

**MONDAY, JUNE 3, 2013**

The Pender County Board of Commissioners met in regular session on Monday, June 3, 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 4:00 p.m. and thanked and welcomed all.

**INVOCATION**

Commissioner Tate offered the Invocation.

**PLEDGE OF ALLEGIANCE**

Commissioner McCoy led the Pledge of Allegiance.

**PUBLIC INFORMATION**

**1. Recognition of Student Athletes: Heide Trask High School 1A State Championship in Track and Field & Topsail High School Wrestler Won State Title.**

C. Heide Trask High School Track Team who won the Division 1A, and their coaches came forward. Mr. Brown read and presented certificates and plaques to the students and coaches. The students and coaches are: Timothy Balogh, Markell Banks, Ethan Bischof\*, Tamarack Bolden, Alan Brewington, Arthur Brown, Cameron Carr, Austin Cole, Tyquan Davis, Jervon Faison, Rakeus Graham, Aaron Hicks, Alex Hicks, Jerel Hochmann, Dakari Jackson, Larry Johnson, Blake Joyce, Jakita Lane, Robert Lane, Allen Lee, Teshawn Lee, Denzel Lewis, Tyree Lewis, Zach Liotard, Samuel McFee, Jacen Mott, Jordan Osgood, Brandon Pacheco, Wesley Porter\*, Chris Sharpless, Matthew Sherman, Dylan Simpson, Hunter Smith, Josh Smith\*, Branden Wiggins, Andrew Zachman, Head Coach Bill Mercier, Asst. Coach Doug Lukens, Asst. Coach Travis Friesen and Asst. Coach Chad Joyner. Mr. Brown congratulated and thanked the students. Mr. Tate recognized two of his former high school teachers: Mr. Gilroy and Mr. Mercier.

\* Denotes Individuals taking First Place in State Titles.

Tate Correll, the Topsail High Wrestler who won the State Wrestling Champion in 152 lb. Weight Class, came forward. Mr. Williams read and presented a certificate and plaque to Mr. Correll. Mr. Williams congratulated and thanked Mr. Correll, and recognized his Coach – Jake Pence.

**2. Kay Warner, Pender Volunteer Coordinator, Pender Adult Services: Presentations to Pender County's Five 2013 Winners of the Governor's Awards for Volunteer Service.**

Ms. Warner read the letter and certificate given to each volunteer by the Governor. Ms. Warner explained: This is the 35<sup>th</sup> year of the Governor's Awards for Volunteer Service; the program is administered by the NC Commission on Volunteerism and Community Service; it is housed in the office of the Governor; it is a statewide recognition program; and each county can have five recipients each year.

This year nine nominations were received and the five winners selected were: Bryant Huffman-volunteer service with the Retired Senior Volunteer Program (RSVP); Jennifer Hansen-volunteer service with Penderlea Elementary School, 4H, and her church; Louis Bourgault-volunteer work with the Topsail Senior Center; Pat Casaw-volunteer work with the Friends of Pender County Library in Burgaw, service on the state level as an area director of Friends of NC Public Libraries, her church work, RSVP; and Peter Kendall-volunteer service with RSVP. Board members commended the volunteers.

**3. Don Hall, Chairman, Pender County ABC Board: ABC Board Update: Financial Highlights and Other Progress.**

Mr. Hall explained: This update is for the period October to December, 2012 and January to March, 2013; the Atkinson store is gone; 189,085 bottles were sold during this period; sales are slightly down at some stores but the net income remains almost the same; and no major items are planned at this time except improving the sign at the Rocky Point store. Mr. Hall introduced Board member Elmer Hodges and General Sales Manager Diane Chadwick, noting Ms. Chadwick replaced Patsy Blake, who recently retired. Board members thanked Mr. Hall for his dedication to the ABC Board.

**4. Amanda Barbee, RN, Health Educator, Pender County Health Department: Update on Residential Fire Safety Program from Get Alarmed Grant.**

Health Director Carolyn Moser introduced Amanda Barbee, RN, Health Educator of the Pender County Health Department. Ms. Barbee distributed information and delivered a presentation entitled "Get Alarmed Communities in Pender County." The presentation included: 1) Goals-Increase number of homes with functional smoke alarms and carbon monoxide alarms, increase number of homes with adequate smoke alarm coverage and carbon monoxide alarms, and increase residents' knowledge about general fire/carbon monoxide safety. 2) Who have we targeted-People with low income, families with young children, elderly, handicap/disabled, older homes, mobile homes and rental homes. 3) What have we found along the way-80% of the homes have not had functioning smoke detectors upon arrival, 90% have not had them correctly placed in their homes, one home-EMS called for suspicious heart attack and person was transported to Pender Memorial Hospital, two homes-Fire Department dispatched for detected gas leaks when they arrived to the homes, and increased awareness for all residents on where to get the green 911 address signs to mark their driveways. The report also gave statistics on the number of smoke and carbon monoxide alarms installed, the miles staff covered and the homes they have served so far. The entire presentation is on file with the permanent records in the Clerk to the Board's Office. Mr. Tate asked what was the amount of the grant and how do people sign up. Ms. Barbee said the grant was \$14,000 and people can call her at the Health Department to sign up.

**5. Duane Eastmond, President, Guardians of the Ribbon, Cape Fear Chapter: Update on Guardians of the Ribbon & Resolution by the Pender County Board of Commissioners Authorizing Adoption of the Proclamations: "Pink Heals Day" & "Care Enough to Wear Pink Days."**

Mr. Eastmond explained: Guardians of the Ribbon is a national non-profit organization whose sole purpose is raising awareness for the fight against cancer; the "Pink Heals Tour" began in September, 2007 encouraging citizens to wear pink in honor of all women and to join forces to help them in their fight against cancer; the "Pink Hills Tour" will enter Pender County on September 18, 2013 and will be on public display for all to see; they encourage those that have beat or those that have lost loved ones to cancer to come forward and sign their names on one of the Pink Fire Trucks; the pink shirts they wear and the pink vehicles are not synonymous with any particular disease-pink is the color for women. Mr. Brown read the two proclamations and presented them to Mr. Eastmond. Board members thanked Mr. Eastmond.

## **PUBLIC COMMENT**

Johnny Stringfield of Burgaw distributed information to the Board and said Burgaw Middle School Coach Jones asked him to come and speak. Mr. Stringfield's discussion included: The need for a Recreation Center-it can be put on the ballot; thanked the Board for what is going on with the youth at schools; getting Burgaw Middle School gym open for kids to play basketball; local students winning basketball scholarships; and moving the basketball goals at the Church to Pender Memorial Park.

Robert Simon – Deferred to another time.

Cora Howland of Scotts Hill comments included: She is a fifteen year resident of Scotts Hill Fire District; she was surprised to read about Scotts Hill being turned completely over to New Hanover; with the additional stress on New Hanover from all the construction that is going on, will New Hanover be able to adequately provide coverage; six years ago there was a small fire at her house and Hampstead VFD saved their house because New Hanover was out on another call; she is afraid that Hampstead won't respond as back up because of this; and the Board should have let the public know what was going on. Mr. Williams said the Board is responsible for seeing that things get done correctly, as will New Hanover County. Emergency Management Director Tom Collins explained Hampstead will continue to provide mutual aid to New Hanover in Scotts Hill on all structure fire calls. He said every fire department in Pender County has it in their contract to provide mutual aid on structure fires. Mr. Brown and Mr. Williams stressed that this isn't something that was done "just to be done," it wasn't done overnight, and it was a well thought out plan.

## **CONSENT AGENDA**

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

6. Approval of Minutes: County Departments' Budget Work Session-May 20, 2013; Regular and Closed Session-May 20, 2013.
7. Resolution Approving Releases and Refunds to the Individuals Listed Herein.
8. Resolution Accepting Petition to Add Little Buddy Road in Currie to the State Maintained System, and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.
9. Resolution Authorizing Approval of a Proclamation by the Pender County Board of Commissioners: Elder Abuse Awareness Month: June, 2013.

## **RESOLUTIONS**

10. **Resolution Authorizing Budget Amendment for a Purchase Order to Google for a Twelve-Month Adword Campaign: \$4,800.**

Tourism Director Monique Baker explained: The FY 2012-2013 Tourism budget would not support the ongoing Google Adword Campaign, therefore Tourism ended paid advertising with Google; an analysis of past and present Google statistics show how much they have decreased since Tourism ended advertising; and the analysis shows the Campaign's Return on Investment. Following discussion, Mr. Williams made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

**11. Resolution Authorizing Contract with New Hanover Fire Department to Fully Cover the Old Scott's Hill Fire District.**

Mr. Brown introduced the resolution. Mr. Ward asked about procedures for dispatching fire departments to the community if New Hanover becomes the primary fire department for the area. Mr. Collins responded: New Hanover Fire Departments are paged out directly to calls by the Pender 911 Call Center; we do have the capability of paging out New Hanover; New Hanover has Pender County pagers in their stations; and when it is paged out, it is like any other fire department. Mr. Ward asked why this item wasn't discussed back at Scotts Hill Baptist Church and Mr. Collins replied he doesn't know. Mr. Brown said staff didn't hold that discussion – it is a Board issue. Mr. Ward said he has concerns about giving New Hanover money and said that was what he had a problem with back in Scotts Hill. Mr. Ward asked if something was wrong with the service Hampstead was providing. No answer was provided. Mr. Williams asked Mr. Thurman to explain the changeover process. Mr. Thurman said we will give Hampstead 180 days notice and at the end of the 180 days, New Hanover will assume Scotts Hill Fire District. Mr. Tate said he wants to make sure Scotts Hill residents get good fire service and their ISO rating is protected. He said it seems we have been discussing this situation for months and it is not resolved, and he hopes tonight a recommendation is made and we move forward and work together. After more discussion, Mr. Williams made a motion to approve the resolution, Mr. McCoy seconded the motion and it was approved by a 4-1 vote, with Mr. Ward voting against it.

**12. Resolution Authorizing Selection of Tax Attorney.**

Mr. Brown introduced the resolution. Proposals were received from Sherman and Rodgers, Attorneys-at-Law, Lawrence Boehling, Attorney at Law and Nathaniel Coleman, Attorney at Law. Mr. Thurman suggested the Board may want to meet with the attorneys before making a selection. There was discussion of the proposed fees; Dr. Duvall said Mr. Boehling's proposed fee, based on information he had, appeared to be the highest. Mr. Tate said his first choice would be Mr. Boehling because he is local, but if the other members want someone else, he would go along with them. Mr. Ward said his first choice would be Mr. Boehling also. Mr. Brown said he would offer his support to Mr. Sherman and said he is very impressed with him. Mr. Thurman noted Mr. Boehling's proposal does not include a fee for sending out a demand letter, which is the initial step. He said the proposal also indicates immediately starting a title search, which is not necessary. There was question concerning what was included in the Request for Proposals advertisement. Dr. Duvall said the ad was written by Mr. Thurman and approved by the School of Government. Mr. Tate said we should offer some kind of thanks to Mr. Corbett and said he hates to see Mr. Corbett leave. Mr. McCoy said he is impressed with Mr. Shearman also. It was noted that both Mr. Sherman and Mr. Rodgers are residents of Pender County. After more discussion, Mr. Tate made a motion to appoint Mr. Boehling as the Pender County Tax Attorney. Mr. Ward seconded the motion and it failed by a 3-2 vote, with Mr. Brown, Mr. McCoy and Mr. Williams voting against it. Mr. Williams then made a motion to appoint Sherman & Rodgers as Pender County Tax Attorney. Mr. McCoy seconded the motion and it was approved by a 4-1 vote, with Mr. Ward voting against it. The firm will have an office in Pender County with a full-time staff person.

**13. Resolution Authorizing Approval of Insurance Renewal Contracts: Medical/Dental/ Vision, Workers' Compensation, Life, and Voluntary Insurance.**

Mr. Ward asked if he should recuse himself from voting on this item because he is an employee. Mr. Williams made a motion to excuse Mr. Ward, Mr. Tate seconded the motion and it was approved by a 4-0 vote. Human Resources Director Denise Mulhollen explained: In April, the County authorized a new broker (Steve Sims) from Wells Insurance to administer all insurance benefit coverages; the plans require an administration company and excess loss coverage; for Medical/Dental, they are requesting to change third party administration company to Corporate Benefit Services; Excess Reinsurance Underwriters would provide reinsurance coverage at a combined expected fixed cost and claims cost of \$2,877,250; this

is a 13% decrease compared to 2012-2013 rates; the physician provider network and premium cost to employees would remain the same as the current plan; for the Voluntary benefits they request to change to Creative Worksite Solutions, their cost being bundled within the broker fees of the total Wells Insurance package offering; and Guardian Life products and costs would remain the same, as well as the Community Eye program that will remain unchanged. Other recommendations on insurance included: Workers Compensation-remain with NCACC at a cost of \$117,339; Liability and Property- remain with NCACC at an estimated cost of \$335,143; Life Insurance-remain with Guardian Life Insurance-\$28.80 annual per employee cost; Voluntary Vision Insurance-remain with Community Eye Care; and Flex Plan-switch to Evolution 1 at a cost of \$2.25 per employee per month. After discussion, Mr. Williams made a motion to approve the resolution, Mr. Tate seconded the motion and it was approved by a 4-0 vote. Ms. Mulhollen introduced Mr. Sims of Wells Insurance and Bruce Thompson of Creative Worksite Solutions. Mr. Sims said his goal for all his clients is to find the best cost efficient way to save in claims and the clients to pay the least amount of fixed cost as possible. Mr. Brown said he appreciates these savings but at the same time, we want to make sure our employees are getting the best coverage possible. Mr. Tate asked if we are changing Health and Dental and Ms. Mulhollen responded no, we are changing third party administration.

#### **14. Resolution Authorizing the Consolidation of Surf City Volunteer Fire Department Loans.**

Mr. Collins said some of the information is a little complicated but basically, what they are asking for is consolidation of an existing loan and adding to that existing loan. Mr. Collins said he will let Chief Batts explain and give his justification, and said there are some supporting documents with the resolution. Surf City Chief Demetrius Batts explained this resolution is to get approval to refinance their building loan, trying to purchase a piece of equipment, renovations to the building that are much needed, as well as the truck; the interest rate on the loan right now is 5.49% and they are looking at refinancing it at 3.9%; and there are other existing items on the loan as well. Mr. Batts gave a description of the truck, which is a brush truck, saying it is very much needed; and a description of the existing trucks. Mr. Batts further explained they received a \$30,000 grant to help pay for this particular truck; the truck will help the Department of Insurance rating as well; and reiterated that the truck is very much needed in their fleet. Mr. Brown asked what does this do for their 25% threshold. Mr. Batts responded: It puts them over the 25% threshold; they are already over the 25% as it stands now; the Board has approved them before when they were over the 25%; this would put them at about 28%; and they are at 26-27% at present. Mr. Tate asked where does his debt ratio stand compared to other departments of similar size in the County and Mr. Batts said he is not for sure. In response to Board members, County Finance Director Butch Watson came forward. Mr. Watson responded: He looked at this when it came in; one of the things in the contract is the County Finance Officer certifies that it is 25% or less; he did a lot of research on this particular one when it came in because that is his background; they financed a new vehicle in 2010, as well as a 1999 vehicle; that is part of this refinancing request; he can't certify that their debt ratio is 25% or less; and he contacted the finance company with additional questions giving different scenarios of financing, but he hasn't gotten a response from them. In response to question, Mr. Collins said he currently doesn't know if any other fire department in the County is over 25%. In response to question by Board members, Mr. Batts said he got the truck from Pennsylvania. Mr. Watson spoke of bad business practices in the past by Surf City VFD. Mr. Watson asked Mr. Batts had they added anything to the truck they got from Pennsylvania several months ago or had they made improvements to the vehicle. Mr. Batts responded they had not. Mr. Watson said he has pictures of the truck with a company installing equipment. Mr. Batts said an 800 radio system was already in the truck and they just plugged it in. Board members questioned Chief Batts about his decision to go to Pennsylvania and bring a truck back to Surf City several months ago and install radio equipment in the truck without the Board's approval to purchase it. Mr. Batts admitted bringing the truck to Surf City without approval to purchase was wrong, apologized to the Board, and said they would take the truck back. Mr. Brown and Mr. Tate asked why

did they go and get the truck before the Board of Commissioners approved it. Mr. Batts responded they had said in a previous meeting that they plan to buy another truck. Mr. Williams said just casually informing the Board did not mean it was approved. Mr. Tate asked if it is standard practice that a fire department can go and get something without Board approval. Mr. Collins explained what is in the fire contracts. Mr. Williams said Surf City assumed the tax rate increase would be approved. Mr. Ward asked what would happen if the 1¢ tax increase is not approved and Mr. Watson said their debt ratio would be at 28-29% and they will have a negative cash flow. Mr. Watson added they will be operating in the red with or without approval of the refinancing. Mr. Batts said he could make things work, and they could make adjustments to the Department's operation to balance the budget, including cutting part-time salaries. Assistant Chief William Moody also spoke concerning their budget. When questioned again about bringing the truck to Surf City, Mr. Batts said his Board gave him permission to bring the truck. Mr. McCoy asked how many trucks they have now and Mr. Batts responded "six." Mr. McCoy asked why they need another one and Mr. Batts responded because of the age of the current trucks. Mr. Tate asked if Mr. Collins sees the need for them to get another brush truck and Mr. Collins replied they have another type of truck they can use as a brush truck. Mr. Tate asked if Mr. Batts had been in conversation with the Town of Surf City concerning consolidation and Mr. Batts responded there had been some conversation, and there still is. Mr. Williams said during budget meetings he asked all departments on the east side had they considered merging and his impression was the answer was no. When asked what would happen to Surf City VFD if they merged with the Town, Mr. Batts said the Town would take away their charter, they would no longer be a fire department and they would have to apply for a job with the Town. Mr. Williams clarified with Mr. Watson that with or without the extra penny, the Department will still be in the red. Board members agreed Surf City brought the truck down here assuming they would approve it, and agreed that if they approve this tonight, it will give other departments the idea they can go out and buy what they want without authorization. Mr. Brown's comments included: He looks at this as a business decision; it doesn't go over well with him thinking there was an assumption made that this board would approve it; they had the expense of going up there to get the truck and somebody has to pay to take it back; he has issues with this; he sees the writing on the wall here; and this is a department that the County is always going to have to spend money on. Discussion ensued on the fire coverage situation in eastern Pender County and the close proximity of Surf City VFD to the Town of Surf City's substation. Mr. Brown said it is a redundant service and there are huge overlaps in service. Mr. Tate said the two buildings are only 1½ miles apart and he is leaning towards consolidation. Will Tate, President of Surf City VFD Board, spoke on behalf of Mr. Batts, saying he had worked with the Chief for many years and if the Chief said he will work things out, he will work them out. Mr. Ward said it is his district and made a motion to approve the resolution. The motion died for lack of a second. The Board also did not approve the 1¢ tax increase the department asked for.

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

Mr. Thurman said he has items for closed session.

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

Dr. Duvall said he has items for closed session.

#### **ITEMS FROM THE COUNTY COMMISSIONER**

Mr. Tate said he doesn't have any items but he wants to say he enjoys working with the Board and the Board does a good job.

Mr. McCoy said he agrees with Mr. Tate.

Mr. Williams spoke concerning an item in Sunday's *Star News* concerning the North Carolina Senate's proposed budget threatening crucial wildlife funding. The N.C. Wildlife Resources Commission's total funding for each of the next two fiscal years would drop by almost 50 percent to about \$9 million. Wildlife funds are used to build and improve many projects, including boating access areas, birding trails, game lands and impoundment dams. Mr. Williams said he wants to officially come up with a reasonable resolution to put on an agenda to let our legislators know how we feel and to ask them not to do this. Mr. Brown said we should contact Senator Rabon and get his take on this before we take a vote on it. He said he agrees with Mr. Williams but it would only be fair to hear their position on why they are cutting it.

Mr. Ward said he had asked Planning Director Kyle Breuer and Dr. Duvall to look into putting up signage to deter individuals from jumping off bridges. Mr. Breuer came forward and said assuming that the bridge would be state maintained, which all in the County are, just by resolution we can request that designation and we would send the request to Robert Vause of NC DOT in Jacksonville to give it to the Board of Transportation for their approval. He said he thinks there are civil penalties that can be assessed. Dr. Duvall suggested adding water towers and other high structures, such as communication towers, because individuals use them for bungee jumping.

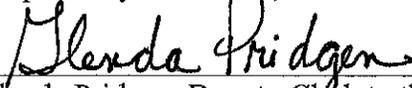
### **CLOSED SESSION**

At 7:05 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 4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session. Mr. Tate seconded the motion and it was unanimously approved. The Board exited the closed session at 9:15 p.m. There were no announcements made upon exiting the closed session.

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 9:15 p.m.

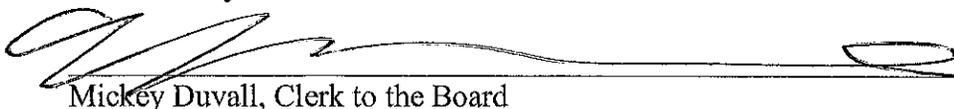
Respectfully Submitted,



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Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



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Mickey Duvall, Clerk to the Board