

## **MONDAY, JUNE 16, 2014**

The Pender County Board of Commissioners met in regular session on Monday, June 16, 2014 at the Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

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

**MEMBERS ABSENT:** Chairman David Williams.

**OTHERS PRESENT:** Butch Watson, Interim County Manager/Clerk to the Board/Finance Officer; Trey Thurman, County Attorney; 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 Brown led the Pledge of Allegiance.

### **EXCUSE COMMISSIONER**

It was noted that Chairman Williams was out of Town on business for his company. Mr. Brown made a motion to excuse Mr. Williams, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

### **PUBLIC INFORMATION**

There were no public information items.

### **CONSENT AGENDA**

Due to the large crowd present to speak under Public Comment, the Consent Agenda and regular resolutions were moved up on the Agenda. Mr. McCoy presented the seven 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 by a 4-0 vote:

2. Approval of Minutes: Budget Work Session with County Departments; Regular & Closed Session: June 2, 2014.
- 3a. Resolution Authorizing Purchase Order to Nash Equipment Co, Inc., to Purchase One Kubota ZD326S-60 Zero Turn Mower: \$11,500
- 3b. Resolution Authorizing Purchase Order to TSP (Tri-State Pump & Control, Inc. to Purchase One Mete-r-Matic XL Top Dresser: \$13,665.
- 3c. Resolution Authorizing Purchase Order to Adapco, Inc. to Purchase Three Drums of Aqua Pursuit for Mosquito Spraying: \$15,750.
- 3d. Resolution Authorizing Purchase Order to Norris Construction, Inc. for Paving Parking Area at Pender Memorial Park.

- 3e. Resolution Authorizing Acquisition and Installation of Pender EMS Standby Generator.
4. Resolution Authorizing Approval to Declare 76 Obsolete MicroVote Voting Terminals as Surplus and Authorize the Sale of Said Terminals Back to the Manufacturer for Parts in the Amount of \$1,500.

## **RESOLUTIONS**

### **5. Resolution Authorizing Rocky Point ISO District Proposed Changes for New Rocky Point Sub-station.**

Fire Marshal Charles Newman explained: On June 12, 2014, the North Carolina Department of Insurance, Office of State Fire Marshal, inspected Rocky Point Fire Department's new sub-station located at 11925 U.S. Hwy. 117 South, Rocky Point; it is necessary for the Pender County Board of Commissioners to amend and approve the new fire insurance district lines for the Rocky Point Fire District; the addition of the new sub-station will result in insurance ratings going from a 9S or 10 to a 6S in the Carver Road area; and the State Fire Marshal will approve the new sub-station pending approval of this resolution by the Board of Commissioners. Mr. Newman demonstrated the Rocky Point Fire District with maps, showing the fire district, annex, stations and centerlines. Discussion ensued concerning the new sub-station driveway connection. Following more discussion and questions, Mr. Brown made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

### **6. Resolution Authorizing Approval of Purchase Orders to Elections Systems & Software (ES&S) for Voting Equipment Licensing and Support: \$38,249.48.**

Elections Director Dennis Boyles explained: Pender County purchased state certified voting equipment in 2006; the contract obligated the County to annual licensing and support fees for the life of the equipment; and the funds are due and payable by July 1<sup>st</sup> of each year to renew the contract. Mr. Tate made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

### **7. Resolution Authorizing Approval of Purchase Order for Health Department Medical Professional Liability Renewal for Fiscal Year 2014-2015: \$11,414.93.**

Health and Human Services Director Carolyn Moser explained: The Health Department provides basic outpatient primary health care and must carry malpractice insurance; the insurance has to be renewed every year; the limits of liability are \$1 million dollars per person with a \$3 million dollar total limit on the shared limited basis; and the Snowden Company, LLC is the group insurance provider for the NC Association of Local Health Departments through the Association of NC County Commissioners. In response to question, Ms. Moser said this does not cover Environmental Health. Mr. Brown made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

### **8. Resolution in Support of the Transportation Projects Under Consideration by the Wilmington Metropolitan Planning Organization Transportation Advisory Committee.**

Planner Ashley Frank explained: Pender County is one of twelve member organizations that coordinate local transportation projects with the Wilmington Metropolitan Planning Organization (WMPO); in conjunction with the NC DOT Strategic Transportation Investments program, the WMPO has developed a new system for prioritizing and funding transportation projects under the new "Prioritization 3.0" system; an important part of the new Prioritization 3.0 evaluation system is demonstration of local support for projects by adoption of resolutions by the local governing body; the WMPO Transportation Advisory Committee (TAC) is conducting a local input process to

prioritize a finalized list of projects that was forwarded to the NC DOT Strategic Prioritization Office for consideration under the new Prioritization 3.0 system; specifically, the Pender County Board of Commissioners wishes to demonstrate support for the inclusion of five projects located within Pender County, in the State Transportation Improvement Plan (STIP), currently under consideration by the TAC; these projects represent an ongoing effort to implement roadway improvements and new bike and pedestrian facilities in Pender County; Planning staff solicited project ideas from citizens' input meetings, along with researching projects that have been considered and adopted in other local land use and transportation plans; and Chairman David Williams is the Pender County representing member on the WMPO. At the request of Mr. Brown, Ms. Frank listed the five projects located in Pender County: Hampstead Bypass (Porters Neck Road to Sloop Point Road); SR 1644 Extension (NC 210 to SR 1569/Hoover Road); US 17 Safety Improvements to Onslow County Line (Wilmington Bypass to Onslow County Line); Blueberry Road Modernization (US 421 to NC 210); NC 210 and Island Creek Road Intersection Improvements. Following discussion and questions, Mr. Brown made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

**9. Resolution Adopting Cape Fear Commutes 2035 Long Range Transportation Plan Amendments.**

Ms. Frank explained: Along with Pender County, the Wilmington Urban Area Metropolitan Planning Organization provides transportation planning services for other local counties and municipalities; on December 15, 2010, the Wilmington MPO adopted the fiscally constrained Cape Fear Commutes 2035 Transportation Plan to satisfy the requirements of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; on July 18, 2012, the Wilmington MPO was designated a Transportation Management Area and with this designation the Wilmington MPO became a recipient of Surface Transportation Program - Direct Attributable (STP-DA) funding; this allows the Wilmington MPO Transportation Advisory Committee to approve allocations of STP-DA funds for bicycle and pedestrian projects and intersection improvement projects; a requirement of the STP-DA funding is that projects must be included in the MPO's fiscally-constrained long range transportation plan; a potential multi-use path connecting Doral Drive to the Safe Routes to School Project along Sloop Point Loop Road has been submitted for consideration; this project was not included in the adopted Cape Fear Commutes 2035 Transportation Plan but would like to be considered for future allocations of STP-DA funding; staff is requesting that the lowest ranking Pender County bicycle and pedestrian project in the adopted Cape Fear Commutes 2035 Transportation Plan be removed and replaced with the planned Doral Drive Multi-Use Path connection to the Safe Routes to School project; and this amendment will be presented to the Wilmington MPO TAC at the next available meeting prior to the STP-DA application deadline of Fall 2014. Mr. Brown said he knows Mr. Williams would support this amendment. Following more discussion and questions, Mr. Brown made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

**10. Resolution Authorizing Purchase Order to Duncan's Paint and Wallpaper Inc., to Power Clean, Prep and Paint all Exterior Painted Surfaces at the Pender County Courthouse: \$41,700.**

Administrative Officer Pat Simmons explained: During the annual inspection by Public Works staff, it became apparent that the exterior painted surfaces at the Pender County Courthouse need painting to prevent further deterioration; the scope of work to be performed will also include repairing, caulking and resealing all windows before painting and power washing the exterior of the Courthouse; Duncan's Paint and Wallpaper, Inc. will provide all material, labor and equipment;

quotes were received from Duncan's Paint and Wallpaper, Inc.,-\$41,700, Tinney Painting- \$52,950, and We Do Painting-\$53,448; a fourth vendor was contacted but declined. In response to question, Ms. Simmons said all the vendors are local. Mr. Brown asked if the funds are coming from fees derived from the Courts. Mr. Watson explained the Courts pays the County each week, the funds go into the County's General Fund and are returned to the Courts as needed. Mr. Tate asked how much funding comes from the film studios and Mr. Watson responded it varies. Discussion ensued concerning payments from the film industry, including reimbursement to County for paying deputies, maintenance personnel, etc. It was noted that the studios always use County deputies and maintenance personnel. It was also noted that Clerk of Court Bob Kilroy is resolute in collecting the fees and putting them to good use. Mr. Ward made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

**11. Resolution Authorizing Issuance of Purchase Order to Motorola Solutions for Radio Programming Associated with VIPER P25 Migration: \$12,000.**

Sheriff Carson Smith explained: On June 24<sup>th</sup>, the State will be changing over the VIPER system from a P16 technology to P25 technology; the new technology will expand the capability of the VIPER network; all of the public safety radios with Pender County will have to be reprogrammed; that reprogramming has begun as the County continues its plan to deal with the State's migration to P25 technology; this action would approve funding to have all county VIPER radios programmed to be functional after the switchover day; this includes all law, fire, EMS, EM, and Forest Service radios; this was not budgeted in the FY 13-14 Budget Ordinance; funding will come from leftover funds in the Forest Service Protection line item; and the Sheriff's Department will be handling one contract with Motorola for all County agencies. Following discussion and questions, Mr. Brown made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

**12. Resolution Amending the FY 13-14 Budget Ordinance Authorizing Additional Funding for Jail Contract Detention in the Amount of \$100,000, and Authorizing an Increase in the Purchase Order to Onslow County for Contract Detention: \$100,000.**

Sheriff Smith said everyone is already familiar with this. He explained \$100,000 will get us through June 30 and the former County Manager had put funds in the contingency account for this. Discussion and questions ensued concerning the other counties housing prisoners for Pender County. Sheriff Smith stressed that no other county is spending as much as Pender for contract detention. Following more discussion, Mr. Ward made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

## **APPOINTMENTS**

**13. Resolution Authorizing Approval of Appointment to the Pender County ABC Board, CoastalCare Area Board and Pender County Social Services Board.**

Ms. Pridgen explained all the applicants are currently members whose terms have expired and they wish to be reappointed. Mr. Brown asked to table DSS Board appointments in order to allow Staff to contact the State to see what their criteria for members is now that Health and DSS are combined, and if their criteria has changed regarding appointments to this Board. Following discussion, it was the consensus of the Board to table DSS appointments until information could be obtained from the State. Mr. Tate said he is ok with it as long as his district has representation. Mr. Brown made a motion to approve the following appointments: Elmer Hodges is re-appointed to serve a three-year term on the ABC Board representing District 2, with term to expire June 30, 2017; Henry Jordan is re-appointed to serve a three-year term on the ABC Board representing District 4, with term to

expire June 30, 2017; and Don Hall is re-appointed to serve a two-year term on the CoastalCare Area Board representing a Public Citizen position, with term to expire June 30, 2016. Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

## **PUBLIC COMMENT**

The following persons spoke against the Pender County School Board's proposal to change Penderlea School from K-8 to K-5; and asked the Board of Commissioners for its help:

Angela Perry-The School Board is proposing to change Penderlea School from K-8 to K-5; Board of Education members are saying Penderlea children are entering high school unprepared; that is not true; Penderlea offers band, athletic programs, transfers, and other programs; everyone at Penderlea School looks out for each other; the school has classes for handicapped children. Mr. Tate asked if Ms. Perry was invited to the Community Meeting held by the Board of Education and Ms. Perry responded "no." Mr. Tate asked everyone who knew about the meeting to stand up. Several people stood the majority of them teachers at the school. Mr. Tate then asked if anyone had notified the Board of Education about this meeting. There was no response and Mr. Tate instructed staff to call the Superintendent to let them know about this meeting.

Toni Giddeons-She is a mom; her adopted daughter who was born addicted to crack cocaine attended Penderlea School; this is not about one school being better than the other; Board of Education members are saying small middle school students are not prepared to enter high school; Penderlea is a family; Penderlea School is a family school.

Bailey Giddeons-She was a Penderlea K-8 student; she received all A's; she was fully prepared to enter high school; she is now attending James Sprunt Community College; she has never felt unprepared; Penderlea is a family; this would be like separating family; it would be traumatic to the students.

June Robbins-She is an educator and a parent; concerned about what is true and what is not; Penderlea has been on a bond before; this is not better for the children; the bond is all about numbers; completely splitting cultures; young families came back to Penderlea so their children could go to school where they went; graduation is a nice Public Relations move; they're not ready for this bond because Penderlea was put on incorrectly. Ms. Robbins gave examples of former children's' careers; history when the school was a high school; programs at the school; and other statistics.

Harry Teachey-He is a "lifer" of Penderlea; you have to be able to trust people and you can't trust the Board of Education; he had friends to move from Rocky Point to Penderlea so their kids could go to school there; the Board of Education needs to keep K-8; in a few years, Penderlea School will be cut down to zero.

Patrick Giddeons-Emotionally charged issue; lost trust in School Board; with the 2005 bond, less than \$500,000 went to Penderlea; bond money not making its way to Penderlea; they feel ambushed.

Penelope Trammel-She graduated from UNCW with honors; she was well prepared when she left Penderlea; Penderlea School has historical values; needs of the children; the Board of Education plans to build a K-8 building in Surf City; School Board member Tom Roper said this proposal will

equally provide county-wide, but it won't; we have encouragement and the support of the Board of Commissioners; there are values to small communities.

George Brown-He was surprised to find out last Thursday about this Penderlea School bond issue; the School Board came in with this at the last minute; this Board will have to make a decision by July 7<sup>th</sup> in order to get it on the ballot; the School Board knew about this two years ago.

Jimmy Tate-In meetings with the Board of Education, he asked about Penderlea School and they never said they were going to do anything to it; he is upset about what happened, but not surprised; he is not going to just sit back and take it; he supports the residents of Penderlea; the Board of Education is the one who took the vote; he is encouraging residents to go to the School Board meeting.

Donna Mint-She teaches eighth grade at Penderlea; she is an 18 year teacher and parent at Penderlea School; she was told if the school was to be renovated and remain a K-5, it would cost hundreds of thousands of dollars for each student.

George Brown-The Board of Commissioners is transparent; we advertise meetings in the *Pender Post* and on-line; we have public comment at the beginning of meetings in case someone wants to speak on something the Board will be voting on; and we encourage public input.

Mr. Tate-He is concerned that the Board of Education had their attorney at their meeting with the Board of Commissioners; why did she have to get her attorney involved.

Mr. Brown-He agrees with Mr. Tate; he thought the controversy was going to be whether they are going to build a new school or renovate the current one.

Agnes Pridgen-She is the parent and guardian of her five grandchildren; some of them are disabled; if the school is split up, the children will be spread all over; Penderlea Schools helps disabled children; one of her children is paralyzed; they are family at Penderlea.

An unidentified lady in the audience said they will be taking handicapped children's class rooms away.

Bob Townsend-The Board of Education has no idea what transparency is; the Board of Commissioners should get the Superintendent and Chairman in and ask them questions; he doesn't approve of the way the bond is currently written. Mr. Brown said we don't have any authority over the Board of Education, they are elected officials.

Mr. Thurman said the Board of Education would have to vote on a resolution to ask the Board of Commissioners to put the bond on the ballot. Mr. Tate said he wants a resolution to officially condemn the School Board's proposal. Mr. Thurman clarified that without Board of Commissioner approval, the Board of Education can't put the bond on the ballot. There was discussion of remodeling the school and discussion of Mr. Tate's statement concerning the resolution. Following discussion, Mr. Tate made a motion to add to the agenda a resolution saying the Board of Commissioners officially endorses asking the Board of Education to rescind their decision concerning changing Penderlea School from K-8 to K-5. Mr. Ward seconded the motion and it was

unanimously approved by a 4-0 vote. Mr. Tate then made a motion to officially approve the resolution, Mr. Brown seconded the motion and it was approved by a 4-0 vote.

### **OTHER PUBLIC COMMENT**

Tony Musolino-Mr. Musolino spoke concerning Vietnam Veterans and the effects of Agent Orange and other herbicides to them. His comments included: Veterans' children and grandchildren are also affected by these herbicides; eight out of ten Vietnamese children have some type of defect; these children will need someone to take care of them in the future; Veterans groups are trying to get Congress and the Senate to say someone will take care of the children; the Government needs to take care of children; and we need to get the word out. Mr. Musolino gave some statistics of Veterans and children affected by Agent Orange and other herbicides; distributed some handouts; and invited everyone to attend a Town Hall meeting on Saturday June 28, 2014, at the Elks Lodge at 5102 Oleander Dr., Wilmington, where his organization will discuss how Agent Orange was used, where it was used and what the results of its use are.

Katrina Banks-Ms. Banks spoke concerning Pender County Utilities Phase 1 Water off New Road. Ms. Banks' comments included: She and some other residents signed up for water during Phase 1; they were the first ones to sign up when Phase I came down New Road; their road (Victory Way) didn't have an identified name at the time; lines were run down Alexander Rd, but not Victory Way; (the roads are in close proximity of each other); they never got their money back; they called the Utilities Office but had been ignored; they were told they could run their own lines; and now she is hearing Utilities is getting ready to run lines down nearby Whitestocking Road. Mr. Brown suggested they get together and go to Utilities and sit down and talk; Ms. Banks agreed with this.

Rossi Thompson-Mr. Thompson spoke concerning a petition he had brought to the Board earlier with concerns about hunters and requesting the Board's assistance with getting local hunting laws and NC Wildlife hunting laws changed. He said hunting season will be coming up again in October and he is concerned. Mr. Brown said he will call Mr. Rossi tomorrow and they will discuss it; Mr. Thompson agreed with this.

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

There were no items from the County Attorney.

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

Mr. Watson gave an update on the lightning strike at the Hampstead Library on Saturday, saying the Library opened back up today at 12:00 noon and there was some damage to routers and switches. He said there were some AT&T problems in the Tourism Office at the Old Jail, and some issues at the Courthouse with the Administrative Offices of the Courts' connection.

### **ITEMS FROM THE COUNTY COMMISSIONERS**

Mr. Brown said since all these teachers are here, he would like to give his position on teacher supplements. He explained he has nothing against teachers getting supplements, but the Board of Commissioners needs to support its own employees. He said the Board of Education has one-half million dollars going into fund balance and they could have been giving supplements from that.

### **CLOSED SESSION**

There were no items for Closed Session.

**ADJOURNMENT**

There being no further business, Mr. Ward made a motion and the meeting was recessed at 6:30 p.m. to Monday, June 23, 2014 at 7:00 p.m.

Respectfully Submitted,

*Glenda Pridgen*

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Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:

*Clairum B. Watson*

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