

## MONDAY, JULY 8, 2013

The Pender County Board of Commissioners met in regular session on Monday, July 8, 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 Williams led the Pledge of Allegiance.

### PUBLIC INFORMATION

1. **Mosquito Control Awareness: "Skeeter" Defeater Team Presents Storyteller Steve Myott Presenting Mosquito Awareness for Pender County. This event will be Held at the Pender County Libraries on July 18: Hampstead – 11:00 am; Burgaw – 3:00 p.m.**

Administrative Officer Pat Simmons explained: The Public Works Department attempts to keep mosquitoes at tolerable levels; educating the public is an important factor in attempting that goal; the mosquito control program is implemented to reduce mosquito populations and reduce the risk to residents and animals; for several years the Mosquito Control Department has worked together to inform residents of mosquito problems and to alleviate the problem as effectively and safely as possible through the "Skeeter" Defeater Team; and the objective is to encourage communities and individuals to follow preventative steps to reduce mosquito breeding and protect themselves. Ms. Simmons distributed "Skeeter" Defeater Team packages and asked for volunteers. Ms. Simmons also recognized DSS employee Jamie Newkirk who designed the mosquito mascot for the Certificate Award.

2. **Recognition of Charlotte Glen, Pender County Horticulture Agent, Recipient of the 2013 Outstanding Extension Staff Award from the NC Extension Master Gardener Volunteer Association,**

Cooperative Extension Director Mark Seitz explained: Ms. Glen was selected by the Master Gardener group across the State. Her credentials are: Pender County Extension Horticulture Agent since 2006; Bachelors Degree in Horticulture Science, Master of Science Degree in Extension Education, working on a PhD in Extension Education. Mr. Seitz read a list of Ms. Glen's 2012 accomplishments. Ms. Glen is also a regular contributor to the *Pender Post*. Board members congratulated Ms. Glen.

## **PUBLIC COMMENT**

No one wished to speak under Public Comment.

## **CONSENT AGENDA**

Mr. Brown presented the thirty-seven items on the Consent Agenda and asked for any discussion or questions. With respect to Item No. 7, Mr. Tate asked what we are paying them for. Tourism Director Monique Baker explained how Google works to promote Pender County to potential visitors. With respect to Item No. 9, Mr. Tate said he doesn't think we get our share from Southeastern Economic Development. After discussion, staff was instructed to contact SEDC to attend a Board meeting and provide an annual update on what they provide for Pender County and specific benefits the County receives as a member of SEDC. Funding for SEDC is contingent upon this information. Williams then made a motion to approve the Consent Agenda, Mr. McCoy seconded the motion and the Consent Agenda was unanimously approved as follows:

3. Approval of Minutes: County Departments' Budget Work Session-June 17, 2013; Regular and Closed Session-June 17, 2013.
4. Resolution Approving Releases and Refunds to the Individuals Listed Herein.
5. Resolution Accepting Petition to Add Lanier Avenue and Futch Avenue in Rocky Point to the State Maintained System, and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.
6. Resolution Authorizing Approval of BASF Corporation Access Agreement for Rail Feasibility Study until December 31, 2013.
7. Resolution Authorizing Budget Amendment for a Purchase Order to Google for a Twelve-Month Adword Campaign: \$4,800.
8. Resolution Authorizing Purchase Order to K&B Auto Parts, Burgaw, NC to Purchase a Forward Lift: \$14,187.
9. Resolution Authorizing Approval of the Payment of Membership Dues: Southeastern Economic Development: \$5,222; School of Government: \$5,932; NCACC: \$5,989; and Cape Fear Council of Governments (COG): \$21,203.
- 10a. Resolution Authorizing Issuance of Purchase Order to Carolina Recording Systems, Inc. for Annual Maintenance Renewal: \$5,200.
- 10b. Resolution Authorizing Issuance of Purchase Order to Sungard Public Sector for Software Maintenance Services: \$6,968.64.
- 10c. Resolution Authorizing Issuance of Purchase Order to Correctional Behavioral Health for Jail Inmate Health Services: \$14,500.
- 10d. Resolution Authorizing Issuance of Purchase Order to North Carolina Department of Justice: \$15,550.
- 10e. Resolution Authorizing Issuance of Purchase Order to US Food Service: \$70,000, and NC Department of Corrections: \$15,000.
- 10f. Resolution Authorizing Issuance of Purchase Orders for Inmate Safekeeping to NC Department of Corrections: \$145,000; New Hanover County Sheriff's Office: \$75,000; and Brunswick County Sheriff's Office: \$25,000.
- 10g. Resolution Authorizing Issuance of Purchase Order to Southern Health Partners: \$268,912.56.
- 11a. Resolution Authorizing Purchase Order for Child Support Office Space: \$25,000.
- 11b. Resolution Authorizing Approval of Social Services Contracts and Authorizing Purchase Orders for FY 2013-2014: Mega Force, \$35,000; DSS Attorney \$75,000.

- 11c. Resolution Authorizing Approval of FY 13-14 Contracted Services and Purchase Order to Advanced Imaging Systems: \$150,000.
- 11d. Resolution Authorizing Purchase Order for Medical Transportation Services: \$175,000.
- 12a. Resolution Authorizing Approval of a Purchase Order to Krista Strickland for Consultant Services Contract for Fiscal Year 2013-2014: \$4,800.
- 12b. Resolution Authorizing Budget Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2013-2014: WIC: \$8,979.
- 12c. Resolution Authorizing Approval of Purchase Order and Contract for Animal Shelter Services Contract with Dr. Audrey Mizrahi, DVM, for Veterinarian Care for Fiscal Year 2013-2014: Animal Shelter: \$15,000.
- 12d. Resolution Authorizing Approval of Purchase Order to Carolina IT for Maintenance Services Contract for Fiscal Year 2013-2014: \$18,000.
- 12e. Resolution Authorizing Approval of Purchase Orders for Health Department Radiology and Mammography Services Contracts for Fiscal Year 2013-2014: \$19,344.
- 12f. Resolution Authorizing Budget Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2013-2014: Migrant Health \$26,742.
- 12g. Resolution Authorizing Approval of Purchase Orders for Health Department Consultant Services Contracts for Fiscal Year 2013-2014: \$46,000.
- 12h. Resolution Authorizing Approval of Purchases Orders for Health Department Consultant Services Contracts for Fiscal Year 2013-2014: \$85,000.
- 12i. Resolution Authorizing Approval of Purchase Order and Contract for Health Department Service Contract with Pender County School District for School Nurse Funding Initiative (SNFI) for Fiscal Year 2013-2014: \$150,000.
- 12j. Resolution Authorizing Approval of Purchase Order for Dental Service Contracts for Fiscal Year 2013-2014: Mobile Dental: \$211,608.
- 12k. Resolution Authorizing Approval of Purchase Orders for Health Department Dental Service Contracts for Fiscal Year 2013-2014: Dental Clinic: \$253,304.
- 13a. Resolution Approving a One-Year Purchase Order to Central Carolina Tire for Tire Hauling and Disposal for FY 2013/14: \$80,000.
- 13b. Resolution Authorizing a Purchase Order to Waste Industries for Waste Disposal and Hauling Services for FY 13/14: \$3,815,330.
- 13c. Resolution Authorizing Approval of Annual Execution of Leases for the Solid Waste Convenience Sites that are Not Owned by the County.
- 14. Resolution Authorizing River Monitoring Purchase Order to the US Geological Survey: \$6,000.
- 15. Resolution Authorizing Approval of Annual Renewal of Licenses and Maintenance Agreement for Library Automation System with Library Corporation: \$13,909.
- 16a. Resolution Authorizing Approval of FY 13/14 Information Technology Services (ITS) Department Capital Outlay, Other Equipment and Purchase Orders: \$95,787.
- 16b. Resolution Authorizing Approval of Contract Service Renewals and Purchase Orders Over \$5,000.00 for the Information Technology Services (ITS) Department for FY 2013-2014: \$361,034.49.
- 17. Resolution Authorizing Approval of FY 12/13 Audit Contract with Thompson, Price, Scott, Adams & Co., PA: \$35,500.

### **ROCKY POINT/TOPSAIL WATER & SEWER DISTRICT CONSENT AGENDA**

The Board convened as the Rocky Point/Topsail Water & Sewer District Board/Maple Hill Water & Sewer District Board at 4:22 p.m. and reconvened as the Pender County Board of Commissioners at 4:23 p.m. Mr. Brown presented the four items on the Rocky Point/Topsail Water & Sewer District

Consent Agenda and the two items on the Maple Hill Water & Sewer District Consent Agenda and asked for any discussion or questions. There being none, Mr. Williams made a motion to approve both Consent Agendas, Mr. Tate seconded the motion and the two Consent Agendas were unanimously approved as follows:

- 18a. Resolution by the Board of Directors of the Rocky Point/Topsail Water & Sewer District Authorizing an Annual Estimated Purchase Order to Environmental Chemists (Envirochem) for Testing and Sampling of the District's Water & Sewer Systems: \$40,000.
- 18b. Resolution by the Board of Directors of the Rocky Point/Topsail Water & Sewer District Authorizing a Purchase Order to Utility Service Company, Inc. for the Annual Maintenance of the Three Elevated Water Tanks and One Ground Storage Tank within the District: \$49,500.
- 18c. Resolution by the Board of Directors of the Rocky Point/Topsail Water & Sewer District Authorizing an Annual Estimated Purchase Order to HD Waterworks for Water Installation and Repair Supplies: \$85,000.
- 18d. Resolution by the Board of Directors of the Rocky Point/Topsail Water & Sewer District Authorizing an Annual Estimated Purchase Order to T & D Quality Utilities, Inc. for Water and Sewer System Installations and Repair: \$165,000.

#### **MAPLE HILL WATER & SEWER DISTRICT CONSENT AGENDA**

- 19a. Resolution by the Board of Directors of the Maple Hill Water & Sewer District Authorizing an Annual Estimated Purchase Order to Environmental Chemists (Envirochem) for Testing and Sampling of the District's Water & Sewer Systems: \$5,000.
- 19b. Resolution by the Board of Directors of the Maple Hill Water & Sewer District Authorizing Purchase Order to Utility Service Company, Inc. for the Annual Maintenance of the Maple Hill Elevated Water Storage Tank: \$11,000.

#### **RESOLUTIONS**

- 20. **Resolution Authorizing Acceptance of the Professional Services Proposal of McKim & Creed for Planning, Engineering, and Surveying Services Associated with Determining the Feasibility of Restoring Rail Service from the Invista Plant to the Pender Commerce Park Along US Highway 421.**

Mr. Mack explained: On March 18, 2013, the Board approved the acceptance of a \$16,000 matching grant from the Department of Commerce's Economic Development Administration to be used in support of planning and analysis necessary to determine the feasibility of restoring rail service to the Pender Commerce Park; the grant will require a County match of \$16,000; a Request for Qualifications for Engineering Service related to this project was advertised in the Government News section of the local newspaper and on the County's website from May 15 through June 7, 2013; and McKim & Creed was the only firm that inquired about the RFQ. After discussion and questions, Mr. Tate made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved.

- 21. **Resolution Authorizing Approval of FY 13-14 Cooperative Service Agreement between Pender County and USDA Wildlife Services for the Beaver Management Program (BMAP): \$56,000.**

Dr. Duvall explained: The Board annually approves a contract for the BMAP program; the County pays 100% of the contract cost, and does not provide for landowner financial participation. Discussion included the part-time position that was once proposed and whether any federal funding is involved with Beaver Management. Staff was instructed to have someone from Beaver

Management come to a meeting and make a presentation. Mr. Tate made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

**22. Resolution Authorizing Topsail Beach Pyrotechnic Display on Saturday, August 31, 2013 in Accordance with North Carolina General Statute 14-413.**

Deputy Fire Marshal Tommy Batson explained: This request is the same as the one which was approved last month for Surf City; the Fire Marshal's Office will be on site for review and approval of the complete setup, display shooting and cleaning up; and the display will meet all rules and regulations set by NC Code Fire Code. Mr. McCoy made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved.

**23. Resolution Requesting Support of Pender County's Safe Routes to Schools Application to Construct Approximately 4,000 Lineal Feet of Multi-Purpose Path and Associated Improvements, as well as a High Visibility Crosswalk from North Topsail Elementary School to Hampstead Kiwanis Park.**

Planning Director Kyle Breuer explained: Safe Routes to Schools funds are utilized for projects on or intersecting with state-maintained roads which enhance the ability to walk or bike to and from public or private schools that serves any grades K-8 within two miles of the school being served; additional outcomes of successfully implementing a SRTS project include enhancing community accessibility through an increased interest in bicycle and pedestrian accommodations throughout the community, decreasing traffic congestion which could lead to a reduction in fuel consumption and improve air quality, improving partnerships among schools, local government, civic groups, parents, etc. which could improve community safety and increase community security; SRTS projects encourage healthy and active lifestyles which improve citizen's health, particularly children's health; the project will consist of an 8-10 foot wide asphalt path along the south side of Sloop Point Loop Road and the east side of Country Club Drive; the trail itself is completely on DOT right-of-way; the project will require ditch work, including piping and fill dirt along the route of the path followed by gravel and asphalt installation; the project will connect North Topsail Elementary School to Hampstead Kiwanis Park and will also connect surrounding neighborhoods; the project is 100% grant funded and no matching funds are required from local governments for SRTS projects; the County will have to enter into a contract with the State of North Carolina to maintain the multi-purpose path and adjacent grassed area; and to offset this potential maintenance liability, staff will attempt to enter into an agreement with direct user groups of the park to provide the necessary maintenance. After discussion and questions, Mr. Williams made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved.

**24. Resolution Authorizing Approval of the Addition of Full-Time Animal Shelter Manager Position to the County Pay and Classification Plan (Grade 63).**

Health Director Carolyn Moser explained that after looking at the structure of the Animal Shelter, they need someone with strong management skills and someone that would be more directly involved with management. Mr. Ward asked where the funding would come from and Dr. Duvall responded from Animal Shelter funds. Mr. McCoy said they really need the help out there. Mr. Ward asked if someone that already works at the shelter can take the position. Ms. Moser said the position is being advertised and anyone can apply, including current personnel. Other discussion included: Pay and Classification Plan, certifications, salary plan to reflect certifications, person with computer skills, basic first aid for employees and utilization of social media. Mr. McCoy made a motion to approve the resolution, Mr. Tate seconded the motion and it was approved by a 4-1 vote, with Mr. Ward voting against it.

**25. Resolution Authorizing Approval of Interlocal Agreement with the Town of Atkinson for the County to Collect their Property Taxes.**

Atkinson Attorney Robert Kenan and Town Alderman Christie Halligan were in attendance. Mr. Kenan explained: Representatives of Atkinson had met with the Tax Assessor and the Tax Collector and they both had no objection to the County performing this service; the County already performs this service for the Towns of Burgaw, Watha and St. Helena; Atkinson will pay \$1,200 per year for the service; and they were told there would be no additional costs. Mr. Thurman said given that we know there is at least one tax protester who owns property in the Town, the Town would pay for any expense resulting from any litigation contesting the ability of the Town to impose taxes, and he would prefer Mr. Kenan handle it. Mr. Kenan said that individual is selling his property within the Town. Following more discussion, Mr. Tate made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

**26. Resolution Amending Section 11. Leave Transfer A.) Voluntary Shared Leave Program Number Nine (9) and Ten (10) of the Pender County Employee Personnel Policies.**

Human Resources Director Denise Mulhollen explained: Currently, the Personnel Policy limits the maximum amount of leave an employee can transfer in a calendar year to 40 hours; the maximum amount of leave an employee may receive in a calendar year is 240 hours; the Board is being requested to consider amending the Policy to allow an employee to transfer up to a maximum of 80 hours of leave per calendar year, and to remove the cap of 240 donated hours that an employee can receive in a calendar year; and this will assist some employees who have currently run out of donated time and employees who made need it in the future. Ms. Mulhollen also pointed out that under Section II. Leave Transfer A. Voluntary Shared Leave Program, the policy, as written, allows "vacation" leave to be transferred from the employee's account, and that "vacation" leave from one individual to another shall be presented in writing to the HR Director, but then under 2. (same section II. A) "vacation and/or sick leave" could be transferred, which was contradictory. She subsequently asked to be able to amend the policy to read "vacation and/or sick leave" throughout the policy. After discussion, Mr. McCoy made a motion to approve the resolution, Mr. Williams seconded the motion and it was approved by a 4-0 vote. (Mr. Tate had temporarily stepped out of the room).

**27. Resolution Authorizing Approval of the Fire Coverage Contract to Pender EMS & Fire, Inc.**

Fire Marshal Charles Newman explained: On June 26, 2013 the Board approved a merger agreement between Pender EMS & Rescue, Hampstead VFD & Rescue, Long Creek VFD & Rescue and Sloop Point Fire Department; there will now be one contract instead of four; they need to get the contract signed; and the merger will not affect any response times. Mr. Thurman said there is not an actual contract included, but a proposed revised contract had been submitted, and they will work on getting it done. Mr. Williams made a motion to approve the resolution, pending the Attorney putting the legalese on the contract and the Attorney's approval of it. Mr. McCoy seconded the motion and it was approved by a 3-1 vote, with Mr. Ward voting against it. (Mr. Tate was still out of the room).

**28. Resolution Authorizing Approval of Changing the Response District Lines between Hampstead and Sloop Point Fire Departments.**

EMS Director Woody Sullivan explained: The names of the departments that merged were officially changed to Pender EMS & Fire, Inc.; and in order to meet and lower the current ISO rating in the Olde Point area of Hampstead, it is necessary to amend the current Fire Department

Response District Lines to show the changes to the response districts of the Hampstead VFD & Rescue and the Sloop Point VFD. Mr. Sullivan demonstrated the current and proposed districts with maps. Other discussion included: Posting positions; application and hiring process; cost savings; and renovating buildings. Following more discussion, Mr. Williams made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved.

## **DISCUSSIONS**

### **29. Update and Discussion Concerning the Old Topsail School Renovation Project.**

Mr. Mack and Charles Boney of LS3P were present to give an update on the project. Discussion included: Existing plans; taking plaster off walls; the floors in the auditorium; scenarios of seating plan; chairs for sloped floor versus chairs for flat floor; what the auditorium will be used for; and goal for the auditorium is to be able to use it after hours. There was discussion on whether to have flat floors or restore the auditorium floors back to sloped floors. Mr. Brown said he was under the impression that the floors would be restored to sloped, and everything would be restored back to the original. Mr. Williams said he didn't recall it ever being discussed that the floors would be restored back to sloped. Mr. Williams said the auditorium would be used to host other events and having sloped floors would not be suitable. Mr. Tate suggested appointing an Ad Hoc Committee to evaluate the situation. It was the consensus of the Board that staff and Mr. Boney will meet to discuss the floor situation and come up with a solution.

### **30. Update and Discussion from the Town of Burgaw Regarding the Old Burgaw Jail.**

Town of Burgaw Manager Chad McEwen explained he had drawn up the draft Memorandum of Understanding for the Board of Commissioners' review, and he would present it to his Board on tomorrow night. Mr. McEwen explained the draft MOU, which included: Purpose, Terms of Agreement, Scope of Renovations, and Future Use of Old Jail. He said basically, the Scope of Renovations gets the building to a usable stage. Other discussion included: Tourism relocating to the Old Jail; renovating to preserve structure; historical significance of the building; plumbing; water & sewer; and State Preservation Office grants. All were agreeable with the draft MOU and Mr. McEwen was given the nod to proceed.

## **ITEMS FROM THE COUNTY ATTORNEY**

Claim filed against County in property tax foreclosure case; Canady case filed in Pender County with respect to petition against Board of Health.

## **ITEMS FROM THE COUNTY MANAGER**

Thank you card from Dr. Shiver and her family with respect to their daughter's death.

## **ITEMS FROM THE COUNTY COMMISSIONERS**

Mr. Tate: Thanked Sheriff Smith, Andy Pettigrew, Mr. Ward and other Sheriff Department staff for attending the Willard Outreach parade. Willard Outreach thanks the Board for its support of the building and would like for the Board to tour the building. Pender County was saddened by the death of Register of Deeds Faye Prevatte.

Mr. McCoy echoed Mr. Tate's words about Ms. Prevatte and said he was out of town when it happened.

Mr. Williams echoed Mr. Tate's words and said he also hears that Melinda Knoerzer is not doing too well.

Mr. Brown: The President of the North Carolina Association of Registers of Dees attended Ms. Prevatte's funeral and also other County Registers. He received a phone call from a TV station concerning the fatality on the NE Cape Fear River. He was contacted also concerning making that area a No-Wake Zone. He wants to contact NC Wildlife to come and speak to the Board concerning No-Wake Zones. Mr. Williams said No-Wake Zones are not the Board's responsibility.

Mr. Brown asked what is being done concerning the DSS fraud a gentleman spoke about at a previous meeting and Dr. Duvall said they are working on it.

Dr. Duvall announced the new tax collection rate is 96.90, and recognized Tax Collector Barbara Murray and her staff.

### **CLOSED SESSION**

At 6:27 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; 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; 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. Tate seconded the motion and it was unanimously approved. The Board exited the closed session at approximately 8:15 p.m.

### **ADJOURNMENT**

There being no further business, the meeting adjourned at approximately 8:15 p.m.

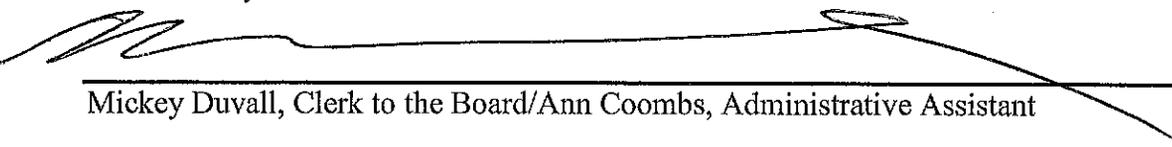
Respectfully Submitted,



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Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



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Mickey Duvall, Clerk to the Board/Ann Coombs, Administrative Assistant