

**JUNE 4, 2012**

The Pender County Board of Commissioners met in regular session on Monday, June 4, 2012 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:** Dr. Mickey Duvall, 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 4:10 p.m. and thanked and welcomed all.

**INVOCATION**

Commissioner Rivenbark offered the Invocation.

**PLEDGE OF ALLEGIANCE**

Commissioner Ward led the Pledge of Allegiance.

20. **Joint Resolution to Approve the Formation of an Area Authority to Operate a Program for Mental Health, Developmental Disabilities, and Substance Abuse Services in Brunswick, Carteret, New Hanover, Onslow and Pender Counties; and Appointment of Four Current Board Members to the New Authority: One Commissioner and Three Non-Commissioners.**

**Note:** It was noted that Southeastern Center's Executive Director, Foster Norman, has another meeting to attend. Mr. Rivenbark made a motion to move this item up on the agenda, Mr. Williams seconded the motion and it was unanimously approved. Mr. Norman explained the N.C. General Assembly passed legislation to establish requirements for the Department of Health and Human Services and Local Management Entities with respect to statewide expansion of the Medicaid Waiver, which established a statewide restructuring of the management responsibilities for the delivery of mental health services; and the Act established that the catchment area of an area authority must contain a minimum population of at least 500,000 individuals by July 1, 2013. Board members thanked Mr. Norman for attending. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved. Mr. Rivenbark said as part of the resolution, three of the current Pender County SEMH board members need to be appointed to the new board, and he would remain as Commissioner unless another Commissioner would like to serve. No other Commissioner wished to serve. Mr. Rivenbark appointed the following: Susan Sherman Robbins a one-year term; Don Hall a two-year and Janice Nichols a three-year term.

## **PUBLIC HEARING**

### **1. Public Hearing and Resolution Approving Grant Application and Authorizing Grant for the Rural Operating Assistance Program (ROAP) Operated by Pender Adult Services (PAS) for FY 2012-2013: \$158,559.**

Pender Adult Services Director Wes Davis and Transportation Coordinator Valeria Sutton were present for the public hearing. Mr. Davis explained: This is the annual grant application they apply for every year to get assistance for transportation services; the amount has increased this year; there is no local match required from the County; and the programs included in the Rural Operating Assistance Program application are: Elderly & Disabled Transportation Assistance, Employment Transportation Assistance Program, and Rural General Public Program. The public hearing opened at 4:20 p.m. No one wished to comment and the public hearing closed. Ms. Sutton thanked the Board for their support. No action was taken on this item.

## **PUBLIC INFORMATION**

### **2. Mike Taylor, Library Director: Accepting a Personal Archived Collection.**

Mr. Taylor explained: The Pender County Library made a proposal to the Duplin County Historical Foundation to donate the contents of the William Dallas Herring Memorial Library in Rose Hill to Pender County Public Library; the proposal has been formally accepted by the foundation; the Herring Memorial Library is a regional collection of local history and genealogy and is privately owned and operated by the Duplin foundation; it was founded by Dr. Dallas Herring, "father of the NC Community College system," and supported financially by a bequest upon his death in 2007; now the funding is running low and the foundation could not find a sponsor to keep it there; the Library's plan is to locate the collection in the York House across from the Library; the Library Board of Trustees has voted to name this the William Dallas Herring Regional heritage Collection of Genealogy and Local History; and the Library will also relocate its collection there. Mr. Tate thanked Mr. Taylor for making this effort.

### **3. Mike Taylor, Library Director: Update on Special Programs Sponsored by Pender Organizations Partnering to Bring the Smithsonian Institute's Journey Stories Exhibit to Pender County Public Library June 23-August 4.**

Mr. Taylor explained: The exhibit tells the story of how we and our ancestors came to America and once here how journeys continue to play an interesting role in our national and personal heritage; other partnering organizations include Friends of Pender County Library in Burgaw, the Burgaw Depot Historic Preservation Foundation, the Pender County Historical Society, and the Pender County Arts Council; the Library is providing oversight through planning and administrative services and the NC Humanities Council is providing a \$2,000 to assist in this role; the Town of Burgaw is also collaborating by waiving the rental fee for the train depot; and on June 21<sup>st</sup> representatives from the other exhibit sites from across the state will come here for workshops and learn how to set up the exhibit. Mr. Taylor distributed fliers and highlighted some of the upcoming exhibits and special events, including an original play by local playwright and TV producer Samm-Art Williams. Board members commended and thanked Mr. Taylor. Mr. Taylor acknowledged members of the audience who represented the partnering organizations. The Board thanked all involved.

4. **Kyle Breuer, Planning Director: Public Information Regarding the Wallace to Castle Hayne Railroad Restoration Efforts by the North Carolina Department of Transportation.**

Mr. Breuer explained the Board requested staff to bring in someone from the State level to give an update regarding the Wallace to Castle Hayne Railroad Restoration Efforts by the N.C. Department of Transportation. Mr. Breuer introduced Cheryl Hannah, Rail Planner, of NC DOT. Ms. Hannah's presentation included: The Corridor is on the CSX Rail System; the 27-mile rail corridor is state-owned and links New Hanover, Pender and Duplin Counties; re-establishment of the tracks would improve freight rail options to support the North Carolina State Port Authority and military bases, improve access for moving products through the state's most agriculturally active region, improve access to major population centers to the north and west; allow the introduction of passenger rail between Wilmington and Raleigh via Goldsboro; and have significant and positive economic benefits for southeastern North Carolina. Ms. Hannah gave statistics on funding; construction timeline; freight study, etc., noting it is not just a Pender County project, but is regional. Ms. Hannah distributed a map showing the North Carolina Railroad System and explained the different routes. Board members thanked Ms. Hannah for her presentation.

5. **Ben Andrea, Planner: Update on Lower Cape Fear Sustainable Communities Consortium's Regional Plan for Sustainable Development and Resolution Supporting Consortium Agreement.**

Planner Ben Andrea explained: Pender County pledged its support to the Lower Cape Fear Sustainable Communities Consortium since the group's inception in 2010; the group was organized to focus on regional planning efforts to integrate housing, land use, economic and workforce development, transportation, and infrastructure investments and decisions; in 2010, the Sustainable Communities Initiative was formed with a partnership between HUD, the U.S. Department of Transportation and the U.S. Environmental Protection Agency; through this partnership, the Sustainable Communities Regional Planning Grant Program was created to support metropolitan and multijurisdictional planning efforts; and in November 2011, The Lower Cape Fear Sustainable Communities Consortium was awarded a \$1.13 million grant from the U.S. Department of Housing and Urban Development through the Sustainable Communities Initiative to develop a Regional Plan for Sustainable Development for New Hanover, Pender and Brunswick Counties. Mr. Andrea explained some of the Consortium's Agreement's components, including background, principles & goals, membership, governance, organizational structure, and work plans. Mr. Thurman cautioned the Board that they were committed to funding of \$41,050.33. Mr. Andrea explained the funding commitments are in-kind and include \$2,796.48 from Planning and Community Development Staff, \$3,253.85 from Department of Housing Staff, and the not-to-exceed amount of \$35,000 allocated to the Housing Needs Assessment for the County. Mr. Andrea explained that all of the County's in-kind dedication had previously been authorized, and the Consortium Agreement merely reaffirms that each Consortium member shall dedicate the total in-kind amount that was included in the grant application. There was some confusion among the Board and Attorney whether the \$35,000 was cash or in-kind. Mr. Andrea explained the \$41,050.33 was all in-kind and was being leveraged to meet the local match requirement of the grant, and that no cash had been or was being committed by the County. A motion to pass the resolution was made by Mr. Rivenbark, seconded by Mr. Tate, and passed unanimously.

**6. Chuck Wooten, Maple Hill Fire Department: FY 2012-13 Fire Tax Request.**

Mr. Chuck Wooten of the Maple Hill Fire Department said at the Board's meeting with the Fire Departments, his department had asked for their tax rate to be increased to .07 cents, not .11 cents, as stated in the minutes of that meeting. Mr. Brown said the confusion came from .11 cents was discussed as being the amount that would make the department self-sufficient and not have to depend on County funds. When asked, Mr. Wooten reiterated that Maple Hill Fire Department is asking for a tax increase from .047 cents to .07 cents.

**PUBLIC COMMENT**

The following citizens spoke concerning the Hampstead Substation:

Barbara Nelson – Some people weren't able to attend the public hearing; since then they had put together a petition with people who oppose the substation; she read the petition.

Mr. Williams interjected that everybody in Scotts Hill insurance will go down.

Lisa Grant – Statistics on neighbors' insurance; neighbors on fixed incomes; foreclosures in the community; people struggling financially; she is against substation.

William Wicks – Spoke against the time limit-Board gave young man twenty minutes to talk about a project; only giving them a couple minutes; he still had questions after last meeting.

Steve Donatone – Member of Hampstead VFD Board of Directors; history of Hampstead substation for Scotts Hill; this is a safety issue; and the Board should make decision based on facts.

Gerald Devito – Scotts Hill isolated from Hampstead; close to New Hanover; New Hanover can serve better; first chance he has had to speak; they are better served by New Hanover.

Mr. Ward asked Leslie Green of Maple Hill if they are ok with the .07 cents tax rate and Mr. Green responded yes.

**CONSENT AGENDA**

Mr. Brown presented the nine items on the Consent Agenda and asked for any discussion or questions. Mr. Ward asked to have Item No. 11 pulled. Mr. Rivenbark made a motion to approve the consent agenda, less Item No. 11, Mr. Williams seconded the motion and the remainder of the Consent Agenda was unanimously approved as follows:

7. Approval of Minutes: Budget Work Session; Regular and Closed Session of May 21, 2012.
8. Resolution Approving Tax Releases and Refunds as Listed Herein.
9. Resolution Accepting Petition to Add Champion Drive in Hampstead to the State Maintained System and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.
10. Resolution Authorizing a Contract with and Purchase Order to CED of Wilmington, NC, in the Amount of \$17,777.73 for Electrical and Lighting Equipment for the New Topsail High School Athletic Building.

12. Resolution Authorizing Approval of an FY 11-12 Budget Ordinance Amendment Increasing Revenues and Expenditures from the North Carolina Humanities Council: \$2,000.
  13. Resolution Authorizing the Issuance of a Purchase Order to North Carolina Department of Corrections for Housing Inmates: \$20,000.00.
  14. Resolution Authorizing Approval of FY 11/12 Audit Contract with Thompson, Price, Scott, Adams & Co., PA: \$35,500.
  15. Proclamation by the Pender County Board of Commissioners: Elder Abuse Awareness Month: June, 2012
11. **Resolution Authorizing a Purchase Order to Playgrounds of the Carolinas in the Amount of \$104,139.04 for the Purchase and Installation of a New Playground at Rocky Point Primary School.**

Mr. Ward asked if the bond money can be used for playground equipment and Mr. Thurman responded the money can be used for anything capital. Mr. Ward said he is concerned that Penderlea Schools don't get any money and all the other schools do. Mr. Ward said he is concerned that Rocky Point Elementary can get so much new equipment, when it is so badly needed at Penderlea. David Smith of the Schools said Penderlea had already spent the money allocated to them. Mr. Ward expressed more concern about the way the money is being spent and asked can some of the money be shifted to Penderlea. Mr. Smith said it is not his decision; it is up to the Board of Education. Mr. Tate said he agrees with Mr. Ward and he thanks Mr. Ward for speaking up for Penderlea. Mr. Tate suggested starting the Priority 1 Committee up again to address various issues with the Schools. Mr. Tate also instructed Mr. Smith to find out what future plans there are for Penderlea School. After more discussion, Mr. Ward made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

## RESOLUTIONS

16. **Resolution Approving a Construction Loan for Hampstead Volunteer Fire Department for the Scotts Hill Substation.**

Mr. Brown asked when the County first learned about the New Hanover ISO rating and if the land had already been obligated. Chief Lanier responded affirmatively that the land had already been obligated. Chief Lanier added Hampstead Fire Department didn't push for a substation. Mr. Williams gave a history of the substation from the beginning when the citizens of Scotts Hill approached the Commissioners about wanting one and the Commissioners giving Hampstead VFD the authority to proceed with it. Mr. Ward thanked New Hanover for their services. He asked if the station has to be built right away and had the land already been purchased when they found out about the new ISO. Chief Lanier said yes, the land had already been purchased and to-date they had spent \$235,450.29, including engineering costs and site preparation. Mr. Ward again asked if it has to be built right away and asked if the people in Scotts Hill want it. Mr. Williams said years ago they were going to build one down there and backed out and the station lost money. After more discussion of the property, what the community wants and the petition that was being circulated, Mr. Williams made a motion to approve the resolution. Mr. Rivenbark seconded the motion it failed by a 3-2 vote, with Mr. Williams and Mr Rivenbark voting in favor of, and Mr. Brown, Mr. Tate and Mr. Ward voting in opposition.

17. **Resolution Approving Loan Financing for the Shiloh Columbia Volunteer Fire Department.**

Mr. Eddie Thomas of Long Creek Volunteer Fire Department informed the Board that Chief Rossell had indicated that Shiloh wanted this item removed from the agenda at this time. Mr. Tate made a motion to table the item, Mr. Rivenbark seconded the motion and it was unanimously approved.

**18. Resolution Authorizing Purchase Order to Norris Construction Company, Inc., for Replacement of Sidewalks and Walkways at the Courthouse Square and Howard Holly Facility: \$175,560.**

Mr. Mack explained: The sidewalks and walkways on the Courthouse Square and Howard Holly Building encounter a great deal of pedestrian use daily for both business and leisure purposes; the current condition of the sidewalks and walkways present a safety and liability concern; Public Works requests to replace these sidewalks and walkways; the Town of Burgaw has recently bid out several projects similar in scope and nature and Public Works requests to “piggy-back” on these previous bids; the Town of Burgaw Manager has requested \$30,000 in his proposed FY 12-13 Budget to provide supplemental funds to the Courthouse Square project if the scope changes; and sufficient funds are budgeted and available for the entire project within the Capital Improvement-Courthouse Sidewalk Replacement Fund and Public Buildings Maintenance Fund. Mr. Thurman said he doesn’t see any informal bids and General Statutes say anything above \$30,000 has to be bid out. Mr. Mack said he didn’t bid it out because they “piggy-backed” with Burgaw. There ensued discussion of the need to bid the project out. After discussion, Mr. Rivenbark made a motion to approve the resolution, subject to staff getting three bids. Mr. Williams seconded the motion and it was unanimously approved.

**19. Resolution Authorizing a FY 11-12 Budget Ordinance Amendment Approving the Transfer of Funds within the Solid Waste Management Fund to Complete the Fiscal Year.**

Mr. Mack explained: \$2,050,000 was budgeted in the FY 11-12 Solid Waste Management Budget for the hauling and disposal of recyclable materials; due to the \$65 per ton cost to properly dispose of recyclable materials throughout the fiscal year, the Solid Waste Management Fund has inadequate appropriated funds to close out May and June 2012 invoices from Waste Industries; and this resolution is to approve a Budget Ordinance Amendment to transfer \$100,000 in unbudgeted revenue to the Sanitation and Recycling Line Item. Mr. Tate made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

**DISCUSSION**

**21. Discussion of Potential New Baseball/Softball Field at Hampstead Kiwanis Park.**

Mr. Williams explained: As he told the Board previously, a commitment of private funds has been made for the construction of a baseball/softball field at Hampstead Kiwanis Park; the private funds are approximately half of the projected cost of the field; he is asking the Board for approval of \$40,000 out of Designated Fund Balance to match the donation; this is a good return on investment; and if approved, the County will be investing in itself. There was discussion of the possibility of moving grant funds the County already has to this project. There was also discussion of the Hampstead Kiwanis Park and PARTF grants. Mr. Tate said he has always supported the Kiwanis Park project and he would like support for some projects in his district, such as Willard Outreach, Atkinson Library, and Currie Park. Mr. Williams said he will bring back a resolution for vote to the Board.

## **APPOINTMENTS**

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

Mr. Brown explained: There are three professional positions open – Optometrist, Pharmacist and Veterinarian; there are two applicants but neither of them has any experience in the positions; when the Physician’s position was open and no one applied, a Physician’s Assistant who applied was appointed; we should do the same with the other professional positions if no licensed person applies; and we can advertise the positions to say these positions can be temporarily filled by someone associated in one of these fields who may not be currently licensed. No one objected to Mr. Brown’s suggestion. Mr. Brown said we will hold these two applications in case something else becomes available.

## **ITEMS FROM THE COUNTY MANAGER**

Dr. Duvall’s items included: The budget process is still going well; Hampstead Fire Department gave him the invoice tonight for the money they had spent to date; and a committee will be formed to evaluate renovations of the York House.

## **ITEMS FROM THE COUNTY ATTORNEY**

Mr. Thurman said he has items for Closed Session.

## **ITEMS FROM THE COUNTY COMMISSIONERS**

Mr. Tate asked if the 1.8 COLA in the budget for employees. He said that increase won’t amount to much each paycheck and said we could give them a one-time bonus of \$500 or we would consider giving a bonus of \$1,000. Mr. Tate said it has been four or five years since County employees received a pay increase and a bonus would be more money they could use at one time rather than a small increase over a long period of time. Mr. Tate asked the board to consider both requests and enact the one that was in the best interest of all employees.

Mr. Brown said he had gone to Raleigh in support of Senate Bill 433. He thanked Mr. Rivenbark, Dr. Duvall and Mr. Watson for going, and note the bill had gotten pulled.

## **CLOSED SESSION**

At 7:05 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; 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 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. Williams seconded the motion and it was unanimously approved. At 7:35 p.m. Mr. Rivenbark made a motion that the Board exit Closed Session. Mr. Williams seconded the motion and it was unanimously approved. There were no announcements made.

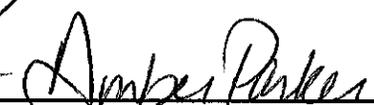
**ADJOURNMENT**

There being no further business, the meeting adjourned at 7:35 p.m.

Respectfully Submitted,

  
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Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:

   
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Dr. Mickey Duvall, Clerk to the Board/Amber Parker, Human Resources Director