

MONDAY, MAY 6, 2013

The Pender County Board of Commissioners met in regular session on Monday, May 6, 2013 at the Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

MEMBERS PRESENT: Chairman George Brown, presiding; Vice Chairman Fred McCoy; and Commissioners Jimmy Tate, 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 4:09 p.m. and thanked and welcomed all.

INVOCATION

Mr. McCoy offered the Invocation.

PLEDGE OF ALLEGIANCE

Mr. Williams led the Pledge of Allegiance.

PUBLIC HEARING

1. **Public Hearing and Resolution Amending the Pender County Animal Control Ordinance with the Addition of an Inherently Dangerous Wild Animal Section.**

The public hearing opened at 4:10 p.m. Sheriff Carson Smith explained: The Board formed a temporary committee to recommend possible changes to the Animal Control Policy dealing with exotic animals; the Committee met four times and developed two possible paths; Option A would be a ban on dangerous animals to be defined by ordinance; Option B would be to allow ownership of dangerous animals with a detailed application process and heavy restrictions; in December the Board asked the committee to proceed with Option A; and the Committee now comes before the Board with a proposed Inherently Dangerous Wild Animal addition to the Animal Control Ordinance. Sheriff Smith explained the definition of "Inherently Dangerous Wild Animals" and explained some of the exemptions. He also read the names of the Committee and other staff that assisted. After discussion and questions, the public hearing closed at 4:16 p.m. Mr. Tate made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved.

PUBLIC INFORMATION

2. **Kate Murphy, Public Information Officer, CoastalCare: Presentation of Proclamation for Mental Health Month: May, 2013; & Resolution by the Pender County Board of Commissioners Authorizing Adoption of the Proclamation.**

Mr. Brown read the proclamation and presented it to Ms. Murphy. He noted that Don Hall, member of CoastalCare Board of Directors, is in attendance with Ms. Murphy. Ms. Murphy thanked the Board on behalf of CoastalCare and invited all citizens to participate in some of the Mental Health Month activities. She said their theme this year is "Find Your Path to Wellness." Mr. Williams made a motion to approve the proclamation, Mr. Tate seconded the motion and it was unanimously approved.

3. **George Edwards, Executive Director, Historic Wilmington Foundation: Presentation of Proclamation for National Preservation Month: May, 2013; & Resolution by the Pender County Board of Commissioners Authorizing Adoption of the Proclamation.**

Mr. Brown read the proclamation and presented it to Mr. Edwards. Mr. Edwards said he appreciates the endorsement of National Preservation Month by the Pender County Board of Commissioners and he wants to give a shout out to the Board and to the citizens of Pender County. Mr. Edwards noted some of the historical projects in Pender County include renovation of the Old Topsail High School, renovation of the York House in Burgaw, renovation of the Burgaw Community Building, and renovation of the Rosenwald School in Currie. Mr. Brown said he wants to thank his fellow Commissioners for supporting historical projects in the County. Mr. Tate asked if anyone has documentation of projects in the County and Mr. Edwards responded he will get the list of names to Mr. Tate. Mr. Williams made a motion to approve the proclamation, Mr. McCoy seconded the motion and it was unanimously approved.

PUBLIC COMMENT

No one wished to speak under public comment.

CONSENT AGENDA

Mr. Brown presented the seven items on the Consent Agenda and asked for any discussion or questions. There being none, Mr. Tate 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-April 15, 2013.
5. Resolution Approving Releases and Refunds to the Individuals Listed Herein.
6. Resolution Authorizing Acceptance of FY 11-12 Audit Report.
7. Resolution Authorizing Purchase Order to Adapco, Inc., to Purchase Five Drums of Aqua Pursuit: \$31,500, and Two Guardian ULV Mosquito Sprayers: \$14,900.
- 8a. Resolution Authorizing Purchase Order to Henry Schein Practice Solutions, Inc. for Dentrax Enterprise: \$29,864.
- 8b. Resolution Authorizing a Purchase Order to Physicians Sales & Service for Women's Health (Family Planning and Maternal Health) Renovations: \$38,230.
- 8c. Resolution Authorizing a Purchase Order to Physicians Sales & Service for Child Health Renovations: \$59,160.

RESOLUTIONS

9. **Resolution Authorizing Adoption of a Proclamation by the Pender County Board of Commissioners: Travel and Tourism Week in Pender County: May 4-12, 2013.**

Tourism Director Monique Baker explained the US Travel Association promotes travel and tourism every second week in May. Ms. Baker read the proclamation promoting tourism in Pender County. The proclamation contained statistics on such items as financial impact, revenue created, jobs created, etc. Mr. McCoy made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

10. **Resolution by the Pender County Board of Commissioners Requesting the Return of Brunswick County to the Metropolitan Statistical Area.**

Planning Director Kyle Breuer explained: Due to the results of the 2010 Census, realignments have been made to the Metropolitan Statistical Areas (MSA) in the United States; one of the realignments included removing Brunswick County from the Wilmington MSA and placing it in the Myrtle Beach MSA; the change could have a major adverse impact on the way southeastern North Carolina is viewed

by economic development prospects and investors; area Chambers of Commerce, Economic Development Agencies and elected officials in southeastern North Carolina believe this new affiliation will not only negatively impact Pender County's development efforts, but those of the other counties in the Wilmington MSA, namely Brunswick County and New Hanover County; and this resolution is to request that the U.S. Office of Management and Budget return Brunswick County to the Wilmington MSA. After discussion, Mr. Williams made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

11. Resolution by the Pender County Board of Commissioners Exercising Its Powers to Assume Control of the Activities of a Consolidated Human Services Board.

Mr. Ward asked what the need is to combine DSS and the Health Department. Dr. Duvall said you have a lot of overlap in the two departments and this would make for a one-stop shop for services. He said a lot of the clients of both agencies are the same and in the end, this could be something that could potentially save the county money. Mr. Brown comments included: The Commissioners would act as a consolidated board over both departments and give Commissioners responsibility; this puts the oversight and responsibility back in the laps of the Commissioners, which is where the general public thinks it is anyway; this is not something you can put a price tag on, but it puts the responsibility with the Commissioners; and this also gives the Commissioners control of every board in the County. Mr. Ward asked what Mr. Brown's motivation behind consolidation is and said he is trying to figure out what this is about. He asked if it is about saving money or about control and power. Mr. Brown spoke concerning problems previously experienced in the Health Department and the Commissioners could do nothing about it. He said he is not going back through that again and there is an expectation from the public that the Commissioners are "where the dime stops." Mr. Williams said during his time on the Board, situations had arisen that could have been better handled if the Board had oversight of the Health Department and DSS. He said over the years, he has been through quite a few experiences where if this had been in place, it could have been handled and taken care of. He added the people don't want to hear "we can't do anything about it or it's not our decision" from the Commissioners. Mr. Brown said the move is not about power or control. After more discussion, Mr. Williams made a motion to approve the resolution, Mr. McCoy seconded the motion and it was approved by a 3-2 vote, with Mr. Tate and Mr. Ward voting against it.

12. Resolution Authorizing Approval of Rocky Point Volunteer Fire Department to Receive a Loan from First Citizens Bank to Purchase a Substation: \$305,000.

Emergency Management Director Tom Collins and Chief Josh Moss presented this item. It was explained: In December of 2012 the Board approved Rocky Point Fire Department moving ahead to obtain a building for a substation; the department is in the process of obtaining a loan to purchase the land and building; the total cost of the land and building is \$350,000, with the department making a \$20,000 down payment and the seller providing an in-kind \$25,000 gift; First Citizens Bank, who will be financing the remaining \$305,000, required them to get approval from the Board. He said this substation will bring the ISO rating down, thereby saving residents on their homeowners insurance. Discussion and questions included: Interest rates; ISO ratings; fixed rates versus variable rates; the department's threshold, and keeping in line with the county's emergency services strategic plan. Mr. Williams made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved.

13. Resolution Authorizing the Rocky Point Volunteer Fire Department to Sell One Tanker and to Purchase Two More Tankers to Adequately Equip Both the Main Station and the Future Substation: \$120,000.

Mr. Moss explained: With the coming purchase of a new substation, they will need another tanker; they need to also replace the tanker they are currently using; fire trucks have to be built to meet the fire

departments' needs; the tanker they have now wasn't built to suit their needs; that tanker would better suit Maple Hill VFD; and they will sell the current tanker for \$140,000 and purchase two more in the amount of \$167,000. This action will better serve the Rocky Point Community. Mr. McCoy made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

14. Resolution Authorizing Purchase Order to Tim's Heating & Air Conditioning, Inc. for Replacement of Two 10-Ton Trane Water Source Heat Pumps Located at the Pender County Courthouse: \$42,979.

Administrative Officer Pat Simmons explained: The units need replacing due to age, condition and mechanical failures; the units will serve the main court room; they received three quotes and Tim's was the lowest; and Mr. Merritt of Tim's is here to answer any questions. Ms. Simmons was commended for listing all the quotes received. Mr. Williams made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved.

15. Resolution by the Pender County Board of Commissioners: North Carolina Film Industry Support.

This resolution was pulled at the request of Wilmington Regional Film Director, Johnny Griffin.

DISCUSSION

16. Discussion of the NC 20 Organization.

Mr. Ward explained the Topsail Shoreline Commission requested Pender County to get information on the NC 20 Organization to see how the County feels about the organization. Dr. Duvall read NC 20's mission statement. It was noted NC 20's Chairman Tom Thompson was in the audience. Mr. Thompson came forward and addressed the Board. He explained NC-20 is a non-profit, 501© (4) membership organization that relies on membership support and contributions to further its mission. Mr. Thompson distributed additional information and explained some of the statistics included in the information. Mr. Thompson's discussion included information concerning Sea Level Rise, Homeowners Insurance, Flood Insurance, Overzealous Regulators, and his position is strictly voluntary. Mr. Thompson said he is asking Pender to join the organization and said it would be more effective if all twenty coastal counties were members. Board members asked questions and clarified some of the information given.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said he thanks the Exotic Animal Committee, the Sheriff and staff for all they had done to get the ordinance amended. Mr. Thurman said there are items for Closed Session.

ITEMS FROM THE COUNTY MANAGER

Dr. Duvall congratulated Mr. Breuer, Planner Ashley Frank and IT Director Erik Harvey for completing classes they had taken at the School of Government involving Planning/Public Administration.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. McCoy said he was at the event at the Animal Shelter on Saturday and he feels really good about all the volunteers, which included children, teenagers and members of Scotts Hill Baptist Church. Mr. McCoy also commended Ms. Moser and her staff on the job they are doing at the Shelter.

Mr. Ward spoke concerning two students from Pender High School who pulled someone out of a fire and two marines who saved someone's life that was in a car crash. He said he would like to have them recognized at a future meeting.

Mr. Williams presented a letter he received from the Beacon Building occupants concerning safety issues on Highway 17. Mr. Breuer noted he received the letter and is looking into it.

CLOSED SESSION

At approximately 5:45 p.m., Mr. Williams 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 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. Mr. McCoy seconded the motion and it was unanimously approved. At 7:37 p.m., Mr. Ward made a motion to come out of closed session. Mr. McCoy seconded the motion and it was unanimously approved. There were no announcements made upon exiting the closed session.

ADJOURNMENT

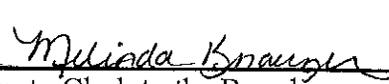
There being no further business, the meeting adjourned at 7:37 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



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