

November 24, 2008

A regular meeting of the Bladen County Board of Commissioners was held on Monday, November 24, 2008 at 6:30 pm in the Commissioners meeting room of the Bladen County Courthouse with the following members present:

Margaret Lewis-Moore
Billy Ray Pait
Lewis Tatum
Delilah Blanks
W.D. Neill, Jr.
James G. Smith
Charles Ray Peterson
Greg Taylor
Larry Smith

Attorney: Wes Johnson, Johnson Law Firm

Chairperson Moore called the meeting to order. Commissioner Larry Smith provided the Invocation and County Manager Greg Martin led the Pledge of Allegiance.

ITEM 1. CONSENT ITEMS:

Upon a motion by James G. Smith, seconded by Greg Taylor, the Board approved the following consent items:

- A. Approve Minutes**
- B. Approve Agenda**
- C. Approve Budget Amendments**

	Increase	Decrease
<u>Social Services</u>		
Exp: 146100.573	\$1,250.00	
<i>DSS-System of Care</i>		
Rev: 143590.102	\$1,250.00	
<i>System of Care Grant</i>		
<u>Health Department</u>		
Exp: 105985.330	\$3,000.00	
<i>Supplies</i>		
Rev: 103530.103	\$3,000.00	
<i>DHHS-Immunizations</i>		
<u>Finance</u>		
Exp: 104400.744	\$67,491.00	
<i>Debt Service-Principal</i>		
Rev: 103190.050	\$67,491.00	
<i>FBA</i>		
<u>Social Services</u>		
Exp: 146100.451		\$500.00
<i>Cont. Serv./Domestic</i>		
<i>Violence</i>		
Rev: 143550.032		\$500.00
<i>Domestic Violence/TANF</i>		
<u>Finance</u>		
Exp: 104400.740	\$316,988.00	
<i>Capital Outlay-Equipment</i>		
Rev: 103190.014	\$316,988.00	
<i>Loan Proceeds</i>		

- D. Approve County Attorney Invoices**
 - **Review of BARTS Transportation Agreement**
- E. Approve Tax Refunds & Releases**

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- F. Approve FY 08-09 Community Transportation Agreement with North Carolina Department of Transportation
- G. Reschedule Public Hearing for Monday, December 1, 2008 at 6:30 pm Regarding Incentive Grant Agreement with Dynapar
- H. Approve \$500 Contribution to Bladen Free Clinic
- I. Consider Approving Installment Financing Documents Regarding:
 - A. Financial Software

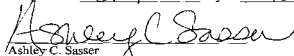
Resolution Approving Financing Terms

WHEREAS: Bladen County, North Carolina (the "County") has previously determined to undertake a project for Licensed Software, Implementation Services & Third Party Products by New World Systems (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The County hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated November 13, 2008. The amount financed shall not exceed \$316,985.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.23%, and the financing term shall not exceed five (5) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the County are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and a Project Fund Agreement as BB&T may request.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by County officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The County shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The County hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).
5. The County intends that the adoption of this resolution will be a declaration of the County's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The County intends that funds that have been advanced, or that may be advanced, from the County's general fund, or any other County fund related to the project, for project costs may be reimbursed from the financing proceeds.
6. All prior actions of the County officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Adopted this 24th day of November, 2008


Ashley C. Sasser
Clerk to the Board of Commissioners


Margaret Lewis Moore
Chairperson to the Board of Commissioners

SEAL

B. Jail Surveillance Equipment

Resolution Approving Financing Terms

WHEREAS: Bladen County, North Carolina (the "County") has previously determined to undertake a project for the installation of a Jail Surveillance Camera System (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The County hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated November 20, 2008. The amount financed shall not exceed \$100,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.37%, and the financing term shall not exceed three (3) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the County are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and a Project Fund Agreement as BB&T may request.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by County officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The County shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The County hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).
5. The County intends that the adoption of this resolution will be a declaration of the County's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The County intends that funds that have been advanced, or that may be advanced, from the County's general fund, or any other County fund related to the project, for project costs may be reimbursed from the financing proceeds.
6. All prior actions of the County officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Adopted this 24th day of November, 2008


Ashley C. Sasser
Clerk to the Board of Commissioners


Margaret Lewis Moore
Chairperson to the Board of Commissioners

SEAL

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ITEM 2. MATTERS OF INTEREST TO COMMISSIONERS:

- Chairperson Moore and Vice Chairperson Pait presented outgoing Commissioners Greg Taylor and Jimmie Smith with a plaque for their dedicated service as members of the Board of Commissioners.
- Commissioner Peterson requested that County Manager Greg Martin prepare a Resolution Regarding the Union's efforts at Smithfield. A motion was made by Charles Ray Peterson, seconded by James G. Smith and authorized the County Manager to prepare a Resolution stating that the Board of County Commissioners does not support the Union at Smithfield.
- Commissioner Blanks requested that the Resolution state Smithfield Packing's contributions to Bladen County.
- Commissioner Peterson expressed a concern for EMS Employees driving the EMS vehicles at high rates of speed.
- Commissioner Peterson requested that the Board recognize employees who are reaching years of service milestones with Bladen County.
- Commissioner Peterson requested that Animal Control Director Wayne Stewart investigate the lethal injection process for euthanization of animals.

ITEM 3. INDIVIDUALS/DELGATIONS WISHING TO ADDRESS COMMISSIONERS:

ITEM 4. NORTH CAROLINA DEPARTMENT OF TRANSPORTATION: (Drew Cox, District Engineer)

A. Public Hearing Regarding Proposed 2008-2009 Secondary Roads Improvement Program – Chairperson Moore declared the Public Hearing Open.

- Commissioner Neill Requested that State Road 1731 be added for paving.
- Chairperson Moore requested that Pone-Loop Rd be reviewed.

No public comments were received and Chairperson Moore declared the Public Hearing Closed.

B. Consider Approving Proposed 2008-2009 Secondary Roads Improvement Program – Upon a motion by Charles Ray Peterson, seconded by James G. Smith, the Board approved the proposed 2008-2009 Secondary Roads Improvement Program.

- NCDOT Board Member Mac Campbell and NCDOT District Engineer Drew Cox provided an update to the Board on projects of interest for Bladen County which included the following:
 - 1) Widening of Lucy Drive planned for the Spring of 2009
 - 2) Four-Laning of Hwy 87 will follow NC11 to Hwy 74/76 or will follow Hwy 87 through Riegelwood.
 - 3) Tar Heel Bridge and Hwy 11 Bridge over Cape Fear River to be repaired beginning in FY 2010.
 - 4) Intersection Improvements at Hwy 87 and MLK and Mercer Mill Rd.
 - 5) Hwy 87-701 Intersection

ITEM 5. FINANCE: (Lisa Coleman, Director)

- FY 2008 Audit Presentation – Bryon Scott, Thompson, Scott, Price, Adams & Co., PA – Finance Director Lisa Coleman introduced Bryon Scott of Thompson, Price, Scott and Adams. Mr. Scott reviewed the audit presentation, including summary and additional information. He expressed appreciation to the Finance Department and its staff for assistance provided during the audit and indicated that the firm had issued an unqualified opinion, the

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highest opinion available to be rendered. Upon a motion by Charles Ray Peterson, seconded by Greg Taylor, the Board accepted the FY 08 audit as presented.

ITEM 6. BRAC REGIONAL TASK FORCE:
(Paul Dordal, Executive Director)

- Report on Findings for Comprehensive Growth Plan and Benefits of BRAC Regional Task Force for Bladen County – Executive Director Paul Dordal and Regional Planner Donald Belk provided a power point presentation that included the following:
 1. Community Impacts
 2. Economic Impacts
 3. Benefits to Bladen County

ITEM 7. SHERIFF’S DEPARTMENT: (Steve Bunn)

A. Consider Approving Resolution Regarding Mutual Aid Agreements – Upon a motion by Greg Taylor, seconded by Lewis Tatum, the Board approved the following Resolution:

RESOLUTION ADOPTING A POLICY FOR MUTUAL ASSISTANCE WITH OTHER LAW ENFORCEMENT AGENCIES

WHEREAS, pursuant to North Carolina General Statutes § 160A-288, the governing body of a county may adopt appropriate guidelines for the purpose of mutual assistance with other municipal and county law enforcement agencies; and

WHEREAS, pursuant to said laws, the law enforcement assistance to be rendered authorizes lending officers to work temporarily with officers of the requesting agencies, including in an undercover capacity, and lending equipment and supplies; and

WHEREAS, it is deemed to be in the best interests of the citizens of Bladen County to adopt a reasonable policy and guidelines whereby reciprocal law enforcement assistance can be both rendered to and obtained from other governmental jurisdictions; and

WHEREAS, such reciprocal assistance is necessary for effective law enforcement for the protection of the citizens of Bladen County;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS THAT:

1. The Sheriff is hereby authorized to enter into mutual assistance arrangements with other municipal and county law enforcement agencies, provided that the head of the requesting law enforcement agency makes such a request in writing.
2. The Sheriff is hereby authorized to permit officers of the Bladen County Sheriffs Office to work temporarily with officers of the requesting agency, including in an undercover capacity, and the Sheriff may lend such equipment and supplies to requesting agencies as he deems advisable.
3. All such requests and authorizations shall be in accordance with North Carolina General Statutes § 160A-288, as applicable.
4. While working with a requesting agency, an officer shall have the same jurisdiction, powers, rights, privileges and immunities (including those relating to the defense of civil actions and payment of judgments) as the officers of the requesting agency in addition to those the officer normally possesses.
5. While on duty with the requesting agency, an officer shall be subject to the lawful operational commands of the officer's superior officers in the requesting agency, but the officer shall for personnel and administrative purposes, remain under the control of the officer's own agency, including for purposes of pay. An officer shall furthermore be entitled to worker's compensation and the same benefits to the extent as though he were functioning within the normal scope of the officer's duties.

6. The Sheriff is hereby authorized to enter into mutual assistance agreements with other law enforcement agencies in accordance with such reasonable arrangements, terms and conditions as may be agreed upon between the respective heads of the law enforcement agencies.

Greg Taylor moved for the adoption of the foregoing resolution.
Lewis Tatum seconded the motion and, upon vote, the same was adopted.
This the 24th day of November 2008

Chairman, *Margaret H. Davore*
Board of Commissioners
County of Bladen

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- B. Consider Approving Project Safe Neighborhoods Gun Violence Grant Position** – Lt. Larry Guyton with the Bladen County Sheriff's Department provided a power point presentation, including a detailed summary of the Project Safe Neighborhoods program and the benefits to Bladen County. Upon a motion by Delilah Blanks, seconded by Greg Taylor, the Board approved the Project Safe Neighborhoods Gun Violence Grant Position for the Bladen County Sheriff's Department and an associated Budget Amendment in the amount of \$32,320 for 6 months.
- C. Consider Approving Memorandum of Agreement with Columbus County Sheriff's Department** – Upon a motion by W.D. Neill, Jr., seconded by Lewis Tatum, the Board approved the following Memorandum of Agreement with Columbus County Sheriff's Department:

MEMORANDUM OF AGREEMENT (MOA)
Between
COLUMBUS COUNTY SHERIFF'S OFFICE
And
BLADEN COUNTY SHERIFF'S OFFICE

This Memorandum of Agreement (MOA) is entered by and between the Columbus County Sheriff's Office (hereinafter referred to as "CCSO"), and Bladen County Sheriff's Office (hereinafter referred to as "BCSO"), for the purpose of clearly defining partner roles and responsibilities in the implementation of Southeast Project Safe Neighborhood (hereinafter referred to as "Southeast PSN"). This MOA is subject to the provisions of all applicable Federal and State laws, regulations, policies and standards.

The administrator for CCSO will be Chris Batten, Sheriff, at 805 Washington Street, Whiteville, NC 28472, 910-642-6551. The administrator for BCSO will be Stephen W. Bunn, Sheriff, at 201 East King Street, Elizabethtown, NC 28337, 910-862-6949.

This MOA may be terminated by either party upon at least 30 days' written notice or immediately upon notice for cause. This MOA may be amended, if mutually agreed upon, to change scope and terms of the MOA. Such changes shall be incorporated as a written amendment to this MOA.

I. Roles and Responsibilities

Structure

- A. Southeast PSN partnership is comprised of the following lead organizations:**
- Columbus County Sheriff's Office
 - Bladen County Sheriff's Office

Southeast PSN will operate under the auspices of a Lead Team comprised of one or more representatives from each of the two partners and include members from the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the US Attorney's Office.

The goal of Southeast PSN is to reduce violent crime by fighting gun violence and increasing prosecution of gun violators and educating the public about gun safety. This project will work closely with local municipalities, federal law enforcement agencies, the District Attorney's Office and the US Attorney's Office as well as other community outreach organizations.

B. Collectively, Southeast PSN agrees to:

Collaboration

- Create a new position dedicated to tracing all confiscated guns and preparing cases to assist in prosecution.
- Hold at least one team meeting per a quarter comprised of representatives from the participating organizations.
- Share in decision-making through consensus regarding issues that impact all partners.

- Develop, review, and approve publications utilizing an approved protocol.

Training

- Plan and provide initial training and serve as faculty.
- Provide on-going support and periodic trainings to support spread and sustainability.

Technical Assistance

- Provide training and resource materials, educational materials, and handouts needed to implement Southeast PSN.
- Provide technical support for implementation of Southeast PSN as needed.

Compliance

- Partners agree to comply with any restrictions regarding the use of grant funds and/or any special terms and conditions set forth by the funding agencies. Partners will notify one another of any such conditions as soon as the information becomes available.

Ownership

- Partnering organizations will share in ownership of all materials, publication, and data that are produced.

COLUMBUS COUNTY will:

A. Responsibilities

1. Coordination
 - Operate as lead agency/fiscal sponsor for project.
2. Administration
 - All personnel salaries will be reimbursed upon receipt of invoice.
 - Mileage will be reimbursed to Bladen County based on Federal rate.
 - All salary shortfalls will be shared responsibility of both agencies.
3. Technical Assistance and Training
 - Officer equipment will be shared responsibility of both agencies.
4. Planning and Development
 - Provide secondary office location for personnel
 - Provide mobile phone and wireless connection

BLADEN COUNTY will:


A. Responsibilities

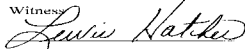
1. Administration and Logistics
 - All salary shortfalls will be shared responsibility of both agencies.

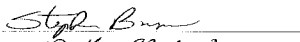
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- Provide primary office location for personnel
- Provide transportation
- 2. Technical Assistance and Training
 - Officer equipment will be shared responsibility of both agencies.
- 3. Evaluation/Measurement
 - Reporting will be maintained and available for review.
- 4. Information Technology
 - Provide computer access for data collection.

This MOA shall begin on November 01 and end on June 30, 2009.

BY: 
TITLE: Sheriff
DATE: 11/24/08

Witness 

BY: 
TITLE: SP-11 Bladen Co
DATE: 11/20/08

Witness 

Margaret L Moore
11/24/08

ITEM 8. AIDVISORY BOARDS:

- A. **Ag-Civic Center Members (7)** – Upon a motion by Charles Ray Peterson, seconded by James G. Smith, the Board approved to disband the Ag-Civic Center Board.
- B. **EMS Advisory Council (9)** – Upon a motion by Charles Ray Peterson, seconded by James G. Smith, the Board appointed Kevin Jackson, Interim CEO of Bladen County Hospital to replace David Masterson and to table all other expired seats.
- C. **Juvenile Crime Prevention Council (1)** - *Tabled*
- D. **Keep Bladen Beautiful (2)** – A motion was made by Greg Taylor, seconded by Billy Ray Pait and approved to appoint Mike Jones to replace Edna Suggs with an expiration date of September 30, 2011, to reappoint Gail Robinson with an expiration date of September 30, 2011 and to waive the term limits.

ITEM 9. COUNTY MANAGER: (Greg Martin)

- A. **Calendar Update** - Mr. Martin reviewed the calendar for upcoming events.
- B. **Consider 2009 Proposed Board of Commissioners Meeting Dates** – Upon a motion by Charles Ray Peterson, seconded by Billy Ray Pait, the Board approved the following meeting dates for 2009:

**2009
Board of Commissioners Meeting Dates**

January 5, 2009 6:30 pm	July 6, 2009 6:30 pm
January 20, 2009 (Tuesday) 6:30 pm	July 20, 2009 6:30 pm
February 2, 2009 6:30 pm	August 3, 2009 6:30 pm
February 16, 2009 6:30 pm	August 17, 2009 6:30 pm
March 2, 2009 6:30 pm	September 8, 2009 (Tuesday) 6:30 pm
March 16, 2009 6:30 pm	September 21, 2009 6:30 pm
April 6, 2009 6:30 pm	October 5, 2009 6:30 pm
April 20, 2009 6:30 pm	October 19, 2009 6:30 pm
May 4, 2009 6:30 pm	November 2, 2009 6:30 pm
May 18, 2009 6:30 pm	November 16, 2009 6:30 pm
June 1, 2009 6:30 pm	December 7, 2009 6:30 pm
June 15, 2009 6:30 pm	December 21, 2009 6:30 pm

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C. Consider Bladen Community College Requests – Upon a motion by Delilah Blanks, seconded by Larry Smith, the Board approved the following for Bladen Community College:

1. A Short-Term loan of \$20,266 to pay Embarq. BCC will reimburse Bladen County when insurance proceeds are received.
2. An advance of \$20,000 from BCC's existing appropriation. Bladen County will reduce the remaining seven monthly payments to BCC by \$2,857.15 to offset this advance.

D. Consider Entering Closed Session in Accordance with N.C.G.S. 143-318.11 (a)(5) Real Property Acquisition and (a)(6) Personnel Matter – Upon a motion by Charles Ray Peterson, seconded by Greg Taylor, the Board entered Closed Session.

A motion was made by Lewis Tatum, seconded by Greg Taylor and approved to exit Closed Session and re-enter Regular Session.

Upon a motion by James G. Smith, seconded by Greg Taylor, the Board appointed Charles Ray Peterson to replace James G. Smith's unexpired term on the Board of Health.

Upon a motion by Lewis Tatum, seconded by W.D. Neill, Jr., the Board adjourned at 9:20 pm.

Margaret Lewis-Moore, Chairperson
Bladen County Board of Commissioners

ATTEST:

Ashley C. Sasser, Clerk