

TUESDAY, SEPTEMBER 2, 2014

The Pender County Board of Commissioners met in regular session on Tuesday, September 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: Bob Murphy, Interim County Manager/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 Williams called the meeting to order at 4:00 p.m. and thanked and welcomed all.

INVOCATION

Chairman Williams offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner McCoy led the Pledge of Allegiance

PUBLIC INFORMATION

1. **Proclamation by the Pender County Board of Commissioners and Presentation to Members of Coastal Horizons Center, Inc.: Designate the Month of September as 2014 National Alcohol & Drug Addiction Recovery Month.**

Chairman Williams introduced Coastal Horizons Center Communication Specialist Kate Murphy. Ms. Murphy comments included: She thanks the Board for its support; she is grateful the Board recognizes this occasion; there are more than 600,000 people in addiction recovery in North Carolina; everyone is invited to a Recovery cookout to be held from 2:00 to 4:00 on September 21, 2014 at the Elks Lodge in Wilmington; and this is a community-wide event. Mr. Brown made a motion to approve the Proclamation, Mr. Tate seconded the motion and it was unanimously approved. Mr. Williams presented the proclamation to Ms. Murphy.

2. **Ted Cole, Davenport & Company: Update on Capital Projects/School Bond.**

Mr. Cole distributed copies of a report on the County's finances, explaining this is a follow-up to a report he presented to the Board in August and the only difference is operating impacts. Mr. Cole explained in detail Page 16 of the report which is the "Capital Improvement Planning Cases Overview," noting these are all tax supported projects. He also explained in detail Page 17 of the report, which was a "Summary of Cases." Mr. Tate was concerned that the Board didn't receive the reports earlier. Board members made comments and asked general questions. The entire report is on file with the permanent records in the Clerk to the Board's office.

PUBLIC COMMENT

Chris Medlin, Candidate for Commissioner, spoke. Mr. Medlin commented: He enjoyed the meeting the Board of Commissioners held in Topsail; he would like to see more meetings held in other communities; and this would let the Commissioners come to the people sometimes instead of the people going to the Commissioners. Mr. Brown noted when Mr. Tate was Chairman of the Board, he worked hard to get meetings held in various communities, but there was not a lot of turnout.

CONSENT AGENDA

Mr. Williams presented the six items on the Consent Agenda and asked for any discussion or questions. Mr. Murphy noted there had been a request for Item No. 6 to be taken off this agenda. Thereupon, Mr. Brown made a motion to approve the Consent Agenda, with the removal of Item No. 6. Mr. McCoy seconded the motion and the Consent Agenda was unanimously approved as follows, minus Item No. 6:

3. Approval of Minutes: Regular & Closed Session August 4, 2014; Regular and Closed Session August 18, 2014.
4. Resolution Authorizing Approval of Tax Releases and Refunds to the Individuals Listed Herein.
5. Resolution Authorizing Approval of NC Spot Festival Pyrotechnic Display on September 27, 2014, in Accordance with North Carolina General Statute 14-413.
6. Resolution Authorizing a Purchase Order to Hog Slat for the Purchase of an Incinerator for the Animal Shelter, Not-to-Exceed \$11,000.
7. Resolution Authorizing Approval of Purchase Order for Public Health Preparedness Program Service Contract to Adrienne Michalek for Fiscal Year 2014-2015: \$30,000.
8. Resolution Authorizing Execution of Reimbursement Resolution for Fuel Depot Project.

RESOLUTIONS

9. Resolution Requesting Approval of a New Position for a Building Inspector I.

Planning & Community Development Director Kyle Breuer explained: Due to increased development within the County, it is being requested that a new position be approved within the Planning and Community Development Department for a Building Inspector I; the Building Inspector I position is an entry level position and performs work under the supervision of the Senior Building Inspector; it is anticipated that this position will work directly out of the Hampstead Annex offices; he had brought this up as a customer service issue during the budget process, but was told to wait until he actually needed the position before he filled it; and his current guys do a good job. Discussion and questions included the timeframe in which inspections are made; certifications of the inspectors; and construction picking up in certain areas. Mr. Tate was concerned that this would open up the opportunity for every other department to come and say they also need more employees. Mr. Breuer said the FY 14-15 cost associated with the new request is approximately \$41,681.72 and the total recurring cost to Pender County will be approximately \$53,657.98. Mr. McCoy made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

10. Resolution Authorizing Approval of Pay Increases for Six Temporary Income Maintenance Caseworkers from \$10.00/Hour to \$13.30/Hour.

Health & Human Services Director Carolyn Moser explained: Temporary Contract Income Maintenance Caseworkers were hired to assist with NC FAST; the current pay is equivalent to a lower level Processing Assistant's salary versus a Caseworker's salary; an Income Maintenance Caseworker is more in line with the duties of a Caseworker position; job responsibilities are greater for a Caseworker; in the previous budget, we couldn't hire them at this rate; total budget increase for FY 14-15 is \$47,678.40; Federal Government approval has been given to reimburse counties 75% of this cost (\$35,758.80); the final county portion through 6-30-2015 will be \$11,919.60; funding is in the DSS budget and will require no additional county appropriations; the reimbursement will be retroactive to June 1; and she commends Dr. Shiver and staff for meeting NC Fast deadlines. Dr. Shiver said the \$13.30 is what the workers were earning originally, but at the end of that period, the rate went down to \$10. Mr. Brown made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

11. Resolution Rescinding Policy Requiring County Residency of Department Heads Hired after October, 2008.

Human Resources Director Denise Mulhollen explained: The Board amended the County Employee Residency requirement in October, 2012 to require that all Department Heads hired after October, 2008 reside in the County within twelve months of their hire date; this residency policy prevents the County from drawing on the large available pool of professional talent residing in counties immediately adjacent to Pender County and for whom moving would be a hardship; the policy significantly reduces the number of qualified applicants we receive for advertised department head positions; this resolution is asking to rescind all residency requirements for department heads, exclusive of the County Manager. Discussion ensued concerning the Finance Officer position. Mr. McCoy said we need to be able to get the best quality candidates we can get. Ms. Mulhollen explained this will be for the future and not just for one position. Mr. Williams said he was a part of the residency requirement decision, but we have to be willing to consider this resolution. Mr. Brown commented: Some folks complied to the policy; he knows it was a hardship for them; we tried it but there is no place for it right now; and he would like to personally apologize to folks it may have caused a hardship for. Mr. Tate commented: He championed the residency policy requirement the first time; he agreed when changes were made in 2008; folks need to live in the county they work in; and he supports his original decision. Discussion ensued of surrounding counties and whether or not they have residency policies. Mr. McCoy made a motion to approve the resolution, Mr. Brown seconded the motion and it was approved by a 3-2 vote, with Mr. Ward and Mr. Tate voting in opposition.

12. Resolution Authorizing Approval of Budget Appropriation for Debt Service Payments on Shell Building Loan and Resolution Authorizing Purchase Order to Four County EMC for Loan Payments.

Interim Finance Director Mike Apple explained: The County entered into an agreement in 2010 to borrow \$500,000 interest free from Four County for part of the cost of constructing a shell building; the agreement called for the payback of the principal to begin in August of 2014, with 84 monthly payments of \$5,952.38; this was not included in the 2014-15 adopted budget; and it needs to be appropriated. Discussion and questions included: How long the building has been sitting there empty; other things it could be used for other than industry; it is finished inside; the building was first built in partnership with others; can it possibly be utilized for something else. Mr. Murphy said it will be best to keep it immediately available and there is no better tool than having a shell building available. Mr. Williams said he will get a site report showing who had looked at the building. Following more discussion, Mr. Brown made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved.

13. Resolution Authorizing Approval of a One-Year Purchase Order to Central Carolina Tire for Tire Hauling and Disposal for FY 2014/15: \$75,000.

Utilities Director Michael Mack explained: This item was tabled at the August 4, 2014 Board meeting so staff could gather more information; the question was asked at that meeting how much of the expense Pender County recovers from the North Carolina Scrap Tire Grant program; staff responded that the County recovered approximately 50% for FY 13-14; that amount was incorrect; upon review of the Scrap Tire Fund subsequent to the meeting, staff found that once the final reimbursement is received from the State, the County will have recovered 100% of the FY 13-14 Scrap Tire expenses; staff also confirmed that the County has historically received both a scrap tire excise tax and a scrap tire grant that covered 100% of the cost to the County for the last six years. Mr. Brown made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

14. **Resolution Authorizing Approval of a Pender County Contractor Prequalification Policy and a Project Specific Contractor Prequalification Application for Pender County Utilities Wastewater Treatment Plant – Phase 2.**

Mr. Mack explained: The Board is being requested to authorize approval of a Pender County Contractor Prequalification Policy and a Project Specific Contractor Prequalification Application for Phase 2 of the Wastewater Treatment Plant. He explained the General Assembly recently ratified HB 1043 which pertains to prequalifying public construction contracting. Following general comments and questions by Board members, Mr. Brown made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved.

CENTRAL PENDER WATER & SEWER DISTRICT

15. **Resolution by the Board of Directors of the Central Pender Water and Sewer District Authorizing Approval of the Letter of Conditions from the USDA-RD for Permanent Financing of the Central Pender Water and Sewer District's Water Distribution System.**

The Board convened as the Central Pender Water & Sewer District at 5:20 p.m. Mr. Mack explained the approved 7-year referendum on the \$27 million GO Bond Referendum was set to expire in November 2013, but this action successfully extends it to 2016. Mr. Mack introduced USDA representatives Judy Hunt and Steven Smith. Discussion and questions included: The Letter of Conditions; USDA representatives are always very receptive to Pender County; water districts can be extended; total funding; loans and grants; Union Water District; letters to residents on Harrell Road; sign-ups; bringing in sewer. Mr. Brown made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

SCOTTS HILL WATER & SEWER DISTRICT

16. **Resolution by the Board of Directors of the Scotts Hill Water & Sewer District Accepting the Deed of Dedication/Bill of Sale from Pender EMS and Fire, Inc. for the Conveyance of Title to the Water Distribution System Properly Installed to Serve Pender EMS and Fire, Inc. Station No. 18 on U.S. Highway 17 for the Provision of Water to the property.**

The Board convened as the Scotts Hill Water & Sewer District at 5:35 p.m. Mr. Mack explained a Deed of Dedication is required for acceptance of any new water and/or sewer extensions constructed to serve any structure within a subdivision prior to the commencement of water and/or sewer service by the District. Mr. Tate made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

The Board reconvened as the Pender County Board of Commissioners at 5:37 p.m.

APPOINTMENTS

17. **Resolution Authorizing Approval of Appointment to the Four County Community Services Board, the Pender County Parks & Recreation Advisory Board and the Tourism Development Authority.**

Mr. Williams explained the resolution is for three separate appointments and the motions can be made separately or as one. Board members discussed the applicants and the districts they represent. Mr. Ward made a motion to approve the following appointments: Felicia Watkins is appointed to serve a five-year term on the Four County Community Services Board representing the Commissioner position, with term to expire June 30, 2019; Alicia Bynum is appointed to serve a three-year term on the Parks & Recreation Board representing District 2, with term to expire June 30, 2017; Emily Baker is appointed to serve the remainder of a two-year term on the Tourism Development Authority Board representing the Town of Burgaw Chamber of Commerce, with term to expire August 31, 2015. Mr. Brown seconded the motion and all appointments were unanimously approved.

18. Resolution Changing Appointment to the CoastalCare Area Board from a Two-Year Term to a Three-Year Term.

Ms. Pridgen explained: Upon the initial formation of CoastalCare (formerly Southeastern Center for Mental Health), board members were appointed to staggered terms; Don Hall was serving a two-year term; Mr. Hall's term expired and he was re-appointed to serve a two-year term on June 16, 2014; and staff recently found out that Board of Commissioners' appointments to the CoastalCare Board are three-year terms. Mr. Hall came forward and explained CoastalCare's by-laws call for three-year terms, and this action is just to clean up the appointment. Mr. Brown commented Mr. Hall does the county well serving on this board and on the ABC Board. Mr. Hall reminded the Board that CoastalCare still needs a Pender County Commissioner to serve on its board. Following discussion, Mr. Tate volunteered to serve. Mr. Brown made a motion to appoint Mr. Tate, Mr. McCoy seconded the motion and it was unanimously approved.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said there will be items for Closed Session.

ITEMS FROM THE COUNTY MANAGER

Mr. Murphy's items included: 1) A committee is going to be formed to receive periodic reports from the Auditors to make sure there are no problems. The Board was in complete agreement. 2) He will be mailing Legislative Goals packages to Board members and department heads on tomorrow.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Tate thanked Board members for approving the Income Maintenance salaries. He said DSS & Health interact with many people and he thanks Dr. Shiver and Ms. Moser for the job they do.

Mr. McCoy spoke concerning the Burgaw Wal-Mart and projects he wants considered on the RPO priority list, including the Roundabout for the Town of Burgaw, the 27 mile rail connector, Wallace Airport relocating their runway and the Surf City Bridge.

Mr. Williams and Mr. Breuer spoke concerning MPO and other road matters, including the Highway 17 Association and its Director, Marc Finlayson; urban acres receiving the bulk of transportation dollars; a committee formed to evaluate roads in certain areas; the Highway 17 By-Pass; interconnections in communities; the Safe Paths to Schools program; sidewalks in the Town of Burgaw; getting funds from legislators.

Mr. Williams also spoke of the need to have the audio visual in the meeting room repaired, and said he and Mr. Murphy will be meeting with Dr. Cobb and Chairman Rouse on tomorrow concerning the school bonds. Mr. Thurman advised the Board that taxpayer resources cannot be used to promote the bond referendum. Discussion ensued concerning talking to the Board of Elections Director about referendum election rules.

Mr. Tate asked if there are any solar farms in the County and Mr. Breuer responded not to his knowledge.

CLOSED SESSION

At 6:02 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; 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 6:57 p.m.

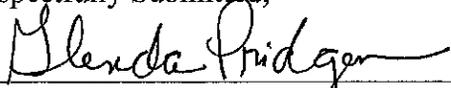
OPEN SESSION

Mr. Williams raised the issue of sending a letter to the Governor requesting a Special Session on Economic Development Incentives. It was the consensus of the Board to send the letter. There were no announcements.

ADJOURNMENT

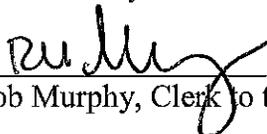
There being no further business, the meeting adjourned at 7:00 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Bob Murphy, Clerk to the Board/Ann Coombs, Administrative Assistant