MONDAY, JUNE 6, 2011

The Pender County Board of Commissioners met in regular session on Monday, June 6, 2011 at the Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

MEMBERS PRESENT: Chairman George Brown, presiding; Vice Chairman Jimmy Tate; and Commissioners F.D. Rivenbark, Chester Ward 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 Brown called the meeting to order at 4:00 p.m. and thanked and welcomed all to the meeting.

INVOCATION
Commissioner Rivenbark offered the Invocation.

PLEDGE OF ALLEGIANCE
Commissioner Williams led the Pledge of Allegiance.

PUBLIC INFORMATION
1. **Pender County Public Schools System Quarterly Bond Project Update.**

Director of Auxiliary Services David Smith gave an update on the School Bond Fund Balance and proposed projects. The proposed projects include: Topsail High School-improvements to the restrooms, space for visiting teams and location of the softball field; Topsail Middle School-replace roof on the "B" Building; Heide Trask High School-restroom building at softball and baseball fields, and tennis courts that were left out of the original construction; Rocky Point Primary-improve playgrounds and provide additional technology; and Topsail Elementary-more technology equipment.

PUBLIC COMMENT
Ms. April Scott, Director of the Carousel Center, said she was told the Carousel Center is not being considered for funding this year and asked the Board to consider funding it. Ms. Scott explained: the Center is non-profit; helps sexually and physically abused children from newborn to age 17; helped with 30 cases from Pender last year; without the help of the Center DSS and the Sheriff would have to use an agency out of Greenville; Pender had helped with funding for the past ten years; and they would hate to have to tell the other counties and grant agencies that Pender has not provided funding. Mr. Tate asked the Board members to consider funding for the Carousel Center.

CONSENT AGENDA
Mr. Brown presented the nine items on the Consent Agenda and asked for any discussion or questions. Mr. Ward requested that Item No. 7 be discussed. Mr. Rivenbark made a motion to approve the Consent Agenda minus Item No. 7, Mr. Tate seconded the motion, and the remainder of the Consent Agenda was unanimously approved as follows:

2. Approval of Minutes: Budget Work Session & Regular Meeting: May 16, 2011.
3. Resolution Approving Tax Releases and Refunds as Listed Herein.
4. Resolution Authorizing a Purchase Order to Daktronics, in the Amount of $7,330 for the Purchase of Scoreboards for the New Auditorium/Gymnasium at Heide Trask High School.

5. Resolution Authorizing Approval of FY 11/12 Audit Contract: $35,500.
6. Resolution Authorizing Approval of Bank of America Contract Extension.
8. Resolution Accepting Giant Salvinia Grant Funds ($11,455); Authorizing FY 10-11 Budget Amendment; and Authorizing Contract with and Purchase Order to PLM Lake & Land Management Corporation.
9. Resolution Approving FY 10-11 Budget Amendment: Reimbursement to Pender EMS for the February 19, 2011 Fire Event in Pender County: $496.06.
10. Resolution Approving FY 10-11 Budget Amendment: Reimbursement to Sloop Point Fire Department & Pender EMS for the September and October Flooding Event: $31,069.57.

7. **Resolution to Declare Vehicles and Equipment as Surplus and to Accept Sealed Bids.**

Mr. Ward asked if sealed bids are going to be taken on all the vehicles and Administrative Assistant Pat Simmons responded on the surplus vehicles only. Mr. Ward asked if we are going to take the salvage vehicles to the salvage yard ourselves and Ms. Simmons responded we do have the equipment to take them ourselves. Mr. Ward was concerned that we need to get as much money as possible from the vehicles. He said we might get more for the surplus vehicles by auctioning them versus sealed bids, and that we can get more for the salvage vehicles if we take them to the salvage yard ourselves versus having someone take them. Mr. Brown inquired about the GovDeals bidding process and Mr. Benton said he prefers local bidding to give our local citizens, who paid for the vehicles, the chance to purchase the vehicles. It was the consensus of the Board to amend the resolution to say the County Manager and Public Works Staff shall evaluate and determine the best method of disposal (sealed bids or auction). Mr. Rivenbark made a motion to approve the resolution as amended, Mr. Williams seconded the motion and it was unanimously approved.

RESOLUTIONS

11. **Resolution Authorizing Contracts and Purchase Orders for the Delivery of Mandated Counseling Services for the Criminal Justice Partnership Program (CJPP) for FY 2011/12: $71,868.**

Administrative Assistant Melinda Knoerzer explained the contracts are with CDTEG – Chemical Dependence Training Evaluation and Guidance, Inc. in an amount not-to-exceed $52,177; and Richard Banton (Center for Research and Prevention of Recidivism) in an amount not-to-exceed $19,691. Mr. Williams made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

12. **Resolution Supporting the Memorandum of Understanding among Members of the Lower Cape Fear Sustainable Communities Consortium.**

Planner Ben Andrea explained: The Board passed a resolution at their August 16, 2010 meeting supporting Pender County's participation in the Lower Cape Fear Sustainable Communities Consortium, the Consortium is an organization focusing on regional planning efforts to integrate various entities; the Consortium has been awarded $15,350 from the NC Sustainable Communities Initiative that will be utilized to collaborate with the Wilmington MPO; and before the grant award may be allocated a Memorandum of Understanding must be endorsed by the Board of each Consortium member. Mr. Brown asked how they determine how many members they will have from

each group and Mr. Andrea said there is no particular number. Mr. Williams made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

13. **Resolution Authorizing a FY 10-11 Budget Ordinance Amendment Approving the Transfer of Funds within the Solid Waste Management Fund to Complete the Fiscal Year.**

Utilities Director Michael Mack explained: $1,650,000 was budgeted in the FY 10-11 Solid Waste Management Budget for costs associated with the hauling and disposal of recyclable materials; due to the $65 per ton cost to properly dispose of recyclable materials throughout the entire fiscal year, the Solid Waste Management Fund has inadequate appropriated funds to close out the May and June, 2011 invoices from Waste Industries; and additional projected revenues above the budgeted revenues are available to appropriate to cover the additional expenditures and balance the Solid Waste Management Budget. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

ROCKY POINT TOPSAIL WATER & SEWER DISTRICT

14. **Resolution Authorizing Execution of Facilities Construction and Contribution Agreement with Integra Water Pender, LLC.**

The Board convened as the Rocky Point Topsail Water & Sewer District Board of Directors at 4:41 p.m. and reconvened as the Board of Commissioners at 5:30 p.m. Mr. Benton explained: in October, 2010 the District Board authorized execution of the agreement with Integra Water, subject to final negotiations and approvals of the County Manager and County Attorney; since that time final changes in the agreements have been in process; more recently, Integra has requested that the Avendale Waste Treatment Facility on NC 210 be included as part of their facilities through acquisition; the scope of the transmission line construction and service area has changed since the Board's approval; the Board consented to moving forward with including the acquisition of Avendale in final negotiations; changes have been made in the documents to reflect and incorporate these issues; and the agreements include a Facilities Construction and Contribution Agreement and a Master Services Agreement. Board members discussed Integra at length and Mr. Benton, Mr. Thurman and John McDonald of Integra answered questions. Mr. Thurman said he, Mr. Mack and Mr. Benton had worked long hours to address all potential future issues, but there are still some unforeseen issues that may create future tensions. He said David Lawrence of the School of Government had worked with them to make sure the contract meets public requirements and is transparent. Mr. Ward asked if any of the other counties in North Carolina have a system like this and Mr. Benton said Pender will be the first in the State with this type of arrangement. Mr. Ward was concerned that Pender will be the first in North Carolina to have a system like this and was concerned about what may happen in the future if the system failed. Mr. Brown asked what happens if we don't get the sign-ups needed and Mr. McDonald responded they will have to get at least 50% signed up before the project moves forward. Mr. Brown asked if Mr. Thurman thinks it is a good agreement. Mr. Thurman said it is a reasonable agreement, even though there are risks for both sides. Mr. Williams stated that he has heard from many developers looking for sewer capacity that this agreement would provide. After more discussion and questions, Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was approved by a 4-1 vote, with Mr. Ward voting against it.

APPOINTMENTS

15. **Resolution to Consider Approving Appointments to the Pender County Board of Health**

Mr. Brown stated Kimberly Collins could be moved from a Public Member position to the Nurse position, and there would be two Public Member vacancies instead of one. Mr. Williams made a

motion to move Ms. Collins to the Nurse position, Mr. Rivenbark seconded the motion and it was unanimously approved. Mr. Tate made a motion to appoint Ms. Brenda Rivenbark to a Public Member position; it died for lack of a second. Mr. Williams made a motion to appoint Jan Dawson to a Public Member position. Mr. Ward seconded the motion and it was unanimously approved. Mr. Williams made a motion to appoint Jack Swann to a Public Member position. Mr. Ward seconded the motion and it was unanimously approved. Mr. Williams made a motion to appoint Michael Cherubini to the Dentist position. Mr. Ward seconded the motion and it was unanimously approved. All the terms expire January 31, 2012.

ITEMS FROM THE COUNTY MANAGER
Mr. Benton reminded the Board that the June 20th meeting had been moved to June 27th.

ITEMS FROM THE COUNTY ATTORNEY
Mr. Thurman had no further items.

ITEMS FROM THE COUNTY COMMISSIONERS
Mr. Williams said that with respect to the Budget, we can do away with the DSS discretionary funds, not fund the position in the Health Department that the State cut, look at using some Fund Balance, and the 3.5¢ tax the voters approved during the bond referendum is the only tax he will support. Mr. Benton said there will be a $2.5 million shortfall if no tax increase or no use of Fund Balance. It was noted the 3.5¢ is now only 2.5¢. Mr. Rivenbark agreed with using some of Fund Balance. Mr. Tate said he will not vote for a tax increase. Mr. Brown said the Manager can work to create different scenarios, Board members can send him their decisions and everyone will be informed. Mr. Rivenbark said he remembered a time when Mr. Williams voted for a Commissioner's wife to be appointed to a board.

CLOSED SESSION
There were no items for closed session.

ADJOURNMENT
There being no further business, the meeting adjourned at 5:55 p.m.

Respectfully Submitted,

Glenda Pridgen

Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:

Rick Benton

Rick Benton, Clerk to the Board