

TUESDAY, SEPTEMBER 3, 2013

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Mickey Duvall, County Manager; 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 Williams offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner McCoy led the Pledge of Allegiance.

PUBLIC INFORMATION

1. Special Superior Court Judge Gary Trawick: Discussion of Pender County Courthouse/County Facilities.

Judge Trawick said he is not here today as Judge Trawick, he is here as somebody that lives in the County Seat. He said he is concerned about the talk he has heard of the County planning to move the Jail, Sheriff's Office, and eventually the Courthouse, out of Burgaw. Judge Trawick's comments included: He has been in every county seat in the State; you get a feel of the County from the county seat; there is a trend of sheriff's offices and court facilities moving out of small towns; where that has happened, the little town is further decayed and dried up; the courthouse needs to be the center of the county; towns that still have their courthouse downtown have more vitality; small towns that move their courthouses out of town are negatively affected; Pender County's Courthouse needs to remain in the center of Burgaw; Burgaw is the County Seat; the County already owns property in Downtown Burgaw and could acquire more; it will be a mistake to move the Courthouse from Downtown; he is asking the Board to "think outside the box"; the Town and the County need to cooperate and come together with some kind of vision; the Board shouldn't do this just because everyone else is doing it; and Burgaw is the Government Center of the County. Judge Trawick read some statements he wrote about different counties, comparing the counties to Pender County. He gave statistics of various courts, how many people attend the various courts, and how many people come to Burgaw because of the courts. Mr. Brown said he sat down and met with Judge Trawick, the Clerk of Court and the Mayor of Burgaw to discuss this matter. He added we have been working on the Jail Project for several years.

2. Proclamation by the Pender County Board of Commissioners and Presentation to Members of Coastal Horizons Center, Inc.: Designate the Month of September as 2013 National Alcohol & Drug Addiction Recovery Month.

Mr. Brown read and presented the proclamation to Kate Murphy of Coastal Horizons. Ms. Murphy thanked the Board for its support, invited everyone to a Recovery Picnic to be held at Empie Park on

September 14, and said there will be a keynote speaker at the picnic. CoastalCare Area Board member Don Hall was also present.

3. **Wayne Black, State Director of the Division of Social Services: Update and Discussion Concerning NC FAST/Food Stamp Program.**

Mr. Black gave a history of the NC FAST Program and said the program will remove redundancy in the application and the review process. Mr. Black's comments included: He has thirty-seven years of county experience; he has known Dr. Shiver a long time and she is a good director; Pender County DSS is a good agency; there are ups and downs with the NC FAST system, but when everything is worked out, this system will allow the client to only have to see one worker; Pender County increased 105% in the food stamp caseload over the years since 2008; an over-the-shoulder support person will be put in place for each County by October 1, 2013; they will bring the employees to Raleigh to train them, the employees will become experts in the program and become back-up for other workers in their agencies; and right now, the agencies need temporary workers to back up staff. Various questions were asked by Board members. Mr. Brown asked why there is such a large increase in food stamp caseload and how does Pender compare to other counties. Mr. Black said he will bring back the information because each county is different. Mr. Ward asked if the new program will cover food stamp fraud and discussion ensued concerning food stamp fraud cases. Discussion also ensued concerning temporary workers. Mr. Black explained the programs that are 50% county funded and 50% federal, such as Adult and Children Medicaid. He distributed a letter from the Secretary of North Carolina Department of Health and Human Services which was sent to North Carolina County Managers and Social Service Directors concerning NC FAST. Mr. Black indicated that counties experiencing "above average" difficulty implementing the NC FAST System (which was perpetuated by the state when the program was initially brought online for use by the counties with 31 major software defects. The state's software defect problem has put a majority of NC counties behind, regarding the timely implementation of the NC FAST Program). Mr. Black further emphasized the State Division of Social Services was taking full responsibility for this problem and the associated delays counties across the state are currently experiencing by assigning "Trouble Shooters" to these counties as they request them. At that point in the presentation, Dr. Duvall mentioned that he had held a conference call with Anthony Belucci (Division of Social Services IT Director) last week and was told virtually the same information. Dr. Duvall told Mr. Black he wanted to officially go on record requesting not one, but two "Trouble Shooters" from the state due to the current problematical situation unfolding regarding NC FAST implementation at Pender County DSS. Mr. Black indicated the request would be taken under serious consideration by his Division. Dr. Shiver came forth and said she has confidential letters from her staff supporting what Mr. Black says about stress, pressure and the needs staff has. Mr. Brown said he didn't hear Mr. Black talk about that. He asked Mr. Black if he is saying NC FAST will relieve the stress and pressure. Mr. Black responded "right now, it is adding a lot of stress because of the learning curve and difficulty accessing the system."

4. **Tim Holloman, Manager/Mayor Howard Braxton, Town of Topsail Beach: Discussion of Resolution Requesting Pender County to Hold an Election to Remove the Class A Restrictions for Malt Beverage On-Off Premises Permitting.**

Mayor Braxton thanked the Board and others for their support of Topsail Beach's 50-Year anniversary celebration. He said a special thank-you to Pender County Tourism Director Monique Baker for her assistance. Topsail Beach Commissioner Grier Fleischauer explained the predicament of Quarter Moon Bookstore owner Lori Fisher. He explained: Ms. Fisher was issued a permit to sell beer by the drink; the State ABC Board later found they had made a mistake in issuing the permit because of a 1963 Pender County law they were unaware of; the State ABC Board then revoked the license; a gentleman with an establishment in Surf City is in the same predicament; and he is asking the Board to

approve a resolution to allow retail businesses to sell beer by the drink. Mr. Brown asked if this was a local bill in 1963. Mr. Thurman explained: It was a local bill that set up a referendum for the people, and it was what the people adopted; it was a local bill that Pender County asked for but he doesn't think anyone took into account the full implications of the bill; and he was told the bill was to keep juke joints out of the County. Mr. Tim Horner, owner of the Swing Bridge Restaurant in Surf City, spoke concerning retail establishments not being able to sell beer by the glass and the effects of it on his establishment. Mr. Williams clarified with Mr. Fleischauer that if the County holds an election, it won't be a separate election or cost the County anymore. Mr. Fleischauer said there are four options laid out by the State in which to put this on a ballot and they would like to choose Option 1, which would include other establishments besides the ones listed in Option 4. Pender County currently is under Option 4. There was discussion concerning if the Town can actually hold its own election. Mr. Fleischauer said from what he has read, Surf City and Topsail Beach don't qualify to hold elections. Mr. Thurman said he would look into this. Mr. Brown said maybe we can have Mr. Hall or someone else from the local ABC Board come to a meeting to give their input. Mr. Fleischauer said they are asking the Board to pass a resolution asking for an election in the May Primary to allow retail businesses to sell malt beverages by the drink, in addition to the sale of wine which is already allowed by the drink.

5. Michael Mack, Utilities Director/Charles Boney, LS3P: Update and Discussion Concerning the Auditorium Cost Estimate for the Old Topsail School Renovation Project.

Mr. Boney delivered a presentation which included pictures of various areas that need repair and pictures of other schools that had been renovated. The presentation included: Present condition of the building; parts of the outside that will be replaced; inside of the building-replace plaster with sheetrock; front entrance; auditorium-ceiling, stage, floor, back stage, outward appearance of stage will remain the same; concealed ADA lift; current building renovation budget is \$3,194,825; and auditorium restoration cost is \$269,500. Discussion and questions included: The project is over budget; diverting money from renovation of the building on the back of the property to auditorium renovations, but leaving the building there; putting carpet on the second floor because carpet is quieter; everything will be brought up to ADA code; the cafeteria will become the Sheriff Annex; taking the sound system, projector, screen and stage lighting out of the budget for right now; the parking lot; the handicap ramp in front of the building will not be visible; and if approved tonight, the project will be going out for bids. The Board gave a nod for Mr. Mack and Mr. Boney to move forward with the project.

6. Spencer Rogers, NC Sea Grant: Update and Discussion Regarding the Biggert-Waters Flood Insurance Reform Act of 2012.

Mr. Rogers delivered a PowerPoint presentation entitled "Pending Changes in the National Flood Insurance -The Biggert-Waters Flood Insurance Reform Act of 2012." The presentation included: Why-Hurricanes Katrina and Sandy; Who Did It-US Congress; What Will It Do To Your Flood Premiums-Ask Your Agent; What Does the Law Include-Zone Class Limit Increased from 10% to 20% Per Year; Scheduled Changes; Implemented Changes-Existing Rates Will Go Up 25% Per Year Until Actuarial; How is an Actuarial Rate Determined; What Will it Cost-Examples of what it will cost; and What You Can Do to Reduce Your Cost. Mr. Rogers explained and demonstrated each category. The presentation included statistics on current premiums and future premium increases, and photographs of various buildings with rates and premiums. Mr. Rogers answered Board members' questions. The entire presentation is on file with the permanent records in the Clerk to the Board's Office.

PUBLIC COMMENT

No one wished to speak under public comment.

CONSENT AGENDA

Mr. Brown presented the six items on the Consent Agenda and asked for any discussion or questions. There being none, Mr. McCoy made a motion to approve the Consent Agenda, Mr. Ward seconded the motion and the Consent Agenda was unanimously approved as follows:

7. Approval of Minutes: Regular and Closed Session: August 19, 2013.
8. Resolution Authorizing Approval of Tax Releases and Refunds.
9. Resolution Accepting Petitions to Add Schoolview Drive and Recess Lane in Rocky Point; and Vineyard Trace and Parkton Place in Currie to the State Maintained System, and Authorizing the County Manager to Submit the Petitions to N.C. Department of Transportation.
10. Resolution Approving Proclamation by the Pender County Board of Commissioners: Fall Litter Sweep: September 21- October 5, 2013.
11. Resolution Authorizing Issuance of Purchase Order to NetMotion for Software Maintenance and Support: \$7,125.
12. Resolution Authorizing Issuance of Purchase Order to ESRI for GIS Maintenance and Support: \$16,300.

RESOLUTIONS

13. **Resolution Authorizing Approval of NC Spot Festival Pyrotechnic Display on September 28, 2013, in Accordance with North Carolina General Statute 14-413.**

Deputy Fire Marshal Tommy Batson explained this fireworks show will be the same as the one held in Topsail Beach on Saturday. Mr. Williams made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved.

14. **Resolution Authorizing Issuance of Purchase Order to Wireless Communication Inc. for the Purchase of 30 UHF Mobile Radios: \$8,970.**

Sheriff Smith explained: Pender County emergency service organizations use the State's VIPER radio network for primary communications; the Sheriff's Office maintains a UHF radio network that can be used to supplement day-to-day communications for all law enforcement agencies in the county; this system can also serve as a standalone backup should the VIPER system fail; because of the age of some of the UHF radios currently being used in sheriff's vehicles, they have become unreliable and in some cases, unusable because they do not comply with new FCC regulations; upon this approval, radios will be purchased that will be installed in Sheriff's Office vehicles to maintain the UHF radio system; funds for this purchase will come from the State Seizure Fund; and some of the vehicles the radios will be installed in are from last year and some will go in the new vehicles coming in this year. Mr. McCoy made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

15. **Resolution Authorizing Approval of Interlocal Agreement with Onslow County for the Transfer, Detention and Care of Pender County Inmates.**

Sheriff Smith explained: Currently we use New Hanover and Brunswick Counties to house prisoners due to overcrowding in Pender County's Jail; Brunswick has notified him they are getting full and won't be able to take any more inmates from Pender; we are paying for twenty-six prisoners housed out-of-county; Onslow County has a new jail and they have lots of space; Onslow has some of Pender's inmates now on the signature of the two sheriffs; this is the formal contract that needs to be in place; and Onslow will house the inmates at the rate of \$50 dollars per day. Discussion ensued

concerning the expense and liability of sending inmates out-of-county and the serious need for a new jail. Mr. Brown asked if Mr. Thurman had looked at the contract and Mr. Thurman responded affirmatively. Mr. McCoy made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said there are items for Closed Session.

ITEMS FROM THE COUNTY MANAGER

Dr. Duvall deferred his time to Emergency Management Director Tom Collins. Mr. Collins introduced his newest employee, Angie Tate Langston. Mr. Collins gave Ms. Langston's credentials, including she has worked in Emergency Management for fifteen years.

Dr. Duvall reminded the Board of the "Walk for Pink Heals Cape Fear" event in Pender County on September 18, 2013 at the Government Complex, from 9:00 a.m. to 12:00 noon.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. McCoy said he had been given a tour of the new Library (York House) by Library Director Mike Taylor and he is really impressed with it. He said it is a plus for Pender County and Mr. Taylor is really doing a good job over there. In response to question, Mr. Taylor said the Grand Opening will be on September 21, 2013.

Mr. Ward said he was in a restaurant in Hampstead when a gentleman approached him. The gentleman's comments were: He is doing development in the Island Creek area; the Planning Department did an outstanding job and went beyond helping them get things done; and Ashley Frank did a wonderful job. Mr. Ward said he commends the Planning Department.

CLOSED SESSION

At 6:55 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; 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; 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. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting. Mr. Tate seconded the motion and it was unanimously approved. The Board exited the closed session at 8:00 p.m. There were no announcements made.

ADJOURNMENT

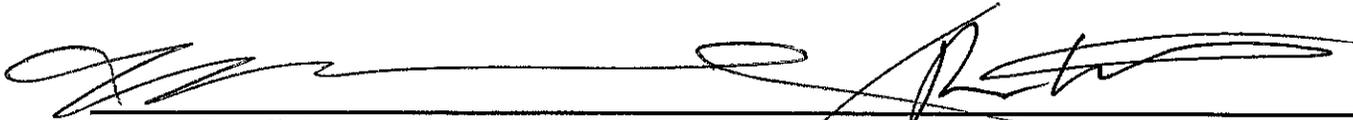
There being no further business, Mr. Ward made a motion to adjourn, Mr. Williams seconded the motion and the meeting adjourned at 8:00 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



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