

**OCTOBER 1, 2012**

The Pender County Board of Commissioners met in regular session on Monday, October 1, 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 Tate offered the Invocation.

**PLEDGE OF ALLEGIANCE**

Commissioner Williams led the Pledge of Allegiance.

**PUBLIC INFORMATION**

1. **Jeannie "JC" Skane, Wilmington Area Rebuilding Ministry, Inc. (WARM): Update on 2011 Accomplishments in Pender County: NC Housing Finance Agency \$75,000 Grant.**

Ms. Skane explained: WARM is a nonprofit organization that completes critical home repairs and accessibility modifications for low-income seniors and other vulnerable populations; in 2011, Pender County Planning Director Kyle Breuer and Pender County Housing Director Judy Herring supported WARM's application to the NC Housing Finance Agency for a \$75,000 grant to serve homeowners in Pender County; WARM has since administered that money and has secured another \$75,000 for Pender County; and she wants to share with the Commissioners what they accomplished with the grant and how they intend to spend the next \$75,000. Ms. Skane delivered a Power Point Presentation entitled "Wilmington Are Rebuilding Ministry (WARM)-Small Miracles, Safer Homes." The presentation included: One Out of Five Homes in NC is Considered Substandard; What is Substandard Housing? Missing Basic Elements; 40% of Asthma Diagnosed in Childhood is Caused by Living Conditions; WARM Since 1996; WARM Expenses 2011; Urgent Repair Program (URP); WARM URP 11; WARM URP 11 Requirements for Service; Matching Funds; WARM Pender 2012 YTD; Return on Investment; WARM Pender News; and You Can Help. The presentation demonstrated some before and after pictures of projects, volunteers at work, and some specific projects which were completed. The entire presentation is on file with the permanent records in the Clerk to the Board's Office. Ms. Skane thanked the Board for its support, said WARM is open to hear any suggestions for partnerships and other aspects of administering the new grant, and they would welcome any volunteers and/or financial support. Board members thanked Ms. Skane.

2. **Pender County Youth Celebrate National 4-H Week October 7-13, 2012.**

Cooperative Extension 4-H Agent Lauren Langley explained: October 7-13 is National 4-H Week; Pender County is celebrating the 4-H youth who have made an impact on the community, and are

stepping up to the challenges of a complex and changing world; the 4-H'ers will be collecting canned food and grocery coupons during the entire National 4-H week; the canned food will go to those in need in North Carolina through the food bank, and the coupons will go to military families who can benefit from expired coupons of up to 6 months; recent findings from Tufts University's *4-H Study of Positive Youth Development* indicate that young people in 4-H are three times more likely to contribute to their communities than youth not participating in 4-H; notably, the Tufts research discovered that the structured learning, encouragement and adult mentoring that 4-H'ers receive play a vital role in helping them actively contribute to their communities; and in Pender County, more than 65 4-H members and 20 volunteers are involved in 4-H. Ms. Langley introduced 4-H'ers Caison English and Morgan Hanson. Mr. English explained: He is President of the 4-H Buddies Club; has been in 4-H for three years; and some of their activities included going to the Pender County Board of Elections and learning how to vote, singing Christmas Carols at nursing homes, bringing food to Christian Food Services, cleaning the Courthouse, and other community services. Mr. Hanson explained: He is a member of the 4-H Buddies Club; he likes 4-H because he gets to learn new things and share them with others; giving 4-H presentations is one of his favorite things about being in 4-H; this year he talked about tornados and how to make a disaster supply kit; and 4-H is fun because they get to visit lots of places and learn about community services. Mr. English and Mr. Hanson presented flyers and water bottles to Board members. They and their parents were recognized by the Board and also other 4-H'ers in attendance and their parents.

### 3. **Carolyn Moser, Health Director: Recognition of North Carolina Public Health All Star Award Recipient.**

Ms. Mosley explained: She wants to publicly acknowledge all the hard work Shirley Steele has done at the Pender County Health Department; every year health departments across the state are encouraged to identify that special, spirited someone that epitomizes public health; nominees are submitted to a selection committee where all identifying information is removed to ensure nominations are non-biased; and Ms. Steele was one of twelve "All-Stars" to be recognized at the association's annual education conference held in New Bern, NC September 19-21. Ms. Moser read the following "quality" from the Nomination Form which was submitted for Ms. Steele: **Desire:** Any professional that has public health in their "blood", practices not for fortune or fame but for a sincere desire to make a positive impact on their community. Shirley Steele displays that desire daily regardless of the challenges she may face. She is motivated to provide high quality service delivery through a highly qualified professional staff. Shirley Steele's determination, dedication, devotion and desire have resulted in an unrelenting pursuit for excellence." Ms. Steel's remarks included: This is quite an honor and it totally took her by surprise; she thanks Ms. Moser for nominating her; the last couple years were real tough at the Health Department and they have come a long way, mainly because of good leadership and teamwork, because of Ms. Moser; it is easy to want to work harder when you feel like you are part of a team; and she believes the staff at the Health Department all feel like they are part of a team. Board members congratulated Ms. Steele.

### **PUBLIC COMMENT**

Mr. Dennis Cohen of 136 S. Belvedere Drive in Hampstead spoke concerning Utilities, Inc.'s trucks hauling wastewater in their neighborhood. Mr. Cohen's comments included: He moved to Belvedere five years ago and it is a beautiful, quiet neighborhood; the trucks are disturbing the neighborhood with the noise, smells of diesel fuel, etc.,; they run twenty to thirty trucks a day; they start in the dark in the mornings and end up at night; they hauled every day in September; they said they are hauling because of the possibility of a storm, but they are still hauling; it is very unnerving that these ten-wheeler trucks are up and down their streets; some of the trucks don't even stop at the stop sign; people in his neighborhood don't even use these sewer services-they have individual septic tanks; a reasonable plan does not exist and has never existed; the retention pond sits right next to marshland; the effluent can

pollute surrounding waters if a storm should come; and it is affecting the golf course. Mr. Williams said the County was forced by court order to issue the permit for them to haul sludge, the County did not have any authority over them hauling effluent, and they were permitted by the State (NC DEHNR) to haul effluent. Mr. Cohen said he is sure he will have to deal with this all winter, and the company cannot handle what they currently have. Mr. Williams concurred that the golf course does not drain properly and asked Mr. Cohen what he wants the Board to do. Mr. Cohen said he wants the Board to confront Utilities, Inc. Mr. Thurman said the court order didn't address effluent, only sludge, the County cannot demand the company to do anything. Mr. Williams and Mr. Brown agreed they would contact DEHNR officials concerning this matter.

## **CONSENT AGENDA**

Mr. Brown presented the four 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. Williams seconded the motion and the Consent Agenda was unanimously approved as follows:

4. Approval of Minutes: Regular and Closed Session of September 17, 2012.
5. Resolution Approving Tax Releases and Refunds as Listed Herein.
6. Resolution Authorizing Purchase Order for Alchemy System: \$75,055.
7. Resolution Authorizing Purchase Order for Medical Transportation Services: \$200,000.

## **RESOLUTION**

### **8. Resolution Amending the Pender County Residency Policy for County Employees.**

Human Resources Director Amber Parker explained: In October 2008, the Board adopted the County's residency policy which required all newly hired Management employees and Department Heads to establish permanent legal residency in Pender County within twelve months of initial employment; on November 21, 2011, the Board amended the residency policy to require all newly hired and all current Management employees and Department Heads to establish permanent legal residency in the County within twelve months of that date; the amended policy may lead to Department Head retention problems for those who accepted employment prior to October 2008 without a residency requirement; and it is requested to revert back to the original residency policy which requires all Management employees and Department Heads newly hired after October 10, 2008 to establish permanent legal residency within twelve months of their hire date. Mr. Ward asked what the reason was for this in the first place and Mr. Brown responded historically, Commissioners wanted department heads and management employees to reside in the County. Mr. Williams said it sort of evolved from discussion that people in higher paying positions that are getting paid more than other employees should live in the County. Mr. Ward said he is skeptical about this because people will know where someone lives if they live in the County, there are dangerous people out there, employees deal with people day to day, and dangerous people can get mad at you and follow you home. Mr. Brown said he thinks the Board did this to make it fair across the Board. After more discussion, Mr. Williams made a motion to approve the resolution. Mr. Ward said he will second the motion but if someone has a problem with danger, he will bring this up again. The resolution was unanimously approved.

## **DISCUSSION**

### **9. Discussion of Sloop Point Fire Department's Request for Advanced Funding.**

Mr. Williams explained: Chief Scott Sills is present if we need him to answer any questions; Mr. Sills had requested the County Manager and Finance Officer to give Sloop Point VFD some of their tax money "up front" and then deduct it when the funds actually come in; Dr. Duvall asked for his advice on this and thought it needed to go to the Board; a lot of Fire Departments have some annual payments or make big payments twice a year on their large equipment and other large items; the last several

years, the way Sloop Point's debt falls and the way they operate, their debt is structured differently; the Fire Commission voted to leave the disbursement of fire tax money as is; we have done this before and it worked out; it is not unethical; he is wholeheartedly for it; the Fire Commission did actually vote on it; the Fire Commission does not have any governing authority, but they can make recommendations to the Board; he sits on the Fire Commission and he suggested this at least be discussed with the Board and be discussed in open session; and even the Attorney said we probably should at least get a nod from the Board. Mr. Thurman explained: He also suggested this matter come before the Board because the money will have to come from somewhere; the money will have to be taken out of some other fund and repaid when tax monies actually come in; the County Manager and Finance Officer can't just move \$90,000 around without the Board's approval; as he discussed with Mr. Watson, if it wasn't an outside agency it wouldn't raise any issue; technically, the Fire Department is just a corporation and needs to be treated just like any other corporation if we want to advance money; and we need to be consistent with what the Budget Ordinance requires. Mr. Ward asked what percentage of Sloop Point's total tax the \$90,000 is and Mr. Watson responded approximately 25%. Mr. Ward said he doesn't have a problem with it but he is asking because if another fire department wants to do it, we will see what percentage we will allow them to have. Mr. Ward said this will also allow people to know what the money is used for and they won't be able to say the County is just handing out money. Mr. Sills came forward and explained: When he requested from the Fire Commission how they felt about monthly payments, he had Mr. Watson come in and explain how it would work; as Mr. Williams said, lots of fire departments have yearly payments; Scotts Hill does quarterly and monthly payments because it saves; over a ten-year loan they save \$20,000 to \$30,000 in interest; it is good business; if they can save \$20,000 to \$30,000, they can put that towards other equipment or other things and the taxpayers won't have to come up with the money later; they set their budget up with everything they do divided in twelve months and everything is paid out equally; this saves on interest and saves on loans; another thing they have that a lot of other departments don't have is a payroll; the payroll comes out every two weeks and they don't have a choice in that; they can't wait until January for the payroll; and it is not good business to keep 2/3 of their money in savings to get through three or four months, and it is not fair to the citizens. Mr. Ward thanked Mr. Sills for elaborating on this so we can all have a clear understanding on what the money is used for and why they are doing it this way. Mr. Brown asked in this case, where this money will come from. Dr. Duvall said they have discussed this and he does have a back record going back to 2009 to see where it came from. Mr. Brown said we have an avenue where to pull the money from in order to help these folks. Mr. Watson said yes, the majority of the taxes, at least 80%, are collected in November, December and January, and we take the \$90,000 back from Sloop Point in November. Mr. Williams clarified that in case the trend slips, it could go to December or the first of January. Mr. Watson said yes, most of the escrow is paid in November, December and January. Dr. Duvall said it puts Mr. Sills in a vulnerable position because if we get hit with a hurricane right now and he has to expend what he has, he is drained. Mr. Brown said he doesn't have a problem with it, but he just wanted to make sure we have an avenue to pull the funds from without putting us in jeopardy in other ways. Mr. Williams asked if a nod is good enough or do we need to vote to put the item on the agenda and vote on it. All gave a nod of approval.

Mr. Ward said some time ago he asked that the volunteer fire departments have an open house for residents at least twice a year to let those who live in their district know what is going on in that fire department; it seemed like every time we get near budget time we ask the fire departments at the last second to make reports and that is the reason he requested the open houses; and there seems to be a misunderstanding because he was not aware he could not ask for that as an individual commissioner. Mr. Williams said he thinks it is a great idea and he will be glad to bring the idea up at the Fire Commission's next meeting. Mr. Ward said he has asked the County Manager to send out an e-mail to fire departments to disregard his request. Mr. Brown asked if there is a problem and Mr. Ward said

“just go to the next item.” Mr. Brown said he doesn’t want it to be left out there that the Board opposed this idea.

## **APPOINTMENTS**

### **10. Resolution to Consider Approving Appointment to the Pender County Board of Health.**

Mr. Brown explained: We advertised for this position; the consensus of the Board was if a professional didn’t apply for these open positions, we would look for someone with experience in the particular field; and this applicant works for a Veterinarian. He verified with Ms. Pridgen that this is the only application we have for the position. Mr. Ward said he remembers we had some other applicants from before when we had delayed the opportunity to open it up for others, and asked if those applications are in here. Ms. Pridgen responded no, because the Board had said they were going to look for someone in that field, even if they were not licensed in the field. Mr. Ward asked how many openings there are and the response was three. Mr. Ward confirmed with Ms. Pridgen that this appointment is only filling one position. Mr. Ward said a couple weeks ago, he asked if we could go ahead and appoint someone from the public to these positions if we cannot find anyone that was work related. Ms. Pridgen said we have had applications and asked how far back does he want her to go to pull the applications. Mr. Ward said it wasn’t the point of how far back to go, but there were two applications he remembered. Ms. Pridgen said we had three or four applicants that didn’t get appointed. Mr. Brown said at the time this came up, he asked the Board again for direction on how to go with this and he thought the Board agreed to advertise for folks in the particular field. Mr. Ward said “no, we didn’t look for folks, you asked us if we were going to look for folks in that field.” Mr. Ward said we have held on to those two. Mr. Brown said those two didn’t qualify for any of the positions that were open. Mr. Ward said they did qualify because he looked at them very closely and he is wondering where the applications are. Ms. Pridgen said the applications are in the office, but the people that were applying at that time were applying for the public person and the Board chose one person to fill that position. Mr. Williams added the public position was not “field specific” like we are advertising for now. Mr. Ward indicated anyone in the public could apply for the positions. Mr. Brown said it won’t do any good to bring someone in that doesn’t have any knowledge in those fields, and the State set those rules to have someone with knowledge in those fields. After more discussion, Mr. Rivenbark said the applicant resides in his district and is well qualified. Mr. Rivenbark made a motion to approve the appointment of Jewell Horton to the Board of Health to serve a three-year term representing the Veterinarian position, with term to expire January 31, 2016, or until a Licensed Veterinarian is appointed. Mr. Williams seconded the motion and all voted for approval with the exception of Mr. Ward. Mr. Brown began to announce the vote, but said he doesn’t know what we have here. Mr. Ward said his word doesn’t mean anything. Mr. Brown told Mr. Ward he is one vote out of a Board of five and said we have the vote of at least four members.

## **ITEMS FROM THE COUNTY ATTORNEY**

Mr. Thurman said there will be items for closed session. Mr. Thurman said with respect to the cemetery case: A hearing was held on Friday a week ago that went on all day; one delay was due to the fact that during his brief argument, one of the participants had a stroke and the paramedics had to be called; Judge Gorham took the matter under advisement, which means she will read the stack of documents provided to her and give her decision later; and he will keep the Board apprised.

Mr. Thurman distributed a resolution from Bond Counsel Bob Jessup amending the September 17th resolution that authorized the sale of \$17,500,000 General Obligation Water Bonds. Mr. Thurman explained: This in no way changes the amount of the bond; the water bonds will be issued as three separate bonds instead of the previously approved two bonds; this was requested by Mr. Jessup; and they are asking for approval tonight because there won’t be another Board meeting before the bond closing. Mr. Rivenbark made a motion to add the item to the agenda, Mr. Williams seconded the

motion and it was unanimously approved. Mr. Watson explained they split the bonds up because they were advised that the USDA system is unable to provide a bond in the amount \$10 million or more. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

#### **ITEMS FROM THE COUNTY MANAGER**

Dr. Duvall deferred to Library Director Mike Taylor and Utilities/Maintenance Director Michael Mack to discuss the York House bids. Mr. Taylor's comments included: They will recommend award of the bid on October 15-they didn't meet the agenda deadline so it couldn't be presented today; they were very pleased with the one bid they received; the contractor is a reputable, local Pender County firm who does work in this area; Dr. Duvall was pleased with the one contractor; the schedule was revised by Mr. Mack for a completion date of January 25, 2013; and there will be a period of negotiation concerning minor items. Mr. Mack's comments included: Thirteen or fourteen RFP's were sent out to general contractors; eight contractors attended the mandatory pre-bid conference, which means there were eight interested parties; Mr. Taylor, Mr. Watson and Dr. Duvall were in attendance to answer any questions from contractors; some additional items were also addressed; they didn't receive any feedback after the conference; they received only one bid by the September 19<sup>th</sup> deadline; the bid was not opened at that time; the other contractors were surveyed to learn why they did not bid; four responded to the survey and the most common reason cited was the lack of professional blueprints; the contractors believed their likelihood of a one in eight chance of winning did not warrant their investment to measure, calculate and prepare a bid; the contractors suggested an approach where a contractor would be selected according to qualifications and a price would be achieved by negotiation; instead, the committee opened the single bid knowing they were not legally obligated to award the bid should it be deemed too high; and on the contrary, everyone was quite pleased to receive a bid of \$101,202 by a local contractor with a good reputation, for a job that had been estimated at one time to be \$180,000 or more.

Mr. Mack briefly discussed the Old Topsail School and said he does not have all the information yet the Board had requested.

Dr. Duvall's other items included: The next Schools' tour will be tomorrow and there will be one more on October 9; the Exotic Animal Control Committee met on the September 27, things are moving along, and they will meet again on October 11; and David Mitchell of NC Broadband will be here on November 13 to hold the first organizational meeting to discuss bringing high-speed broadband internet services to the underserved regions of the County.

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

Mr. Williams thanked Mr. Tate, Mr. Rivenbark and Dr. Duvall for attending the opening ceremonies of the Spot Festival. He said a lot of people put in a lot of hard work and time for the Spot Festival. Mr. Brown noted he attended the Festival on Sunday. Mr. Williams said with respect to the Rails to Trails issue, he wants to make sure nothing is done to hinder or delay the EDA Rail Project at the Commerce Park. Mr. Brown spoke concerning having both the Rail Project and Rails to Trails at the same location. He said folks will be on a future agenda concerning this; the Rails to Trails folks had been given some options to try to work this out; we need to focus on the economic viability of that area; and the Rails to Trails location may not be able to go across the front of the property as originally planned. Mr. Tate said he did not know anything about it until Mr. Brown told him.

Mr. Ward thanked Dr. Duvall and Mr. Mack for working with the Sheriff Department in securing a place at the Commerce Park for a Law Enforcement Training Class.

Mr. Brown's items included: He was asked by the media about property the County is interested in purchasing and he let them know we haven't signed anything yet; with respect to the property behind this complex, we will possibly need space for other buildings in the future and this property is limited and has wetland issues; he was approached by a School Board member regarding reactivating the Priority 1 Committee; and he toured the Animal Shelter and was very impressed by what he saw. Mr. Brown said Darlene Clewis and the others at the Animal Shelter do a wonderful job, but they need additional staff out there. Mr. Williams said he thanks the dedicated volunteers that help out at the Animal Shelter, but some folks seem to want to take charge of things, and he wants them to please remember it is run by Pender County and the Sheriff's Department is in charge of it.

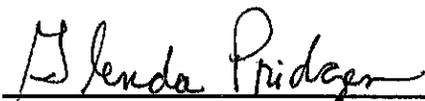
#### **CLOSED SESSION**

At 5:45 p.m., Mr. Rivenbark made a motion to enter into closed session, pursuant to NCGS 143-318.11: 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 took a break and went into closed session at 6:00 p.m. At 6:35 p.m. Mr. Williams made a motion to come out of closed session. Mr. Ward seconded the motion and it was unanimously approved. The Board exited the closed session at 6:40 p.m.

#### **ADJOURNMENT**

There being no further business, the meeting adjourned at 6:40 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