

MONDAY, AUGUST 2, 2010

The Pender County Board of Commissioners met in regular session on Monday, August 2, 2010 at the Pender County Public Assembly Room, 805 South Walker Street, Burgaw, North Carolina.

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 Brown offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Rivenbark led the Pledge of Allegiance.

PUBLIC HEARING

1. **Public Hearing and Resolution Authorizing Fiscal Year 2010-2011 Rural Operating Assistance Program: \$190,316.**

The Public Hearing opened at 10:08 a.m. and closed at 10:09 a.m. Ms. Valeria Sutton of Pender Adult Services was present representing Judy Cromer, Rural Operating Assistance Program Coordinator. Ms. Sutton explained the Rural Operating Assistance Program and how it works. Mr. Blanchard asked how it compares to this time to last year. Ms. Sutton said she doesn't know but she can find out later. She noted there is no county match required. Mr. Blanchard made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

PUBLIC INFORMATION

2. **Ms. Constance Hyman, Partnership Specialist, U.S. Census Bureau: Presentation on Pender County Census Response.**

Ms. Hyman was not present at the meeting.

DISCUSSION

3. **Discussion of Human Relations Commission.**

Mr. Tate said he and the Manager had volunteered to evaluate this issue, to ask the Board to look it over, and put a revised copy of the by-laws on the next agenda along with a resolution for a vote. Mr. Williams asked how long has it been since the commission was active; Ms. Pridgen responded probably 1993 after John Bauer became County Manager. Mr. Benton noted the Board can make changes to the by-laws. Mr. Blanchard said the current by-laws have 16 members and that is too many. He suggested having one member from each district. Mr. Williams agreed with Mr. Blanchard. Mr. Tate said having a Human Relations Commission will help us in many ways and will serve all of Pender County.

PUBLIC COMMENT

Ms. Elizabeth Perry of Hampstead said the horrific fatal accident that occurred on Highway 17 the past week prompted her and others to begin a petition asking that the County or the NC DOT do something to make the highway safer. Ms. Perry explained: they put out the petition and within four hours had over 200 signatures; along with the petition they have received suggestions on how the highway can be made safer; the most accepted suggestion by those signing the petition was lowering the speed limit on the highway through Hampstead to 35 mph; another suggestion was to move the entrance and exit to Andy's south, but she doesn't think moving the entrance is an option; one suggestion was to sue NC DOT; they want more enforcement from state troopers and deputies-they could write so many tickets there would be no budget problems; and another problem is the constant road work on the highway at inappropriate times. She added that for two Fridays in a row DOT was doing something with the reflectors on Highway 17, and asked if that was really necessary. Mr. Williams agreed with Ms. Perry saying doing road work on the highway on a Friday during this time of year is a bad idea. He added Friday afternoons at this time of year are the busiest times in Hampstead. Mr. Tate said: it would be a good idea to have the County contact the NC DOT about the issue; it sounds like a meaningful request; in other situations we contact DOT; he supports Mr. Williams in this; and if a resolution is written concerning Highway 17, he will support it.

Johnny Stringfield of Burgaw thanked the Board for the basketball courts provided by funds from the Board. He said there is a canal behind the court and they need to put up a fence to keep the balls from going in the canal; the court needs painting; and asked the County to give permission for County employees to come out and look at what needs to be done. Mr. Tate said the Board appreciates everything Mr. Stringfield and his group is doing and the Board is doing everything it can afford to help. Mr. Stringfield spoke about using School Board facilities. He said fees are moving up and the Board can tap into Fund Balance to give to the School System and to give for lights to light the Hampstead Kiwanis Park and Pender Memorial Park. Mr. Tate said the County Manager can look into Mr. Stringfield's issues and suggestions and try to work with him to address the issues. There then ensued discussion of fund balance and the use of school facilities. Mr. Williams noted they had met with the School Board and discussed making a policy across-the-board about the use of school facilities. Mr. Blanchard said maybe we can use prison inmates to help with the parks. He noted inmates had done work with the park in the Town of Burgaw. Mr. Tate said we will follow up with that suggestion. Mr. Benton said we can use the inmates and we have done it before.

CONSENT AGENDA

Mr. Tate presented the twenty-one items on the Consent Agenda and asked for any questions or discussion. Mr. Blanchard said he would like to discuss Item # 12c. Mr. Brown said he would like Item # 17 to be pulled because he wants to make some amendments. Mr. Williams made a motion to approve the Consent Agenda, minus Items # 12c and 17, Mr. Blanchard seconded the motion and the Board unanimously voted to approve the remainder of the Consent Agenda as follows:

4. Approval of Minutes for the Regular & Closed Session Meeting of July 12, 2010.
5. Resolution Approving Tax Releases and Refunds as Listed Herein.
6. Resolution Approving the Payment of Membership Dues: Southeastern Economic Development Commission: \$4,519.
7. Resolution Approving Social Services Contracts and Authorizing Purchase Orders for FY 10-11: Mega Force \$35,000; Toney Turner \$75,000.
8. Resolution Approving Legal Advertising Contracts with the Pender Post and the Topsail Voice and Authorizing Purchase Orders: \$7,000 and \$8,500 Respectively.

9. Resolution Authorizing Contract with FirstSouthwest Company for Financial Consulting Services for Bond Refunding.
- 10a. Resolution Authorizing Issuance of Purchase Order to Stonehenge Building, Inc. for Fire Paging Relocation Project: \$8,700.
- 10b. Resolution Authorizing Issuance of Purchase Orders for Contract Detention Services: NC Department of Corrections: \$20,000; Pamlico County Detention Center: \$20,000.
- 10c. Resolution Authorizing Issuance of Purchase Orders for Jail Food and Provisions: US Food Service: \$70,000; NC Dept. of Correction: \$20,000.
- 10d. Resolution Authorizing Issuance of Purchase Order to Southern Health Partners for Jail Inmate Medical Care: \$195,000.
11. Resolution to Approve FY 09-10 Budget Ordinance Amendment Approving the Transfer of Funds within the Solid Waste Management Fund to Complete the Fiscal Year: \$224,000.
- 12a. Resolution to Approve a Full Service Contract with Johnson Controls, Inc. and Authorize a Purchase Order for Maintenance Service on the Chiller/Boiler at the Government Complex: \$28,670.
- 12b. Resolution Approving a Purchase Order and Contract to Robert Canady, C&C Services of North Carolina, Inc., for Floor Maintenance Service to County Buildings: \$39,144.
13. Resolution Approving Annual Settlement of the Pender County Tax Collector.
14. Resolution Authorizing, Empowering and Commanding the Tax Collector of Pender County to Collect Taxes.
15. Resolution Authorizing Purchase Order to Carolina Video Edit Center for the Production of Two 30 Second Commercials and a 5 10 Minute Promotional Video in the Amount of \$5,200.
16. Resolution Approving Budget Ordinance to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2010-2011: \$75,000.
18. Resolution Authorizing Purchase Order to FirstSouthwest for Development of Multi-Year Capital Improvement Funding Model: \$10,000.
19. Resolution Approving a Representation Agreement with the Firm of Teague, Campbell, Dennis & Gorham L.L.P. and a Purchase Order in the Amount of \$22,000.

12c. **Resolution Authorizing Renewal of Beaver Management Contracts.**

Mr. Blanchard said he is 100% for beaver control but his concern is the landowners should “put up a little money.” He said this is done in many other counties and it really costs the landowners very little. Mr. Tate asked how much it would cost landowners and Mr. Blanchard said there is a formula they use and it is not complicated at all. Mr. Williams asked if we can go ahead and approve the item today and it can be amended later. The Manager was instructed to look into landowners paying in other counties. Mr. Blanchard made a motion to approve the resolution, pending more information from the County Manager, Mr. Williams seconded the motion and the resolution was unanimously approved.

17. **Resolution Authorizing Budget Ordinance Amendment to Fund Non-Profit Agencies with Available Contingency Funds for FY 10-11: \$13,725.**

Board members discussed allocations they made to various organizations using the \$10,000 each was allotted during the budget process. Mr. Brown said the Lower Cape Fear River Program is normally funded but it was left out this year. He said he doesn’t think it was intentionally left out. Mr. Rivenbark had already designated \$1,000 out of his allotment to give to the Lower Cape Fear River Program; Mr. Blanchard said he would give \$1,000; and Mr. Brown said he would give \$2,000. There was some discussion of Pender County Training School/South Pender High (PCTS/SPH). Mr. Taylor gave a brief background on the School. The budget ordinance amendment was modified to include the following appropriations:

Dixie Youth Ponytails	\$ 1,000
Edgecombe Community Center	2,000
Hill's Chapel Missionary Youth	300
Lower Cape Fear River Program	3,000
Maple Hill Civic Club	1,000
New Pike Creek AME Youth	300
PCTS/SPH	750
Pender County Museum	1,000
Penderlea Homestead Museum	2,000
Pike Creek Baptist Youth	300
Rocky Point Community Center	800
Safe Haven of Pender, Inc.	<u>\$ 2,000</u>
Total	\$14,450

Mr. Tate thanked Mr. Benton for putting the information together in an easy to understand format.

RESOLUTIONS

Mr. Tate noted Mr. Tim Merritt of Tim's Heating & Air Conditioning asked if Item # 26 could be moved up in case there were questions for him, as he is on his way out of town.

26. Resolution Approving Contract Amendment & Purchase Orders for the Courthouse Renovation Project: \$174,244.

Mr. Benton explained the resolution and delivered a Power Point presentation entitled "Pender County Courthouse Renovation Project Update." The presentation included: Original Courthouse Report (dated October 15, 2007); August, 2010 Phase I Renovations; Additional Mechanical Items; August, 2010 Phase II and III Estimates; and Board Action Requested. There were questions and comments from Board members. Mr. Blanchard asked would it not be feasible to have one master unit. Mr. Merritt said the cooling system is the master unit and explained how it works. The Architect, Warren Wilson, explained Phase I of the Courthouse project and explained the additional issues and their costs. Mr. Tate said it is important to keep the Courthouse's integrity and Mr. Wilson said that was one of their greatest missions. Mr. Blanchard made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved. Mr. Tate asked about escaping from the building in case of a fire. Mr. Wilson said this had been discussed with the Fire Marshal and will be pursued in Phase II.

20. Resolution Recognizing and Supporting the Gullah/Geechee Cultural Heritage Corridor.

Tourism Director Monique Baker distributed additional information to the Board, explained the resolution, and delivered a Power Point presentation entitled "The Gullah/Geechee Cultural Heritage Corridor." The presentation included: the Gullah/Geechee people are descendants of enslaved Africans who lived and labored in relative isolation in the coastal rice-growing regions of mainland North America; because of their isolation they were able to develop and maintain the distinct Gullah language, traditions, foodways, material culture, music and artistic expressions; the cultural heritage corridor embraces an area of approximately 12,000 square miles along the Atlantic coast extending from southeastern North Carolina to northern Florida; the northern limit of the corridor is Pender County; the first planters and their labor was crucial to the development of some of the largest rice plantations in the Cape Fear region; and the Gullah/Geechee people have made significant contributions to the history and

culture of Pender County. Ms. Baker introduced Barbara Baker, new Chairman of the Tourism Development Authority, and Dr. John Haley, a retired UNCW History Professor, and a member of the Gullah/Geechee Heritage Corridor Commission. Dr. Haley expanded on Ms. Baker's presentation. His comments included: people often forget that the people from North Carolina grew rice; people often forget that Pender County was part of New Hanover County up until 1875; and there is still some Gullah Culture in Pender County. Mr. Tate asked what areas of the County and Dr. Haley said the Rocky Point area along Highway 117. He added there are things that threaten Gullah culture, including location. Mr. Brown made comments including he grew up in that area and used to see Gullah culture all over, but you don't see as much now. Mr. Tate said he is glad they are including Pender County and thanked Dr. Haley for his comments. Dr. Haley thanked Mr. Benton for his assistance. Mr. Brown made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

21. Resolution Authorizing a Budget Amendment to Appropriate \$314,000 to the Pender County Schools for Teacher Supplement Funding.

Mr. Tate said he is requesting this amendment because teacher supplements are needed in the effort to recruit and keep qualified teachers in Pender County. Mr. Blanchard said he wants to hear from Mr. Benton and Superintendent Sholar where the funds would come from and Mr. Benton responded from excess Fund Balance. Mr. Blanchard asked how many people in the County would be out of work in the next six months. Mr. Benton said he doesn't know but the County unemployment rate for June was at 10.1 percent. Mr. Blanchard said he is concerned about giving pay raises in these economic times and said it is not practical to give the Schools what Governor Perdue took away. Mr. Tate said he'll take the blame for wanting this money. Ms. Sholar explained this is not a pay raise but rather, keeping the teachers at the same rate of pay. She added teachers are our greatest resource and this cut would be very devastating to the teachers. Mr. Blanchard questioned where the idea of the Board supplementing this came from because he had talked to a School Board member who said they never voted on this issue. Ms. Sholar said idea came from a suggestion from staff that had been discussed with the Board, but no final vote had been taken, as the Board has yet to approve its budget. Mr. Williams said there is much competition out there and this is something we need to do. Mr. Rivenbark said the teacher supplements have come a long way, and gave a history of teacher supplements. He said having the supplements will bring better teachers to Pender County. Mr. Tate said including the 1% will not make that much difference in Fund Balance. Ms. Sholar gave statistics on graduating students and decreased drop-out rates, and said the teachers are already doing more with less. Mr. Blanchard said he is not saying he doesn't support schools and teachers, but we have to face the taxpayers. Mr. Blanchard asked Ms. Sholar if she knows of any segment that is not doing more with less. He added all are suffering from economic hardships. Mr. Brown said Pender County having good teachers is evident in the classrooms; he has seen teachers in stores buying materials for students from their own funds; and he is in total support of this resolution. Mr. Brown made a motion to approve the resolution, Mr. Williams seconded the motion and it was approved by a 4-1 vote with Mr. Blanchard voting against it. Board of Education Chairman Katherine Herring thanked Chairman Tate and other members of the Board for their support.

22. Resolution Approving Amendment # 1 to the Existing Professional Services Agreement and Authorizing a Change Order to Camp, Dresser, McKee (CDM) for Professional Services Related to the Design and Construction of a New Surface Water Treatment Plant and Transmission Main.

Mr. Tate had to leave the room temporarily and passed the gavel to Mr. Blanchard. Mr. Williams made a motion to excuse Mr. Tate, Mr. Rivenbark seconded the motion and it was approved by a 4-0 vote. Utilities Director Michael Mack explained the total amount of the original contract was \$1,333,784, but additional design work had to be undertaken, as well as extra out-of-scope tasks, in order to ensure the

facility and other interrelated components of the project are addressed and viable to meet the future demands of the system. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was approved by a 4-0 vote.

23. Resolution Approving an Agreement and Authorizing a Purchase Order to Sanford Holshouser, LLP, to Represent Pender County as Bond Counsel for the Issuance of Bond Anticipation Notes, Utility Revenue Bonds, and Fixed-Rate General Obligation Bonds for Interim Construction and Permanent Financing of the Pender County Water Treatment Plant and Transmission Main Projects.

Mr. Mack explained Bob Jessup of Sanford Holshouser, LLP served as Bond Counsel to Pender County in connection with the authorization and issuance of general obligation water bonds as part of the Bond Referendums done in 2006 for the Pender County Water Treatment Plant and Water Districts. He said staff desires to retain Sanford Holshouser and Mr. Jessup to represent the County as Bond Counsel in the pending issuance of \$17,500,000 in fixed-rate General Obligation (GO) and \$5,000,000 in Utility Revenue Bond Anticipation Notes (BANS) for the interim (during construction) financing of the Pender County Surface Water Treatment Plant and Transmission Main Projects. He said the total estimated compensation to Sanford Holshouser, LLP for their effort is \$53,250, based upon only one issuance of BANS and one issuance of Bonds, and that funds are available in the Water Treatment Plant Capital Project Fund. In response to question by Mr. Blanchard, Finance Officer David McCole explained the GO BANS are issued every nine months Revenue Bonds are issued every once every two years. Mr. Blanchard made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

24. Resolution to Approve Pender County Seal.

IT Director Erik Harvey introduced the resolution and turned the presentation over to Earl Moore, Web Administrator. Mr. Moore explained and demonstrated the old and new County seals. A history of the seal was also included. Mr. Blanchard said Mr. Moore has done an outstanding job on this project. Mr. Rivenbark made a motion to approve the new County Seal, Mr. Blanchard seconded the motion and it was unanimously approved. Mr. Tate thanked Mr. Moore on behalf of the entire Board. Mr. Moore thanked Library Director Mike Taylor for his contribution on the history of the seal.

25. Resolution Approving Budget Amendment and Purchase Order to Burgaw Dixie Youth League: \$1,500.

Mr. Brown explained that the Ponytails are now playing the World Series; they have lost some games but are still in the running; and in the past, the Board has contributed to teams who advance this far for travel expenses. Mr. Blanchard said it was his understanding that when the Manager cut funding for non-profit groups from the budget and issued each Commissioner \$10,000 to disburse, the Board would not approve any other funding of non-profits. Mr. Benton said at the budget hearing it was the consensus of the Board that members would use their \$10,000 to fund non-profits, and not fund any more. Mr. Tate said he had recently explained to another group the Board's policy on supporting non-profits and said he can't approve supporting this when he had already told someone else no. Mr. Brown said he didn't know how the Board would react to this request, and that is why he held \$1,000 of his \$10,000 allocation to support the Ponytails. Mr. Brown made a motion to approve using \$1,000 of his \$10,000 in support of the Ponytails, Mr. Blanchard seconded the motion and it was unanimously approved.

SCOTT'S HILL WATER & SEWER DISTRICT

27. Resolution by the Board of Directors of the Scott's Hill Water and Sewer District Approving an Agreement and Authorizing a Purchase Order to Sanford Holshouser, LLP, to Represent the District as Bond Counsel for the Issuance of Bond Anticipation Notes and Fixed-Rate General Obligation Bonds for Interim and Permanent Financing of the Scott's Hill Water Distribution System.

The Board convened as the Scott's Hill Water & Sewer District Board at 11:57 a.m. and reconvened as the Board of Commissioners at 11:58 a.m. Mr. Mack explained that the resolution is to retain Mr. Jessup and Sanford Holshouser, LLP to represent Pender County for their effort based upon one issuance of BANS and one issuance of Bonds for the Scott's Hill Water & Sewer District. Mr. Blanchard made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

APPOINTMENTS

28. Resolution to Consider Appointment to the Pender County Parks & Recreation Board.

Ms. Pridgen explained there is one vacancy and one applicant for the Parks & Recreation Advisory Board for District 3. Mr. Brown said he knows the applicant, Michael Collier, and Mr. Collier has shown interest in this position for a long time. Mr. Brown made a motion to appoint Mr. Collier to the Parks & Recreation Advisory Board representing District 3, with term to expire June 30, 2013. Mr. Blanchard seconded the motion and it was unanimously approved.

ITEMS FROM THE COUNTY MANAGER

Mr. Benton asked Mr. Mack to speak concerning Pender County Solid Waste operations. Mr. Mack spoke about scrap tires, including trailer availability, hauling costs and personnel to haul tires. Mr. Mack also distributed additional information which included statistics on Pender County costs compared to surrounding counties. He said there are costs to provide the same services across the County. Board members discussed the issue of scrap tire disposal. Mr. Williams said an overwhelming majority of people don't change their tires regularly. Mr. Tate said it is his fault that this has become an issue because of the man in his district that came to the last meeting and complained. He added he doesn't invite these issues. Mr. Blanchard said personally, he feels this should be no issue with the tires. There was discussion of Mr. Hines, the man that attended the last meeting to complain. Mr. Mack said he had followed up with Mr. Hines. Mr. Mack said Waste Industries does a great job and they are like partners with his employees. He then discussed attendants at the Convenience Centers, and the issue of people not having stickers. Mr. Tate said he just wants the issues to be addressed. Mr. Brown asked for verification that Waste Industries services are separate from the tire contract and Ms. Knoerzer said yes. Administrative Assistant Melinda Knoerzer provided more information on Solid Waste, including scrap tire trailers are located at the Atkinson, Hampstead, Rocky Point and White Stocking Convenience Centers. Mr. Tate said he would like to hold a meeting in his district with Mack there to explain the issues.

ITEMS FROM THE COUNTY ATTORNEY

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

COUNTY COMMISSIONERS

There were no further comments from the Commissioners..

CLOSED SESSION

At 12:27 p.m., Mr. Rivenbark made a motion to enter into closed session, pursuant to NCGS 143318.11:

(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 open session; and (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 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. Williams seconded the motion and the Board unanimously approved going into closed session. The Board took a break and went into Closed Session at 12:40 p.m. At 1:44 p.m., Mr. Williams made a motion to exit the Closed Session, Mr. Rivenbark seconded the motion and it was unanimously approved. There were no announcements made upon exiting the Closed Session.

ADJOURNMENT

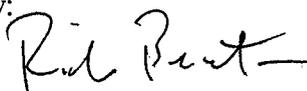
There being no further business the meeting adjourned at 1:44 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board