

MONDAY, NOVEMBER 3, 2014

The Pender County Board of Commissioners met in regular session on Monday, November 3, 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; Denise Mulhollen, Human Resources Director; other staff and members of the Press and public. Chairman Williams announced that Mr. Tate was going to be late.

CALL TO ORDER

Chairman Williams called the meeting to order at 4:00 p.m. and thanked and welcomed all.

INVOCATION

Mr. McCoy offered the Invocation.

PLEDGE OF ALLEGIANCE

Mr. Brown led the Pledge of Allegiance.

EXCUSE COMMISSIONER

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

PUBLIC INFORMATION

1. **Labor Commissioner Cherie Berry, North Carolina Department of Labor: Presentation of N.C. Department of Labor Annual Safety Awards.**

Mr. Williams introduced the item, thanked Ms. Berry and her assistant for coming down, and said this is our second year in a row Ms. Berry has come here. Ms. Mulhollen explained: The N.C. Department of Labor safety awards program recognizes private and public firms throughout the state that achieve and maintain good safety records; the program is designed to stimulate interest in accident prevention and to promote safety in the workplace by providing an incentive to employers and employees to maintain a safe and healthful workplace; to qualify for an annual safety award, there must have been no fatalities during the calendar year and an incident rate at least 50 percent below the average for a particular group must be maintained; the gold award is based on the DART rate, which includes cases of days away from work, restricted job activity or job transfer; N.C. Department of Labor Commissioner Cherie K. Berry has issued annual safety awards to the Pender County departments that met these criteria for calendar year 2013; and awards will be presented to eligible departments. Ms. Berry's comments included: It is her job to make sure each employee gets home safely, whether private or public employment; she thanks Pender County employees for their safety awareness; she thanks the Board for allowing her to be here to present the awards; she has presented 30,000 awards across North Carolina in the fourteen years she has been Labor Commissioner; she thanks employees for all they do for citizens and for each other; and she encourages employees to keep up the good work. Ms. Berry's Assistant, Ursula Joyner, presented awards to the following county departments: Animal

Shelter; Sheriff, Social Services; 2nd consecutive year awards-Library, Public Buildings; 3rd consecutive year-Animal Control, Elections, Emergency Management, Housing; 4th consecutive year-County Manager, Finance, Human Resources, IT, Mosquito Control, Parks & Recreation, Planning, Tax Collections, Tourism, Utilities, Vehicle Maintenance, and Veterans Services. Ms. Joyner said if the four-year departments continue in 2014, there will be a process involved next year. Mr. Williams and Mr. Brown made remarks.

PUBLIC HEARINGS

2. Public Hearing and Resolution Approving Grant Applications and Authorizing Local Share for 5311-Community Transportation Program Operated by Pender Adult Services for FY 2015-2016: \$42,314.

Chairman Williams opened the public hearing at 5:20 p.m. Pender Adult Services Director Wes Davis explained: Pender Adult Services is requesting \$363,549 this year from NC Department of Transportation for the Transportation Program; a local match of \$42,314 is required; the funds will replace two vans that have exceeded their useful lives, including bike racks and cameras, vehicle lettering, office furniture and two expansion vehicles with bike racks. Mr. Davis introduced Valerie Sutton, Transportation Coordinator. Mr. McCoy was concerned about fuel costs and asked if they couldn't get smaller vans. Ms. Sutton explained the various sizes of the vans, what they are used for, and how many passengers each one would hold, with or without wheel chairs. No one else wished to comment and the public hearing closed. Mr. Brown made motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved.

3. Public Hearing and Resolution Approving Grant Application 5310-Enhanced Mobility of Seniors and Individuals with Disabilities Program Operated by Pender Adult Services for FY 2015-2016: \$185,913.

Chairman Williams opened the public hearing. Mr. Davis explained: The grant application for the 2015-2016 Enhanced Mobility of Seniors and Individuals with Disabilities Program is \$185,913; this service is for the benefit of seniors age sixty-five and older and/or have a disability; and no local match is required. Mr. Williams asked about folks driving their own vehicles and getting reimbursed. Mr. Davis said he thinks DSS does that but Pender Adult Services only use its own vehicles. Mr. Tate said Mr. Davis, Ms. Sutton and everyone at PAS do a wonderful job. No one else wished to comment and the public hearing closed. Mr. McCoy made motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

PUBLIC COMMENT

Ms. Sherrie Robbins of Rocky Point spoke concerning her neighbor's dogs barking continuously, and one of them coming onto her property. She said she has a letter from her doctor noting her history of seizures and the barking dogs cause her to have seizures. Mr. Williams said we can't do anything about barking dogs, but Animal Control can take care of dogs coming onto her property. Mr. Williams said someone will follow up with Animal Control. Ms. Robbins also spoke concerning Social Services cutting her reimbursement for driving back and forth to medical appointments. She said she can't ride the vans because she would have to wait six hours. Mr. Tate questioned why she is addressing this in public. He asked why she didn't call Ms. Moser or Dr. Shiver. Ms. Robbins said every time she calls Dr. Shiver, they say she is not there. Ms. Moser was instructed to get in touch with Ms. Robbins.

CONSENT AGENDA

Mr. Williams presented the four 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:

4. Approval of Minutes: Regular & Closed Session October 20, 2014.
5. Resolution Authorizing Approval of Tax Releases and Refunds to the Individuals Listed Herein.
6. Resolution Authorizing Budget Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2014-2015: Health Promotion: \$13,757.
7. Resolution Authorizing Approval of Purchase Order for Wellness Contract with Healthstat, Inc. for Fiscal Year 2014-2015: \$45,697.

RESOLUTIONS

8. **Resolution Authorizing Adoption of a Capital Project Budget Ordinance for the Engineering, Design, Permitting, Bidding, Inspections, Testing, and Construction of the Pender Commerce Park.**

Utilities Director Michael Mack explained: This is more or less a housekeeping item; they are getting ready to do financing on capital projects; on September 16, 2013, the Board approved a reimbursement resolution in the estimated amount of \$3,000,000 for the engineering and construction of the Pender Commerce Park; on October 31, 2013, the Board approved the Incentive Agreement for RC Creations obligating an additional \$450,000 for a temporary access road and final site grading to allow RC Creations to move quickly into construction of their new 100,000 SF manufacturing facility within the Pender Commerce Park; all costs have been determined; these are the numbers they will take forward to bond counsel and the financial advisors; and once financing is in place, the County will be reimbursed. Mr. McCoy made motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

9. **Resolution Authorizing Adoption of a Capital Project Budget Ordinance for the Engineering, Design, Permitting, and Construction of Three (3) Pender County Fuel Depot Tanks and Fueling Sites.**

Mr. Mack explained: On April 22, 2014, the Board approved and accepted a fuel management services proposal from "Go Energies" to provide three Fuel Depot Stations (County to purchase); Fuel Cloud Software from GE Software, Inc. and Wireless Communications at each depot location in the amount of \$300,000 for the tanks and equipment, and \$800 per month for the fuel management software support and service; a deposit payment in the amount of \$105,000 was made on April 28, 2014 to place the order to manufacture the three tanks; the balance of \$195,000 is now due on the tanks and staff is estimating the physical construction of the three sites to cost up to \$350,000; once these tanks are online, the County will save \$0.30 per gallon on the cost of fuel from the retail price we are currently paying; the funded Capital Project will include the manufacture, delivery, and setup of the three 12,000 gallon fuel tanks, the electrical engineering required for the site, and the actual construction of the three fuel depot locations for a total of \$662,520; a Budget Ordinance Amendment in the amount of \$557,520 is required to fund the balance of this Capital Project, as a deposit of \$105,000 has already been paid. Following questions and discussion, Mr. Brown made motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said there will be items for closed session. Mr. Tate stated we have too many closed sessions and stay in them too long.

ITEMS FROM THE COUNTY MANAGER

Mr. Murphy informed the Board that he transferred \$4,200 from Contingency to Public Works Contracted Services to hire an engineer to do an assessment of problems we have with the HVAC. The engineer is one we have used before.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Tate comments included: He has served on the Board for nine years; if anyone has any questions they can ask him now; he resides at his family home in Willard; if God allows him to relocate, he would relinquish his duty; he doesn't do this for power; he enjoys what he does.

Mr. McCoy said the Animal Shelter had an open house the past weekend, they do a tremendous job and he thanks Ms. Moser and the staff. Mr. McCoy also spoke of an article in last week's *Post and Voice* in which School Board member Tom Roper spoke negatively about the Board of Commissioners. He said Mr. Roper really threw the Board under the bus and that we all need to work together. Mr. Tate agreed with Mr. McCoy.

Mr. Brown's comments included: He was really disappointed by the things he read; there have been lots of comments lately; folks are frustrated; concerning Mr. Tate's remarks, people should quit worrying about other people.

CLOSED SESSION

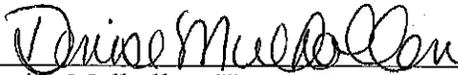
Mr. Brown made a motion to enter into closed session, pursuant to NCGS 143-318.11: 3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy 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. Mr. Ward made a motion to exit the Closed Session at 5:53 p.m. Mr. Brown seconded the motion and it was unanimously approved. There were no announcements made upon exiting the Closed Session.

ADJOURNMENT

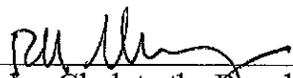
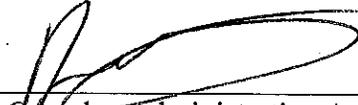
There being no further business, the meeting adjourned at 5:53 p.m.

Respectfully Submitted,

Denise Mulhollen, Human Resources Director/Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:

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



REQUEST FOR BOARD ACTION

ITEM NO. 6.

DATE OF MEETING: November 17, 2014

REQUESTED BY: Glenda Pridgen, Administrative Assistant

SHORT TITLE: Approval of Minutes: Regular & Closed Session November 3, 2014.

BACKGROUND: N/A.

SPECIFIC ACTION REQUESTED: Review and approve the minutes.