

MONDAY, FEBRUARY 4, 2013

The Pender County Board of Commissioners met in regular session on Monday, February 4, 2013 at the Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

MEMBERS PRESENT: Vice Chairman Fred McCoy, presiding; and Commissioners Jimmy Tate, Chester Ward, and David Williams.

MEMBERS ABSENT: Chairman George Brown.

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

Vice Chairman McCoy called the meeting to order at 4:00 p.m. and thanked and welcomed all.

EXCUSE COMMISSIONER.

Mr. Williams announced Mr. Brown will not be at the meeting due to illness. Mr. Tate remarked in all his time on the Board, this is his first meeting Mr. Brown missed so something is really wrong.

INVOCATION

Commissioner Tate offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Williams led the Pledge of Allegiance.

PUBLIC HEARINGS:

1. Public Hearing on the Proposed Closeout for the FY 10 CDBG-ER Grant.

Chip Bartlett of Holland Consulting Planners explained: The County was awarded a CDBG Economic Recovery (ER) Grant from the Division of Community Assistance in the amount of \$500,000 to assist low-moderate income households with severe housing needs; the funds were released in September of 2011; the original project proposed to accomplish one housing rehabilitation, five clearances and five reconstructions; upon approval of a program amendment, the project was able to complete two rehabilitations, four clearances and four reconstructions; the grant budget involved: \$95,000 for rehabilitation, \$12,000 for clearance, \$343,000 for reconstruction, and \$50,000 for administration; no local match was involved; all activities related to this CDBG Program have been completed and the county is in the process of closing out the program; as part of closeout, the County is required to hold a public hearing for citizen comments prior to submittal of the Certificate of Completion to the Department of Commerce; and no other action is required of the Board.

PUBLIC COMMENT

No one wished to speak under Public Comment.

CONSENT AGENDA

Mr. McCoy presented the four items on the Consent Agenda and asked for any discussion or questions. Mr. Ward asked how many workstations are covered under Item #5 and Sheriff Smith responded six. Mr. Ward said there was a gentleman from up North talking about how many computers they lost during Hurricane Sandy. Mr. Ward said he is wondering if we can donate these computers to a law enforcement agency from the north that may be in need. Sheriff Smith said it is a good idea; the Board can surplus them and can do whatever they want with them. Sheriff Smith said he would have to determine if they can be donated as they were purchased with 911 funds. Following discussion, Mr. Williams made a motion to approve the consent agenda, Mr. Tate seconded the motion and the Consent Agenda was unanimously approved, by a 4-0 vote, as follows:

2. Approval of Minutes: Regular and Closed Session of January 22, 2013.
3. Resolution Approving Releases and Refunds to the Individuals Listed Herein.
4. Resolution Accepting Petition to Add Cricket Drive in Rocky Point to the State Maintained System, and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.
5. Resolution Authorizing Issuance of Purchase Order to Dell, Inc. to Replace CAD Computer Workstations in the 911 Center: \$15,489.42.

RESOLUTIONS

6. **Resolution Requesting Assistance from the County in Dredging of New Topsail Inlet: \$75,000.**

Topsail Beach Mayor Howard Braxton explained they were here a couple of meetings ago to present this to the Board and let the Board know they would come back to ask the County for a contribution toward the dredging project. Mr. Williams said he was out there a couple of Sundays ago, and he can't believe how much and how quickly the Inlet had changed. Mr. Braxton introduced Project Engineer Chris Gibson. Mr. Gibson explained: Maintaining the Inlet through October of this year will cost \$450,000; no federal funds were received because all federal money is going to the north because of Hurricane Sandy; the State has pledged half of the \$450,000; the Town of Topsail Beach is contributing \$75,000; they are asking the Town of Surf City and the County to contribute \$75,000 each; an economic evaluation by North Carolina Department of Environment and Natural Resources indicates the closing of the Inlet due to shoaling will result in a negative economic impact of \$4.5 million annually, and the loss of 100 jobs; and keeping the Inlet open is very important. Mr. Gibson delivered a PowerPoint presentation which included: Pender County Water Access; History; Request; and Is It Worth the Investment? Mr. Gibson explained each category and demonstrated a map of Topsail Inlet, the Hampstead Boat Ramp and the Surf City Boat Ramp. The entire presentation is on file with the permanent records in the Clerk to the Board's Office. Mr. Williams said he had spoken with Chairman Brown and Mr. Brown asked him to relay that he is in support of this item. Mr. Ward asked if we are looking at agencies other than the Corps of Engineers, and asked about a system being used at Wrightsville Beach. Mr. Gibson explained: The Corps has two dredging projects scheduled in the Inlet in 2013 with the side-cast dredge; the Corps' dredge is currently the only vessel with permits to work in the Inlet; they are working on permits that will allow other dredges other than the side-cast dredge to do this work; and they have been working with regulators and the process is moving ahead. Mr. Ward said he wants to say, for the record, the last time the Board gave Topsail Beach money to assist in dredging; they gave it back to the County because they didn't need it at the time. Mr. Tate spoke in favor of the request saying he

is really appreciative of all that Topsail Beach does for Pender County, and their tax base helps all of Pender County. Mr. Ward made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

7. Resolution Authorizing Amendment to Article II Section 1 of the Pender County Tourism Development Authority (TDA) By-Laws.

Tourism Director Monique Baker explained: This amendment is being done at the request of the Board of Commissioners and County the Manager; the present by-laws require that the Board of Commissioners' Chairman be a permanent non-voting ex-officio member of the TDA; the Board has requested that this be changed to a County Commissioner or appointed representative; and the TDA approved this change at their meeting two weeks ago. Mr. Williams made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote. It had been approved at a previous meeting that Mr. McCoy would replace Mr. Brown on the as a member of the TDA.

8. Resolution Authorizing Additional Funding for Salary for Pesticide Safety Training for Spanish-Speaking Farm Workers: \$9,800.

County Extension Director Mark Seitz distributed information and explained: Pender County has 1,600 acres of blueberries and 140 acres of strawberries which generate \$16 to \$17 million annually for Pender County farms; much of the harvest work is done by hand, primarily by seasonal, Spanish-speaking farm workers; this puts the workers in direct contact with crop protection chemicals; safety training is mandated by US and NC Departments of Labor for all farm workers under the Worker Protection Standards Law; famers must conduct annual safety training for all workers to comply with this law; between 2010 and 2011, AmeriCorp, the NC Office of Rural Farmworkers Health and the Pender County Health Department employed and supervised an AmeriCorp volunteer to conduct pesticide safety training; in 2012, this staff person was moved to NC Cooperative Extension; as a result, in 2012, more than 1,200 workers received pesticide safety and heat stroke avoidance training; Federal funding of this program ended in December 2012; Cooperative Extension would like to continue the program; and in order to continue the program, an additional salary allocation of \$9,800 is needed. Mr. Ward asked why the farmers don't take care of this. Mr. Seitz responded some of the larger growers have their own trainers, but some of the smaller ones don't. Mr. Ward asked if there would still be a language barrier if the trainer doesn't speak English and Mr. Seitz responded affirmatively. Mr. McCoy asked if we have funds for this and Dr. Duvall responded it wasn't appropriated in the Budget, and it would have to come out of General Fund Contingency. Mr. Tate asked how this is regulated and Mr. Seitz responded that officials from the NC Department of Labor come on-site to make sure the workers have the training. Mr. Ward asked what type of training is provided and Mr. Seitz said in addition to the pesticide safety training, workers receive heat stroke avoidance training. Mr. Seitz said the bottom line is, we are trying to assist the farmers. Mr. Ward said he is not really in favor of this and asked Health Director Carolyn Moser to come up and speak. He said he thinks we had an incident in Ivanhoe before and asked if Ms. Moser sees this as a necessity. Ms. Moser said Pender County has an impressive record with NC Rural Farmworkers Health, she highly recommends this and she thinks it is critical. Mr. Tate said as the son of tobacco farmers, he supports this because of the chemicals and health issues. Mr. Ward said he still has concerns about the language barrier. Following more discussion, Mr. Tate made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

9. **Resolution Supporting Revised Tri-Party Memorandum of Agreement for Cape Fear SORBA to Construct and Maintain Off-Road Cycling and Running Trails at Heide Trask High School.**

Planner Ben Andrea explained: On January 7, 2013, the Board unanimously passed a resolution supporting a proposal from Cape Fear SORBA to build and maintain trails adjacent to Heide Trask High School for off-road cycling, running, and walking; the resolution also supported entering into a tri-party Memorandum of Agreement (MOA) between Pender County, Pender County Schools, and Cape Fear SORBA; the Board of Education opted to table the item so the MOA could be revised to include language reiterating applicable policies and procedures of the Schools; and the revised MOA is going back before the Board of Education tonight. Mr. Andrea distributed the revised MOA. Mr. Williams made remarks, saying he supports the MOA. Mr. Williams made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

DISCUSSIONS

10. **Discussion of West Pender Rail-Trail Project and Options for 2011-2012 Recreational Trails Program Grant Contract.**

Mr. Andrea explained this had come before the Board several times; the contract expires in November; they need to know whether to proceed with the project or cancel the contract; the project was stalled because of the possibility of bringing rail service back to the area; and it was announced last Friday that the County was granted an Economic Development Award to do a rail feasibility study. Mr. Andrea delivered a PowerPoint presentation which included: Project History; Project Potential; Battleship to Battlefield Route; East Coast Greenway; RTP Grant; Pender Commerce Park; Rail Spur Effort Conflict?; Other Circumstances; Amending RTP Project Scope; Option 1-Build Segment; Option 2-Cancel Contract; WPRT Trailhead Idea; and Looking Forward. The presentation also included maps and other demonstrations including: Battleship to Battlefield; East Coast Greenway; Pender Commerce Park, Former RR Corridor and RTP-Assisted Trail Segment; Cross Section of Trail; Commerce Park Conceptual Master Plan; Utility Easements; and the Proposed Rail Trail. Mr. Andrea explained each category and map. The entire contract is on file with the permanent records in the Clerk to the Board's Office. In response to question, Mr. Andrea said cancelling the contract wouldn't negatively affect future contracts with NC Department of Parks and Recreation Recreational Trails Program. Mr. Williams said he wouldn't consider trying to get deep into this without Mr. Brown being here. Mr. Tate agreed with Mr. Williams and said Mr. Brown had really championed the rail project. The Board agreed to bring this item back to the February 19th meeting.

11. **Request for Support from the Board of Commissioners by the Pender County Board of Education Pertaining to School Safety.**

Schools Superintendent Dr. Terri Cobb explained: In the wake of the school shooting at Sandy Hook Elementary School in Newtown, Connecticut, she and others are looking at ways to improve school safety; they are asking the Board of Commissioners for support; school officials had met with the Sheriff, Town of Burgaw officials and the County Manager and they all offered their support to the Schools; in their meeting with the Sheriff, they went over emergency plans they already have in place; after meeting with the Sheriff, they went back and looked at what they could do differently; the resolution is being submitted on behalf of the Board of education; and the resolution does not have a dollar figure because the Board of Education needs direction from the Board of Commissioners. It was noted the resolution wasn't on the agenda. It was the

consensus of the Board to discuss this now and bring back the resolution at a later date. Discussion and questions with Board members, Dr. Cobb and the Sheriff, and the County Manager included: Getting cameras and buzzers in place; requiring everyone to sign in at the Principal's office in each school; School Resource Officers (SRO's); three SRO's at the high schools and five in the middle schools; the Schools are asking for two extra SRO's to be shared by the elementary schools; whether to put an SRO at every school; no SRO at the Early College Campus; safety issues at Penderlea School-installing outside cameras, teachers walk children from class to class; schools to do different scenarios and present to Board; cost to fund SRO's; and looking at funding for all seven schools that currently don't have SRO's. Mr. Ward said installing cameras at Penderlea wouldn't do any good and that the only thing that can help is to have an armed person at the entrance to the School. Mr. Ward was also concerned about parents visiting the Schools at any time and inconveniencing teachers. Mr. Tate was concerned about the resolution, asked what they mean by support, and asked why they didn't share it with the Priority One Committee. Dr. Cobb responded by support, they are asking for \$107,000 for two SRO's. She said there is no funding in the Schools' budget for SRO's. Dr. Duvall said if it is approved by the Board, funding will have to come from Contingency General Fund for the rest of this fiscal year. Board members were also concerned that the Schools began the process without notifying them, and that they did the resolution without their knowledge of it.

APPOINTMENTS

12. Resolution to Consider Approving Appointment to the Nursing/Adult Care Homes Advisory Board.

Because of potential conflict-of-interest, Mr. Williams made a motion to table this item to the next meeting. Mr. Tate seconded the motion and it was unanimously approve to table it by a 4-0 vote.

ITEMS FROM THE COUNTY MANAGER

Dr. Duvall distributed and discussed the top five goals discussed at the NCACC Legislative Goals Conference. He said he met Governor McCrory while at the conference, and the Governor said he would be visiting Pender County sometime in the future.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman's items included: The King Family appealed Judge Gorham's decision in the cemetery case; he and Health Director Carolyn Moser will attend an appeals hearing on February 14; and he will be attending Attorney School at the School of Government.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. McCoy said he attended the School of Government's Essentials of County Government Conference and he really learned a lot. Dr. Duvall said he and Mr. McCoy took the Ethics Training class and there will be a Webinar for others. He noted Commissioners have to take the class after elections/reelections, so Mr. Tate will need to take it.

CLOSED SESSION

There were no items for Closed Session.

ADJOURNMENT

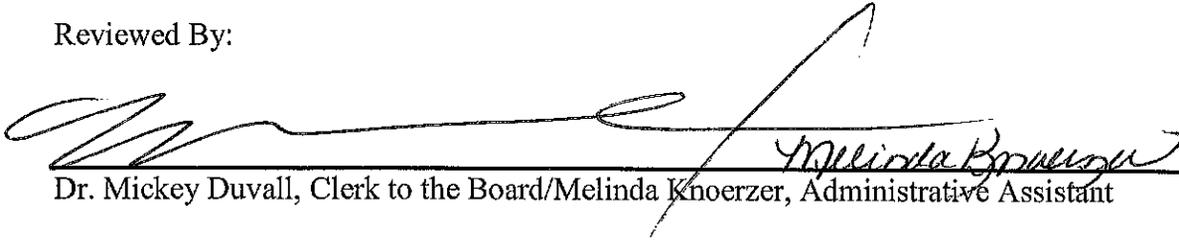
There being no further business, Mr. Williams made a motion to adjourn the meeting. Mr. Ward seconded the motion and the meeting adjourned at 6:00 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Dr. Mickey Duvall, Clerk to the Board/Melinda Knoerzer, Administrative Assistant