

JUNE 6, 2005

The Pender County Board of Commissioners met in a regular session on Monday, June 6, 2005, at the Pender County Public Assembly Room, 805 South Walker Street, Burgaw, North Carolina

MEMBERS PRESENT: Chairman Eugene Meadows, Vice Chairman Stephen Holland, and Commissioners Bill Moore, F.D. Rivenbark and David Williams.

OTHERS PRESENT: John Bauer, County Manager, Paul Parker, Assistant County Manager, Trey Thurman, County Attorney, Melinda Knoerzer, Deputy Clerk to the Board.

CALL TO ORDER

Chairman Meadows called the meeting to order at 10:00 a.m.

INVOCATION

Mr. Williams offered the invocation.

PLEDGE OF ALLEGIANCE

Mr. Meadows led the Pledge of Allegiance.

PUBLIC INFORMATION

Proclamation, June 25, 2005 is NC Blueberry Festival Day in Pender County

Mr. Meadows read the proclamation in its entirety and presented three original signed copies to Mr. Wayne Batten and Katherine Adams, Co-Chairs of the event. Ms. Adams gave Commissioners and staff each a pint of locally grown blueberries. Mr. Batten discussed the increased interest in the Blueberry Festival, which is now in its second year. He outlined the schedule of events and invited the Commissioners and public to join in the festivities. Upon the motion of Mr. Rivenbark, a second by Mr. Moore and a unanimous vote of the Board, the proclamation was adopted.

Mr. Rivenbark made a motion to discuss item number 15 next. This motion was seconded by Mr. Moore, and carried by unanimous vote of the Board.

15. Construction Inspection Services: School Bond Projects

Mr. Rivenbark introduced Mr. John Jones of Construction Control Corporation. Mr. Jones explained his extensive background in education and how he came to affiliate himself with the company. He said they propose to reduce the costs of the "building program" by more than the fees paid to them. He said he had met with School Board Member Tom Roper last week, and would be meeting with School Superintendent Dr. Theodore Kaniuka on Wednesday of this week to discuss the scope of their services. He said they look at the total construction project and could potentially eliminate errors before the work is bid. He said they can be involved as much or as little as is desired, and they can come onto a project at any time. He said their corporate offices are in Columbia, SC and they have an office in Cary, NC.

Mr. Bauer asked the Board to be clear on their intent because item #12 on this agenda is a \$2 million loan to the schools to begin construction projects at Pender High School (PHS) and Burgaw Elementary School (BES). Mr. Jones noted that his company has not yet made a formal presentation on this topic. Mr. Bauer said the Priority One Committee is meeting later this week. He asked Mr. Jones if it would slow the construction process in any way if they were to hire his firm. Mr. Jones said it would not, however, the sooner they become involved, the better the effect they can have on the overall project. He said they have been hired after-the-fact before and they have never had a project that was not reduced by at least the cost of their fee. Mr. Holland and Mr. Williams said they would follow the advice and recommendation of the Priority One Committee.

Dr. Kaniuka came forward and explained that the \$2 million referenced in item number 12 is necessary to accommodate the start of construction projects at PHS and BES that are time-sensitive. He said in order to complete renovations by the beginning of the 05-06 school year, they must begin work within two weeks. Dr. Kaniuka also said he looks forward to meeting with Mr. Jones and noted that about 30 other firms have contacted the school as well.

This item will be brought back for further discussion next month, pending recommendation of the Priority One Committee.

CONSENT AGENDA

Mr. Bauer asked the Board to add item 8A to the Consent Agenda. Chairman Meadows presented the 9 items on the Consent Agenda. Upon a motion made by Mr. Rivenbark and a second by Mr. Williams, the Board unanimously voted to approve the Consent Agenda as follows:

1. Resolution Approving Minutes of Meeting: May 16, 2005 (Regular and Closed Session), May 23, 2005 Budget Workshop, May 31, 2005 Budget Public Hearing
2. Resolution Approving Tax Refunds and Releases as Presented
3. Resolution Authorizing a Purchase Order to North Carolina Department of Corrections for Inmate Safekeeping Expenses and Approval of a Budget Transfer to Move Funds Necessary for the Expenditure: \$10,000
4. Resolution Authorizing a Purchase Order to Southern Health Partners for Medical Expenses for Jail Inmates: \$11,000
5. Resolution Awarding Contract to Wilmington Industrial Development, Inc. (WID, Inc.) For Industrial Development/Marketing: \$15,000
6. Resolution Approving and Authorizing Execution of Cooperative Service Agreement: USDA (APHIS) – (WS): Beaver Management Services: Two (2) Years: \$47,337
7. Resolution Authorizing Execution of Closeout Agreement: HUD Disaster

8. Resolution Adopting the National Incident Management System (NIMS)
By the Pender County Board of Commissioners
- 8A. Budget Ordinance Amendment appropriating \$8,636 to Emergency Medical Services for EMS Driveway Improvements

BUDGET ORDINANCE

Mr. Bauer presented the FY 2005-2006 Budget Ordinance, noting that the public hearing was held last Tuesday, May 31, 2005. He said the only change made since that date was in the E-911 fund (Section 5A and 5B), where additional revenues and expenditures were added to accommodate the addition of a clerical/administrative person to answer the non-emergency calls at the E-911 center. In addition, Section 25 was changed to permit the Finance Officer to transfer \$250 between budget lines, without other approval (presently all transfers require the approval of the County Manager).

Dr. Kaniuka came forward to let the Commissioners know that the School Board and School Administration are not satisfied with the funding level in this year's budget, which falls some \$200,000 short of the School's request for current expense and falls \$300,000 short of the School's request for Capital Outlay. He said their utility and insurance costs have increased and if not funded fully, the Schools would have to reduce services by \$200,000. He said without the \$300,000 they would have to reduce their maintenance capabilities. Dr. Kaniuka said that since 95% of the School's budget is for personnel, if this extra money is not funded, they would have to reduce the number of "consumables", such as text books, and placing a higher burden on the parents. He noted that teachers spend an average of \$500 to \$700 annually of their own money on classroom supplies.

Dr. Kaniuka also noted that \$450,000 to \$500,000 of funding would be lost if the State passes the current budget. He said the Board of Education wants the Commissioners to know that they will work with what they are given; however, it could cause a significant hardship. He noted they had raised athletic fees to fill the budget for next year, and will lose vending machine income due to new restrictions, as well as having to pay a \$10,000 cost to have EMS at athletic events.

Mr. Williams noted that last year, the Board of Education came to the Board with a need for \$200,000 to buy new school buses, which was funded. Mr. Bauer confirmed that the bond money can only be used for school construction. He said the Schools are not the only ones who did not receive 100% of the funding they requested. He said that he and Dr. Kaniuka had worked extremely well together coming up with this.

Mr. Williams then made a motion to approve the Budget Ordinance as submitted by Mr. Bauer and with the revisions as noted previously. Mr. Holland provided the second, and the Budget Ordinance was approved by a vote of 3 to 2 (Mr. Meadows, Mr. Holland and Mr. Williams voting in the affirmative, Mr. Moore and Mr. Rivenbark voting in opposition. *{Clerk's Note: Later in the meeting this was amended to exclude the 2 cent tax increase found at Section 19, leaving the tax rate at 4 cents in the Long Creek Volunteer Fire District pending the outcome of a public hearing on June 13, 2005, and subsequent Board action.}*

Commissioner Bill Moore asked to be excused as he had to leave the meeting. Mr. Rivenbark made a motion to excuse Mr. Moore, which was seconded by Mr. Holland and carried by unanimous vote of the Board.

RESOLUTIONS

10. Resolution Authorizing a Purchase Order to County Attorney for Professional Services related to Redistricting and Approving a Budget Ordinance Amendment: \$28,428.00

Upon a motion made by Mr. Williams, seconded by Mr. Holland and vote of 4 to 0, the Board approved item number 10 as follows: Commissioners that a purchase order is authorized to Carl W. Thurman III in the amount of \$22,600 and it is further ordained by the Pender County Board of Commissioners that the FY 2004-05 Budget Ordinance is hereby amended as follows:

Transfer from:		
999-499400	Contingency	\$28,428.00
Transfer to:		
470-404550	Contracted Services – Redistricting	\$28,428.00

11. Resolution Authorizing Execution of Agreements to Join the North Carolina Counties Liability and Property Joint Risk Management Agency and Joint Risk Management Agency Workers’ Compensation Fund - \$573,576

Mr. Bauer said that although he would be pursuing lower cost alternatives for the future, he recommends approval of these plans at this time. Mr. Rivenbark made a motion to approve, and Mr. Williams provided the second. By a vote of 4 to 0, the Board approved item number 11 as follows: the annual agreement for fiscal year 2005-2006 be executed to join the North Carolina Counties Liability and Property Joint Risk Management Agency for property, liability and worker’s compensation insurance and purchase orders are authorized for FY 05-06 for these policies, in an amount not to exceed \$573,576.

12. Budget Ordinance Amendment: \$2 million “Loan”/Advance from Pender County Government to Pender County Schools

Mr. Bauer said that approval of this item would advance sufficient funds to the schools to permit them to begin construction of the Pender High and Burgaw Elementary School projects within two weeks. He said the County has sufficient funds to make this (non-interest-bearing) loan at this time. Upon the motion of Mr. Rivenbark, second by Mr. Williams, and vote of 4 to 0, the Board approved a \$2 million loan from the Fund Balance to Public School Capital Outlay.

Chairman Meadows convened the Board as the Directors of the Rocky Point/Topsail Water & Sewer District.

ROCKY POINT TOPSAIL WATER AND SEWER DISTRICT

13. Budget Ordinance Amendment: Rocky Point/Topsail Water & Sewer District: \$6,500 increase.

Paul Parker said this would authorize the additional water purchase from Wallace to serve new customers in the Clarks Landing and Little Kelly Road area. He said this is a

projection of additional revenues that will be generated by these new customers. Mr. Williams made a motion to approve, and Mr. Rivenbark made the second. Upon a 4 to 0 vote, the Board approved item #13 as follows: that the FY2004-2005 Budget is amended as follows:

<u>Increase Revenues:</u>			
Water Fees	72-330000		\$6,500
		Total	\$6,500
<u>Increase Expenses:</u>			
Water Purchase	72-409000		\$6,500

Chairman Meadows reconvened the regular meeting of the Pender County Board of Commissioners.

APPOINTMENT

14. Resolution Approving Citizen Appointments to Boards, Commissions, etc.

Mr. Bauer presented this item and pointed out the current vacancies listed for all Boards. He asked the Board to work on recruitment of people to serve on these boards. Mr. Rivenbark asked if the appointment of two employees to the Housing Initiative Board would create a conflict of interest. Mr. Bauer said, "No". Mr. Williams made a motion to approve item 14 as presented and Mr. Rivenbark provided the second. Upon a vote of 4 to 0, the following appointments were approved; Twila Jones appointed to the Jury Commission for the term of July 1, 2005 to June 30, 2008, and Cindy Jones and Angela Keith are both appointed to the Pender County Housing Initiative Board for a term to be determined by the Housing Board.

DISCUSSION

16. Cabarrus County Public Facilities' Standards: Recouping Costs

Mr. Bauer said that Mr. Rivenbark had asked for information on this topic for further discussion. He said he contacted Cabarrus County and this is the information they provided. The Board asked for more time to review this material and an opportunity to discuss this again in one month.

17. 2010 Long Range Planning Process

Mr. Bauer said this matter was discussed at staff meeting and they believe these committees may be redundant. He asked the Board if they believed that long range planning could be accomplished by the existing committees. Mr. Bauer noted that on page 15 of the FY 2005-2006 budget (Budget Message), the Financial and Programmatic Policies & Goals are outlined. Mr. Williams asked for a periodic report tracking the progress of these Boards. Mr. Bauer noted that the resolutions reflect the actions being taken.

Mr. Bauer then asked the Board to return to the Budget Ordinance and to amend it since it DOES include the 2 cent tax increase that Long Creek Fire Department requested. He asked the Board to amend their action to approve the Budget except for Section 19, pending the outcome of the public hearing scheduled for June 13, 2005. Mr. Williams made a motion to approve the Budget Ordinance except for Section 19 (Long Creek Fire

Department). Mr. Holland seconded this motion, and it carried by a 4 to 0 vote. Mr. Williams stated that he would be out of town and cannot attend that hearing.

ITEMS FROM THE COUNTY MANAGER

Mr. Bauer presented the following items of interest:

1. Letter from NC Department of Juvenile Justice and Delinquency Prevention with respect to increase in the County's share for state-operated detention facilities from the current \$80 per day to \$84 per day.
2. Letter from Sloop Point Volunteer Fire Department with respect to contract to purchase a new tanker.
3. Memo from County Manager with respect to Sales Assessment Ratios
4. Memo from County Manager with respect to position changes.

Mr. Bauer stated that on the next agenda he anticipates there will be information on the cost/benefits of more frequent revaluations. He said that Mr. Stan Vance, Tax Administrator is looking at sales assessment ratios, which adjusts tax values in line with approximate market values.

Mr. Bauer reported that he would be meeting with the Board of Elections Wednesday to review the applications received for the Director's position. He said he is meeting with the Planning Department whose goal it to have a Planner on Board by August 1st.

Mr. Bauer then presented a memo indicating that Mr. Rivenbark requested reimbursement for the \$415 registration fee and a \$95 seminar fee in conjunction with his attendance at the 2005 National Association of Counties annual meeting in Honolulu, HI. Mr. Bauer said it is worth noting that Mr. Rivenbark is taking care of his own travel and hotel costs. After some discussion, the Board, upon the motion of Mr. Williams and second by Mr. Holland, voted 3 to 1 to approve this expenditure. Commissioners Holland, Williams and Rivenbark voting in the affirmative, and Mr. Meadows voting against.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman reported that he would file and answer today in the Deborah Hobbs case versus the State, District Attorney and the Sheriff. With regard to the Board of Elections, he stated that he has, in the past, served as counsel to that board and they may ask his assistance (within the retainer) with the selection process for a new Director.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Rivenbark said that the Fire Commission is requesting better Internet access, and is working to update fire reporting. He said he had received communication from the North Carolina Association of County Commissioners (NCACC) regarding contacting legislators by phone on the matter of Medicaid Relief. He made a motion to send a resolution in support of Medicaid Relief to our legislators and ask staff to make the telephone calls to the other legislators as indicated. Mr. Williams seconded this motion, which carried by a vote of 4 to 0.

Mr. Williams expressed his concerns that the County should strive to make it easier to do business on the eastern side of the County, due to the high growth rate there.

Mr. Meadows thanked staff involved with attending the County's booth at Spring Fest. He asked if the career ladder plan is still in the County budget. Mr. Bauer said he did not incorporate the "plans" in their totality in this budget. He said he would bring pay recommendations and a new pay plan to the Board on the June 20th agenda.

PUBLIC COMMENT

No one came forward for public comment.

CLOSED SESSION

At 11:15 a.m., Mr. Rivenbark made a motion to enter into closed session pursuant to N.C.G.S. 143-318.11 to discuss Eastern Health Care vs. Pender County, and to preserve the attorney client privilege. The motion was seconded by Mr. Williams and carried by unanimous vote of the Board.

OPEN SESSION

AT 11:25 a.m., Mr. Rivenbark made a motion to come out of closed session, which was seconded by Mr. Williams and carried by unanimous vote of the Board.

At 11: 25 a.m., Mr. Holland made a motion to adjourn, which was seconded by Mr. Rivenbark and carried unanimously.

Respectfully Submitted,

Melinda Knoerzer
Deputy Clerk to the Board

Reviewed by,

John Bauer
Clerk to the Board