

**AUGUST 6, 2012**

The Pender County Board of Commissioners met in regular session on Monday, August 6, 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 4:00 p.m. and thanked and welcomed all.

**INVOCATION**

Commissioner Williams offered the Invocation.

**PLEDGE OF ALLEGIANCE**

Commissioner Rivenbark led the Pledge of Allegiance.

**PUBLIC INFORMATION**

There were no items for Public Information.

**PUBLIC COMMENT**

Mr. Owen Sewell of Currie addressed the Board and asked for help concerning a farmer shooting deer in his neighborhood within close proximity of homes and other buildings. Mr. Sewell apologized that he is not prepared for the meeting tonight because his father-in-law passed away Saturday. He said he had a petition but wasn't prepared to bring it to the Board tonight. Mr. Sewell's comments included: He wants the Board to take another look at the Animal Control Ordinance; he has contacted the Sheriff, Highway Patrol and Game Warden and none of them could help him; the shooter fired shots 62 feet from his father-in-law's house and his father-in-law was in the house critically ill; the shooter once fired 97 yards from a church; he is concerned about the safety of people in the neighborhood; the shooter shoots the deer just enough to injure them so they will go on someone else's property to die because if the deer die on his property, buzzards will come down and will do more damage to the crops than the deer; there is no law the shooter has to abide by; the shooter is a lawyer and thinks he is above the law; and the shooter has no respect for anyone in the neighborhood. Dr. Duvall said he had gone out to visit the area. He distributed pictures he had taken of the area and copies of the current Animal Control Ordinance. After discussion and questions, it was the consensus of the Board that Mr. Sewell brings the petition to the August 20<sup>th</sup> meeting.

**CONSENT AGENDA**

Mr. Brown presented the nine items on the Consent Agenda and asked for any discussion or questions. Mr. Brown said he has questions concerning Item No. 5b. Mr. Rivenbark made a

motion to pull Item No. 5b and approve the remainder of the consent agenda; Mr. Williams seconded the motion and the remainder of the Consent Agenda was unanimously approved as follows:

1. Approval of Minutes: Regular and Closed Session of July 23, 2012.
2. Resolution Approving Tax Releases and Refunds as Listed Herein.
3. Resolution Authorizing Approval of FY 12-13 Budget Ordinance Amendment Increasing Revenues and Expenditures by \$4,000, and Authorizing a Purchase Order to Overdrive for Library E-Book Collection Provision: \$6,000.
4. Resolution Authorizing Approval of Annual Renewal Licenses and Maintenance Agreement for Library Automation System with Library Corp.: \$12,895.33.
- 5a. Resolution Authorizing Purchase Order for Child Support Office Space: \$25,000.
- 5c. Resolution Approving FY 12-13 Contracted Services and Authorizing Purchase Order to Advanced Imaging Systems: \$150,000.
6. Resolution Approving Annual Settlement of the Pender County Tax Collector.
7. Resolution Authorizing, Empowering and Commanding the Tax Collector of Pender County to Collect Taxes.

**5b. Resolution Approving Social Services Contracts and Authorizing Purchase Orders for FY 12-13: Mega Force \$35,000; DSS Attorney \$75,000.**

Mr. Brown questioned the need for Mega Force employees and the need for bi-lingual staff. DSS Director Dr. Reta Shiver came forward and said they have some clients that don't speak English. She explained: They have several workers in DSS that are bilingual but they don't have enough; they need these positions to ensure there is a minimal wait for clients; they have a rule of not having clients wait too long; they do not like them to wait more than 15 minutes because the department could get backlogged and won't be able to get people out by 5:00 p.m.; and she tries to have bilingual employees in each department, but does not have one in Child Support. Mr. Brown asked how the department knows if the clients are legal if they don't speak English. Dr. Shiver responded the clients have a card stating they are legal, much like a driver's license. Mr. Ward asked how they know if the card is not falsified and Dr. Shiver responded they check with the consulate in Raleigh to verify the person. Mr. Brown said he just wonders if anyone can come in and apply whether they are legal or not. Mr. Brown asked if this is mandated by the State and Dr. Shiver responded affirmatively. She said 75% of the cost is funded by the State. Mr. Brown asked if 75% means 75% of the \$35,000 and Dr. Shiver responded affirmatively. Mr. Ward asked if there is a cheaper method they could do this. Dr. Shiver said it is much more costly and time consuming to use contracted services because most interpreters charge \$135 an hour plus travel, and if they come from Wilmington it could cost \$300 to \$400 to process one client. Mr. Ward asked what you do if someone shows up speaking Russian. Dr. Shiver responded call an interpreter that speaks Russian. Mr. Tate asked if there were no interpreters would the client be able to fill out the forms and Dr. Shiver responded "no." Mr. Tate made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

## **RESOLUTIONS**

**8. Resolution Requesting Approval of Memorandum of Understanding for the Provision of Providing Inspection Services for the Town of Atkinson.**

Planning Director Kyle Breuer explained: The County provides inspection services for the Town of Atkinson on a yearly basis; a new resolution is required for the upcoming fiscal year; the

Memorandum of Understanding (MOU) will provide for these services; with this MOU, the County will retain all fees associated with issuing the building permits and performing the inspections; and the County will be covered from any liability. Mr. Tate made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

**9. Resolution Amending Article II Section 2 of the Pender County Tourism Development Authority Bylaws.**

Tourism Director Monique Baker explained: The present bylaws require that the representatives of the Chambers of Commerce rotate annually between each of the Chamber organizations; Chamber representatives have expressed that a one-year term is not long enough to be an effective member; the Tourism Development Authority is recommending that the Chamber representatives' terms be two years; and the three Chambers all agree with this change. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

**10. Resolution Providing for the Authorization, Sale and Issuance of Not More Than \$2,040,000 in General Obligation School Refunding Bonds, Series 2012A to Refinance the County's Outstanding General Obligation School Bonds, Series 2008.**

Finance Director Butch Watson explained this is the second time he has brought this item in and this time it is the resolution for the actual authorization and sale of the 2008 bonds. Board members commended Mr. Watson for all the ways he has found savings for the County since coming to work here. Mr. Rivenbark made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

**11. Resolution Authorizing Initial Approval for a Plan to Refinance County Water and Sewer Districts Outstanding Bonds.**

Utilities Director Michael Mack explained: He, Mr. Watson and Bond Attorney Bob Jessup had been working at least since the beginning of the year to find a way to refinance some of the Water and Sewer Districts' bonds currently held by USDA; the bonds have interest rates ranging from 4.23% to 5.75%; bond market interest rates have been at very low levels recently so they thought there are savings to be had from refinancing the bonds; the existing bonds also have very long repayment periods and they thought there could also be savings from shortening those repayment periods; they looked at a number of possible ways to carry out the refinancing but were unable to come up with an effective way for the Districts to refinance their bonds directly; as they continued to explore the issue they contacted Ryan Maher of the investment banking firm Robert W. Baird & Co.; Mr. Maher suggested an alternative financing plan that appears to solve the problem; and under this plan, the Districts will issue their refunding bonds to the County, and the County will generate funds to buy the bonds by borrowing money itself. Mr. Watson said the water and sewer districts will pay for the bonds and that this is the best way to help the Districts save this money. He said this will be brought back before the Board in two weeks for a public hearing and adoption of the necessary Bond Orders by the Districts. After questions and discussion, Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved. Mr. Mack commended Mr. Watson, Mr. Jessup and Mr. Maher for their hard work on the refinancing. Mr. Jessup and Mr. Maher were in the audience. Board members commended all involved in the process.

12. **Resolution Authorizing Approval of Administrative Guidelines for FY 2011 (11/12) CDBG-Scattered Site Housing Program.**

Housing Director Judy Herring explained: Pender County has been awarded a \$400,000 Scattered Site Housing Grant from the NC Division of Community Investment and Assistance; the grant will assist four low-to moderate income owner-occupant households throughout the County; in order to move forward with the project, specific resolutions, guidelines, plans and policies must be adopted and utilized; and the plans have previously been adopted for past CDBG-SS but the funding agency requires that a new set be adopted for each program. Mr. Tate said he understood at one time that communities in the County would be rotated to get housing assistance for families. Ms. Herring said this particular grant is not site specific, houses from all over the County can be chosen, they choose the houses based on need, and they actually go out and look at the homes to determine the ones in most need. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

13. **Resolution Authorizing Appointment of the County Manager, Housing Director, Finance Officer and Deputy Finance Officer as authorized signatories to allow for the release and distribution of FY 2011 (11/12) CDBG Scattered Site Housing Grant (CDBG-SSH).**

Ms. Herring explained this resolution is to authorize Dr. Duvall, Mr. Watson, Deputy Finance Officer Ada Ammons, and herself as signatories. She said the State requires two signatures on documents, and by having four, we should always have someone on hand to sign. Mr. Tate made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

## **DISCUSSIONS**

14. **Utilities Director Michael Mack: Update on York House.**

Public Works Director Michael Mack requested Mr. Mike Taylor, Library Director, provide the Board with the history of the York House Building as the new home of the Dr. Herring Historic and Genealogical Collection. Mr. Taylor informed the Board the York House is more properly called the Henry-Murphy House in the National Register of Historic Places; it was constructed around 1900 by Louisa Gibbs Bannerman Henry, the widow of Civil War Captain Henry; she shared the house with Mr. and Mrs. T.T. Murphy. Mr. T.T. Murphy can be considered the “father of public education in Pender County.” Mr. Taylor added that the William Dallas Herring Regional Heritage Collection that will be housed in the York House will also be a memorial to the “father of the community college system.” Mr. Mack provided the Board an update on the Request for Proposal schedule; the final portions of the scope of work should be complete and the RFP sent out to contractors by the end of August. Renovation work is scheduled to begin in October and should be complete approximately days later. Mr. Tate commended Mr. Taylor on the play that was held at the Burgaw Depot during the Smithsonian Institution’s “Journey Stories” Traveling Exhibit. The play was written by local author Samm Art Williams. Mr. Tate said there were folks from all over the County and Mr. Taylor did a phenomenal job. Mr. Taylor said he can’t take all the credit because he had lots of help.

15. **Protocol for Pender County Board of Commissioners Agenda Items.**

Mr. Brown said he asked to have this item put on the agenda because some of the agendas are rather large; a couple of items were on a previous agenda that he didn’t know about; and he was blindsided. He said the previous Manager would put something together and go over it with the Chairman, at least since he has been Chairman, and they would discuss the items before the

agenda went out. Mr. Tate said the previous Manager would also call him when he was Chairman and they would go over the items. Mr. Williams said he does like seeing a rough draft and the Board needs to know what is on the agenda before it goes out. He said he was asked about items on a previous agenda that he didn't know what they were talking about. He reiterated the Board should get a rough draft of the agenda before it goes out. Mr. Tate said he did receive a draft of the previous meeting. There was general agreement that the Board will receive a draft of agendas before they go out. Dr. Duvall said he is still learning protocol. Mr. Brown asked if the Board wants to continue with the way they agendas are done now or would they like to do something different. All were in agreement to leave things as they are and they will get the agenda a day or two before it goes out. Mr. Tate said each Commissioner can still add items to the agenda.

## **APPOINTMENTS**

### **16. Resolution to Consider Approving Appointment to the Emergency Medical Services Advisory Board.**

Mr. Brown explained that as a member of the EMS Advisory Board, he had talked to EMS Director Woody Sullivan concerning this appointment; they seemed very interested in having this person put on their Board; and she is the only applicant. Dr. Duvall said Mr. Watson would like to become a member of this board. He said he will leave it up to the Board if they want to make Mr. Watson ex officio. Mr. Rivenbark made a motion to approve the appointment of Ms. Patricia Fields and Mr. Butch Watson to the Emergency Medical Services Board, Mr. Tate seconded the motion and it was unanimously approved. Mr. Williams said we would have to ask EMS to change the contract to add Mr. Watson. Mr. Rivenbark made an amended motion to include asking the EMS Board to change the contract to include Mr. Watson. Mr. Williams seconded the motion and it was unanimously approved.

## **ITEMS FROM THE COUNTY MANAGER**

Dr. Duvall said he would like to give his time to Mr. Breuer who received an award on behalf of the County last weekend. Mr. Breuer said both he and Planner Ben Andrea attended the Awards Ceremony and recited the contents of the meeting's pamphlet as follows: "In 2010, the Pender County Commissioners involved multiple community stakeholders to develop and adopt a Comprehensive Land Use Plan and a Unified Development Ordinance. Included in the plan and ordinance are several goals and policies to facilitate and encourage the use of Low Impact Development (LID) which is a development technique that reduces stormwater runoff by mimicking the natural hydrology of a site. Recognizing the multiple benefits of LID, Ben Andrea with the Pender County Planning Department wanted to ensure that developers had the information and tools to understand and use this development technique in future projects. So he got to work drafting the Low Impact Development Incentives Document that was adopted by the Pender County Commissioners in the fall of 2011. Planning staff solicited input from the Business Alliance for a Sound Economy and the NC Coastal Federation. Both organizations strongly supported the final product. The LID document is easy to understand and packed full of useful information. It includes definitions, outlines the economic benefits, illustrates how LID can be used in Pender County and provides valuable resources for developers and citizens alike. Hats off to Pender County for moving LID in coastal North Carolina and setting a great example for what coastal communities can do to promote LID." Mr. Breuer said Mr. Andrea and he appreciate the opportunity to represent Pender County in accepting the award. Mr. Breuer read and presented the 2012 Pelican Award to the Board, which was presented to the County by the

North Carolina Coastal Federation. Mr. Brown thanked Mr. Breuer and Mr. Andrea for attending and accepting the award on behalf of Pender County.

Dr. Duvall also spoke concerning the following: The NCACC Annual Conference to be held August 16<sup>th</sup> through the 19<sup>th</sup>-Mr. Rivenbark is the voting delegate for Pender County; information the NCACC had sent concerning soliciting Legislative goals; NCACC sent 2012-2013 Tax Rate Survey for all NC counties-the median State average is \$.6396-Pender County is well below that at \$.512, and well below a lot of the counties; he met with David Mitchell of NC Broadband to discuss broadband services in rural areas in the County; and Chris May will be meeting with fire departments tomorrow to discuss the strategic plan. Mr. Williams said with reference to the fire departments, everything needs to be laid out on the table.

#### **ITEMS FROM THE COUNTY ATTORNEY**

Mr. Thurman said there are items for Closed Session.

#### **ITEMS FROM THE COUNTY COMMISSIONERS**

Mr. Rivenbark spoke concerning the following: Southeastern Mental Health has dissolved and is now Coastal Care, consisting of five counties; a report on area graduation rates shows Pender County in the lead in the area with 86.6%; in talking with his constituents from other counties when he goes to various meetings, Pender County is doing a marvelous job of not raising taxes.

Mr. Ward spoke concerning the following: He had a meeting with Long Creek Fire Chief Eddie Thomas; fire departments only get to address the Board once a year for 15 minutes during budget time; the Board needs to be better informed of fire department issues; fire departments should meet with their communities a couple times during the year; and he wants Environmental Health to hold a meeting in the Hampstead area regarding environmental permitting issues.

Mr. Williams spoke concerning the Old Topsail High School. His comments included: There are security, safety and appearance issues; he had previously spoke about someone making an offer and he thought it was too low, but maybe it wasn't too low because it is time we do something about the building; the building has sentimental values for him because he attended school there but something has to be done; and we really need to aggressively market it. Mr. Williams also spoke about an email he received from Mike Kozlosky of Wilmington MPO concerning an update on Highway 17 safety issues.

#### **CLOSED SESSION**

At 5:25 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. Mr. Williams seconded the motion and it was unanimously approved. The Board exited the closed session at 6:08 p.m. There were no announcements made.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 6:08 p.m.

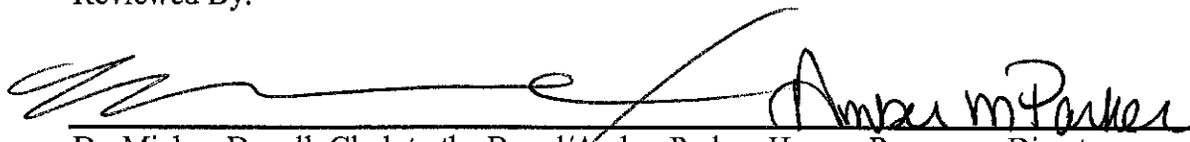
Respectfully Submitted,



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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