

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 7.

Date of Request: June 22, 2007

Date Request Received: June 22, 2007

Board Meeting Date Requested: July 9, 2007

Board Meeting Date Assigned: July 9, 2007

Short Title: Approve The Minutes For The June 18, 2007 Regular Meeting.

Request Status:

- Request is proceeding to Board of Commissioners
- More information is needed – see attached
- Request on hold – no further information needed
- Other:

Background:

Specific Action Requested: Review and approve the minutes.

(Administrative Use Only)

Requested by: Lori Brill
Department: County Manager
Title:
Contact Phone: 910-259-1200
Contact Fax:

CONTRACT TYPE

- Renewal
- For Service(s)
- Intergovernmental – County as Grantee
 - Federal Grantor
 - State Grantor
 - Grantor
- County as Grantor
 - County Funds
 - Other Funds:
- Revision
- For Equipment

PURCHASING

Date Rec'd: Budgeted Item: Yes No
 Reviewed and Approved
 Comments on Reverse

Date Sent:

Signed:

ATTORNEY

Date Rec'd: Reviewed and Approved
 Legal Problem(s)
 Comments on Reverse

Date Sent:

Signed:

FINANCE

Date Rec'd: Sufficient Funds Available Not Available
 Budget Amendment Necessary
 Budgeted Amendment is Attached
 Comments on Reverse

Date Sent:

Signed:

CLERK

Signature(s) Required:
 Board Chairman/County Manager
 Other:

Date Rec'd: Approved by Board: Yes No
At meeting on

MONDAY, JUNE 18, 2007

The Pender County Board of Commissioners met in regular session on Monday, June 18, 2007 at the Pender County Public Assembly Room, 805 South Walker Street, Burgaw, North Carolina.

MEMBERS PRESENT: Chairman F.D. Rivenbark, presiding; Vice Chairman Norwood Blanchard; and Commissioners George Brown, Jimmy Tate and David Williams.

MEMBERS ABSENT: None.

OTHERS PRESENT: Lori Brill, County Manager and Clerk to the Board; Paul Parker, Assistant County Manager; Trey Thurman, County Attorney; Glenda Pridgen, Deputy Clerk to the Board; other staff and members of the Press and public.

CALL TO ORDER

Chairman Rivenbark called the meeting to order at 4:00 p.m.

INVOCATION

Chairman Rivenbark offered the Invocation.

PLEDGE OF ALLEGIANCE

Mr. Blanchard led the Pledge of Allegiance.

PUBLIC INFORMATION

- 1. Recognition of Student Athletes: Pender High School's Sararesa Hudson: 2007 Individual State Champion (Track & Field) 300 Meter Hurdles & C. Heide Trask High School's Raphael Nixon: a State Champion in Track and Field - 400 Meters.**

Mr. Rivenbark explained that the Pender County Board of Commissioners has a long-standing tradition of supporting student athletes from all Pender County Schools and recognizing them for outstanding performance. On behalf of the Board, Mr. Rivenbark read and presented certificates and plaques to Ms. Hudson and Mr. Nixon.

- 2. Wayne Batten: Report from Survey of NE Cape Fear River by the Giant Salvinia Task Force.**

Mr. Batten gave a Power Point Presentation entitled *Northeast Cape Fear Watershed Survey* and noted that this is a preliminary report. Some of the highlights included: Giant Salvinia in Riverbend Subdivision; other obstructions in the waterways, including Alligator Weed; why we have to manage Aquatic Weeds in North Carolina; the use of Flea Beetles to destroy Alligator Weed; before and after photos of Sill's Creek as the result of Alligator Weed; drainage issues and points of entry where they surveyed on the river. Mr. Batten said the total value of the survey project was approximately \$10,500 but it didn't cost anything because it was all done by volunteers. The volunteers were: Rick Iverson, Kevin Carpenter, Brian Davis and Ken Ahlstrom - NC Depart. of Agriculture, Raleigh, NC; Dr. Rob Richardson, Dr. Mike Burton and Andrew Gardner - NC State University, Raleigh, NC; Johnny Foster, Ryan Stanley and Zak Davenport - Foster Lake Management, Garner, NC; Ken Manuel and Tommy Bowen - Duke Power, Huntersville, NC; Mark Heilman - SEPRO Corporation, Whitakers, NC; Dr. Randy Westbrook - USGS, Whiteville, NC; Nathan Guyton, Intern - Southeastern Community College, Lumberton, NC; Rachel Swartz, Intern - UNC-W, Wilmington, NC; Janine Lloyd and Teresa Lengner - North East Salvinia Project; Jeff Weaver - The Pender Post, Burgaw, NC; and Wayne Batten - Pender County Cooperative Extension, Burgaw, NC. Mr. Blanchard asked if the beetles will devour the Alligator Weed over time and Mr. Batten said they have had some success in the past on projects using beetles. Mr. Tate asked how often new beetles are introduced and Mr. Batten said once a year. Mr. Tate said he has concerns about Sill's Creek and others and asked what the next step in managing the Alligator Weed is. Mr. Batten said we can use beetles and chemicals but the chemicals and application costs are very expensive. Mr.

Tate asked about the possibility of using NC State to do a test project on Sill's Creek and Mr. Batten responded the creek is too hard to get into to do chemical process but that beetles are in there.

CONSENT AGENDA

Mr. Rivenbark presented the four items on the Consent Agenda and asked for any questions or discussion. There being none, Mr. Blanchard made a motion to approve the Consent Agenda as presented, Mr. Williams seconded the motion and the Board voted unanimously to approve the Consent Agenda as follows:

- 3a. Approval of Minutes for the Budget Work Session May 29, 2007.
- 3b. Approval of Minutes for the Hampstead/Sloop Point Fire Department Public Hearing June 29, 2007.
- 3c. Approval of Minutes for the Regular and Closed Session Meetings June 4, 2007.
4. Resolution Declaring June 23, 2007 as North Carolina Blueberry Festival Day.

5. FISCAL YEAR 2007-2008 BUDGET ORDINANCE: Budget Ordinance for the Fiscal Year Beginning July 1, 2007.

Ms. Brill said she had gotten information from Superintendent of Schools, Dr. Ted Kaniuka, that the Schools had received word that they will receive \$525,000 less in Low Wealth Funding than they received last year due to the County's Effective Tax Rate dropping below the state average. She clarified that Dr. Kaniuka didn't ask her to come before the Board for more funding and said the School Board is very appreciative of what the Board of Commissioners already did for the Schools. She said we currently can't add the \$.07 EMS tax to the property tax rate in an effort to increase the Effective Tax Rate because the County shows each as a separate tax but even if this were added, it wouldn't be enough to make up the difference. There was some discussion of revaluation, re-structuring of fire districts to get base amount of taxes, 5.6% decrease in insurance fees; plans to institute a new flexible spending card to allow employees to set aside pre-tax dollars to pay for health care and child care expenses; and health education. Mr. Williams said he had discussed the matter with School Board Chairman Tom Roper and said it seemed we were getting ahead and then this happened; he asked if we could use some of the savings in the insurance fund for the Schools. Ms. Brill said the County did save some money by renegotiating the employee insurance contract with a third party administrator. Mr. Blanchard said he would like to see some of the 5.6% savings invested back into the employees' insurance program. He said we can use the money to do away with co-pays on generic drugs and this can be the first step into the wellness program. Ms. Brill said the County can't assist on co-pays because that is negotiated in the insurance contract but that the \$60,000 could be used as incentives for employees and possible enrollments at a health center. Mr. Williams asked Dr. Kaniuka what impact the \$525,000 decrease had and Dr. Kaniuka said it put them in the red and it's like "we go two steps forward and three steps back." He said everything the Board has done this year is wiped out because of the wealth of Pender County and that in property value we are wealthier than 90 percent of the State. He said they're not asking for a tax increase but are looking at other scenarios. Mr. Tate asked what services would be reduced because of the state's cutback and Dr. Kaniuka said they would look at reduction in materials, supplies and technology first but some teachers and office personnel may have to be cut. Mr. Tate said he's asking the Board to fund at least half of the Schools' dilemma.

Mr. Blanchard asked that the Board hear from Mr. Bryant Shephard of Cape Fear Resource & Conservation Development (CFRC&D) who was there to seek additional funding. Mr. Shephard asked the Board to consider giving CFRC&D the whole \$9,000 they asked for rather than the \$3,000 Manager's recommendation. He said the last increase they had was in 1999. He said two of the other counties in the organization had already committed to giving them an increase and they are asking for increases from the other counties represented by CFRC&D. Mr. Shephard noted some of the projects CFRC&D had worked on for Pender County including the Calico Bay Ditching Project, Maple Hill Sewer Project, Burgaw Creek Dredging Project, and the Giant Salvinia Project.

Mr. Blanchard suggested making an amendment to the budget the Board now has in front of it and using the \$360,000 in insurance savings as follows: \$6,000 to CFRC&D; \$60,000 to an Employee Health/Wellness Program; and the rest to the Schools (which would be \$294,000). Mr. Brown asked about lower income health insurance. Mr. Blanchard asked about the possibility of helping lower income employees pay their health insurance and Ms. Brill said any funds distributed would have to be distributed equitably. Mr. Blanchard then

suggested giving the Schools one half of the \$525,000 they're losing, or \$262,500. Ms. Brill warned the Board that if they increase funding even more for the school system, the School Board would probably come back asking for additional funding above this level next year. Mr. Blanchard made a motion to approve the FY 2007-2008 Budget Ordinance for the Fiscal Year Beginning July 1, 2007 with the following amendments: \$262,500 allocated to the Schools; \$60,000 allocated to an Employee Wellness Program; and a \$6,000 additional allocation to Cape Fear Resource & Conservation Development. Mr. Williams seconded the motion and it was unanimously approved. Mr. Williams said he believes this is the first 5-0 vote on the budget since he's been on the Board.

RESOLUTIONS

6. Resolution to Approve Insurance Renewal Contracts.

Human Resources Director Jennifer Hedge explained that recommendations for the renewal of the insurance contracts include the following: Health Insurance remains self-insured and contracting with a new third party administrator. The physician network, benefits and employee premiums will remain the same as FY 06-07 and the transition should be seamless for the employees. The new third party administrator will be Employer's Direct Health and the reinsurance carrier will be Madison Life Insurance Company. Mr. Blanchard made a motion to approve the resolutions approving insurance renewal contracts: Medical/Dental, Worker's Compensation, and Life and Business Insurance. Mr. Williams seconded the motion and it was unanimously approved.

7. Resolution to Approve Fees for the Parks & Recreation Department.

Parks and Recreation Director Dee Turner explained that all the programs are operated on a contractual basis except the Summer Camp program. The fee increases for Parks and Recreation Programs are as follows: Summer Camp from \$70 to \$75 weekly; Golf Clinic from \$25 to \$30 per session; Football Clinic from \$25 to \$30 per session; and Cheerleading Clinic from \$25 to \$30 per session. Mr. Tate made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

8. Resolution to Approve Health Department Fee Schedule for FY 2006-2007.

Health Director Dr. Jack Griffith explained that most of the increases in Health Department fees are in Environmental Health; that all clinical services' fees will remain the same; that fees for Animal Control have been adjusted to reflect the cost associated with impounding an animal running at large – this is essentially a penalty; that a new fee has been added to Environmental Health to support the state mandated well-water construction and sampling program; and that the Board of Health had approved the new Fee Schedule on May 17, 2007. Dr. Griffith clarified that the well-water program is an unfunded mandate and said that Legislation gave a one-time amount of \$60,000 for start up of the program. Mr. Tate asked if the County makes money off these fees and Dr. Griffith responded that it's fair to say that it balances out. He said they made a little money last fiscal year because of what's going on in the eastern side of the county. Mr. Tate made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved. The full Health Department Fee Schedule is on file with the permanent records in the County Manager's office.

Mr. McCole made an additional point of clarification that \$222,000 is being appropriated out of Fund Balance which increases the total operating budget to \$48,251,589, with no increase in taxes.

9. Resolution Approving the Revised Scope and Cost of Mill Creek Dredging, Phase 2, Water Resources Grant.

Mr. Parker said the County provides no funding for this project but is fiscally responsible as the pass-through agency; that the County, as agent, applies for these type grants; and that this is the fourth dredging project the County has requested a grant for. Ms. Brill added that these are projects that are requested by homeowners' associations. Mr. Thurman said we don't ask for help from the State until we make sure the homeowners' associations have done everything properly. Mr. Williams said we might want to look at the Mallard Bay dredging project and its problems; Mr. Parker said it is a problem between Mallard Bay and the contractor and that the County is not involved. Mr. Blanchard made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

10. Resolution Approving Contract and Authorizing Purchase Orders to Security Plus Electrical for Security Enhancements at DSS: \$8,972.

Mr. Parker explained that this is a two-phase project: 1) replace the old camera system and add a camera in the lobby; and 2) add key pad and card entry to the hallways for employees. He said Social Services Director Dr. Reta Shiver agrees with this approach and said it is budgeted into the open space schedule in the budget. Mr. Tate asked what is the completion date and Mr. Parker responded he doesn't know yet because we haven't yet given the company a purchase order. Mr. Blanchard made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

11. Resolution Authorizing the Issuance of a Purchase Order to New Hanover Regional Medical Center: \$17,382.58.

Sheriff Carson Smith thanked the Board for approving his budget and allowing him to catch up to growth. Sheriff Smith explained that this purchase order is to cover the balance owed to NHRMC for inmate services rendered that were not covered by our existing contract with Southern Health Partners. Mr. Brown made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

12. Resolution Authorizing the Issuance of a Purchase Order to Motorola Incorporated for the Purchase of 52 Mobile Radios: \$124,842.50.

Sheriff Smith explained that this purchase will allow the Sheriff's Office to switch over to the new VIPER (Voice Interoperability Plan for Emergency Responders) network, once the network is complete. The VIPER network will allow all county emergency service agencies as well as many local, state and federal agencies to communicate with each other; the projected date for completion is 2008. Mr. Williams made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved.

ROCKY POINT-TOPSAIL WATER & SEWER DISTRICT

13. Resolution Approving Change Order #2 to McKim & Creed, P.A. for Additional Work Associated with Phase V of the Rocky Point Topsail Water & Sewer District: \$43,500.

The Board convened as the Rocky Point Topsail Water & Sewer District Board (RPTW&SD). Mr. Parker explained that the purpose of this change order is because both RPTW&SD and the Town of Surf City hold encroachment agreements from the NC DOT to install utility lines on the north side of NC 210 from the intersection of Watts Landing Road to NC Highway 50; the Town has already installed their 4" sewer force main, which doesn't leave room for the County to install the water lines to meet NC DENR requirements. Therefore, private easements are needed and this change order authorizes McKim & Creed to survey/engineer for additional design and easements. Mr. Parker said there are funds in the contingency line item in the project to pay for unforeseen items such as this. Mr. Blanchard asked if this is something we should have caught and Mr. Parker responded that nothing could have been done because NC DOT granted both entities an easement but the Town of Surf City built theirs first. Mr. Williams 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.

14. ITEMS FROM THE COUNTY MANAGER

Ms. Brill said that Item Number 4 on the Consent Agenda is a resolution to declare June 23, 2007 as North Carolina Blueberry Festival Day and said the Festival will be next Saturday from 9:00 a.m. to 9:00 p.m. Ms. Brill thanked Pam and Wayne Batten, Dee Turner, Jan Dawson and other staff who are working on the Blueberry Festival Committee. Ms. Batten said she wants to personally invite everyone to the Blueberry Festival and said there will be lots of new things this year and headliner entertainment. Mr. Tate thanked Ms. Batten, on behalf of citizens, for the good job she did at the Homestead Day held in Penderlea last Saturday.

Mr. Blanchard requested the Board to "jiggle" the agenda schedule and let Public Comment come before Items from the County Manager, County Attorney and County Commissioners.

PUBLIC COMMENT

Mr. Jim Milne said he is a concerned citizen of Hampstead and has concerns about the water, wastewater and sewer plans. Some of his concerns were about the 400 acres the County owns on Highway 421; if we have a permit for wastewater discharge (Mr. Williams said New Hanover County owns the permit); can we work with Lower Cape Fear Water & Sewer Authority (LCFW&SA) to build a wastewater treatment plant; is sewer going to go down Highway 17 and if so, how will it work; can you balance the water and sewer; LCFW&SA is interested in building a water treatment plant the same time as the County is; industrial basis going up Highway 421; water down Highway 17 and sewer down Highway 421; and said that you have to have water in order to have sewer. Ms. Brill said she agrees with Mr. Milne that you have to have water in order to have sewer; that McKim & Creed is finishing the design stage of the water plant; and that some developers are helping pursue sewer projects. Mr. Milne said he would like to volunteer to help with the process and thanked the Board for what they did at the last meeting with respect to the water plant. Mr. Tate asked if the County is competing with LCFW&SA for the discharge permit and said he thought we had it already. Ms. Brill said Pender was negotiating for the permit some time ago. Mr. Parker said the County had previously discussed being in partnership with New Hanover County but the partnership had dissolved. Mr. Tate said he thought we were further along with the discharge permit with New Hanover County and Mr. Williams said we were very close at one time. Mr. Blanchard said there is a lot of misinformation out there concerning the water plant and we need to clear the air. Mr. Williams said the discharge permit is not tied to the water plant and that the sooner Ms. Brill talks to the New Hanover County Manager, then our Commissioners can talk to their Commissioners. He said New Hanover County is our neighbor and we can regionalize with them. Mr. Brown clarified with Mr. Milne that he agreed on the Board's vote at the last meeting to own our own water plant and Mr. Mile said he was very pleased.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman had no items of interest.

ITEMS FROM THE COMMISSIONERS

Mr. Tate said he and Commissioner Brown had discussed courthouse security concerns with Clerk of Court Mary Ann Briley and Sheriff Carson Smith. Mr. Smith said his department had implemented a security plan today in which they would have a deputy downstairs in the Courthouse daily from 8:00 a.m. to 5:00 p.m. Ms. Brill said there is a courthouse security committee consisting of the Clerk of Court, judges, the DA's Office and County staff formed for the purpose of discussing security and other courthouse issues. Mr. Williams asked about the Guardian Ad Litem Program for Pender County and Ms. Brill said she will get info on it as soon as she gets a contact person. Mr. Tate said he called the Sheriff just last week about the Courthouse security and he's surprised it's already been done today.

Mr. Williams made a motion to send a letter of support for Ms. Inez Bradt, Volunteer Director of Pender Pride and North Carolina Big Sweep and last year's recipient of the YMCA's Woman of the Year Award, as a candidate for inclusion into the 2007-2008 Cambridge "Who's Who" Award. Mr. Brown seconded the motion and it was unanimously approved.

The Board recessed for dinner from 6:05 p.m. to 7:00 p.m.

PUBLIC HEARINGS: RESOLUTION/SPECIAL USE PERMIT

15. Public Hearing & Special Use Permit: Wastewater Treatment Plant, Linwood L. Jones, PLS, Applicant.

The public hearing opened at 7:00 p.m. Mr. Thurman swore in the witnesses. Mr. Williams noted that three Commissioners sitting on the current Board were not here when this special use permit was originally approved. Mr. Williams also noted that the first time this item was presented, he cast the lone dissenting vote against it because of issues with ingress and egress. Planning Director Joey Raczkowski explained that this is a renewal of a former special use permit and that there are no changes in it. He said this permit is considering the wastewater treatment plant only, not the total project and that it is permissible to continue it as long as the

conditions don't change. Mr. Linwood Jones, the applicant, spoke on behalf of the special use permit. He said that Majestic Oaks had obtained all of the required state and federal permits, needed for construction of the subdivision and construction of utilities; that the street system within Majestic Oaks will be built, inspected and certified to meet NC DOT requirements; that home construction is expected to start in August of 2007, and that donations to the School Board will begin with the start of homes being built. An adjoining property owner, Mr. Admah Lanier, spoke and said he's not here to "shoot anything down" but he had just learned this morning that the wastewater treatment plant is going to be at the terminus of Chuckanut Drive and his concern is their access across Chuckanut to service the project. Mr. Lanier said Majestic Oaks developers had been clearing land and using his access roads without ever contacting him. He said he had never had a neighbor treat him as these people have. Mr. Williams said that if there is litigation going on between Mr. Lanier and Majestic Oaks, he doesn't know what the applicant can or can't say. Mr. Jones said Ashley Turner, who has lots in the area, gave him permission to use his access roads. He said they hadn't used Chuckanut or Overlook Dr. since they were told not to. Mr. Williams said the Board could approve the special use permit with the condition that they don't use Chuckanut or Overlook Dr. Mr. Jim Milne said he owns property on Dan Owen Dr. and they need to consider these streets in the MPO Program and Collector Streets Program. Mr. Jones said they are paving roads only up to their property line and they are willing to build roads but need permission to do so. He clarified that there is a lawsuit pending. Mr. Thurman added that all any property owner can do is up to their own property line. Mr. Brown said that this does fall under the Street Collector Plan. Mr. Williams said he thinks the project should be continued and that he doesn't feel like we should penalize Mr. Jones. The public hearing closed at 7:25 p.m. Mr. Williams made a motion to approve the special use permit as submitted, Mr. Brown seconded the motion and it was unanimously approved.

DISCUSSION: JULY BOARD MEETINGS

The Board discussed moving the July 16th meeting due to the fact that Mr. Rivenbark and Mr. Tate would be attending the NACo Annual Conference during that time. Mr. Williams made a motion to move the meeting to July 9th at 4:00 p.m. and Mr. Tate seconded the motion. Mr. Brown suggested having only one meeting in July – on the 9th. Mr. Williams made a motion to undo the previous motion and have one meeting on July 9, 2007 at 4:00 p.m. Mr. Tate seconded the motion and it was unanimously approved.

ADJOURNMENT

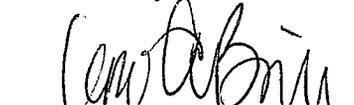
There being no further business, the meeting adjourned at 8:30 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Lori Brill, Clerk to the Board

Review of Planning Matters:



Joey Raczkowski, Planning Director