



REQUEST FOR BOARD ACTION

ITEM NO. 6.

DATE OF MEETING: April 19, 2010

REQUESTED BY: Glenda Pridgen, Administrative Assistant

SHORT TITLE: Approval of Minutes for the Regular & Closed Session Board Meeting of April 5, 2010.

BACKGROUND: N/A.

SPECIFIC ACTION REQUESTED: Review and approve the minutes.

MONDAY, APRIL 5, 2010

MEMBERS PRESENT: Chairman Jimmy Tate, presiding; Vice Chairman Norwood Blanchard; and Commissioners George Brown, F.D. Rivenbark and David Williams.

MEMBERS ABSENT: None.

OTHERS PRESENT: Rick Benton, County Manager and Clerk to the Board; Trey Thurman, County Attorney; Glenda Pridgen, Deputy Clerk to the Board; other staff and members of the Press and public.

CALL TO ORDER

Chairman Tate called the meeting to order at 10:00 a.m. and thanked and welcomed all to the meeting.

INVOCATION

Commissioner Williams offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Blanchard led the Pledge of Allegiance.

PUBLIC HEARING

1. Public Hearing and Resolution Adopting the 5-Year Plan for Fiscal Year 2010 for the Pender County Housing Department.

The Public Hearing opened at 10:03 a.m. Housing Director Angela Keith explained all housing agencies must hold a public hearing and submit a five-year plan annually, as required by the Department of Housing and Urban Development (HUD); the plan details the Housing Department's continued commitment to serve and meet the housing needs of the low-income, very low-income and extremely low-income families in the County; and this plan outlines goals for the next five years, as well as views the progress made in the previous five years. The Public Hearing closed at 10:04 a.m. Mr. Rivenbark made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved.

PUBLIC INFORMATION

2. Susan O'Leary, President North Topsail Elementary School PTA: Request for Funding for Athletic Track.

Ms. O'Leary gave a history of the North Topsail Elementary School PTA and said North Topsail Elementary School PTA is a non-profit organization focused on improving the school experience and environment for NTES students, faculty and parents. She said it is the only Title One School in the eastern part of Pender County and in order to qualify as a Title One school, at least 40% of all students must receive free or reduced lunch support. Ms. O'Leary explained: the PTA has saved \$15,000 from membership funds to start construction on a track to be built on school property, but they are short about \$10,000 to complete the project; the track will be installed in stages; the community has come out in support of the project; funding is a major issue; and they are working to secure grants. Ms. O'Leary said fencing is the next priority and they are asking the County to provide funding/manpower for a simple fence made of metal posts and chain link fence to span two sides of the perimeter of the track, and a number of gates to facilitate entrance and exit. Ms. O'Leary said that as part of the track project, they are also incorporating a wellness program into the school curriculum to help students improve their health

through both training and the track. Board members asked questions of the funding aspects of the project and discussed the project. Ms. Becky Filer was also present and made comments and answered questions. Mr. Williams noted he has two children in the Topsail School System and said if the Board is to take this under consideration, they need to know what the total budget is. Ms. O'Leary said she doesn't know yet, but they will get as many bids as the Board wants. Mr. Tate asked if they are requesting \$10,000 in this fiscal year and Ms. O'Leary said their concern is more of getting the fence in and the County could provide manpower instead of money. Mr. Brown said he is sympathetic to the needs of the Topsail Elementary School PTA's request, but this could open up a request from every PTA or organization in the County to make these types of requests. Mr. Blanchard asked if the PTA had worked with the Superintendent about funding this project and Ms. O'Leary replied they are not asking the School Board for funds. It was the consensus of the Board to take this item into consideration.

3. **Joshuah Mello, Associate Transportation Planner, City of Wilmington/Wilmington MPO, & Cape Fear Commutes 2035 Committee Member Al Freimark: Update on the Cape Fear Commutes 203 Transportation Plan.**

Mr. Anthony Prinz, Associate Transportation Planner with the City of Wilmington was present with Mr. Freimark. Mr. Freimark delivered a PowerPoint presentation and distributed a draft Cape Fear Commutes 2035 Transportation Plan. The presentation included: the Cape Fear Commutes 2035 Committee; What is the Cape Fear Commutes 2035 Transportation Plan; It is a Regional Plan; It is a Multi-modal Plan; It is Driven by the Public; Survey Results-Values; Survey Results-Revenue; Our Vision; It is Driven by Values; Results are Developed Scientifically; Project Schedule; Aviation Projects; Bicycle Projects; Freight Projects; Mass Transportation Projects; Types of Roadway Projects; Roadway Projects; TDM/TSM Strategies; Estimated Revenues; Expenditures; and Unmet Needs. Mr. Freimark noted the Committee was started two years ago and noted Commissioner Williams serves on the Wilmington Area Metropolitan Planning Organization and Commissioner Brown serves as back-up for Mr. Williams.

4. **Pamela Bostic, Director, Southeastern Economic Development Commission: Update on Activities of the Southeastern Economic Development Commission.**

Ms. Bostic explained: the Commission is an Economic Development District for the US Department of Commerce Economic Development Administration; SEDC was officially designate as an Economic Development District in December of 1968 and currently consists of twelve member counties; Pender County is one of the ten charter members of the Commission; their primary function is to foster and promote economic development through planning, technical assistance, and infrastructure grants through the EDA to create meaningful employment opportunities for the citizens of southeastern North Carolina; and the Commission works with local economic development commissions, local governments, and state and federal agencies. Ms. Bostic also listed some of Commission's current project. It was noted that Pender is not one of the projects. Mr. Tate asked about funding for Cape Fear Community College and said he, Former Director Leon Martin, and Dr. McKeithan of CFCC had met to discuss this. He asked Ms. Bostic to look into it. Mr. Tate also talked about some of the shovel ready projects in Pender County.

5. **Carol Eakins, Chief Probation/Parole Officer for Pender County: Presentation of Annual Report of Criminal Justice Partnership Program; Approval of Board Members; and Resolution Approving Execution of Criminal Justice Partnership Program Continuation Grant for Fiscal Year 2010-2011: \$74,614, and Authorizing Purchase Orders for Delivery of Mandated Counseling Services.**

Ms. Eakins explained: with the Board of Commissioners' continued support, this will be the 13th year that Pender County has received this grant; the program sponsors and funds contractual service with substance

abuse and sexual offender treatment providers for counseling and follow-up up with offenders placed on probation through the court system, as well as those offenders released from prison; the Parole Program strives to match and refer this population to the appropriate resources; and it is through these efforts they hope to make a positive impact in the lives of these offenders to enable them to make better choices. Ms. Eakins gave some examples of success stories and gave some statistics on clients who successfully completed the programs. Mr. Brown said he serves on this advisory board and said this is a much needed "behind the scenes" program. He thanked Ms. Eakins and the probation board.

PUBLIC COMMENT

Mr. Johnny Stringfield of Pender County Activity and Opportunity Council discussed the need for basketball goals in the County and urged the Commissioners to support funding for them. Mr. Stringfield also asked the Board of Commissioners to support their group in asking the Board of Education to allow them to use the Schools' basketball goals. Mr. Stringfield listed some of the reasons for the need to have basketball courts in Pender County, including to help keep children out of trouble and to fight obesity. Mr. Stringfield made some accusations against Board members that they are not supportive of his group's efforts, and in particular, accusations against Mr. Brown. Mr. Brown defended the Board and tried to determine from Mr. Stringfield if he wanted to use the Schools basketball goals to make a profit or just for games for fun. Other Commissioners made comments and Mr. Benton was instructed to get with Mr. Stringfield to try to make some kind of resolve.

CONSENT AGENDA

Mr. Tate presented the fourteen items on the Consent Agenda and asked for any questions or discussion. In response to question by Mr. Brown with respect to items the Health Department items, Health Director Dr. Jack Griffith explained these are monies the Health Department recently received through grants. Mr. Blanchard asked if an inmate at the Jail runs up a large medical bill, can they get Medicaid. DSS Director Dr. Reta Shiver said she doesn't think so. She said inmates' medical bills are paid by federal and state funds, but the funds are not necessarily Medicaid. Mr. Rivenbark made a motion to approve the Consent Agenda as presented, Mr. Blanchard seconded the motion and the Consent Agenda was unanimously approved vote as follows:

6. Approval of Minutes for the Regular & Closed Session Board Meeting of March 15, 2010.
7. Resolution Approving Tax Releases and Refunds to the Individuals Listed Herein.
8. Resolution Accepting Petition to Add John Humphrey Road in Burgaw to the State Maintained System and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.
9. Resolution Authorizing an Amendment to Approve Increase in Health Department Revenues for Fiscal Year 2009-2010: Breastfeeding Promotion: \$1,479.
10. Resolution Authorizing an Amendment to Approve Increase in Health Department Revenues for Fiscal Year 2009-2010: Environmental Health: \$3,928.22.
11. Resolution Authorizing an Amendment to Approve Increase in Health Department Revenues for Fiscal Year 2009-2010: Family Planning Program: \$5,836.
12. Resolution Authorizing Purchase Order to AT&T for Network Hardware and Configuration: \$8,512.88; and Purchase Order to Time Warner Cable for Fiber Circuit: \$6,747.
13. Resolution Approving Budget Ordinance Amendment for Additional Crisis Intervention Funds: \$47,032; Progress Energy Funds: \$696.35; LIEAP & CIP Administration Funds: \$18,128.60.
14. Resolution Authorizing Issuance of Purchase Orders: Southeastern Regional Medical Center \$15,068.85 and Lumberton Radiological Associates \$1,226.00.

15. Resolution Authorizing Contract With and Purchase Order to Cheatham and Associates, P.A., for Engineering Services at West Pender Middle School: \$14,800.
16. Resolution Authorizing a Contract with and Purchase Order to S&ME, in the Amount of \$26,000 for Construction Materials Testing Services for C. Heide Trask High School Auditorium & Auxiliary Gym Addition.
17. Resolution Authorizing an Easement Agreement with AT&T for Telecommunications Equipment at Pender Commerce Park.
18. Resolution Selecting FY 2010 CDBG-CR Grant Preparation Firm.
19. Proclamation by the Pender County Board of Commissioners: Spring Litter Sweep: April 17 – May 1, 2010.

With respect to the Litter Sweep item, Mr. Rivenbark said we should remember Ms. Inez Bradt who used to head up the Litter Sweep.

RESOLUTIONS

20. Resolution to Prohibit Illegal Aliens from Attending the North Carolina Community College System.

Ms. Bettie Fennell, a citizen and candidate for the State Senate, explained the resolution. Ms. Fennell said the State Board of Community Colleges has approved illegal aliens attending community colleges; other counties have passed similar resolutions to the one she is proposing; and this is not a partisan issue, it is an economic issue. Mr. Williams said it boils down to a "kind of principle thing" to him. Mr. Brown said he has a problem with the State Board allowing this; illegal aliens are breaking the law already by being in the country illegally, and said they make an impact on schools, health, law enforcement, taxpaying citizens, etc. Mr. Blanchard said these students would be paying out-of-state tuition in North Carolina so it won't cost the taxpayers. He said there are not that many foreign students attending community colleges anyway. Ms. Fennell said out-of-state tuition does not cover everything. There was discussion if the students have to show proof of citizenship and Mr. Tate asked Ms. Sholar if public schools ask for proof. Ms. Sholar responded public schools have to admit foreign students regardless. Mr. Tate asked Ms. Fennell if she had approached the Board of Community Colleges and Ms. Fennell responded negatively. Mr. Thurman said having foreign students pay out-of-state tuition could increase total revenues to the community college system and that could cause a potential conflict for Mr. Tate as an employee of a community college. Mr. Thurman said he had been contacted by Judge Ola Lewis of Brunswick County with concerns about this resolution. Mr. Tate asked why a Brunswick County Judge was contacting the Pender County Attorney. Ms. Fennell said it was probably because Ms. Lewis is supporting her opponent. Mr. Tate asked to be excused from the vote because he works for a community college, and passed the gavel to Mr. Blanchard. Mr. Williams made a motion to excuse Mr. Tate, Mr. Brown seconded the motion and it was unanimously approved. Mr. Williams made a motion to approve the resolution Mr. Brown seconded the motion. Mr. Blanchard and Mr. Rivenbark voted in opposition of the resolution and the motion died with a 2 to 2 vote.

21. Resolution Authorizing the Library to Apply for a Federal Stimulus Grant (\$49,042) for Public Computing Improvements and Commit to Sustain 20% Ongoing Monthly Service Charges Beginning FY 2011-12.

Library Director Mike Taylor explained the State Library of North Carolina is applying for the funds on behalf of public libraries who may qualify to receive federal stimulus funding to increase Internet broadband and improve public access. Mr. Blanchard made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

22. **Resolution Adopting the Debris Management Plan for Pender County and Approving One-Year Extension of Present Debris Management Contracts with DRC Emergency Services, LLC and CrowderGulf.**

Emergency Management Director Tom Collins explained: on January 29, 2010 the Debris Plan was finalized by Johnson Environmental & Disaster Consulting Services; he is requesting the Board to adopt the Debris Management Plan for Pender County and approve a one-year extension of the present contracts; the prices will remain the same; there will be three sites; the County would have to approve Memorandums of Agreement with the municipalities; and there could be an issue with the Department of Transportation-with budget constraints, it could be months before they pick up the debris if a disaster was to happen. Mr. Blanchard said the Board designates the County Manager and County Attorney to work out the minor details with Mr. Collins and made a motion to approve the resolution. Mr. Brown seconded the motion and it was unanimously approved.

23. **Resolution Approving a Purchase Order to Fairway Ford for One Ford Crown Victoria for the Pender County Sheriff Department: \$22,880.**

Pender County Sheriff Carson Smith explained one of their vehicles needs repairs, the cost to repair it exceeds the value of the vehicle and they have the money in the budget. Mr. Blanchard made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

24. **Resolution Establishing a Contract and Purchase Order Approval Policy.**

Mr. Benton explained: Mr. Blanchard has requested the County consider establishing a policy establishing a threshold for Board approval of contracts or purchase orders without an authorized representative of the requesting agency or request being present; County financial policy requires that any contract or purchase order of \$5,000 or greater be approved by the Board of Commissioners; and staff recommends the threshold for this new policy mirror the same dollar limit. Mr. Blanchard made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

25. **Resolution Approving Interlocal Agreement with Pender County Board of Education for the Heide Trask Auditorium/Gymnasium Project.**

Mr. Benton explained: the County owns the real property at the Heide Trask High School so an interlocal agreement is necessary for the County to appoint the School Board as its agent to carry out the auditorium/gymnasium project, and for the County to reclaim sales and use taxes that will be earmarked for future school capital projects. He said Mr. Thurman and the School Board Attorney have prepared a draft Agreement. Mr. Brown made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved. Mr. Brown asked when the groundbreaking was going to be held and Superintendent of Schools Allison Sholar responded April 12th at 4:30 p.m.

Mr. Tate recognized Ms. Irene Wallace, a former Penderlea School Teacher, who was in the audience.

ITEMS FROM THE COUNTY MANAGER

Mr. Benton had no additional agenda items.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said there would be items for Closed Session.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Williams said as a follow-up to the fire department meeting in Scotts Hill, he had gotten a lot of feedback from the community and it is clear that the citizens of Scotts Hill want a substation.

Mr. Brown spoke about the ribbon cutting at Pender Memorial Park and thanked staff and Commissioners who participated.

Mr. Tate thanked Mr. Williams for his years of leading the boat ramp effort and congratulated him on it finally becoming a success. Mr. Tate thanked Mr. Benton and Mr. Thurman for their work on it also. Mr. Tate announced the second State of the County address will be held on Thursday, April 8, 2010. He thanked the town leaders who had come to attend the Ethics Training Class and noted he and Mr. Benton would be going to the Town of Watha Council meeting this evening.

CLOSED SESSION

At 12:10 p.m., Mr. Rivenbark made a motion to enter into closed session, pursuant to NCGS 143-318.11 (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 issues 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. Williams seconded the motion and the Board unanimously approved going into Closed Session. The Board came out of Closed Session at 12:40 p.m. There were no announcements made upon exiting the Closed Session.

Immediately following the Closed Session, the Board Members, Staff, Municipalities and others participated in a Webinar Ethics Training Class for Local Elected Officials, offered by the UNC School of Government.

ADJOURNMENT

There being no further business, the meeting adjourned at 2:40 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board