

MONDAY, OCTOBER 3, 2011

The Pender County Board of Commissioners met in regular session on Monday, October 3, 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

Vice Chairman Tate offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Rivenbark led the Pledge of Allegiance..

PUBLIC INFORMATION

1. Pender County Public School 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: Heide Trask High School-four tennis courts with fencing and parking for after hours use by the school and public; West Pender Middle School-administration area renovations and purchase of Dell Latitude Netbooks; Penderlea Elementary School-floor repairs and technology improvements; Topsail Elementary School-computers, projectors and a Netbook charging cart; Burgaw Elementary School-computers; Topsail High School-Athletic Facility Building; and Rocky Point Primary School-metal roof repairs, playground equipment, safety fencing and technology. Mr. Smith explained each item, said all the requests and bids will be presented to the School Board for approval before being presented to the Commissioners, and said they will verify amounts with the County Finance Office before bringing items back to the Commissioners. With respect to the Netbooks for West Pender School, Mr. Brown asked how many will this buy and Mr. Smith responded seven. With respect to Penderlea School, Mr. Tate asked will this provide Netbooks for all classrooms and Mr. Smith responded "no, it will help but not solve all their needs." In response to question, Mr. Smith said all funds are in accounts and no new funds will be involved.

2. Presentation of Draft US 17/NC 210 Corridor Study.

Planning Director Kyle Breuer explained: The Wilmington Area Metropolitan Planning Organization (MPO) and the North Carolina Board of Transportation commissioned the study of the US 17 and NC 210 Corridors within Pender County to identify near term strategies to address

safety and mobility deficiencies on US 17 and NC 210 in Hampstead; the objective was to identify practical strategies that are consistent with the vision for Hampstead, that reduce the rate of injuries and fatalities in traffic crashes, reduce travel delay, and improve travel for pedestrians and bicyclists; the study report describes a preferred access plan for US 17 from Washington Acres Road to Sloop Point Loop Road (5.66 miles) and for NC 210 from US 17 to Island Creek Road (3.72 miles); the study will be available for public review throughout the month of October; and a public hearing will be held November 1, 2011 to obtain the Planning Board's recommendation and subsequent public hearing and request for adoption by the Board being held November 21, 2011. Mr. Breuer introduced Keith Lewis and Laura Fisher from Martin, Alexiou, Bryson, PC (MAB), the consulting firm hired to assist in the study. Mr. Lewis delivered a Power Point presentation which included: Summary of Study-Highways 210 and 17; Presentation Overview; Project Purpose; Project Study Area; Public Involvement; Existing Conditions-Safety; Existing Conditions-Traffic; Future Conditions-Traffic; Recommendations-Access; Access Plan for Hwy 17; Access Plan for Hwy 210; Typical Sections for US 17-Existing and Proposed; and Design Recommendations-US 17. Mr. Lewis' comments included: the crash data by the DOT since 2006 within the boundaries used in the study show there have been 648 collisions on Hwy 17 and 112 along Hwy 210; the collisions on Hwy 17 exceed the state average for similar roads in the state; over 60 percent of the accidents were rear ends and left turn collisions; the primary cause of the collisions is due to the many driveways and especially the center lane; the traffic capacity at the signal lights is at an acceptable level but the non-signal areas is inadequate; the traffic conditions will continue to degrade if they are not fixed; to deal with the problem, MAB recommends a raised concrete median with turning lanes and paved bulb outs running through the corridor; the median would be 5.54 miles long; they recommend building bike lanes along Hwy 210, but would not recommend riding a bike along Hwy 17; construction costs would be over \$15 million, with funding to come from a combination of state and federal sources; and some state and federal hazard elimination funds are available, but the majority would come through the DOT Transportation Improvement Plan. Board members asked questions and discussed the project. Mike Kozlosky of the MPO also made remarks.

ADDENDUM

Mr. Benton explained he found out the Tourism Development Authority had won an award after the agendas had gone out. Tourism Director Monique Baker recognized TDA members Barbara Baker and BJ Ryan, and her assistant Vestal Craig. Ms. Baker explained the Pender County Tourism advertising campaign "Friendly Faces and Places" won 1st Place in the Destination Marketing Association of North Carolina's (DMANC) **Destination Marketing Initiatives Print Advertising Award Small Budget** award program. Ms. Baker said she was there to accept the award September 22nd at DMANC's Annual Meeting. She said it was quite an accomplishment considering the competition with her peers in other counties with budgets up to \$1 million. The Commissioners congratulated Ms. Baker and thanked her.

PUBLIC COMMENT

No one wished to speak under public comment.

CONSENT AGENDA

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

3. Approval of Minutes: Regular and Closed Session Meeting of September 19, 2011.
4. Resolution Approving Tax Releases and Refunds as Listed Herein.

RESOLUTIONS

5. **Resolution Authorizing a Purchase Order to Court One, in the Amount of \$96,739.00 for the Construction and Fencing of Four Tennis Courts at Heide Trask High School.**

Mr. Brown explained this is the item Mr. Smith was referring to during his update of the bond project. Mr. Ward asked about the need for tennis courts. He said there might be other items they need more, such as bathrooms and concession facilities at the baseball and softball fields. Mr. Smith said plans for a restroom and concession facility are already underway. He said the bids for the restroom/concession facility have been received, will be reviewed by the School Board at their October meeting, and he will bring the item before the Commissioners next month. Mr. Ward was concerned that the funds will be taken from Fund Balance. Mr. Benton explained it is all bond money. Mr. Ward asked if the courts can be used by the public and Mr. Smith responded affirmatively. Mr. Ward asked if the other two high schools have tennis courts and Mr. Smith responded affirmatively. Mr. Brown asked what the limitations are on use of the bond monies and Mr. Smith said it has to be used for long-term projects. Mr. Williams said the public voted for improvements at the individual schools and the Board of Education is trying to utilize the promised funds at each individual school. Mr. Tate asked if any of the money had been used for any changes other than what we told the voters and Mr. Smith responded affirmatively. Mr. Tate said he would like to see a breakdown of how much was allocated for each school. Mr. Brown said approval of this action would balance out all three high schools' athletic programs. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

6. **Resolution Approving Newly Revised Funding and Aid Agreement between Pender County and Volunteer Fire Departments.**

Emergency Management Director Tom Collins explained: The most recent revision to the funding and aid agreement between Pender County and the volunteer fire departments was 2001; over the past year Emergency Management staff has been working with members of the Fire Commission to update the agreement; the language in the new draft agreement has been reviewed and approved by all parties involved; the minimum revenue threshold is increased from \$70,000 to \$100,0000, which requires an additional estimated \$55,000 in County dollars to assure Maple Hill and Shiloh Fire Departments meet the minimum revenue threshold; the agreement requires the departments to provide a minimum level of service, to seek competitive bids for large purchases, and to implement conflict of interest policies; and the new contracts don't include Atkinson and Burgaw because they are municipalities and their attorneys have to review the contracts. Mr. Brown asked if all the other departments are in agreement with the contract. Eddie Thomas of Long Creek-Grady Fire Department said everyone is in agreement and everyone is comfortable with the contract. Scott Sills of Sloop Point Fire Department said

after the budgets were set at revenue neutral, they realized every budget had decreased, and the total lost for all departments was \$84,387. Mr. Sills distributed and explained a list of all the fire departments' finances, which included: 2012 budget at prior rate 95%; 2012 budget at neutral 95%; 2011 budget 95%; 2011 actual collected; and ½ the difference between 2011-2012. After more discussion, Mr. Williams made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved. Mr. Williams made comments concerning fire departments that didn't make it to revenue neutral, and comments concerning mail outs departments did several years ago inviting the public to give their input at special meetings held by the departments. Mr. Brown said it was not the intent of the Board to have any decreases. Mr. Benton said he agrees with Mr. Brown and said we should start seeing collections increase during December, January and February. Mr. Sills said their biggest concern is to not get behind financially. Mr. Tate said we talked about all of this before and why are we still talking about it and not voting. Finance Officer David McCole explained how the County can advance fire departments funds from the Fund Balance if they are seeing cash flow problems. He said we will have a clearer picture of the collection rate once we get through the collection period. Mr. Thomas said there is a clause in the new contract addressing what happens if a department starts seeing problems. Mr. Thurman said the tax rate cannot be adjusted after July 1st. Mr. Bill George of Burgaw Fire Department asked for clarification that the Board will back up departments financially if they start having problems and Mr. Williams said the Board will.

7. Resolution Adopting Amended Pender County Employee Personnel Policies.

Human Resources Director Amber Parker explained: The last major revision of the Pender County Employee Personnel Policies occurred in 2000, with standalone policy updates being approved intermittently that were never incorporated into the main body of the policy document; many employment laws and trends have changed over the past eleven years and a major policy revision was long overdue; a significant amount of reorganization and reformatting has been completed, several new policies are proposed and many old policies have been revised; many of the general policies regarding benefits, compensation and classification and disciplinary actions have not changed significantly; the proposed policy has been sent to the County Manager, the County Attorney, Department Heads, and to all employees for review and comment; and a detailed work session was held with Department Heads to obtain feedback regarding the proposed policy. Ms. Parker listed some of the significant changes and some of the significant policy revisions. Mr. Brown asked about the smoke breaks and Ms. Parker responded there is a provision for one fifteen minute break in the morning and one in the afternoon. Mr. Brown asked about elected officials and Mr. Thurman responded they basically follow the same policies but we cannot control how they handle their personnel matters. Mr. Rivenbark asked if Mr. Thurman had reviewed the new policy. Mr. Thurman responded affirmatively and said he had told Ms. Parker we should stipulate employment is at will and people can be let go at any time. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

8. Resolution to Approve a Full Service Contract with Pleasant Air, Inc. and Authorizing a Purchase Order for Maintenance Service on the Chiller/Boiler at the Government Complex: \$21,500.

Administrative Officer Pat Simmons explained: The chiller/boiler is used to heat and cool the Government Complex located on Walker Street; quotes were received from Pleasant Air, Inc. at

\$21,500 and Schneider Electric at \$22,896; another proposal was received but did not meet the qualifications specified in the service agreement; we are realizing a \$7,170 savings by using Pleasant Air; and based on referrals and the high quality level of service Pleasant Air has previously provided to the County, it is the recommendation of the Public Works Department to award the full service maintenance contract to them. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

9a. Resolution Increasing Purchase Order to Jeanne Crowle, Lab Director Consultant Contract for Change Order to New Contract, Fiscal Year 2011-2012: \$2,200.

Health Director Carolyn Moser noted the next five items all pertain to the Health Department. Ms. Moser explained: This first item is requesting approval of a change order to the current contract between Ms. Crowle and the Health Department; \$8,000 was allocated in July for the lab services contract with Ms. Crowle; the additional \$2,200 is to continue the contract for FY 2011-2012; Ms. Crowle has served the Health Department as a contract Laboratory Director for nine months; Ms. Crowle supervises one Medical Lab Technician and one contract Lab Assistant; Ms. Crowle will have the responsibility for keeping the lab in compliance with the federal requirements of CLIA regulations; and the full amount of this contract was not included in the original budget but they have the money within their budget. Mr. Tate asked if all the five health items have been budgeted; Ms. Moser said they can move money around within their budget. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

9b. Resolution Authorizing a Budget Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2011-2012: \$4,494.00.

Ms. Moser explained: This item is actually to receive money; the funds are TANF funds (Temporary Assistance to Needy Families); and TANF funds are to be used to support at-risk services, which may include enhanced post-pregnancy test follow-up and intensive care coordination for high-risk or at-risk for contraceptive failure. Mr. Tate made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

9c. Resolution Authorizing a Purchase Order to DRS Business Systems, Inc. for 20 Medical Chart File Cabinets in the Amount of \$27,719.

Ms. Moser explained: The Health Department desires to replace the Medical Chart File Cabinets with double sided rotary action file cabinets that hold twice the medical charts; the current filing system has an open access arrangement but access is limited to one medical records clerk at a time; the new cabinets will meet HIPPA requirements and can be locked; the current filing space is a pretty unsafe area; and they received quotes from two other vendors and DRS was the lowest. Mr. Brown asked for verification that the new cabinets will meet HIPPA requirements and Ms. Moser responded affirmatively. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

9d. Resolution to Approve Purchase Orders for Health Department Consultant Services Contracts for Fiscal Year 2011-2012: \$89,713.

Ms. Moser explained the proposed contracted services include Christi Ray, M.O., to serve as Medical Consultant; Michael Bannan, DDS to work in the Main Dental Clinic two days a week; and Stephanie Cannon, who, partnering with Carteret County, will complete the required duties

of the CDC Public Health Preparedness Cooperative Agreement. Ms. Moser further explained the Medical Consultant position is being contracted out because Dr. Nasrallah can only monitor patient care of adults, and they don't want to have to pay for two separate services; Dr. Ray can serve as Consultant for adults and children. Mr. Tate asked how Ms. Moser chooses her contractors. Ms. Moser responded some are advertised and interviewed, except for the Preparedness Coordinator, which is regionalized. Mr. Brown said Ms. Moser has done a fantastic job since she has been on board, and he is very impressed. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

9e. Resolution Amending the Pender County Pay & Classification Plan.

Ms. Moser explained: In assessing the department's operations and needs, she has recommended to the Health Board and they have concurred, to reclassify contract positions in the department to full-time employee positions; they believe in the past, the department created an unnecessary number of contract positions, which has created organizational and personnel conflicts and concerns; these positions have created isolation from management and supervision, and have negatively impacted revenue potential for the department; this action will provide for more effective management and oversight, program effectiveness, cost savings and increased revenue; the request is to cover two positions-Dental Assistant and Medical Lab Technician I; and to reclassify one of the two Medical Office Assistant positions to a Processing Assistant IV. Mr. Brown concurred that the Health Director needs to know she has authority to direct these individuals. Mr. Rivenbark made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

ITEMS FROM THE COUNTY MANAGER

Mr. Benton said Board members had expressed concern during budget preparation time regarding the increase in mandatory program spending in the DSS budget. He distributed to the Board a proposal from Public Consulting Group to perform a DSS Program Budget Analysis. Mr. Brown stated he requested Mr. Benton solicit assistance for such an analysis. The proposal will be on the next agenda.

Mr. Benton said Mr. John McDonald of Integra Water is in the audience. He said Mr. McDonald is trying to secure help from the Board of Commissioners in providing assurances to developers for their financial commitments. Mr. Benton said he and Mr. Thurman will be meeting tomorrow with a developer and Mr. McDonald and they would like a Commissioner to attend. Mr. Rivenbark volunteered to attend the meeting.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said there are items for closed session.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Rivenbark had an article from a NACo publication concerning bed bugs and also an article from the *Wilmington Star News* concerning the decrease in mental health services.

Mr. Williams spoke concerning a Transportation Advisory Committee meeting, corridor laws and the redistricting session they would be attending in Raleigh on Wednesday.

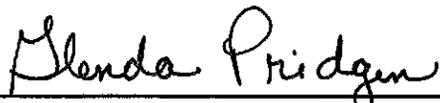
CLOSED SESSION

At 5:57 p.m., Mr. Rivenbark 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; 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, and including discussion of Carolina Water versus Pender County. Mr. Williams seconded the motion and it was unanimously approved. The Board exited the Closed Session at 7:00 p.m. There were no announcements upon exiting the Closed Session.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:00 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board