. Thurman said this is so they cannot have entities as members. As there were no further questions or comments from the Board, Mr. Rivenbark motioned, Mr. Holland seconded, and the Board unanimously approved item number thirteen (13), i.e., that the old Pender County Jail is transferred to the Downtown Burgaw Association, Inc., and that Carolyn H. Justice, Chairman, or Martin H. Beach, County Manager are authorized to act in connection with the transfer, to provide such additional information as may be required, and to execute any and all documents related to said transfer. It is also resolved that the building may not be leased, sold, or transferred by the Downtown Burgaw Association, Inc., without the approval of the Board of County Commissioners.

Item Number Fourteen (14) would be a Resolution Approving Allocation of \$150,00.00 of HUD-DRI Funds to the Town of Surf City to Purchase Waterfront Access Property for Recreation and Conservation Use (Public Boat Ramp). Mr. Hedrick said the Town of Surf City has approached Pender County requesting to use \$150,000 of funding towards the purchase of waterfront access property in the Town of Surf City. He said in consultations with Harris and Associates concerning provisions to comply with HUD regulations, the staff recommends that the monies be granted to the Town of Surf City with the conditions 1-5 listed. As there were no questions or comments from the Board, Mr. Holland motioned, Mr. Rivenbark seconded, and the Board unanimously approved item number fourteen (14), i.e., that an allocation of \$150,000.00 of HUD-DRI funds be granted to the Town of Surf city to purchase waterfront access property under the conditions listed on the resolution. It is further resolved that the Chairman of the Board of Commissioners is authorized to execute the subrecipient agreement.

Item Number Fifteen (15) would be a Resolution Approving Appointments of Citizens to Various Board/Commissions/Committees. Mr. Beach said one application was received. Mr. Faison said he would like to meet the applicant before making a decision. Mr. Hedrick said staff would advertise again for the position.

ITEMS FROM THE COUNTY MANAGER

Mr. Beach gave the Board a letter from the North Carolina Cooperative Extension Service with respect to salary increases for state employees. He said the Pender County Jail Expansion Open House has been postponed until September 13, 2000 at 10:00 a.m. Mr. Beach asked the Board if they would like to have a one-day Fall Retreat on Monday, October 30, 2000. The Board agreed to have a Fall Retreat on Monday October 30, 2000 at 10:00 a.m. Mr. Beach presented the Board with sample Rescue Squad and Fire Department Funding Agreements. Mr. Rivenbark motioned, Mr. Faison seconded, and the Board unanimously approved the agreements with corrections.

INTRODUCED BY: Martin Beach, County Manager **DATE:** 09/05/00 **ITEM NO.** 13

Resolution Rescinding the Transfer of the Old Pender County Jail to the Town of Burgaw and Resolution Approving the Transfer of the Old Pender County Jail to the Downtown Burgaw Association, Incorporated

SUBJECT: Community Development

ACTION REQUESTED:

To rescind the Resolution approved by the Board of Commissioners on June 5, 2000 for the transfer of the old Pender County Jail to the Town of Burgaw, and approve by resolution the transfer of the Old Pender County Jail to the Downtown Burgaw Association.

HISTORY/BACKGROUND:

On June 5, 2000, the Board approved a resolution transferring the Old Pender County Jail to the Town of Burgaw. Since that time, the Downtown Burgaw Association, has filed Articles of Incorporation with the North Carolina Secretary of State as a nonprofit corporation. It is the desire of both the Town of Burgaw and the Downtown Burgaw Association that Pender County transfer the Old Jail directly to the Association.

EVALUATION:

The Board has previously agreed to the transfer of this property for public purposes. All leases for the Old Jail will have to be approved by the Board of Commissioners.

MANAGER'S RECOMMENDATION:

Respectfully recommend approval.

MB
INITIALS