

MONDAY JUNE 2, 2014

The Pender County Board of Commissioners met in regular session on Monday, June 2, 2014 at the Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

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

MEMBERS ABSENT: None.

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

Chairman Williams called the meeting to order at 4:15 p.m. and thanked and welcomed all. Chairman Williams explained the meeting is late getting started due to the Budget Work Session held prior to this meeting.

INVOCATION

Commissioner Ward offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Brown led the Pledge of Allegiance.

It was noted that Mr. Tate would have to leave early. Mr. Brown made a motion to excuse Mr. Tate when he is ready to leave, Mr. Ward seconded the motion and it was unanimously approved.

PUBLIC INFORMATION

1. **Board Chairman Bernadette Silivanch/President Ruth Glaser: Update on Pender Memorial Hospital.**

Ms. Silivanch and Ms. Glaser were not in attendance. It was noted they would give the update at the July 7 meeting.

2. **Planning Director Kyle Breuer: Update on Community Garden Efforts at Seven Oak Apartments.**

Mr. Breuer explained: Seven Oaks Apartments is a public-private partnership providing for affordable housing options for the citizens of Pender County; the housing is based off of a self-sufficiency model that provides for opportunities to reduce or eliminate dependency on governmental supplements; the Pender Housing Initiatives (PHI) Board oversees the functions of Seven Oaks; PHI has announced that funding has been secured through private granting agencies to develop a Community Garden at the Seven Oaks property; this project will be the first of its kind in Pender County; the project has been made possible by partnering with Pender Christian Services, Inc., the Cape Fear Volunteer Center, Hands on Network, and the continued support of the Board; volunteers from the Hands on Network will be at Seven Oaks on June 12th to build the garden area and install all necessary elements of the project; the items in which they will be completing will be the construction of the beds, fence installation, cistern installation and associated plumbing, and installing landscape materials to surround the designated garden area. Mr. Breuer thanked the Partners and other members of the Community who volunteered. Mr. McCoy stated this is a really

good program. Mr. Breuer added volunteers will collect and analyze data to see if the program really works.

PUBLIC COMMENT

Library Director Mike Taylor said the Board of Commissioners and Library were awarded a Historic Wilmington Foundation Preservation Award by the Historic Wilmington Foundation at their Awards Ceremony on May 22nd. Mr. Taylor explained the award was given to the Board of Commissioners and the Library for restoration of the York House for the Dallas Herring Book Collection. The Board of Commissioners and Library each received a plaque. Mr. Taylor read the plaque and presented it to Chairman Williams. Mr. Brown said he appreciates Mr. Taylor for taking on the Collection. Mr. Taylor noted the Town of Burgaw was also given an award for its restoration of the Old Jail, in conjunction with the County; and Penderlea received a Leadership Award.

CONSENT AGENDA

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

3. Approval of Minutes: County Departments' Budget Work Sessions/Regular & Closed Session: May 19, 2014.
4. Resolution Authorizing Approval of Tax Releases and Refunds.
- 5a. Resolution Authorizing Budget Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2013-2014: Migrant Health: \$2,000.
- 5b. Resolution Authorizing Budget Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2013-2014: Immunization: \$5,313.
6. Resolution Authorizing Budget Amendment to Approve Increase in Department of Social Services Revenues and Expenditures for Fiscal Year 2013-2014: Crisis Intervention: \$9,229; Duke Energy Progress: \$452.86.

RESOLUTIONS

7. **Resolution Authorizing Approval of Cooperative Extension's Mobile Virtualization Desktop Pilot and Upgrade.**

Cooperative Extension Director Mark Seitz explained: Per the IT Department, the Extension Office's computer equipment is beyond its End of Life; the Windows XP Operating System is no longer supported by Microsoft; this upgrade will refresh Cooperative Extension's computer equipment and will allow IT to pilot their Virtual Desktop Infrastructure to ensure hardware is compatible with IT's specification requirements; the request is for them to use up to \$15,000 for this equipment; and they have money sitting in the Salary Account that can be used. Mr. McCoy made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

8. **Resolution Authorizing Approval for Donation of a Surplus Fire Truck to the Pender County Chapter of "Pink Heals Foundation."**

Chief Woody Sullivan explained: He is asking for approval to donate a 1990 Ford Fire Truck to the Pender County Chapter of Pink Heals Foundation; on May 12, 2014, the Board of Directors for Pender EMS and Fire, Inc. approved the resolution to donate the surplus fire truck to the Pender County Chapter of Pink Heals Foundation, as long as it is stationed to service the residents of Pender County; and as Chairman of the Pender County Chapter of Pink Heals, Pat Simmons had

asked them to donate a fire truck if one became surplus. Mr. Tate thanked Mr. Sullivan for making this happen for the Breast Cancer battle. He said he personally experienced the battle with Breast Cancer with his mother. Mr. Tate thanked Ms. Simmons, Pink Heals President Trey Mintz, Mr. Sullivan and all who volunteered with the Pink Heals event. Ms. Simmons commented: She is really excited about this; last year Dr. Duvall asked her to chair the event for Pender County; Mr. Tate asked her to continue it; and the only thing she didn't have was a fire truck. Mr. Tate made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

Mr. Tate said he will be leaving shortly, so he wants to commend the County Manager at this time for his time working here, and he will miss him.

9. Resolution Declaring County Real Property as Surplus.

Mr. Breuer explained: The NC Department of Transportation approached the County in regards to the sale of 0.013 acres of property for a drainage easement area; the request is in conjunction with a bridge replacement project to be constructed along Halfway Branch School Road; DOT is offering an appraised price of \$100; and he and the County Manager met with DOT Right-of-Way officials. Mr. Brown asked if it would violate any grants or anything the County has in place and Mr. Thurman responded "no." Mr. McCoy made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

10. Resolution Authorizing Amendment to Incentive Agreement for RC Creations/RC Holdings.

Mr. Thurman explained: The Incentive Agreement with RC Creations, LLC and RC Creation Holdings, LLC has been amended in order to facilitate financing for the project; the County agreed to accept a letter of credit as security for the lot on which the plant is being constructed; at the request of the lender, RC has asked that an additional year be added for issuance of a final Certificate of Occupancy in the event of a catastrophic event before completion; the plant construction is on course; this extension would satisfy the lender's concern; the deadline for issuance of the Certificate of Occupancy would move from March 31, 2015 to March 31, 2016; the Letter of Credit will be extended through September 1, 2016, so there will be no risk of loss to the County; while the closing on the financing for the project presently is set for June 12, 2014, the attorneys handling the closing have requested an extension on the closing date through and including July 31, 2014; and this would be the same as the previous extensions to the closing date approved by the Board. Mr. Thurman reminded the Board about the Pig Picking tomorrow at the Commerce Park, being given by RC. Following discussion, Mr. Brown made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote.

11. Resolution Appointing Interim County Manager.

Mr. Thurman requested that the resolution be amended to include Clerk to the Board. Mr. Ward made a motion to approve the appointment of Butch Watson as Interim County Manager and Clerk to the Board. Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote. Board members made remarks concerning Dr. Duvall's resignation, including: Mr. Williams-He was disappointed when Dr. Duvall first told him he was leaving, but this is a good opportunity and he is happy for him; he is not leaving us in the middle of something; the budget is at the point where we can just tweak it; and he is not leaving us "high and dry." Mr. McCoy-He and Dr. Duvall had a good relationship and he hates to see him go. Mr. Ward-He enjoyed working with Dr. Duvall and he hates to see him go. Mr. Brown-He wishes Dr. Duvall luck and this is a great opportunity for him. Dr. Duvall clarified that Friday the 6th of June is his last day with the County.

He commented: He will miss the Board also; they should stop and see him if they are in the area; his new job is similar to Chris May's of Cape Fear COG; he will have seven counties and twenty municipalities; he will begin the new job on June 9th; they had wanted him to start June 2nd but he told them that June 2nd was not enough notice for the County; and he is glad he is leaving the County in good standing. Mr. Williams noted Mr. Watson said he does not want to be County Manager permanently.

DISCUSSION

12. Discussion and Possible Reassignment of Commissioner Appointment.

Mr. Brown explained he currently serves on the Four County Community Services Board and because of other obligations, it is impossible for him to make their meetings. Mr. Brown asked if Dr. Duvall had found out if the appointment has to be a Commissioner. Dr. Duvall said he had spoken to Four County's Director and was told that the Board of Commissioners could appoint a citizen as their designee. Staff was instructed to advertise for the position. Ms. Pridgen noted it was already being advertised. Mr. Brown spoke concerning substitutes on Boards. He said former Commissioner F.D. Rivenbark currently serves on the DSS Advisory Board and he thinks it is time for a Commissioner to step up for that position. Mr. Brown said he is willing to step up to the position. Mr. McCoy made a motion to appoint Mr. Brown to the DSS Advisory Board representing a Commissioner position, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote. Staff was instructed to send Mr. Rivenbark a letter of appreciation. Mr. Williams explained: He serves on Pender Memorial Hospital Board; he serves as an Ex-Officio on New Hanover Hospital Board; the meetings are held on Tuesdays; his Fire Commission meetings are also held on Tuesdays; he always has to miss either the Hospital Board meeting or the Fire Commission meeting; and he is asking if someone else will volunteer for the Fire Commission. Mr. McCoy said he will serve on the Fire Commission. Mr. Brown made a motion to appoint Mr. McCoy to serve on the Fire Commission representing the Commissioner position, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote. Staff was instructed to send a note to the Fire Commission of this appointment.

APPOINTMENTS

13. Resolution Approving Designation of Pender County's Voting Delegate to the 2014 NACo Annual Conference.

Dr. Duvall explained Mr. Tate and Mr. Ward will be attending the NACo Annual Conference in July. It was noted that Mr. Tate had said he may have a conflict and may not be able to attend the Conference. It was suggested that both Mr. Tate and Mr. Ward be designated. Mr. McCoy made a motion to approve the appointment of Jimmy Tate as Pender County's Primary Voting Delegate to the 2014 NACo Annual Conference, and Chester Ward as the Alternate. Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said there are items for Closed Session. Mr. Thurman said he has the following pending court cases:

The Cemetery Disinterment Case-One Court of Appeals that the County was involved in ruled that certain things have to be decided before it can be appealed, so both were remanded.

Mr. Upchurch-Converted a horse barn into a house; didn't get permits; main issue is he doesn't have an approved septic system. Mr. Brown asked about a policy years ago when Environmental Health said if you have electricity during construction, you can put in a temporary septic system.

He said maybe that is what Mr. Upchurch is looking at. Ms. Moser said it may have been a policy in 1972, but it doesn't exist now.

Walker Pallet-Coming up in July.

ITEMS FROM THE COUNTY MANAGER

Dr. Duvall reported most departments didn't go much over this current fiscal year with their budgets. He said he and Mr. Watson had talked with Superintendent Cobb and she informed them the Board of Education is sticking with their budget request, but they want to meet with the BOCC to discuss growth. Mr. Brown said he doesn't want to have a meeting with them and they should have presented this information long ago.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Williams commented the following: He talked with Chairman Rouse this morning; he proposed for a couple of members of each Board to sit down together and make some kind of compromise; the School Board is proposing a meeting on the 12th to discuss growth; he has a letter here from their Auditor; they have the same Auditor we have (Thompson & Price); the Auditors recommended the School Board have a 20% fund balance; they have just over 20%; and he told Ms. Rouse if the BOCC does something out of their fund balance, the School Board would have to pull out of theirs.

Mr. Brown commented the following: The Schools' fund balance is steadily growing; they are trying to make it look like the BOCC is not giving them enough; teachers came to a meeting trying to make this Board look bad; the Schools gave bonuses before and he has a problem with bonuses; he would like to see our own employees get a COLA this year; if the State goes with giving 11% teacher supplements, what does this Board do; the School Board could have been paying supplements out of their fund balance each year; why do they have to wait until the 12th to give us growth information and information on bonds; and they had a whole year to give this information.

Mr. McCoy spoke about the Animal Shelter and the Horse Shelter. He said all the money was donated for the Horse Shelter and he had been hearing comments this week on how much the Animal Shelter has improved. Mr. McCoy said he commends the Manager and employees on how they had the Courthouse Square cleaned up for Memorial Day Week-end. Mr. Williams said he attended a Memorial Day event on the east side of the County.

Mr. Brown asked about adding new businesses onto the County's sewer system in the Rocky Point area and asked what type of business could be added. Mr. Thurman said he recalls residential was not available. Mr. Breuer added Cape Fear Public Utilities said non-residential. Mike Blackburn, a local developer, thanked the Environmental Health Office and said they had improved 100% working with people. He said he is here to get clarity on the sewer situation. Mr. Blackburn said Mr. Mack told him to go to the Commissioners about getting sewer for residential, but the Commissioners said he would have to go through Mr. Mack. Mr. Blackburn said he is looking at building apartments and he just wants clarity on whether or not it would be considered non-residential.

CLOSED SESSION

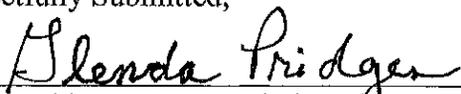
At 5:30 p.m. Mr. Brown made a motion to enter into Closed Session pursuant to NCGS 143-318.11: 3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby

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. Ward seconded the motion and it was unanimously approved by a 4-0 vote. At 6:15 p.m., Mr. Ward made a motion to come out of Closed Session. Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote. There were no announcements made upon exiting the Closed Session.

ADJOURNMENT

There being no further business, Mr. Ward made a motion to recess the meeting at 6:15 p.m. Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote. The meeting will continue at 4:00 p.m. Thursday, June 12, 2014 to meet with the remaining departments that didn't get a chance to present their budgets. The Board will then meet with the School Board at 5:00 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Butch Watson, Clerk to the Board/Ann Coombs, Administrative Assistant