REQUEST FOR BOARD ACTION

ITEM NO. _5_

DATE OF MEETING: April 4, 2016

REQUESTED BY: Carolyn Moser, Health and Human Services Director

SHORT TITLE: Correction to October 7, 2013 BOCC minutes, Item #7 Page 3.

BACKGROUND: The Health Department requires Board of County Commissioners & BOH meeting minutes for documentation to meet specific re-accreditation activities and benchmarks. In reviewing meeting minutes, it was noted that the October 7, 2013 BOCC minutes, Item #7, page 3 inadvertently contained the words "Advisory Board of Health" instead of "Board of Health." The Board is requested to make corrections to the October 7, 2013, minutes, item #7, page 3 to reflect "Board of Health."

SPECIFIC ACTION REQUESTED: Board Action to consider the approval of Correction to October 7, 2013 BOCC minutes, item #7 page 3.

MONDAY, OCTOBER 7, 2013

The Pender County Board of Commissioners met in regular session on Monday, October 7, 2013 at the Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

MEMBERS PRESENT: Chairman George Brown, presiding; Vice Chairman Fred McCoy; and Commissioners Jimmy Tate, Chester Ward and David Williams.

MEMBERS ABSENT: None.

OTHERS PRESENT: Mickey Duvall, County Manager/Clerk to the Board; Trey Thurman, County Attorney; Butch Watson, Finance Officer/Assistant County Manager; Glenda Pridgen, Deputy Clerk to the Board; other staff and members of the Press and public.

CALL TO ORDER
Chairman Brown called the meeting to order at 4:00 p.m. and thanked and welcomed all.

INVOCATION
Commissioner Tate offered the Invocation.

PLEDGE OF ALLEGIANCE
Commissioner McCoy led the Pledge of Allegiance.

PUBLIC INFORMATION

1. **Commissioner Cherie Berry, North Carolina Department of Labor: Presentation of N.C. Department of Labor Annual Safety Awards.**

Human Resources Director Denise Mulhollen introduced Ms. Berry and read her credentials/ qualifications. Ms. Berry thanked the Board and said Pender County employees have earned twenty-three safety awards. She said employees practicing safety awareness is a blessing to the County, to taxpayers and to everyone because improving safety and health programs can improve your bottom line. Ms. Berry said it is her job to make sure each employee gets home safely, whether private or public employment, and thanked Pender County employees for their safety awareness. Ms. Berry and her Assistant issued awards to the following county departments: Sheriff, Health, Library, Public Buildings, Animal Control, Elections, Emergency Management, Housing, Jail, County Manager, Finance, Human Resources, IT, Mosquito Control, Parks & Recreation, Planning, Register of Deeds, Tax Assessor, Tax Collections, Tourism, Utilities, Vehicle Maintenance, and Veterans Services. Ms. Berry thanked the Commissioners for inviting her.

2. **Ted Cole, Financial Advisor, Davenport & Company: Financial Policy Guidelines Discussion.**

Mr. Watson introduced Bob High, Sr. Vice President of Davenport & Company. Mr. High explained: As Pender County's Financial Advisor, Davenport has worked with the County on a number of tasks; over the last several months, they have developed a Tax Supported Capital Funding Plan to assist the County in planning for its identified governmental and school capital needs; as part of this work, they have developed a number of financial analyses that help to establish and measure the County's debt capacity and debt affordability; and they have identified other key financial measures that are relevant to solidifying and improving the County's overall financial standing. Mr. High delivered a presentation entitled "Fiscal Policy Guidelines for Pender County, North Carolina." The presentation included: Objectives; Capital

Improvement Budget Policies; Debt Policies; Reserve Policies; Budget Development Policies; and Cash Management/Investment Policies. Mr. High explained each category in detail. Board members held discussion and asked questions of Mr. High. The entire presentation is on file with the permanent records in the Clerk to the Board's Office.

3. **Recognition of Amanda Barbee, Honorable Mention, North Carolina Public Health All-Star.**
Health Director Carolyn Moser explained: The North Carolina Public Health Association recognized Amanda Barbee as Honorable Mention for the North Carolina Public Health All-Star at the NCPHA Conference held in Asheville on September 18, 2013; this was a surprise to Ms. Barbee, who didn't know her name had been submitted; and Ms. Barbee's name was submitted in recognition of the Get Alarmed Grant she secured for smoke alarms and carbon monoxide detection, and the assistance she provided to citizens of the County by distributing these items to them and educating them on fire and carbon monoxide safety. Mr. Brown presented a certificate to Ms. Barbee.

4. **Recognition of Kathy Barnes, D.D.S., Health Department Mobile Dentist, Recipient of the 2013 North Carolina Public Health Association All-Star Award in Recognition of Valuable Contributions to Public Health.**
Ms. Moser explained: The North Carolina Public Health Association selected Kathy Barnes, D.D.S., as the 2013 North Carolina Public Health Association All-Star Award recipient in recognition of her valuable contributions to Public Health; Dr. Barnes and her team provide dental services to the schools on the Mobile Dental Unit; and Dr. Barnes joined the Health Department in the fall of 2012. Ms. Moser listed Dr. Barnes' accomplishments since she has been with the County. Mr. Brown presented a certificate to Dr. Barnes.

5. **Recognition of Harry Lewis, Ann Miller, Naomi Morton, Linda Lanier and Carolyn Moser for Public Health Service Awards.**
Ms. Moser explained: Staff was recognized by The North Carolina Public Health Association with Public Health Service Awards; and the Health Department employees received Public Health Service Awards at the NCPHA Conference held in Asheville on September 18, 2013. The following were recognized for their years of service in Public Health: Harry Lewis-thirty years; Ann Miller-twenty-five years; Naomi Morton-twenty-five years; Linda Lanier-twenty-five years; and Carolyn Moser-thirty years. Mr. Brown presented certificates to each one.

Ms. Moser said her staff does such a good job and this is her chance to acknowledge them in a public setting. She said all her staff does a good job and she hope they can all reach these years of service.

6. **Carolyn Moser, Health Director: Animal Shelter, Six Month Update.**
Ms. Moser thanked the County Manager, Board of Commissioners and her Animal Shelter Advisory Board. Ms. Moser spoke on the following: Opportunities for public comments during Animal Shelter Advisory Board meetings; security system at the Shelter; Shelter has a Veterinarian; strong medical system and spay and neuter program; submit quarterly report to the State and get partial reimbursement for spay and neuter; every animal scanned when it comes into the Shelter; software program training; social media sites; Animal Shelter Manager Jewel Horton hit the ground running in adoptions; 500 adoptions in six months; collected extra dollars that can be put back into the Program; some Commissioners and the County Manager came out and helped at the Shelter; and really good things are happening. Mr. McCoy made remarks, including Animal Shelter working with Animal Control is working out real well.

7. Carolyn Moser, Health Director: Advisory Board of Health Handbook Training.

Ms. Moser explained: With consolidation, everything now comes to the Board of Commissioners; the Board of Commissioners is now the Official Board of Health; they still have an advisory board; the advisory board makes recommendations and she brings them to the Board of Commissioners; the Board of Commissioners has to be up-to-date for future accreditation; Section 9 of the handbook, roles & responsibilities, are key pieces that the Board of Health is responsible for; and the Board of Commissioners is the adjudicating body.

PUBLIC COMMENT

No one wished to speak under public comment.

CONSENT AGENDA

Mr. Brown presented the four items on the Consent Agenda and asked for any discussion or questions. There being none, Mr. McCoy made a motion to approve the Consent Agenda, Mr. Williams seconded the motion and the Consent Agenda was unanimously approved as follows:

8. Approval of Minutes: Regular and Closed Session: September 16, 2013.
9. Resolution Approving Releases and Refunds to the Individuals Listed Herein.
10a. Resolution Authorizing a Budget Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2013-2014: Adult Health: $10,000.
10b. Resolution Authorizing a Budget Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2013-2014: Migrant Health: $14,425.

RESOLUTIONS

11. **Resolution Authorizing Issuance of Purchase Order for Inmate Safekeeping to Brunswick County Sheriff's Office: $25,000.**

Sheriff Smith explained: The Sheriff Department had switched from Brunswick County to Onslow for housing in-mates due to crowding in the Pender County Jail; Onslow had more room to rent out; Brunswick then notified him they have room to house female inmates; it costs less in Brunswick than Onslow; this $25,000 is for housing of females only; and last week they paid for twenty-nine inmates for out-of-county housing. Discussion ensued concerning overcrowding in the Pender County Jail and the potential for liability when moving inmates around. Mr. Williams made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved.

12. **Resolution Authorizing Approval to Include E-Cigarette Clause in County Tobacco Use Policy.**

Ms. Moser explained her Advisory Board of Health recommends that the Board of Commissioners consider the following: To include E-Cigarettes in the tobacco use policy for the Health Department; and to revise the County Tobacco Use Policy to include E-Cigarettes and enforce the County Policy to prohibit tobacco use within fifty feet of government buildings. Ms. Moser said the General Assembly has passed a law prohibiting minors from E-Cigarettes and the FDA is looking more in depth into E-Cigarettes. She explained some potentially harmful additives that E-Cigarettes contain, including irritants, genotoxins and animal carcinogens. Mr. Brown said years ago he voted against a ban on tobacco products at government buildings. Mr. Ward said he agrees with the concept of banning E-Cigarettes, but for the Health Department only. Mr. Thurman said using E-Cigarettes is not smoking because E-Cigarettes are not a lighted product and not a tobacco product. Following more discussion, Mr. Williams made a motion to table the resolution, so Board members can do their due diligence, and to make sure they are all on the same page. Mr. Ward seconded the motion and it was unanimously approved.

13. Resolution Authorizing Approval of Medical Sponsorship for West Pender School Base Health Center.

Ms. Moser explained: The Advisory Board of Health recommends that the Board of Commissioners approve the Pender County Health Department to serve as a Medical Sponsor for the West Pender School Base Health Center; West Pender School is one of the poorest schools in the County; no County dollars are needed; the program is grant funded only; and the facility is at the School. Mr. McCoy made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

14. **Resolution Authorizing Moving a Temporary Part-Time Shelter Attendant Position at the Animal Shelter to Full-Time Employment.**

Ms. Moser explained: This resolution is to request moving a temporary part-time Animal Shelter Attendant position to full-time; the part-time Animal Shelter attendant has been working an average of 91 hours per pay period for the last two months; since February, she has worked 863 hours, nearing the 1,000 hour rule, thus requiring the employee and county to contribute to the state retirement system; Ms. Clewis has been out on FMLA and that has put them even further behind; they need extra back-up to make sure they don't run into liabilities; and she and Ms. Mulhollen has discussed this. Mr. Williams said a possible critic paid him a compliment today in the Doctor's Office, concerning improvements at the Animal Shelter. He said the County as a whole should be commended. Mr. Williams was concerned about the salary, benefits, how much of an increase there would be for this position, and where the funding would come from. Dr. Duvall said they will look at the Animal Shelter budget and see if there are any savings and if not, it will have to be taken from General Fund Contingency. Ms. Moser said the attendant is already being paid the same hourly rate as any other shelter attendant. Mr. McCoy made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

ROCKY POINT/TOPSAIL WATER & SEWER DISTRICT

15. **Resolution by the Board of Directors of the Rocky Point/Topsail Water and Sewer District Approving the Award of the Base Bid for the Rehabilitation of the Regional Sewer Lift Station in Rocky Point to Dun-Right Services, Inc. of Florence, South Carolina in the Amount of $17,876 and Authorizing the Issuance of the Purchase Order for the Project.**

The Board convened as the Rocky Point/Topsail Water & Sewer District at 5:36 p.m. and reconvened as the Board of Commissioners at 5:40 p.m. Utilities Director Michael Mack explained: After ten years of industrial sewer use by Del Labs/Coty and twenty-three other institutional and commercial customers, hydrogen sulfide has substantially eroded the concrete interior walls of the regional sewer lift station; this is a normal occurrence when high strength industrial waste is pumped into a concrete wetwell structure; if not repaired, the wetwell will begin to suffer structural weakness beyond the surface area and a major repair or replacement would be inevitable; staff researched the available products to repair and restore the wetwell to its original condition and then seal the wetwell to prevent degradation in the future; proposals were sought from five contractors and staff received three; the best product and price was provided by Dun-Right Services, Inc. of Florence, South Carolina; and staff is recommending award of the rehabilitation bid to Dun-Right. Following comments from Board members, Mr. Williams made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved.

DISCUSSIONS

16. **Discussion Regarding the Biggert-Waters Flood Insurance Reform Act of 2012.**

Mr. Williams commented: This is a complex issue; some significant changes have been made; and he would like to see this put on the next agenda in the form of a resolution. Staff was instructed to bring the issue back to the next meeting as a resolution.

17. Discussion of Resolution by the Town of Topsail Beach Requesting Pender County to Hold an Election Regarding the Sale of Malt Beverages.

Mayor Howard Braxton introduced Town Attorney Steve Coggins. Mr. Coggins explained: There are establishments in Topsail Beach and Surf City that are allowed to sell wine on-premise, but are not allowed to sell beer; this goes back to a 1963 County referendum, combined with lots of changes in ABC laws, a 1993 referendum and even further changes in ABC laws; the Town didn't want to have to come to the County with this, but they had no other choice; he had been in contact with Mr. Thurman and with the ABC Commission in Raleigh; the Town is not eligible to conduct a referendum; the only entity eligible to conduct a referendum is the County; they have to follow the statutes; if the vote turns out to be against the sale of beer, it would not affect the status quo; all existing permits that allow the sale of beer for on-premise consumption would remain the same; and the Town is asking the Board to request the Board of Elections to put this on the May, 2014 ballot. Mr. Thurman's comments included: He did have a discussion with the ABC folks; the language in the statutes differs; the statute says if there is a population of 500 a town can hold its own referendum; Topsail Beach's website says they have a population of around 500 residents, but that is not what the Census says; the referendum would have to be considered as a county-wide referendum; and we can't hold a special election on it. There was discussion of how this would affect other establishments, including "juke joints." Mr. Thurman said the approval of the referendum could be perceived as opening up the sale of beer by "juke joints" and some folks would have issues with this. He said we have to make sure the language is right. Mr. Coggins said the ballot would read "to permit the on-premise and off-premise sale of malt beverages" and will have a place to check "for" or "against." It was reiterated that if the referendum failed, it would not take away from anyone or prevent someone from doing what they already do. Mr. Tate said this has been discussed relentless times, he wants to dispose of it, and allow the establishment to be able to move on. Following more discussion, Board members generally agreed to "let the voters decide"; staff was instructed to bring the item back as a resolution at the next meeting. It was clarified that the resolution would only be to take a vote on whether to ask the Board of Elections to put this on the ballot.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said there are items for closed session. He said he had been in court all morning with the Janice Canady case and there will be a hearing concerning the case on November 6th.

ITEMS FROM THE COUNTY MANAGER

Dr. Duvall reminded the Board about the Penderlea Homestead celebration and dedication of The Tractor Shed on Saturday, October 12th.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. McCoy said the York House Dedication was a good day for Pender County, and said the potential of Walmart Stores locating in Pender County is a good thing.

Mr. Ward asked how the Emergency Response Plan he spoke about at the last meeting is coming and Dr. Duvall responded it is coming along well.

Mr. Williams said "kudos" to New Hanover Hospital and their Women and Children Center, and said they are incredible. Mr. Williams' son had spent some time in the Center.

CLOSED SESSION

At 6:05 p.m., Mr. Williams made a motion to enter into closed session, pursuant to NCGS 143-318.11: 3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General

policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded; 4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session; 5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract; and 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. General personnel policy matters may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting. Mr. Ward seconded the motion and it was unanimously approved. The Board took a break and entered into closed session at 6:30 p.m. The Board exited the closed session at 9:20 p.m.

ADJOURNMENT

There being no further business, the meeting the meeting adjourned at 9:20 p.m.

Respectfully Submitted,

Glenda Pridgen

Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:

Mickey Duvall, Clerk to the Board/Ann Coombs, Administrative Assistant