

## MONDAY, NOVEMBER 18, 2013

The Pender County Board of Commissioners met in regular session on Monday, November 18, 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:** Mickey Duvall, County Manager/Clerk to the Board; Trey Thurman, County Attorney; Butch Watson, Finance Officer/Assistant County Manager; 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.

### INVOCATION

Commissioner Tate offered the Invocation.

### PLEDGE OF ALLEGIANCE

Commissioner Williams led the Pledge of Allegiance.

Mr. Williams made a motion to excuse Chairman Brown, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

### PUBLIC HEARING

1. **Public Hearing on Proposed CDBG-ED Application to Obtain a \$750,000 Grant to Assist in the Construction of a Wastewater Treatment Plant that will Serve Pender Commerce Park/RC Creations, LLC.**

The Public Hearing opened at 4:04 p.m. Skip Green, Grant Writer/Administrator explained: The County is seeking a \$750,000 Grant to assist in the construction of a Wastewater Treatment Plant that will serve Pender Commerce Park/RC Creations, LLC; this is the second of two required public hearings; there has been no public input; and the County is now in a position to authorize submittal of the Grant. There was no public comment; the Public Hearing closed at 4:06 p.m.

### PUBLIC INFORMATION

2. **Tiffany Beavers, Community Manager, South Atlantic Division American Cancer Society, Inc: Information on the Relay for Life of Pender County/Mini Relay Event in the Burgaw Area.**

Ms. Beavers explained: Relay For Life is the American Cancer Society's signature fundraising event; it offers everyone in the community an opportunity to participate in the fight against cancer; the American Cancer Society will be holding the 2014 Relay for Life in May 2014; they also want to do a mini Relay in the Burgaw area; and she will be leaving brochures and cards if anyone wants to get the word out. Ms. Beavers said she would like to recognize any survivors in the audience; there were none. Ms. Shirley Gordon added: To celebrate the lives of survivors and families of

non-survivors they will light luminaries along the track; each luminary will tell a story; the Relay brings all the communities together; and we will celebrate and fight back against this disease.

3. **Don Hall, Chairman, Pender County ABC Board: Quarterly Report on the Pender ABC System Involving Financial Information and Other Progress.**

Mr. Hall gave the Pender County ABC last quarter financial results (July, August, and September). The report included: \$15.5 million in sales which represents a 19% increase; \$159,646 net profit; no big projects planned; face lift for Burgaw store in the future; and posting in stores of distribution of profits so public can see where money goes. Mr. McCoy said the sign at Rocky Point's ABC store looks good and Mr. Hall said they are working on getting it lit. Board members thanked Mr. Hall for being so dedicated.

4. **Marc Finlayson, Executive Director, Highway 17 Association: US Highway 17 Economic Impact Study Results.**

Mr. Finlayson distributed a "US 17 Economic Impact Study" and said citizens can access the study. Mr. Finlayson said he appreciates Kyle Breuer's services on their board and thanked the BOCC for allowing Mr. Breuer's assistance. Mr. Finlayson delivered a Status Report for US 17 Corridor. The report included: US 17 Wilmington Bypass; US 17 Hampstead Bypass; US 17 Jacksonville Bypass to Drummer Kellum Road; US 17 Belgrade to New Bern Bypass; US 17 New Bern Bypass; US 17 from SR 1438 to Washington Bypass; US 17 Washington Bypass; US 17 from Washington Bypass to Williamston; US 17 from Mills Street, Bridgeton to NC 43; and US 17-74-76/NC 133 Widening. Each project contained Total Cost; Unfunded Amounts; Action Items Recently Accomplished; Action Items Planned; and Project Managers. Mr. Finlayson explained each project and category. Also included was a flyer which included Improvement Scenarios and Cost-Benefit of Alternatives. Discussion included: Costs; return on investments; analyzed economic impacts of improving Hwy 17; study by Hwy 17 Association; NC DOT; consultant conclusions of study; improvement scenarios; creating construction jobs and permanent jobs; benefits to Agribusiness and the Ports; benefits to Tourism and Military; economic competitiveness and safety. Mr. Williams commented he appreciates the report. The entire presentation is on file with the permanent records in the Clerk to the Board's Office.

5. **Tom Collins, Emergency Management Director: Update on County Emergency Operations Plans.**

Mr. Collins announced that emergency personnel and other agencies had been out most of the day searching for a possible downed aircraft. Mr. Collins delivered a PowerPoint presentation entitled "Pender County Emergency Operations Plan Overview." The presentation included: What is an EOP; EOP Basic Elements; Basic Plan Format; Basic Plan Components; Emergency Support Functions (ESFs); Hazard/Incident Specific Annexes; What is the Status of our EOP; and Training and Exercises. Mr. Collins explained each category. Mr. Ward thanked Mr. Collins and said this request came about because he and Dr. Duvall sit on the Public Safety Committee, and there was discussion that each county should have a County Emergency Operations Plan in place. Discussion included: Media release within next several weeks announcing CodeRed software; cell phones have choice whether to opt into CodeRed; announcements on Social Media – Face Book & Twitter; disasters and FEMA reimbursements. Mr. Collins said we have to meet FEMA standards in order to receive reimbursements. Dr. Duvall said Pender County has traditionally set aside \$50,000 to \$70,000 in the fiscal year budget for disasters and then would need to use the Undesignated Fund Balance (which is in place for these types of emergencies) until FEMA reimbursements are received by the County within a couple weeks. Mr. Collins informed the Board about the CERT Program

(Community Emergency Response Team). He said it consists of mostly elderly volunteers who want to help during disasters; Emergency Management will train the volunteers; the volunteers may be the First Responders during a disaster because they know the people in the community; right now they are in Hampstead; and they are looking into other communities' involvement. The entire presentation is on file with the permanent records in the Clerk to the Board's Office. Mr. McCoy asked if Emergency Management is part of the VIPER System and Mr. Collins responded affirmatively.

6. **Partnership between the Health Department and the First Books Program.**

Health and Human Services Director Carolyn Moser explained: The Health Department has partnered with the First Books Program to provide new books for children in need; age appropriate books are being given to Health Department children and families to help fight illiteracy; every child that comes into the Health Department gets a book; when staff visits homes they take books; and it is all non-profit. Ms. Moser had a display of books on hand.

**PUBLIC COMMENT**

No one wished to speak under Public Comment.

**CONSENT AGENDA**

Mr. McCoy presented the three items on the Consent Agenda and asked for any discussion or questions. Mr. McCoy requested to pull Item No. 9 from the Consent Agenda. Mr. Tate made a motion to approve the remainder of the Consent Agenda, Mr. Williams seconded the motion and the remainder of the Consent Agenda was unanimously approved by a 4-0 vote as follows:

7. Approval of Minutes: Regular and Closed Session: November 4, 2013.
8. Resolution Authorizing Execution of Reimbursement Resolutions for Moores Creek Water and Sewer District and Central Pender Water and Sewer District Water Distribution Projects.

9. **Resolution Authorizing Execution of Reimbursement Resolution for the New Hampstead Annex (formerly the Old Topsail School) Renovation Project.**

Mr. McCoy asked about the \$3,500,000 in the resolution and Utilities Director Michael Mack explained the County will advance funds for the costs of improvements and then reimburse itself from the proceeds of a later financing. Mr. Ward was concerned that the Board approved \$3 million rather than \$3.5 million. Mr. Mack said he put in that amount to make sure we are covered, it allows for reimbursement, and he doesn't want to have to come back and ask for approval of another reimbursement resolution. Mr. Ward said he would rather have Mr. Mack come back than to commit the \$3.5 million. Mr. Mack explained that we are not committing \$3.5, it is only for reimbursement. Mr. Williams said voting on this now is not obligating the \$3.5 and will save us another twenty minutes at another meeting. Mr. Tate made a motion to approve Item No. 9 as presented, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

**RESOLUTIONS**

10. **Resolution Authorizing the Submittal of a \$750,000 CDBG-ED Grant Application to Assist in the Construction of a Wastewater Treatment Plant that will Serve Pender Commerce Park/RC Creations, LLC.**

Mr. Green explained: The County is seeking a \$750,000 grant to assist in the construction of a Wastewater Treatment Plant that will serve Pender Commerce Park/RC Creations; this resolution

authorizes submittal of the grant application; and this is the standard template that is used. Mr. Ward asked what is Mr. Green's fee and Mr. Green responded \$6,500, if the grant is approved. There was discussion concerning Mr. Green will not be paid a fee unless the grant is approved. Mr. Williams made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

11. **Resolution by the Board of Commissioners Approving the Award of the Lump Sum Base Bid for the Construction of the Pender Commerce Park Infrastructure Improvements to S.T. Wooten Corporation in the Amount of \$2,562,492.50 and the Authorization of a Purchase Order for the Contract. A Budget Ordinance Amendment is also Required to Transfer the Project Funding to the Correct Expenditure Line Item.**

Mr. Mack explained: Pender County Utilities received bids for the construction of infrastructure improvements within the Pender Commerce Park including water distribution, wastewater collection, stormwater management, roadways, sidewalks, and street trees on October 31, 2013; nine contractors submitted bids; and the County's Engineer for the project, McKim & Creed, has reviewed the bids, completed the Bid Tabulation, completed the due diligence on the Contractor, and recommends award of the Pender Commerce Park infrastructure construction to S.T. Wooten Corporation. Mr. Mack noted the one thing that is not included is street lighting and said he will bring that back to the Board at a later date. Mr. Williams made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

12. **Resolution Authorizing Acceptance of the Professional Engineering Services Agreement of Highfill Infrastructure Engineering for the Moores Creek Water and Sewer District Water Distribution Project in the amount of \$107,000 and the Central Pender Water and Sewer District Water Distribution Project in the Amount of \$124,400 and Issuance of a Purchase Order to Highfill Infrastructure Engineering in the Total Amount of \$231,400 for the Design, Permitting, Bid/Award, Construction Administration and Inspection Required for the Completion of the Projects.**

Mr. Mack explained: On November 7, 2006, the voters within the Moores Creek and Central Pender Water and Sewer Districts approved the Districts issue General Obligation Water Bonds for the extension of public water distribution systems within each District; now that the Water Treatment Plant is completed to provide sufficient water supply for these new distribution systems, staff is moving ahead with the Preliminary Engineering Report and Environmental Assessment phases of these projects in accordance with all USDA-RD requirements; and there will be additional amendments if this goes forward. There was some discussion of grants and other funding sources. Mr. Tate asked where is Central Pender Water District and Mr. Mack responded the Central part of Hwy 117 – Burgaw, Watha and to St. Helena, where it cuts and goes into Rocky Point/Topsail Water & Sewer District. Mr. Tate asked about expanding into the northeast and Mr. Mack explained the bonds for these districts had to be approved by the residents there. Mr. Tate made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

13. **Resolution Authorizing the Approval to Pursue Donations for Development of an Equine Facility to be located at the Animal Shelter.**

Ms. Moser explained Animal Control Supervisor Keith Ramsey had approached her pertaining to cases of cruelty to horses. In those cases, the first thing Animal Control does is try to get the people to relinquish the horses, which results in the need for a place to keep them. This resolution is to

pursue voluntary donations to build an Equine facility, and no County funds will be involved. Ms. Moser noted she wants it to be clear to the public that this will not be a place to bring your horses in a disaster; it is strictly for maltreatment and cruelty cases, and for providing a site for the County to house maltreated horses. Mr. Williams made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

14. **Resolution Authorizing Approval for the 2007-2012 Bad Debt Write-Off for the Health Department Dental and Mobile Dental Clinics in the Amount of \$104,125.10.**

Ms. Moser explained: The Health Department Dental Billing Staff reviews all patient accounts that have remained unpaid for a consecutive twelve months or more; if a patient has not visited the dental clinics within the past twelve months, the outstanding balance is considered a bad debt and uncollectible; the Advisory Board of Health recommends that the Board of County Commissioners approve the Health Department Dental Clinics' 2007-2012 Bad Debt Write-Off in the amount of \$104,125.10; and the debt averages \$20,000 a year over a five-year period. Mr. Ward was concerned about collecting the debt. He asked if Ms. Moser had tried to get a collection agency. Mr. Moser said no, and it would cost more to hire a collection agency than would be taken in. Mr. Thurman said we have already tried to collect using time, postage, etc. to send letters. Mr. Thurman reiterated that it would cost more to try to collect than would be taken in. Mr. Ward asked whose budget it would come out of and Ms. Moser responded "nobody's because it never came in." Mr. Ward asked about selling the debt to a collection agency and there ensued discussion about selling it. Dr. Duvall asked if we sell the debt, will that preempt the clients if they come back. Mr. Thurman said once it is sold, it is gone. Mr. Tate said this is a public health facility and asked how you can ask staff to expend time on people who don't have insurance. He said public health is not for profit, it is a safety net for people who can't afford to pay. Following more discussion, Mr. Ward made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

15. **Resolution Authorizing Purchase Orders for the Installation of Well and Pump System, Irrigation System, Turf and Fencing for the New Field at Hampstead Kiwanis Park.**

Parks and Recreation Supervisor Dee Turner explained: The master plan for Hampstead Kiwanis Park includes a large baseball/softball field and two additional youth baseball/softball fields; a private donor has pledged \$30,000 toward the construction of a large baseball/softball field that will be capable of accommodating leagues for baseball ages 13 and older, as well as adult softball which is currently unable to play competitively at Hampstead Kiwanis Park; rough grading has been completed for the new field; the installation of the well, pump and fencing are the next items to be completed; and after the completion of those items, the irrigation system will be installed followed by the installation of the turf. Mr. Williams said he has spoken to David Smith of the Schools, and there will be some kind of event held to make the fields official. Mr. Williams made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

16. **Resolution Authorizing Purchase Order for Additional Funds for Inmate Safekeeping to Onslow County Sheriff's Office.**

Sheriff Carson Smith explained: Pender County currently houses inmates in Brunswick, New Hanover and Onslow Counties when the jail here is overcrowded; the County has already spent a lot this year on housing inmates out-of-county; the County Manager has identified \$100,000 at this time, but he doesn't think the \$100,000 will last through the fiscal year; and we have twenty-one

inmates being housed out-of-county at this time. Following questions and discussion, Mr. Williams made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

**17. Resolution to Confirm Policy on Board of Commissioner Appointments to Boards.**

Mr. Thurman explained: A question had come up concerning removing people from boards; the Board of Commissioners are the elected officials; and this resolution is to clarify that only the Board of Commissioners may remove a member of a Board who was appointed by the County Commissioners. Mr. Tate and Mr. Ward were concerned about removing people from boards and there ensued discussion concerning this issue. Mr. Williams noted he had requested this. Mr. Ward said if the BOCC wanted to remove anyone from a Board, it should be by a unanimous vote only. Mr. Williams made a motion to approve the resolution, with the stipulation that if the Board of Commissioners desires to remove anyone from a Board/Commission/Committee, it has to be done by unanimous decision of the Board. Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

**APPOINTMENTS**

**18. Resolution Authorizing Approval of Appointment to the Pender County Tourism Development Authority (TDA) Board.**

Ms. Pridgen explained Michael Lanier is applying for the District 2 position on the TDA; and Anita Afify, Cathy Medlin and John Toler have served three-year terms on the TDA representing Occupancy Tax Collectors positions, and they wish to be reappointed. Mr. Williams made a motion to approve the following appointments: Michael Lanier is appointed to the Pender County Tourism Development Authority Board to serve a three-year term representing District 2, with term to expire August 31, 2016; and Anita Afify, Cathy Medlin and John Toler are re-appointed to the Pender County TDA to serve three-year terms representing Occupancy Tax Collector positions, with terms to expire August 31, 2016. Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

**ITEMS FROM THE COUNTY ATTORNEY**

Mr. Thurman said he had spoken with Bob Joyce of the School of Government regarding redistricting and they don't think it is an issue. He said everybody they asked said the bill didn't change anything and it won't affect the upcoming election.

**ITEMS FROM THE COUNTY MANAGER**

Dr. Duvall spoke concerning the opening of the walking trail at Hampstead Kiwanis Park and also said he had spoken at a Willarlea Ruritan Club meeting and presented the "State of the County Address." Mr. Tate thanked Dr. Duvall for speaking for him because he wasn't able to attend. Mr. Tate also thanked Mr. Watson for speaking for him on the East side. Dr. Duvall said he and his staff are always available to speak at club meetings and other functions.

**ITEMS FROM THE COUNTY COMMISSIONERS**

Mr. Ward spoke concerning Topsail Elementary School which was discussed at a previous meeting, and the need to add guardrails to the fence in front of the School. He said he had been working with David Smith of the Schools, it will probably not come through, and we need to look at other options and come up with a "Plan B."

Mr. Williams said he appreciates Dr. Duvall, Mr. Watson, Mr. Ward and Planner Ashley Frank for attending the Duke Energy "Site Readiness Program" presentation earlier that day at Cape Fear Community College. Mr. Williams said the Duke grant is helping us and he is very impressed. Mr. Williams also said he appreciates Dr. Duvall saying he and his staff are always available.

Mr. McCoy spoke concerning an article in the *Star News* about the Courthouse moving and stressed that the Courthouse is not moving. Mr. McCoy also said he is impressed with the new Courthouse landscaping.

Mr. Tate spoke concerning the two books left at his desk and thanked Ms. Moser.

Mr. McCoy said he appreciates the other Board members backing him up tonight.

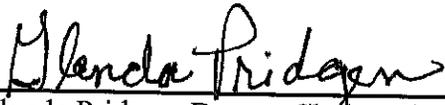
**CLOSED SESSION**

There were no items for Closed Session.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 6:35 p.m.

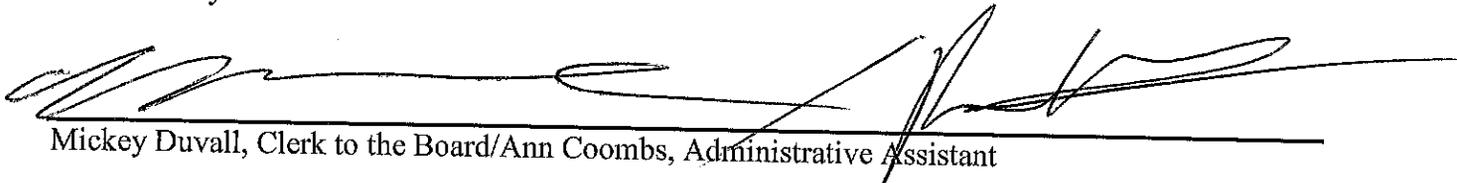
Respectfully Submitted,



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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